



OROVILLE CITY COUNCIL

Council Chambers
1735 Montgomery Street
Oroville, CA. 95965

May 21, 2024
REGULAR MEETING
CLOSED SESSION 4:00 PM
OPEN SESSION 4:30 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

CLOSED SESSION

The Council will hold a Closed Session on the following:

1. Conference with Legal Counsel – Existing Litigation (§ 54956.9)
Case Name(s) Unspecified: Disclosure would jeopardize existing settlement negotiations
2. Conference with Legal Counsel – Significant exposure to litigation pursuant to § 54956.9(b): (2 Cases)
3. Conference with Labor Negotiators (Gov. C. §54957.6)

Agency designated representatives: Brian Ring, City Administrator; David Ritchie, Asst. City Attorney; Elizabeth Ehrenstrom, HR Manager

Unrepresented Employees: Department Heads

OPEN SESSION

1. Announcement from Closed Session
2. Pledge of Allegiance
3. Adoption of Agenda

PRESENTATIONS AND PROCLAMATIONS

1. Proclamation Recognizing Public Works Week, May 19-25, 2024

The City Council will consider adopting a resolution in recognition of Public Works Week, held May 19-25 2024.

RECOMMENDATION -

ADOPT RESOLUTION NO. 9250 AND AUTHORIZE THE MAYOR TO SIGN.

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

CONSENT CALENDAR

Consent calendar **items 1 - 5** 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. NOVEMBER 5, 2024 GENERAL MUNICIPAL ELECTION RESOLUTIONS

The City Council is requested to adopt the resolutions necessary for the City's municipal election to be called and consolidated with the 2024 General Statewide Election that is conducted by Butte County Elections Department.

RECOMMENDATION -

Adopt Resolution No. 9253 - A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF OROVILLE, CALIFORNIA, REQUESTING THE BOARD OF SUPERVISORS OF THE COUNTY OF BUTTE TO CONSOLIDATE A GENERAL MUNICIPAL ELECTION TO BE HELD TUESDAY, NOVEMBER 5, 2024, WITH THE STATEWIDE GENERAL ELECTION TO BE HELD ON THE DATE PURSUANT TO § 10403 OF THE ELECTIONS CODE

Adopt Resolution No. 9255 - A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF OROVILLE, CALIFORNIA, ADOPTING REGULATIONS FOR CANDIDATES FOR ELECTIVE OFFICE PERTAINING TO CANDIDATES' STATEMENTS SUBMITTED TO THE VOTERS AT AN ELECTION TO BE HELD ON TUESDAY, NOVEMBER 5, 2024

Adopt Resolution No. 9254 - A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF OROVILLE, CALIFORNIA, CALLING AND GIVING NOTICE OF THE HOLDING OF A GENERAL MUNICIPAL ELECTION TO BE HELD IN THE CITY ON TUESDAY, NOVEMBER 5, 2024, FOR THE ELECTION OF CERTAIN OFFICERS OF THE CITY AS REQUIRED BY THE PROVISIONS OF THE LAWS OF THE STATE OF CALIFORNIA RELATING TO GENERAL LAW CITIES

2. PAVEMENT REHABILITATION LIST FOR SUBMITTAL TO CALIFORNIA TRANSPORTATION COMMISSION (CTC) FOR FUNDING COMPLIANCE

The Council may consider adopting the attached resolution and authorize the City Engineer and Financial Director to submit a list of prioritized roads and streets for rehabilitation to the CTC for compliance with CTC guidelines. The CTC requires the submittal for the City to be eligible for additional funding under Senate Bill 1 (SB 1) and Assembly Bill 135 (AB 135).

RECOMMENDATION -

ADOPT RESOLUTION NO. 9251 - A RESOLUTION of the city council of the city of Oroville Adopting a list of projects for Fiscal Year 2024-25 funded by SB 1: The Road Repair and Accountability Act of 2017

3. AWARD OF PROFESSIONAL SERVICES AGREEMENT TO HARRIS & ASSOCIATES FOR DEVELOPMENT OF THE PAVEMENT MANGAGEMENT SYSTEM

The Council may direct staff to award a professional services agreement to Harris & Associates for a City-wide roadway study and the development of a Pavement Management System.

RECOMMENDATION -

DIRECT THE CITY ADMINISTRATOR TO PROCEED WITH THE ISSUING OF PROFESSIONAL SERVICES AGREEMENT WITH HARRIS & ASSOCIATES.

4. PENSION FUNDING POLICY UPDATE

Staff recommends the City Council approve and review the City's Pension Funding Policy.

RECOMMENDATION –

ADOPT THE POLICY TO WITH AN EFFECTIVE DATE OF 5/21/24.

5. APPROVAL OF THE MAY 7, 2024 CITY COUNCIL REGULAR MEETING MINUTES

The Council will consider the drafted May 7, 2024 City Council Regular Meeting Minutes for approval.

RECOMMENDATION -

APPROVE MAY 7, 2024 CITY COUNCIL REGULAR MEETING MINUTES AND AUTHORIZE THE MAYOR TO SIGN.

REGULAR BUSINESS

6. ANNUAL USE OF “MILITARY EQUIPMENT” AS DEFINED IN THE OROVILLE MUNICIPAL CODE

In accordance with Ordinance No. 1865, the Oroville Police Department shall annually submit a Military Equipment Report. This report shall be submitted and publicly released, and within 30 days hold at least one well-publicized and conveniently located meeting, where the public can ask questions.

RECOMMENDATION -

RECEIVE PUBLIC INPUT AND APPROVE REPORT.

7. EDWARDS MINI STORAGE PROJECT AT 2560 FEATHER RIVER BOULEVARD, ZONING AMENDMENT ZC 24-01 – ESTABLISHMENT OF A MINI-STORAGE OVERLAY (MS-O) DISTRICT

The Council will review and consider approving Zoning Code Amendment ZC 24-01 for the establishment of a Mini-Storage Overlay (MS-O) District for the property located at 2560 Feather River Boulevard.

RECOMMENDATION(S) -

ADOPT THE NOTICE OF EXEMPTION AS THE APPROPRIATE LEVEL OF ENVIRONMENTAL REVIEW FOR THIS PROJECT.

WAIVE THE FIRST READING AND INTRODUCE BY TITLE ONLY, ORDINANCE NO. 1898 -- AN ORDINANCE OF THE CITY OF OROVILLE CITY COUNCIL APPROVING ZONING CODE AMENDMENT ZC 24-01 ESTABLISHING A MINI-STORAGE OVERLAY (MS-O) DISTRICT ON APPROXIMATELY 3.46 ACRES OF LAND LOCATED AT 2560 FEATHER RIVER BOULEVARD.

8. FUND BALANCE POLICY AMENDMENTS

Staff recommends the City Council approve the recommended amendments to the City's Fund Balance Policy.

RECOMMENDATION –

ADOPT THE AMENDMENTS TO THE CITY'S FUND BALANCE POLICY.

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

9. P5:15PM - PUBLIC HEARING - CONTINUED FROM MARCH 19, 2024 - FEATHER RIVER RECREATION AND PARK DISTRICT NEXUS FEE STUDY AND PROPOSED FEE INCREASES

The Council shall resume the public hearing which was initiated on December 5, 2023, continued to December 19, 2023, and again continued to March 19, 2024 with regard to consideration of adopting the Feather River Recreation and Park District Park Impact Fee Nexus Study along with an eight-year phased in approach to implement the new Park impact fees.

RECOMMENDATION -

CONDUCT PUBLIC HEARING AND TAKE NO ACTION ON THIS TOPIC.

10. 5:20PM – SECOND READING OF ZONING CODE AMENDMENT (ZC) 24- 02; CHANGING THE SECTION’S TITLE FROM SECOND DWELLING UNITS TO ACCESSORY DWELLING UNITS AND AMENDING MUNICIPAL CODE SECTION 17.16.010

The Council will again consider adopting ZC 24-02, changing the title of Municipal Code Section 17.16.010 from Second Dwelling Units to Accessory Dwelling Units, and establishing regulations and standards for accessory dwelling units.

RECOMMENDATION -

APPROVE THE SECOND READING WITH REVISIONS AND INTRODUCE BY TITLE ONLY, ORDINANCE 1878 – AN ORDINANCE OF THE OROVILLE CITY COUNCIL AMENDING SECTION 17.16.010 OF THE ZONING ORDINANCE OF THE CITY OF OROVILLE CONSISTENT WITH STATE LAW RELATING TO ACCESSORY DWELLING UNITS.

11. 5:20PM – PUBLIC HEARING - SECOND READING OF ZONING CHANGE (ZC) 24- 03, AMENDING MUNICIPAL CODE SECTIONS 17.16.150, 17.32.010, 17.34.020, AND 17.36.010 REGARDING MOBILE FOOD VENDORS

The Council will consider adopting Zoning Change ZC 24-03, establishing regulations and standards for mobile food vendor villages and updating regulations for individual food vendors (OMC 17.16.015 et al.)

RECOMMENDATION -

APPROVE THE SECOND READING AND INTRODUCE BY TITLE ONLY, ORDINANCE 9215 – AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF OROVILLE AMENDING SECTION 17.16.150, 17.32.010, 17.34.020, AND 17.36.010 OF THE OROVILLE MUNICIPAL CODE REGARDING MOBILE FOOD VENDING

12. 5:25PM - CALIFORNIA WATER SERVICE FLUORIDATION

The Council will consider whether California Water Service (CalWater) should continue to be required to add fluoride to drinking water that is provided to its customers residing within the City of Oroville.

RECOMMENDATION

RECEIVE PUBLIC INPUT ON THE FLUORIDATION OF DRINKING WATER PROVIDED BY CALWATER; AND

PROVIDE ANY DIRECTION TO STAFF.

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. Oroville Police Department Monthly Report

ii. Arbor Day Foundation Names Oroville Ca 2023 Tree City USA Press Release

ADJOURN THE MEETING

The meeting will be adjourned. A regular meeting of the Oroville City Council will be held on June 4, 2024 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.

City of Oroville Resolution No. 9252
Proclamation Recognizing Public Works Week, May 19-25, 2024

Whereas, the City of Oroville recognizes the vital role that Public Works professionals play in maintaining our community's infrastructure and quality of life; and

Whereas, the week of May 19-25, 2024, has been designated as National Public Works Week by the American Public Works Association, with the theme "Advancing Quality of Life for All"; and

Whereas, the dedicated men and women of our Public Works Department work tirelessly year-round to design, build, operate, and maintain the essential infrastructure and services that our residents rely on daily; and

Whereas, Public Works professionals contribute to the safety, health, and well-being of our community by ensuring efficient roadways, waste water systems, safe buildings, and sustainable environmental practices; and

Whereas, their commitment to excellence, professionalism, and innovation is instrumental in enhancing the quality of life for all residents and visitors of Oroville;

Now, therefore the City Council of the City of Oroville, California, does hereby proclaim May 19-25, 2024, as Public Works Week in the City of Oroville and we urge all citizens to join me in expressing gratitude and appreciation to our Public Works employees for their dedication, hard work, and contributions to our community.

PASSED AND ADOPTED by the Council of the City of Oroville, this 21st day of May, 2024 by the following vote:

AYES:

NOES:

ABSENT:

ABSTAINED:

David Pittman, Mayor

Approved as to form:

Scott Huber, City Attorney

Clerk

Attest:

Kayla Reaster, Assistant City

**OROVILLE CITY COUNCIL
STAFF REPORT**

TO: MAYOR AND CITY COUNCIL MEMBERS

FROM: JACKIE GLOVER, ASSISTANT CITY CLERK

**RE: NOVEMBER 5, 2024 GENERAL MUNICIPAL ELECTION
RESOLUTIONS**

DATE: May 21, 2024

SUMMARY

The City Council is requested to adopt the resolutions necessary for the City's municipal election to be called and consolidated with the 2024 General Statewide Election that is conducted by Butte County Elections Department.

DISCUSSION

The General Municipal Election for the City of Oroville is to be held in consolidation with the General Statewide Election on November 5, 2024, for the election of three (3) Members of the City Council to districts C, D, and E for the full term of four (4) years, pursuant to the provisions of the Oroville Municipal Charter, Article VII, section 1 and Oroville Municipal Code Chapter 2.08 related to elections. Terms of office will expire for the positions currently held by the following individuals: Council Member Krysi Riggs, Scott Thomson, and Janet Goodson.

Call & Consolidation

It is required that the City Clerk officially set the election date and request the Board of Supervisors to issue instructions to the Butte County Election Department regarding consolidation with the Statewide General Election and to authorize certain procedures for the conduct of said election.

Notice of Election

The Notice of Election must be published not earlier than the 127th day (July 1) and not later than the 113th day (July 15) before the municipal election. The Notice of Election must contain the date of the election, the offices for which candidates may file, the qualifications required, the candidate filing period (July 15th – August 9th), and where the candidate shall file their nomination papers. It also must also contain notification of any ballot measures, a synopsis of the measure, and the deadline set for arguments, if the measure is placed on the ballot before the Notice of Election is published.

Candidate Statement

A candidate may file a Candidate Statement of Qualifications to be printed in the sample ballot, not to exceed 200 words. A local agency may estimate the total cost of printing the statement and require each candidate filing a statement to pay in advance their estimated pro rate share as a condition of having a statement included in the voter's pamphlet.

The cost of the candidate statements is estimated based upon information from the Butte County Elections Department which oversees the typesetting of the voter pamphlet. The cost for a candidate statement for the 2022 General Municipal Election has been set at \$300 per candidate statement.

FISCAL IMPACT

TBD.

RECOMMENDATIONS

1. Adopt Resolution No. XXXX - A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF OROVILLE, CALIFORNIA, REQUESTING THE BOARD OF SUPERVISORS OF THE COUNTY OF BUTTE TO CONSOLIDATE A GENERAL MUNICIPAL ELECTION TO BE HELD TUESDAY, NOVEMBER 5, 2024, WITH THE STATEWIDE GENERAL ELECTION TO BE HELD ON THE DATE PURSUANT TO § 10403 OF THE ELECTIONS CODE
2. Adopt Resolution No. XXXX - A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF OROVILLE, CALIFORNIA, CALLING AND GIVING NOTICE OF THE HOLDING OF A GENERAL MUNICIPAL ELECTION TO BE HELD IN THE CITY ON TUESDAY, NOVEMBER 5, 2024, FOR THE ELECTION OF CERTAIN OFFICERS OF THE CITY AS REQUIRED BY THE PROVISIONS OF THE LAWS OF THE STATE OF CALIFORNIA RELATING TO GENERAL LAW CITIES
3. Adopt Resolution No. XXXX - A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF OROVILLE, CALIFORNIA, ADOPTING REGULATIONS FOR CANDIDATES FOR ELECTIVE OFFICE PERTAINING TO CANDIDATE STATEMENTS SUBMITTED TO THE VOTERS AT A GENERAL MUNICIPAL ELECTION.

ATTACHMENTS – Three Resolutions

RESOLUTION NO. 9253

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF OROVILLE, CALIFORNIA, REQUESTING THE BOARD OF SUPERVISORS OF THE COUNTY OF BUTTE TO CONSOLIDATE A GENERAL MUNICIPAL ELECTION TO BE HELD TUESDAY, NOVEMBER 5, 2024, WITH THE STATEWIDE GENERAL ELECTION TO BE HELD ON THE DATE PURSUANT TO § 10403 OF THE ELECTIONS CODE

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WHEREAS, the City Council of the City of Oroville called a General Municipal Election to be held on November 5, 2024, for the purpose of election of three (3) members of the City Council (one each from Districts C; D and E) and the City Treasurer; and

WHEREAS, it is desirable that the General Municipal Election be consolidated with the Statewide General Election to be held on the same date and that within the city the precincts, polling places, and elections officers of the two elections be the same, and that the county election department of the County of Butte canvass the returns of the General Municipal Election and that the election be held in all respects as if it were only one election.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF OROVILLE, CALIFORNIA, DOES RESOLVE, DECLARE, DETERMINE, AND ORDER AS FOLLOWS:

SECTION 1. That, pursuant to the provisions of §10403 of the Elections Code, the Butte County Board of Supervisors is hereby requested to consent and agree to the consolidation of a General Municipal Election with a Statewide General Election on Tuesday, November 5, 2024, for the purpose of election of three (3) Members of the City Council (one each from Districts C; D and E) and to elect a City Treasurer to fill the remaining two years of a four-year term.

SECTION 2. That the County election department is authorized to canvass the returns of the General Municipal Election. The election shall be held in all respects as if it were only one election, and only one form of the ballot shall be used. The election will be held and conducted in accordance with the provisions of the laws regulating the statewide or special election.

SECTION 3. That the Board of Supervisors is requested to issue instructions to the County election department to take any and all steps necessary for the holding of the consolidated election.

SECTION 4. That the City of Oroville recognizes that additional costs will be incurred by the County by reason of this consolidation and agrees to reimburse the County for any costs upon presentation to the City of a properly approved invoice.

SECTION 5. That the City Clerk is directed to forward without delay to the Board of Supervisors and the County Registrar of Voters' offices a certified copy of this resolution.

SECTION 6. That the City Clerk shall certify to the passage and adoption of this resolution and enter it into the book of original resolutions.

Dated: May 21, 2024

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I hereby certify that Resolution No. 9253 was passed and adopted by the City Council of the City of Oroville in a regular meeting held May 21, 2024 by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

APPROVED AS TO FORM:

Scott E. Huber, City Attorney

David Pittman, Mayor

ATTEST:

Kayla Reaster, Assistant City Clerk

RESOLUTION NO. 9255

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF OROVILLE,
CALIFORNIA, ADOPTING REGULATIONS FOR CANDIDATES FOR ELECTIVE
OFFICE PERTAINING TO CANDIDATES' STATEMENTS SUBMITTED TO THE
VOTERS AT AN ELECTION TO BE HELD ON TUESDAY, NOVEMBER 5, 2024

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WHEREAS, §13307 of the Elections Code of the State of California provides that the governing body of any local agency adopt regulations pertaining to materials prepared by any candidate for a municipal election, including costs of the candidate's statement.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF OROVILLE,
CALIFORNIA, DOES HEREBY RESOLVE, DECLARE, DETERMINE, AND ORDER AS
FOLLOWS:

SECTION 1. GENERAL PROVISIONS. That pursuant to §13307 of the Elections Code of the State of California, each candidate for elective office to be voted for at an election to be held in the City of Oroville on November 5, 2024, may prepare a candidate's statement on an appropriate form provided by the City Clerk. The statement may include the name, age, and occupation of the candidate and a brief description of no more than 200 words of the candidate's education and qualifications expressed by the candidate himself or herself. The statement shall not include party affiliation of the candidate, nor membership or activity in partisan political organizations. The statement shall be filed in typewritten form in the office of the City Clerk at the time the candidate's nomination papers are filed. The statement may be withdrawn, but not changed, during the period for filing nomination papers and until 5:00 p.m. of the next working day after the close of the nomination period.

SECTION 2. FOREIGN LANGUAGE POLICY.

- A. Pursuant to the Federal Voting Rights Act, candidates' statements will be translated into all languages required by the County of Butte. The County is required to translate candidates' statements into Spanish.
- B. The County will print and mail voter information guides and candidates' statements to all voters in English and Spanish. The County will make the voter information guides and candidates' statements in the required languages available at all polling places, on the County's website, and in the Election Official's office.

SECTION 3. PAYMENT.

A. Translations:

- 1. The candidate shall be required to pay for the cost of translating the candidate's statement into any required foreign language as specified in (A) and (B) of Section 2 above pursuant to Federal and/or State law.
- 2. The candidate shall be required to pay for the cost of translating the candidate's statement into any foreign language that is not required as specified in (A) and (B) of Section 2 above, pursuant to Federal and/or State law, but is requested as an option by the candidate.

B. Printing and mailing:

1. The candidate shall be required to pay for the cost of printing and mailing the candidate's statement in English in the voters' pamphlet.
2. The candidate shall be required to pay for the cost of printing and mailing the candidate's statement in a foreign language required in (A) of Section 2 above in the voters' pamphlet.

The City Clerk shall estimate the total cost of printing, handling, translating, and mailing the candidate's statements filed pursuant to this section, including costs incurred as a result of complying with the Voting Rights Act of 1965 (as amended), and require each candidate filing a statement to pay in advance to the local agency his or her estimated pro rata share as a condition of having his or her statement included in the voters' pamphlet. In the event the estimated payment is required, the estimate is just an approximation of the actual cost that varies from one election to another election and may be significantly more or less than the estimate, depending on the actual number of candidates filing statements. Accordingly, the City Clerk is not bound by the estimate and may, on a pro rata basis, bill the candidate for additional actual expense or refund any excess paid depending on the final actual cost. In the event of underpayment, the City Clerk may require the candidate to pay the balance of the cost incurred. In the event of overpayment, the City Clerk shall prorate the excess amount among the candidates and refund the excess amount paid within 60 days of receiving the invoice from the Butte County County Registrar of Voters.

SECTION 4. ADDITIONAL MATERIALS. No candidate will be permitted to include additional materials in the voter information guide.

SECTION 5. That the City Clerk shall provide each candidate or the candidate's representative a copy of this resolution at the time nominating petitions are issued.

SECTION 6. That this resolution shall apply only to the election to be held on November 5, 2024, and shall then be repealed.

SECTION 7. That the City Clerk shall certify to the passage and adoption of this resolution and enter it into the book of original resolutions.

Dated: May 21, 2024

=====

I hereby certify that Resolution No. 9255 was passed and adopted by the City Council of the City of Oroville in a regular meeting held May 21, 2024 by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

APPROVED AS TO FORM:

Scott E. Huber, City Attorney

David Pittman, Mayor

ATTEST:

Kayla Reaster, Assistant City Clerk

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF OROVILLE, CALIFORNIA, CALLING AND GIVING NOTICE OF THE HOLDING OF A GENERAL MUNICIPAL ELECTION TO BE HELD IN THE CITY ON TUESDAY, NOVEMBER 5, 2024, FOR THE ELECTION OF CERTAIN OFFICERS OF THE CITY AS REQUIRED BY THE PROVISIONS OF THE LAWS OF THE STATE OF CALIFORNIA RELATING TO GENERAL LAW CITIES

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WHEREAS, under the provisions of the laws relating to General Law Cities in the State of California, a General Municipal Election shall be held on Tuesday, November 5, 2024, for the election of municipal officers in Districts C; D; E and City Treasurer.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF OROVILLE, CALIFORNIA, DOES HEREBY RESOLVE, DECLARE, DETERMINE, AND ORDER AS FOLLOWS:

SECTION 1. That, pursuant to the requirements of the laws of the State of California relating to General Law Cities within said State, there is called and ordered to be held in the City of Oroville, California, on Tuesday, November 5, 2024, a General Municipal Election for the purpose of electing the qualified three (3) members of the City Council (one each from Districts C; D and E) of said City for the full term of four years, and of electing the City Treasurer to fill the remaining 2 years of a 4-year term.

SECTION 2. That the ballots to be used at the election shall be in form and content as required by law.

SECTION 3. That the City Clerk of the City of Oroville is authorized, instructed, and directed to coordinate with the County of Butte Registrar of Voters to procure and furnish any and all official ballots, notices, printed matter, and all supplies, equipment, and paraphernalia that may be necessary in order to properly and lawfully conduct the election.

SECTION 4. That the polls for the election shall be open at seven o'clock a.m. of the day of the election and shall remain open continuously from that time until eight o'clock p.m. of the same day when the polls shall be closed, pursuant to Election Code §10242, except as provided in §14401 of the Elections Code of the State of California.

SECTION 5. That in all particulars not recited in this resolution, the election shall be held and conducted as provided by law for holding municipal elections.

SECTION 6. That notice of the time and place of holding the election is given and the City Clerk is authorized, instructed, and directed to give further or additional notice of the election, in time, form, and manner as required by law.

SECTION 7. That the City Clerk shall certify to the passage and adoption of this resolution and enter it into the book of original resolutions.

Dated: May 21 2024

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I hereby certify that Resolution No. 9254 was passed and adopted by the City Council of the City of Oroville in a regular meeting held May 21, 2024 by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

APPROVED AS TO FORM:

Scott E. Huber, City Attorney

David Pittman, Mayor

ATTEST:

Kayla Reaster, Assistant City Clerk



CITY OF OROVILLE STAFF REPORT

TO: MAYOR PITTMAN AND CITY COUNCIL MEMBERS

**FROM: JOSH FREITAS, ASSISTANT ENGINEER, PUBLIC WORKS
DEPARTMENT**

**RE: PAVEMENT REHABILITATION LIST FOR SUBMITTAL TO CALIFORNIA
TRANSPORTATION COMMISSION (CTC) FOR FUNDING COMPLIANCE**

DATE: MAY 21, 2024

SUMMARY

The Council may consider adopting the attached resolution and authorize the City Engineer and Financial Director to submit a list of prioritized roads and streets for rehabilitation to the CTC for compliance with CTC guidelines. The CTC requires the submittal for the City to be eligible for additional funding under Senate Bill 1 (SB 1) and Assembly Bill 135 (AB 135).

DISCUSSION

The Road Repair and Accountability Act of 2017 (SB1 Beall) includes a substantial boost in Local Streets and Roads Funding over the Highway Users Tax Account allocations that cities and counties have been receiving. The Act establishes a new Road Maintenance and Rehabilitation Account (RMRA) in the state treasury and allocates amounts to cities and counties from that account based on statutory formulas.

The Road Repair and Accountability Act contains a local agency maintenance of effort (MOE) requirement that applies to funds allocated through the RMRA. The Act states that the MOE requirement is to ensure that these new roads funds do not supplant existing levels of city and county general revenue spending on streets and roads. The MOE for the receipt of RMRA funds state that a city or county must maintain general fund spending for street, road, and highway purposes at no less than average of 2009–10, 2010–11, and 2011–12 years. In making this calculation certain one-time funds may be excluded. A city or county that fails to comply in a particular year may make it up with in additional expenditures in the following year.

The Act provides that the State Controller may perform audits to ensure compliance with these MOE rules. If the State Controller determines that a city or county has not met it's MOE, the agency will be required to reimburse the state for the funds it received during that fiscal year. However, a city or county that fails to comply in a particular fiscal

year may expend during that fiscal year and the following fiscal year a total amount that is sufficient to comply. Any funds withheld or returned as a result of a failure to comply will be reapportioned to the other counties and cities whose expenditures are in compliance.

In order to maintain compliance with state requirements and assure that the City of Oroville continues to receive its share of funding, City Staff must submit our prioritized list of roads and streets for rehabilitation and repair. The CTC does not “approve” or “deny” project lists, they simply gather the cities’ project lists into a state database for transparency and accountability purposes.

FISCAL IMPACT

Project Design, Construction, and Construction Management is funded by RMRA Funds from SB-1. Adoption of resolution will have no immediate impact to the City’s local transportation fund or general fund. However, submittal of list to CTC will assure future allocations of funding from the State to the City for road repair and rehabilitation.

RECOMMENDATION

Adopt Resolution No. 9251 - A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF OROVILLE ADOPTING A LIST OF PROJECTS FOR FISCAL YEAR 2024-25 FUNDED BY SB 1: THE ROAD REPAIR AND ACCOUNTABILITY ACT OF 2017

ATTACHMENTS

A – Resolution incorporating the 2024-2025 Projects List into the City Budget utilizing SB-1 Funds

**CITY OF OROVILLE
RESOLUTION NO. 9251**

**CITY OF OROVILLE RESOLUTION ADOPTING A LIST OF PROJECTS FOR FISCAL YEAR 2024-25 FUNDED BY
SB 1: THE ROAD REPAIR AND ACCOUNTABILITY ACT OF 2017**

WHEREAS, Senate Bill 1 (SB 1), the Road Repair and Accountability Act of 2017 (Chapter 5, Statutes of 2017) was passed by the Legislature and Signed into law by the Governor in April 2017 to address the significant multi-modal transportation funding shortfalls statewide; and

WHEREAS, SB 1 includes accountability and transparency provisions that will ensure the residents of our City are aware of the projects proposed for funding in our community and which projects have been completed each fiscal year; and

WHEREAS, the City must adopt by resolution a list of projects proposed to receive fiscal year funding from the Road Maintenance and Rehabilitation Account (RMRA), created by SB 1, which must include a description and the location of each proposed project, a proposed schedule for the project's completion, and the estimated useful life of the improvement; and

WHEREAS, the City will receive an estimated \$510,081.00 in RMRA funding in Fiscal Year 2024-25 from SB 1; and

WHEREAS, this is the 8th year in which the City is receiving SB 1 funding and will enable the City to continue essential road maintenance and rehabilitation projects, safety improvements, repairing and replacing aging bridges, and increasing access and mobility options for the traveling public that would not have otherwise been possible without SB 1; and

WHEREAS, the City has developed this project list using various input channels which include but are not limited to public comments and City staff recommendations.

WHEREAS, the City determined the projects on this SB 1 project list to be of the highest priority to ensure revenues are being used to benefit the communities transportation infrastructure where it is needed most.

WHEREAS, the funding from SB 1 will help the City of Oroville maintain and rehabilitate various streets/roads, and add active transportation infrastructure throughout the City this year; and

WHEREAS, the 2023 California Statewide Local Streets and Roads Needs Assessment found that the City's streets and roads are in "good" condition; however, internal assessment finds the City's streets and roads to be in an "at-risk/poor" condition, and this revenue will help us increase the overall quality of our road system and over the next decade will bring our streets and roads into a "good" condition; and

WHEREAS, the SB 1 project list and overall investment in our local streets and roads infrastructure with a focus on basic maintenance and safety, investing in complete streets infrastructure, and using cutting-edge technology, materials and practices, will have significant positive co-benefits statewide.

NOW, THEREFORE IT IS HEREBY RESOLVED, ORDERED AND FOUND by the City Council of Oroville, State of California, as follows:

1. The foregoing recitals are true and correct.
2. The following list of newly proposed projects will be funded in-part or solely with Fiscal Year 2024-25 Road Maintenance and Rehabilitation Account revenues:

Oro Quincy Highway Pavement Rehabilitation Project

- Design and Construction of multi-layer cape seal treatment.
- Oro Quincy Highway from Foothill Blvd to Sierra Monte Dr.
- Design to start Summer 2024 and finish Winter 2024. Construction to start Spring 2025 and finish Summer 2025.
- Estimated useful life is 10 years.

Nelson Avenue Pavement Rehabilitation Project

- Design and Construction of multi-layer cape seal treatment.
- Nelson Avenue from 6th Street to City limits.
- Design to start Winter 2024 and finish Summer 2025. Construction to start Spring 2026 and finish Summer 2026.
- Estimated useful life is 10 years.

Table Mountain Complete Streets Project.

- Design and construction of curb, gutter, sidewalks, pedestrian crossings, landscape medians, reconstruction of 1.3 miles of pavement, striping, class 1 pedestrian/ bike path, ADA curb ramp compliance, and storm drain improvements.
- Table Mountain Boulevard from Montgomery Street Roundabout to County Center Drive.
- Design to Start Spring 2025 and finish Spring 2027. Construction to Start Fall 2027 and finish fall 2028.
- Estimated useful life is 20 years.

3. The following previously proposed and adopted projects may also utilize Fiscal Year 2024-25 Road Maintenance and Rehabilitation Account revenues in their delivery. With the relisting of these projects in the adopted fiscal year resolution, the City of Oroville is reaffirming to the public and the State our intent to fund these projects with Road Maintenance and Rehabilitation Account revenues:

SR-162 ATP Pedestrian Mobility and Safety Improvement Project.

- Construction of curb, gutters, sidewalks, pedestrian crossings, median curb, HAWK pedestrian signal, buffered bike lanes, striping, pedestrian pathway to Feather River Trail and bring existing curb ramps to ADA compliance. This project is partially funded by a Federal ATP Grant (Cycle 3).
- SR-162 (Oro Dam Boulevard) from SB70 off ramp to Foothill Boulevard and Orange Avenue.
- Construction started Spring 2024 and will finish fall 2024.
- Estimated useful life: 15 years.

Oro Dam Boulevard East Rehabilitation Project.

- Design and construction which will result in rehabilitation of 3800 linear feet of roadway, Installation of new ADA curb ramps, existing curb ramps to ADA compliance, striping of roadway, crosswalks, and bike lanes.
- Oro Dam Boulevard East from SR-162/Washington Ave to Orange Avenue.
- Design started Spring 2024 and will finish Fall 2025. Construction to start Spring 2026 and finish Fall 2026.
- Estimated useful life: 15 years.

Georgia Pacific Way Pavement Rehabilitation Project.

- Design and Construction which will result in rehabilitation of approximately one mile of roadway, bringing existing curb ramps to ADA compliance, rehabilitation of rail crossings, and striping.
- Georgia Pacific Way from Feather River Boulevard to Baggett Marysville Road.
- Design started Spring 2024 and will finish Fall 2025. Construction to start Spring 2026 and finish Fall 2026.
- Estimated useful life: 20 years.

Norton Street Reconstruction Project.

- Design and Construction which will result in reconstruction of 700 feet of roadway, ADA curb ramps, drainage improvements, sidewalks, and on-street parking.
- Norton Street from Bridge Street to Montgomery Street.
- Design to start Spring 2024 and finish Fall 2025. Construction to begin Summer 2026 and finish Fall 2026.
- Estimated useful life: 20 years

Ophir Road Pavement Rehabilitation Project

- Design and Construction which will result in pavement rehabilitation of roadway surface and striping.
- Ophir Road from the Baggett Marysville Road to Kusel Road.
- Design started October 2022 and is estimated to be finished Spring 2024. Construction to begin Summer 2025 and finish Fall 2025.
- Estimated useful life 20 years.

Washington Avenue Rehabilitation Project.

- Design and Construction which will result in pavement rehabilitation of 3400 feet of roadway, bring existing curb ramps to ADA compliance, drainage improvements, striping, bike lanes.
- Washington Avenue from SR-162/Oro Dam Boulevard to the Railroad Crossing bridge on Washington Avenue.
- Design started summer 2022 and is estimated to finish fall 2025. Construction to begin Spring 2027 and finish Fall 2027.
- Estimated useful life: 15 years.

Montgomery Roundabout Rehabilitation Project

- Design and Construction which will result in rehabilitation of pavement surface, striping, installation of pedestrian crossing beacons, and aesthetics repair.
- Roundabout at the intersection of Table Mountain Boulevard, Washington Avenue, and Montgomery Street.
- Design started Summer 2022 and is estimated to finish summer 2024. Construction to start Summer 2024 and finish Fall 2024
- Estimated useful life: 15 years.

Linden Avenue Rehabilitation Project

- Design and Construction which will result in pavement rehabilitation of 400 feet of roadway, striping, ADA curb ramp compliance, drainage improvements, road widening to meet fire code, curb, gutter, and on street parking.
- Linden Avenue from Orange Avenue to Montgomery Street.
- Design started Summer 2022 and is estimated to finish Spring 2024. Construction to start Summer 2024 and finish Fall 2024.
- Estimated useful life: 20 years.

South 5th Avenue Rehabilitation Project

- Design and Construction which will result in pavement rehabilitation of 2500 feet of roadway, striping, ADA curb ramps, bike lanes, and drainage improvements.
- South 5th Avenue from Oro Dam Boulevard/SR-162 to Cal Oaks Road.
- Design started Spring 2023 and finish Fall 2024. Construction to start Spring 2025 and finish Fall 2025.
- Estimated useful life: 20 years.

Lower Wyandotte Road Rehabilitation Project

- Design and Construction which will result in pavement rehabilitation of 4700 feet of roadway, striping, ADA curb ramp compliance, and drainage improvements.
- Lower Wyandotte Road from V7 Road to Wyandotte Avenue.
- Design started Spring 2023 and finish Summer 2024. Construction to Summer 2026 and finish Winter 2026.
- Estimated useful life: 20 years.

Historic Downtown Oroville Slurry Project

- Design and Construction which will result in crack filling, pothole repair, small location pavement replacement and slurry seal.
- Downtown Oroville from Lincoln Street to Oliver Street and Safford Street to Mitchell Avenue.
- Design started Summer 2023 and will finish Spring 2024. Construction to Start Summer 2024 and finish Fall 2024.
- Estimated useful life: 15 years.

Oro Dam Boulevard East Slope Repair and Striping Project

- Design and Construction which will result in striping, and slope repair.
- Oro Dam Boulevard East from Acacia to 500ft East of Pine Oaks Road.
- Design started Summer 2022 to finish Fall 2025. Construction to start Spring 2026 and finish Summer 2026.
- Estimated useful life: Striping 10 years, Slope repair 30 years.

Nelson Avenue Pavement Reconstruction Project

- Design and Construction which will result in pavement reconstruction of 2 intersections, ADA curb ramp compliance, striping, and pedestrian crosswalks.
- Nelson Avenue from 3rd Street to 4th Street.
- Design started Spring 2022 and finished Fall 2023. Construction to start Spring 2024 and finish Fall 2024.
- Estimated useful life: 20 years.

PASSED AND ADOPTED by the City Council of the City of Oroville, State of California this 21 day of May, 2024, by the following vote:

AYES: COUNCIL MEMBERS:

NOES: COUNCIL MEMBERS:

ABSENT: COUNCIL MEMBERS:

ABSTAIN: COUNCIL MEMBERS:

ATTEST:

APPROVE:

Kayla Reaster, Assistant City Clerk

David Pittman, Mayor

APPROVED AS TO FORM:

Scott Huber, City Attorney



CITY OF OROVILLE STAFF REPORT

TO: MAYOR PITTMAN AND COUNCIL MEMBERS

FROM: JOSHUA FREITAS, ASSISTANT ENGINEER

RE: AWARD OF PROFESSIONAL SERVICES AGREEMENT TO HARRIS & ASSOCIATES FOR DEVELOPMENT OF THE PAVEMENT MANGAGEMENT SYSTEM

DATE: MAY 21, 2024

SUMMARY

The Council may direct staff to award a professional services agreement to Harris & Associates for a City-wide roadway study and the development of a Pavement Management System.

DISCUSSION

On February 27, 2024, City staff initiated a Request for Proposal (RFP) for a comprehensive City-wide roadway study, aimed at inspecting and grading the condition of our city's roadway infrastructure and establishing a Pavement Management System. This system is designed to enable staff to effectively allocate road funds based on objective findings of current road conditions and utilization. The bidding period concluded on March 29, 2024, resulting in the submission of two (2) proposals: one from Harris & Associates based in Concord, California, and the other from Decision Optimization Technology (DOT) – US L.P. headquartered in Springfield, Illinois.

The proposal from Harris & Associates entails a higher upfront cost of \$83,613.00, it features a lower yearly subscription cost of \$2,000.00. In contrast, the DOT proposal presents a lower upfront cost of \$37,300.00 but carries a higher yearly subscription cost of \$12,000.00. Additionally, Harris & Associates possess extensive local experience working with local agencies throughout the northern California region.

FISCAL IMPACT

The funds in the amount of \$83,613.00 for the City-wide pavement study and Pavement Management System will come from Measure U funds. The annual subscription fee of \$2,000.00 starting after one year will come from Measure U fund.

RECOMMENDATION

Staff recommends that the Council direct the City Administrator to proceed with the issuing of Professional services agreement with Harris & Associates.

ATTACHMENTS

Harris and Associate Proposal

Professional Services Agreement

PAVEMENT MANAGEMENT SOFTWARE SYSTEM



CITY OF OROVILLE

March 29, 2024



Harris & Associates

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Dear Evaluation Committee:

Harris & Associates (Harris) is pleased to submit this proposal to assist the City of Oroville (City) with your Road Network Inventory Project. As a leading pavement management services provider, Harris has assisted hundreds of public agencies for nearly 30 years with concerns similar to those of the City. The Harris Pavement Management Program (PMP) team recognizes that every assignment is unique. Harris offers the following key benefits:

Proven Ability to Perform the Required Services. Over the past 30 years, Harris has successfully conducted pavement condition survey services, completing more than 330 PMP projects for government clients, including local cities and counties. Our extensive experience in working on PMP projects, such as the Pavement Management Technical Assistance Program (P-TAP) for the Metropolitan Transportation Commission (MTC) as a certified Streetsaver[®] user, means we have a clear understanding of your objective to effectively manage your pavement, which is one of your most valuable infrastructure assets.

Experience, Qualifications, and Expertise. Our Project Manager, Vijay Pulijal, PE, PMP, has personally surveyed thousands of miles of roadway. He has worked exclusively in pavement management for over 20 years and has managed over 170 PMP projects. The MTC's Pavement Management Program recognized Vijay as a "Power User" and is actively involved with MTC's Streetsaver[®] software development team. Vijay Pulijal will be the City's primary point of contact throughout the project lifecycle. He will be supported by Senior Technical Assistant Project Manager Marissa Baclig, as well as experienced Pavement Management Technicians. As experts in the field, we proactively share our knowledge to give our surrounding communities an upper hand. The stability of our team over the years and our experience working with similar jurisdictions will result in more efficient project delivery, thereby meeting your budget and schedule expectations.

A Commitment to Protecting Your Interests. The City has limited resources, and it's critical that staff trust their consultants to deliver on schedule. Harris is passionate about delivering for our clients and our communities. We believe cultivating a trusting relationship with our clients is critical to a successful project and long-term relationship. Our goal is to serve the City for years to come.

We are confident that we can deliver this project successfully and efficiently with our expertise and commitment to the City of Oroville. We truly look forward to working with you.

Sincerely,

Harris & Associates, Inc.

Vijay Pulijal, PE, PMP

Project Manager

510.585.7587

Vijay.Pulijal@WeAreHarris.com

Mark Nassar, PE

Project Director

619.200.6442

Mark.Nassar@WeAreHarris.com

Requested Information:

Firm's Legal Name

Harris & Associates, Inc.

Management Contact Information

Mark Nassar, PE, Project Director
619.200.6442 | Mark.Nassar@WeAreHarris.com

Project Manager Information

Vijay Pulijal, PE, PMP, Project Manager
510.585.7587 | Vijay.Pulijal@WeAreHarris.com
Vijay Pulijal will be the City's primary point of contact.

T-2. STATEMENT OF QUALIFICATIONS

Firm Profile and Qualifications

Since 1974, Harris has improved communities and created better places to live through smart, safe, sustainable planning, design, and construction solutions. Headquartered in Concord, California, Harris is a 100% employee-owned provider of program and construction management, civil engineering, environmental planning, public finance, and strategic advisory services. Our offices and project sites span the West Coast in California, Nevada, and Washington. We have a staff of over 250 and serve a diverse roster of public-sector and institutional clients across the municipal, transportation, water, and education markets.

Harris has developed and managed pavement management systems since the mid-1980s, when we developed our own PMP software, PMI. When MTC's PMP software became well-established in the 1990s, we decided to focus on supporting MTC's PMP clients. We have also expanded our capabilities by utilizing other major pavement and infrastructure asset management systems.

Due to our knowledge and expertise of their Version 7.5 software, MTC asked us to perform beta testing while developing their Version 9.0 Streetsaver® software. Harris has also participated as a member of MTC's Joint Development Committee, overseeing the evolution of their pavement management software since Version 5. Our Asset Management team actively participates in the MTC "Users Week" conference held twice a year, including delivering presentations on topics related to PMPs. We are set up to use the online versions of Streetsaver®.

These examples of Harris' close relationship with MTC allow team members to stay current on enhancements to Streetsaver® software and changes in MTC policies, which improves service delivery.

In MTC's recent survey of agencies, 100% of our responding agencies reported that they would use Harris services again for Streetsaver® updates.

Harris has completed around 330 PMP projects for over 160 agencies, including 250 MTC (Streetsaver®) projects in recent years. MTC has certified Harris as a Pavement Technical Assistance Program (P-TAP) consultant during every round of their program, including eight assignments in the current Round 24.

Harris & Associates is an MTC-Certified Streetsaver® software and served as an MTC beta tester while developing their Streetsaver® Version 9.0 software.

Harris' Asset Management Experience	
MTC Pavement Management	97 agencies 242 projects
Cartegraph	15 agencies 23 projects
MicroPaver	8 agencies 19 projects
Proprietary Software Experience	2 agencies 2 projects
PMI (Software developed by Harris)	41 agencies 41 projects
Total	163 agencies 327 projects

SELECT RELEVANT EXPERIENCE

With our extensive expertise and commitment to excellence, we are well-positioned to assist the City in achieving its infrastructure goals. Our team understands the critical importance of maintaining safe and efficient transportation networks and is dedicated to delivering comprehensive solutions that align with the city's unique needs. Below is a summary table highlighting select relevant project information demonstrating our team's qualifications to perform the requested services.

Client Name	Project Name	Brief Description
City of Chico	<i>Pavement Management Program Updates</i>	In our long-term collaboration with the City of Chico, we significantly enhanced its Pavement Management System, beginning with a major overhaul in 2007 and culminating in a comprehensive update in 2023. This project, spanning over 16 years, involved transitioning Chico's pavement database to the Streetsaver® platform, conducting extensive network inspections, and facilitating staff training. Our efforts in 2018-2019 focused on detailed PMP updates through distress surveys on major roads, which informed strategic maintenance planning. By 2023, we expanded our support to assess 317 centerline miles of road, utilizing updated GIS data to optimize Chico's road management strategies. This project mirrors the City of Oroville's objectives by showcasing our adeptness in evolving pavement management needs, implementing leading Pavement Management Systems, and engaging in continuous condition assessments. Our work with Chico exemplifies our commitment to adapting and evolving infrastructure management strategies to meet the unique needs of growing communities, positioning us as an ideal partner for Oroville's pavement management program.
County of Sonoma	<i>Countywide Pavement Management Program Update</i>	Sonoma County's road network is undergoing thorough condition surveys managed by the Public Works department, with our team verifying key attributes like length, width, and surface type. Harris consistently updates the pavement management system through our ongoing four-year contract, ensuring accurate data integration for the County's extensive 1,380 miles of paved roads. Additionally, we've recently integrated Sonoma County's road centerline shapefile with the Streetsaver® program, enhancing the accuracy of pavement condition assessments and facilitating informed decision-making for optimized road infrastructure management.
City of Gridley	<i>PMP Update</i>	Harris developed a new pavement management program for the City of Gridley using the Metropolitan Transportation Commission's (MTC) online Streetsaver®. Transitioning data from the former PMP database, the new system was seamlessly integrated. Comprehensive inspection and evaluation of the City's 27 centerline miles of streets were performed. Harris then recommended pavement maintenance methodology and treatment strategies, performed a budget analysis, and provided a PMP report. Field and Streetsaver® program training was also provided as part of this project.
City and County of San Francisco	<i>Annual Pavement Condition Data</i>	Harris collected field distress data in San Francisco over the past decade, completing surveys on thousands of segments, updating the city's pavement management program, and securing ongoing contracts. They tackled challenges such as tight deadlines and weather constraints while consistently delivering comprehensive insights and meeting budget constraints. Through efficient project management and data processing techniques, Harris ensured the seamless integration of survey information, contributing valuable insights for decision-making in managing the pavement network.
Metropolitan Transportation Commission (MTC)	<i>Pavement Management Technical Assistance Program (P-TAP)</i>	Since 1999, Harris has actively participated in 23 rounds of P-TAP, earning over 150 PMP implementation updates funded by MTC and contributing to various GIS projects. Harris has also provided beta testing for MTC's Streetsaver® online version, presented at MTC user weeks, and is currently engaged in eight PMP update assignments for P-TAP Round 24. Challenges include maintaining long-term client relationships, addressed through exceeding client expectations, providing exceptional customer service, and fostering open communication. Harris's success is evident in its over 20-year partnership with MTC, with 100% of surveyed agencies expressing intent to use Harris services again.

Client Name	Project Name	Brief Description
City of Palm Springs	<i>PMP Update And Signs Inventory</i>	Harris has been instrumental in advancing the City's Pavement Management Program (PMP), marked by significant milestones. The most recent update in 2022-2023 encompassed a thorough update of the city's entire road network, covering 243 centerline miles. In 2019, we facilitated a crucial transition from MicroPaver to Streetsaver®, enhancing the system's ability to recognize specific maintenance activities and group streets effectively. A comprehensive survey of all city streets followed this transition. This led to developing a Five-Year Capital Improvement Program and presenting our findings and strategies to the City Council. Going back to 2014, Harris conducted an extensive pavement condition survey, updated the pavement management database, and drafted a five-year repair program, with the results shared with both the City Council and Measure J task force. Additionally, a citywide sign inventory and assessment using GIS Cloud technology were completed, showcasing our holistic approach to infrastructure management.
City of Placentia	<i>Pavement Management Program Conversion And PMP Update (Major Roads)</i>	In 2020, Harris updated Placentia's Pavement Management Program by transitioning to the Metropolitan Transportation Commission's Streetsaver® online program, addressing issues with PAVER's recognition of slurry seal work. They assisted in grouping streets for better planning, updated GIS for visual representation, conducted pavement condition surveys on major roads, and projected PCIs based on treatment types. Harris provided various budget scenarios and reports to the City, including documentation for OCTA certification.
City Simi Valley	<i>PMP Update And Citywide Pavement Management Program</i>	Harris conducted field surveys of City streets, assessing 343 miles, including arterials/collectors and residential roads in 2020-2021. They developed a Five Year Capital Improvement Program and provided training to City staff on pavement inspection techniques and data collection. Additionally, Harris converted the City's Pavement Management System to Streetsaver®, updated the database, and offered further training on the software to enhance staff proficiency.
County of Monterey	<i>County Service Area Road Program</i>	The Monterey County Pavement Bond Program, a \$100 million initiative spanning 10 years, successfully enhanced local infrastructure by revitalizing 124 miles of roads, particularly focusing on residential areas with limited state and federal funding. Developed in collaboration with Harris & Associates and utilizing Streetsaver® Online Edition, the program strategically prioritized road treatments based on class and condition, resulting in significant improvements in pavement quality, road safety, and community well-being, showcasing the transformative impact of targeted funding and efficient management in public works.
City of Gonzales	<i>2020 Pavement Management Program Update</i>	The project involved establishing a new Online Streetsaver® PMP for the City of Gonzales, conducting field distress surveys on all 20 centerline miles of streets except recently treated ones, and entering inspection data into the system to calculate PCI and produce a final report on street conditions. This initiative empowered the agency with data-driven insights for future pavement maintenance and budget planning, providing stakeholders a transparent view of street conditions to prioritize infrastructure improvements and set a precedent for proactive urban infrastructure management in Gonzales.
City of Gilroy	<i>2022-2023 Pavement Management Technical Assistance Program (P-TAP) Round 23</i>	Harris updated the City of Gilroy's PMP for the P-TAP, Round 23, surveying approximately 98 centerline miles and conducting 5% reinspections for quality control. They collaborated with City staff to optimize maintenance strategies, developed a thorough budget analysis for the CIP plan, and provided comprehensive Streetsaver® program training. This initiative empowered the City team to utilize Streetsaver® effectively, enhancing program outputs and contributing to the success of infrastructure and maintenance efforts.
City of San Jose	<i>2021-22 P-TAP Round 22 & 2023-24 P-TAP Round 24</i>	Harris conducted field surveys and quality control over 333 centerline miles in San Jose's street network for P-TAP Rounds 22 and 24. They provided a detailed budget analysis and organized and led a hands-on field training session for City staff, enhancing inspection methodologies and infrastructure management practices. This initiative contributed to a deeper understanding of PCI derivation and facilitated overall improvement in the City's infrastructure management.

Project Team

Our team of seasoned professionals has the unique ability to tackle this project, achieve the City's goals and objectives, and complete the project within the desired timeframe.

Project Director Mark Nassar, PE, has 32 years of experience in infrastructure operations, planning, design, and construction in public vertical and horizontal asset types. Mark is currently the program manager overseeing the design and construction of the Valley Sanitation District's 12-year capital improvement program and the City of Rialto's capital improvement projects development and delivery program and five-year capital improvement outlook. **Mark's leadership will provide innovative solutions, adopting proven best management practices that reduce program and project soft costs and expedite project delivery.**

Project Manager Vijay Pulijal, PE, PMP, has over 20 years of experience in asset management applications, inspections, and asphalt pavement analysis. He has managed over 170 Pavement Management Program (PMP) projects and worked on various asset management applications, including Streetsaver® online, desktop, and v7.5, CarteGraph, and MicroPAVER®. As one of MTC's preferred consultants, Harris is actively involved with the Streetsaver® software development team and was recently recognized as a Power User by MTC. **Harris has not missed a scheduled commitment in the 15 years Vijay has managed PMP projects.** He will serve as the primary contact for the City, overseeing each phase of the project to confirm the City's needs are being met.

Marissa Baclig, our Senior Technical Assistant Project Manager, will be responsible for executing the project plan, confirming adherence to the timeline and budget, and coordinating with the City and field inspectors. As an MTC-Certified Pavement Inspector, Marissa has over 12 years of experience in all phases and aspects of PMP updates, including expertise in pavement management systems like Streetsaver® Version 9.0. **Her**

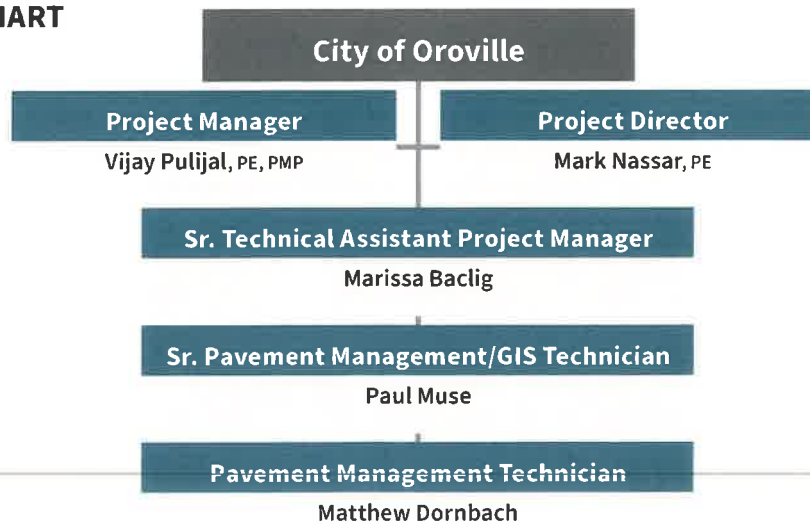
extensive background in field pavement condition survey data entry, and budget analysis for more than 100 agencies makes her a valuable team asset. Marissa's selection for this project is based on her proficiency in Streetsaver® projects as a certified pavement inspector, and she will lead the technical aspects of budget analysis and reporting.

Our team includes MTC-Certified pavement and asset inspectors who are cross-trained in GIS applications, software operation, budget analysis, and report generation. **This cross-training enhances the quality of our results as our team remains involved from project initiation to completion.**

Paul Muse, our Senior Pavement Management Technician, and GIS Technician is an MTC-Certified and OCTA-certified Pavement Inspector. He specializes in GIS segmentation and linkage using ArcGIS software, with expertise in the pavement management program Streetsaver® Online Version 9.0. **Paul has provided pavement condition surveys and GIS segmentation services for approximately 70 public agencies across California.** His skills extend to field training agency staff, quality control, and PMP-GIS linkage. As a Streetsaver® program specialist, Paul excels in creating PCI and work plan maps for various spending strategies as part of PMP updates.

Matt Dornbach will serve as Pavement Management Technician for this PMP update, surveying field conditions and inspecting the existing pavement structures. With extensive experience in field condition surveying and inspection of pavement structures, Matt has worked on successful PMP updates for various agencies, including Chico, La Mirada, Palm Springs, and Sonoma County. Matt's contributions go beyond fieldwork; he has provided field distress training to agency staff, confirming accurate assessments of pavement conditions. He has also been involved in quality control measures, verifying precise data collection and reporting. **Matt's expertise and dedication will be instrumental in effectively assessing and managing the road network in the City of Oroville, which will be critical to the success of this project.**

ORGANIZATIONAL CHART



KEY STAFF ROLES AND RESPONSIBILITIES

Harris Team	Role	Responsibilities
Vijay Pulijal, PE, PMP	<i>Project Manager</i>	• Key point of contact, available throughout the duration of the project. • Oversee the project from start to finish. • Provide project status updates, conduct meetings, track project progress, and manage budgets. • Monitor quality during inspections (QA/QC). • City's PMP database audit. • Decision tree updates & mitigation strategies. • Develop pavement work plan (Pre-CIP process). • Review Quality Management Report, budget analysis, & draft/final reports. • Program Training.
Mark Nassar, PE	<i>Project Director</i>	• Assign resources to carry out the project tasks efficiently. • Ensure work success and client satisfaction.
Marissa Baclig	<i>Sr. Technical Assistant Project Manager</i>	• Involved in project planning and execution, available throughout the duration of the project. • Play a supporting role and assist the Project Manager in the project management tasks listed above. • City PMP Database Setup. • Review and update Streetsaver® program inventory. • Update & enter maintenance and rehabilitation (M&R) history. • Data Entry & Pavement Condition Index (PCI) calculations (based on inspections and maintenance). • Quality Management Report (QMR). • Decision tree updates & mitigation strategies. • Plan and develop a street list for CIP. • Budget analysis, draft report, and BOR. • Draft & final report generation. • Train City staff (field & Streetsaver®).
Paul Muse	<i>Sr. Pavement Management/ GIS Technician</i>	• Pavement distress surveys, available during 100% of fieldwork and database setup. • Quality control during pavement surveys (QA/QC). • Quality Management Report (QMR). • Data entry & PCI calculations (based on inspections and maintenance). • GIS toolbox, generating PCI map and work plan map. • Train City staff (field & Streetsaver®).
Matthew Dornbach	<i>Pavement Management Technician</i>	• Perform Pavement Inspections and Quality Control. • Data Entry, PCI Calculations (Based on Inspections and Maintenance). • Train City staff (field).

RESUMES

Vijay Pulijal, PE, PMP

PROJECT MANAGER

Vijay has over 20 years of experience in asset management application, inspections, and analysis of asphalt pavements. His projects have included pavement condition surveying, signs inspections, sidewalk inventory, and legends and markings surveying, as well as condition assessments, budget analysis for maintenance and operations of asphalt pavement structures, and report generation. He has managed over 170 Pavement Management Program projects and has earned a reputation for his attention to detail and quality control. As one of MTC's preferred consultants, he is actively involved with the Streetsaver® software development team and has been recently awarded as a Power User by MTC. His prior experience was with MTC in Oakland, where he provided a variety of services related to the MTC software, including program beta testing, Streetsaver® software development, GIS applications, and PMP Users Meeting coordination.

RELEVANT EXPERIENCE

- **City of Chico, Pavement Management Program Update.** Project Manager. This project involved adding over 100 miles of pavement sections to the database. Vijay took existing pavement management data in Cartagraph and imported it into Streetsaver®. Extensive new field surveys of the entire City were then conducted, collecting current conditions data on 282 centerline miles to update the Streetsaver® database and show where maintenance would be most effective. This assisted the City in determining the most appropriate time to treat a pavement, what the most cost-effective method may be, and how much money it may take to maintain a roadway system at a desirable condition.
- **City and County of San Francisco (CCSF), Pavement Management Program.** Project Manager. Harris has been updating San Francisco's Pavement Management Program by performing field distress surveys for the last eight years. Vijay has been the project manager in charge of the program for all eight years. In 2022, Harris performed distress surveys on approximately 1,630 PMP segments (survey units), which equates to approximately 253.6 lane miles or 128.6 centerline miles of CCSF residential streets in districts 4 and 9. **These annual updates have been helpful for the City staff in making decisions on where and when pavement construction, maintenance, and rehabilitation efforts should occur, and improve the overall quality of the road system while extending the available dollars for the system.**
- **County of Sonoma, Pavement Management Program (PMP) Update.** Project Manager. Harris has held two four-year contracts to update the County Pavement Management program each year for the entire network. Vijay's responsibilities included setting up meetings with the assistant engineer, creating an inspection database for the field crew, supervising staff, providing quality assurance, and preparing analyses and reports. He also stayed in regular contact with County staff to be certain the County's needs were being met, developed inspection data for rubber chip seal applications to provide to MTC that helped their efforts in development of a new deterioration curve, generated scenarios for additional bond funding to improve streets, and provided research and planning assistance to County staff. Vijay assisted the County's engineering and testing lab staff to modify the Streetsaver® decision tree to increase the use of newer pavement technologies. **As a result of his efforts, program costs using full-depth reclamation (FDR) would be reduced from \$2.5 million to \$1.4 million.**



Vijay is a Streetsaver® power user and a strong group leader that has never missed a deadline. He will oversee each phase of the project to make sure that your needs are being met.

EDUCATION

MS, Engineering Technology
BS, Civil Engineering

REGISTRATION

Professional Civil Engineer, CA
#76480

CERTIFICATIONS

Project Management Professional (PMP), PMI
MTC Streetsaver® Rater Certification Program, MTC (see QR Code 1)
OSHA 10-Hour Construction, ClickSafety (see QR Code 2)

AFFILIATIONS

Construction Management Association of America (CMAA)

MTC RATER CERTIFICATION



OSHA CERTIFICATION



Mark Nassar, PE

PROJECT DIRECTOR

Mark has 33 years of experience in infrastructure operations, planning, design, and construction in public vertical and horizontal asset types. Mark is currently the Program Manager overseeing the design and construction of Valley Sanitation District's 12-year Capital Improvement program for its districtwide wastewater collection system. He is also currently the Program Manager overseeing the City of Rialto's capital improvement projects development and delivery program as well as generating its 5-Year Capital Improvement Outlook. His experience allows him to provide innovative solutions with a focus on client, stakeholders, and public by adopting proven best management practices that reduce program and project soft costs and shorten delivery schedules to industry benchmark values.



Mark is an expert in leading specialty teams and navigating complex and highly visible projects and programs.

RELEVANT EXPERIENCE

- **County of Monterey, 10 Year \$100M Bond Pavement Plan.** Program Manager. The county aims to secure a \$100 million bond for the purpose of improving the pavement condition index of the roads within county service areas and related residential streets. The scope of the project is the preparation of a 10-year pavement rehabilitation plan that considers an equitable distribution of improvements within its districts and a level cash flow that normalizes its resources. As Program Manager, Mark is overseeing the efforts of the pavement management team, the civil design team, and the GIS team in incorporating all perspectives towards a plan that maximizes the County's benefit. Mark serves as the overall project manager and client contact during the project's duration and oversees all scope, schedule, and budget items.
- **Valley Sanitary District, Wastewater Collection Infrastructure Improvement Program.** Program Manager. Valley Sanitary District has initiated an ambitious program to improve its entire wastewater collection system through a 12-year \$70 million capital program that includes pipelines and pump stations. The scope of the project includes the oversight and delivery of the District's system-wide wastewater collection system improvement program, from condition assessment, planning, and design to the project management of the implementation of the related individual improvement projects. Mark serves as the overall Program Manager verifying the program is maximizing the use of available program dollars through the efficient and effective grouping and concurrent programming of individual projects.
- **City of Rialto, Capital Improvement Program.** Program Manager. The City of Rialto has an active CIP that is upwards of \$100 million and growing. Challenged with limited resources and a growing and active development, the City has turned to Harris to help drive the implementation of its active CIP as well as map out the capital improvement plan for the next five years. Mark serves as the overall project manager and client contact during the project's duration and oversees all scope, schedule, and budget items. The team is currently evaluating all active projects and preparing a strategy for expediting their implementation, while simultaneously kicking off the 5 Year CIP Development and the Project Controls Systems setup efforts.

EDUCATION

MBA, Business Administration
BS, Civil Engineering

REGISTRATION

Professional Civil Engineer, CA
#57500

AFFILIATIONS

Construction Management
Association of America (CMAA)
American Public Works Association
(APWA)

Marissa Baclig

ASSISTANT PROJECT MANAGER/SENIOR PAVEMENT TECHNICIAN

Marissa has over 12 years of experience in a variety of management and technical roles. She is skilled in pavement management systems including Streetsaver® Version 9.0, public works inspection, and working with the public. Marissa is an MTC-certified inspector and has performed field pavement condition surveying, entered data, and generated budget analyses for more than 2,500 miles of streets. This includes local roads and newly segmented streets for over 40 different public agencies. Marissa has completed rounds of PTAP 11-24, with each round consisting of approximately 10 different agency projects. Marissa is actively involved in the current round of MTC P-TAP 24 projects for seven different public agencies. She also performs quality control and conducts training for clients and subconsultants on performing field inspections and using Streetsaver®. Marissa is an integral part of Harris' asset management team providing pavement condition surveys, performing quality control on inspections, training subconsultants and clients, entering data, and generating budget analysis reports into the pavement management system.

RELEVANT EXPERIENCE

- **City of Chico, Pavement Management Program.** Asset Management Technician. Harris migrated PMP information for the City of Chico from Cartegraph to Streetsaver®. The scope of work included adding over 100 miles of pavement sections to the database, performing field surveys on 282 centerline miles of streets, verifying and taking photos of each section while in the field, and running a budget analysis and providing the report to the City. Harris also provided clients with field training and database training. Marissa was responsible for performing QA/QC on the field surveys, and she also worked on the budget analysis and reports. She was also involved in the database training for the clients. The completion of this project gave the City the ability to retrieve network information and provided them the means to effectively plan future projects.
- **City and County of San Francisco, Pavement Management Program.** Assistant Project Manager/Sr. Pavement Technician. Harris has been updating San Francisco's Pavement Management Program by performing field distress surveys for the last eight years. These annual updates typically include gathering field distress data in various neighborhoods, calculation of PCIs, and providing the information in an electronic format. In addition to generating various charts and graphs summarizing the pavement condition trend, Harris also did an inventory of bicycle and bus lanes in various zones throughout the City. In 2022, Marissa performed QC and data analysis for field distress surveys of approximately 1,630 survey units, which translates to approximately 253.6 lane miles or 128.6 centerline miles of CCSF residential streets in Districts 4 and 9. **These annual updates have been helpful for the City staff in making decisions as to where and when pavement construction, maintenance, and rehabilitation efforts should occur, and improve the overall quality of the road system while extending the available dollars for the system.**
- **Sonoma County, Pavement Management Program (PMP) Update.** Asset Management Technician. This project involved a four-year contract to update the County pavement management program each year for the entire network. The project included conducting a pavement condition inspection for the entire pavement network of 1,380 centerline miles, calculating condition assessments according to MTC's Pavement Condition Index (PCI) Distress Identification Manual for each pavement segment, testing various budgets against pavement condition performance, and generating a final report summarizing methodologies, recommendations, and findings. Marissa's responsibilities included performing field distress surveys, providing quality control, and preparing analyses and reports. She stayed in regular contact with County staff to be certain the County's needs were being met. **Harris' experience working with similar agencies resulted in efficient project delivery, thereby meeting the County's budget and schedule expectations.**



Throughout the years, Marissa has built strong client relationships by creating a stable environment of trust and communication that results in continued growth for both the agencies and Harris.

EDUCATION

BS, Psychology

CERTIFICATIONS

MTC Streetsaver® Rater
Certification Program, MTC
(see QR Code 1)

OSHA 10-Hour Construction,
ClickSafety (see QR Code 2)

MTC RATER CERTIFICATION



OSHA CERTIFICATION



Paul Muse

SENIOR PAVEMENT MANAGEMENT TECHNICIAN

Paul is an MTC-certified inspector with more than 10 years of experience. He is well-versed in the pavement management program Streetsaver® Online Version (9.0) and also specializes in GIS segmentation/linkage using ArcGIS software. To date, Paul has provided pavement condition surveys and GIS segmentation services for approximately 6,000 centerline miles of roadway for over 50 different public agencies throughout California. Paul enjoys interacting with his clients and will often take them on a “ride-along” out in the field where he demonstrates how he performs his pavement condition surveys and answers any questions they might have about the process. His clients appreciate this unique opportunity to observe and learn about pavement management out in the field. In addition to pavement inspections, Paul has experience marking dig-outs for various pavement rehabilitation projects in California. Outside of pavement, Paul also has experience in construction inspections and encroachment permit review.

RELEVANT EXPERIENCE

- County of Sonoma, Pavement Management Program (PMP) Update.** Senior Field Technician. This project involved a four-year contract to update the County pavement management program each year for the entire network. The project included conducting a pavement condition inspection for the entire pavement network of 1,380 centerline miles, calculating condition assessments according to MTC's Pavement Condition Index (PCI) Distress Identification Manual for each pavement segment, testing various budgets against pavement condition performance, and generating a final report summarizing methodologies, recommendations, and findings. Paul's responsibilities included creating inspection maps for the crew and conducting pavement condition surveys of the roads. As this project involved both manual and automated data collection, Paul's role in the project included coordination with the subconsultant team to make sure all crew members were calibrated to inspect consistently. **Harris' experience working with similar agencies resulted in efficient project delivery, thereby meeting the County's budget and schedule expectations.**
- City and County of San Francisco, Pavement Management Program.** Senior Field Technician. Harris has been updating San Francisco's pavement management program by performing field distress surveys for the last eight years. These annual updates typically include gathering field distress data in various neighborhoods, calculation of PCIs, and providing the information in an electronic format. In addition to generating various charts and graphs summarizing the pavement condition trend, Harris also did an inventory of bicycle and bus lanes in various zones throughout the City. In 2022, Paul performed distress surveys of approximately 1,630 survey units, which translates to approximately 253.6 lane miles or 128.6 centerline miles of CCSF residential streets in Districts 4 and 9. **These annual updates have been helpful for the City staff in making decisions as to where and when pavement construction, maintenance, and rehabilitation efforts should occur, and improve the overall quality of the road system while extending the available dollars for the system.**
- City of Placentia, Pavement Management Program Conversion and Update (Major Roads).** Field Technician. Harris led the conversion from PAVER to Metropolitan Transportation Commission's (MTC) Streetsaver® online program and conducted pavement condition surveys on 23 centerline miles of major streets. Paul provided maintenance updates in the database as well as Streetsaver® database training to help get the City up to speed on the database functionality. Paul performed field distress surveys on the arterial streets and provided field training to the City. **The City found the Streetsaver® program to be much more user-friendly and especially liked that the program projected PCI's in real time based off inspections and maintenance.**



Paul's observant nature allows him to identify the nuances of paving deterioration that will help municipalities plan and budget for future maintenance.

EDUCATION

MA, Geography (Emphasis in Environmental Policy & Planning)
BA, Geography (Emphasis in GIS)

REGISTRATION

MTC Streetsaver® Rater
Certification Program, MTC
(see QR Code 1)

OSHA 10-Hour Construction,
ClickSafety (see QR Code 2)

MTC RATER CERTIFICATION



OSHA CERTIFICATION



Matthew Dornbach

PAVEMENT MANAGEMENT TECHNICIAN

Matthew is an experienced pavement inspector and has been trained under MTC's Rater Certification Program (RCP). As a PMP field specialist, he is experienced in performing field condition surveys and inspection of existing pavement structures.

RELEVANT EXPERIENCE

- **County of Sonoma, Pavement Management Program (PMP) Update.** Field Technician. This project involved a four-year contract to update the County pavement management program each year for the entire network. The project included conducting a pavement condition inspection for the entire pavement network, calculating condition assessments according to MTC's Pavement Condition Index (PCI) Distress Identification Manual for each pavement segment, testing various budgets against pavement condition performance, and generating a final report summarizing methodologies, recommendations, and findings. Matt provided pavement condition survey of approximately 1,300 centerline miles and performed quality control as part of the project. **Harris' experience working with similar agencies resulted in efficient project delivery, thereby meeting the County's budget and schedule expectations.**
- **City of Tracy, 2022 PMP Update.** Field Technician. This project includes conducting a pavement condition inspection for the entire pavement network, calculating condition assessments according to MTC's Pavement Condition Index (PCI) Distress Identification Manual for each pavement segment, testing various budgets against pavement condition performance, and generating a final report summarizing methodologies, recommendations, and findings. Matt performed pavement condition surveys on the City of Tracy's street network of approximately 258 centerline miles. This project also involved providing the City with a budget analysis and reporting on the five-year CIP, which included the City's SB-1 plan. The team prepared a presentation for the City Council on this information, in which Harris provided support by answering technical questions to help the City Council gain a better understanding of the importance of having a PMP in order to justify funding needs.
- **City of La Mirada, 2022 PMP Update.** Field Technician. Harris worked with the City of La Mirada on the City's 2022 PMP update, developing a new pavement management program for the City's use. Data from the City's previous PMP database (Paver) was imported into the new Streetsaver® Online Program. The database was audited and reviewed, and historical maintenance was also updated into the City's program. Harris also produced a shapefile for the PMP from the City's GIS street centerline shapefile, and the segmented PMP shapefile was matched with existing street section definitions from the City's pavement management program. Pavement condition surveys were performed on the City's street network, which included 5% reinspection for QC. PCI maps were provided to the City based on the updated PCI results. Harris also worked with the City to define treatment strategies in preparation for budget analysis and reports that will include about five different funding scenarios. Matt performed pavement condition surveys and data entry on approximately 126 centerline miles of La Mirada's street network. This project had a sudden deadline in which all PMP information needed to be provided sooner than expected. **Harris was able to get the required information together and provide the analysis and report despite the time constraints.**



Matthew, an adept Pavement Management Technician, offers extensive expertise in conducting comprehensive pavement condition surveys, generating insightful reports, and delivering efficient project outcomes.

EDUCATION

BS, Geography and Geospatial Science

Certificate, GIS

REGISTRATION

MTC Streetsaver® Rater Certification Program, MTC
(see QR Code 1)

OSHA 10-Hour Construction, OSHA
(see QR Code 2)

MTC RATER CERTIFICATION



OSHA CERTIFICATION





T-3. PROPOSED METHODOLOGY TO COMPLETE REQUIRED/OPTIONAL ELEMENTS

Project Understanding and Approach

After carefully reviewing the RFP and engaging in discussions with the City, we've gained a deep understanding of the project's objectives. Our extensive experience with large-scale City-wide PMP initiatives positions us uniquely to fulfill the City's requirements. Harris is committed to developing, maintaining, and implementing a comprehensive PMP to empower City policymakers and asset management professionals in efficiently managing and maintaining approximately 95 centerline miles of the City's street network. We will conduct thorough evaluations to determine street network information and pavement conditions, collaborating with the City to devise maintenance and rehabilitation strategies. This collaboration will facilitate the analysis of funding requirements and budget impacts to meet the City's Pavement Condition Index (PCI) goals, all while ensuring our efforts are synchronized with the City's fiscal planning and project timelines.

We advocate for the adoption of MTC's Streetsaver® Online PMP program, through which we will establish a segmented pavement management system based on the City-provided GIS data. This system will be meticulously reviewed to ensure it includes the most current section attribute details, such as start/end points, dimensions, lane count, functional class, and surface type. Additionally, we will update the system with historical maintenance and rehabilitation records as they become available. A new, segmented street centerline shapefile will be crafted to align with PMP sections, which will then be integrated with the Streetsaver® GIS toolbox. This integration will enable the generation of various essential maps, including PCI maps and project planning maps.

Comprehensive condition surveys will be conducted across the entire street network, with all fieldwork undertaken by MTC Rater Certification Program (RCP) trained and/or certified inspectors. This fieldwork will verify road attributes such as dimensions, functional class, and surface types. Data on surface conditions and distresses will be gathered for pavement condition assessments, with the Streetsaver® program used to

populate pavement inspection data and calculate the PCI for each inspected street segment and the network as a whole.

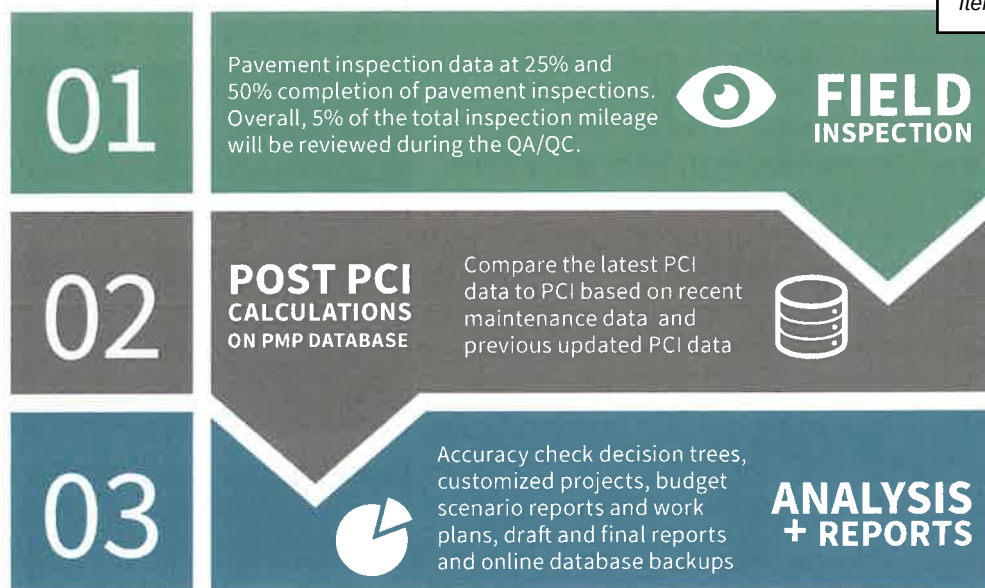
We will review existing pavement maintenance/rehabilitation processes, resources, historical spending, and desired treatment strategies in relation to the City's objectives and financial projections, updating this information in the Streetsaver® system. Our team will provide recommendations on enhancing pavement preservation and maintenance strategies that align with the City's financial realities. Utilizing data from the Streetsaver® program, Harris will aid the City in formulating a detailed plan and budget for annual road maintenance and rehabilitation spanning the next ten years. A color-coded PCI map, alongside comprehensive data files and reports, will be produced and delivered to the City, aiding in data-driven decision-making to justify funding allocations for achieving desired PCI targets. We will implement Quality Control measures at each project phase and compile a Quality Management Report summarizing our QC and QA strategies and outcomes.

Furthermore, Harris will assist the City in developing a decision-making framework that outlines treatment options and associated costs, formulating various budget scenarios, and summarizing these findings in detailed reports. We will also offer Streetsaver® program training to City staff, ensuring they are well-versed in the system's various modules and functionalities.

With over two decades of expertise, Harris is poised to deliver a comprehensive, turn-key solution that minimizes the impact on City staff. We remain available for follow-up services, including additional budget scenario analyses and on-call support post-project completion, ensuring the City of Oroville's pavement management system is robust, sustainable, and aligned with its long-term infrastructure goals.

Quality Control Plan (QCP) OVERVIEW

Our QA/QC procedures will be discussed at the kickoff meeting with the City before we begin work. To maximize the consistency of data collection, 10% of the segments will be re-inspected, in addition to the 100% inspections. Quality is also enhanced by having proper training and project orientation for all inspectors assigned to a project. Our QA program is further described to the right.



Scope of Work

Harris has prepared the following Work Plan/Scope of Work based on our understanding of the City's needs and our experience on similar projects.

TASK 1—PROJECT ADMINISTRATION (MEETINGS AND MANAGEMENT)

Task 1.1—Kick-Off Meeting

Harris will initiate a kick-off meeting with the City to facilitate discussions on project guidelines and establish a standardized approach to services, deliverable formats, and project administration. In collaboration with City representatives, Harris will confirm the scope of work and carefully review the street list to set up the Pavement Management Program database. During this meeting, the team will address various topics, including current pavement maintenance procedures, the project schedule and budget, the availability of project documents, project goals, the quality control plan, and the delineation of responsibilities for each party involved. The objective of this comprehensive meeting is to ensure a clear understanding of the project's full scope and the City's specific requirements before commencing work.

In addition to the kick-off meeting and the road segmentation task, Harris will conduct several web meetings with the City throughout the project's duration. These web meetings will serve as opportunities for post-survey discussions, a review meeting for the draft report before finalization, and any necessary interim online meetings to maintain project progress and adhere to timelines.

Task 1.1 Deliverables:

- Meeting notes (via email) with lists of responsibilities as detailed during the meeting
- QA/QC plan
- PCI condition listing reports and PCI map (after the post-survey meeting)
- Draft & Final reports (after respective report meetings)

Task 1.2—Project Updates

Harris will submit project updates via e-mail and communicate with the City's Project Manager to facilitate the project. This will include monitoring budgets, invoices, resources, and schedule/milestone tracking, and it will benefit the City by providing timely updates on project progress.

Task 1.2 Deliverables:

- Project progress schedule with milestone activities (via email)

TASK 2—PMP SETUP, AUDIT, AND UPDATE

Task 2.1—Streetsaver® Database Review & Audit (

Harris will utilize the Metropolitan Transportation Commission's (MTC's) Streetsaver® Online Version to populate the City's road network data. The pavement data obtained from the City's GIS data will be integrated and updated within the City's Streetsaver® program. The City will provide essential information, including section ID, street ID, road name, functional class, and original date of construction. Additionally, if the City is interested in the GIS integration, the City will provide GIS data to facilitate the segmentation process. Road attributes such as road name, limits, functional class, measurements, surface type, lanes, and original date of construction will be thoroughly reviewed and audited.

Furthermore, new road sections will be added to the database, while roads not under the City's responsibility will be removed. This comprehensive data preparation is crucial for the upcoming field surveys, where inspection sheets will be generated for the field crew. The identified sections and attributes will be verified, modified, and updated based on the observations and data collected during the field distress surveys (see Task 3.1).

Upon the completion of this task, GIS segmentation will be performed. For further details, please refer to Task 6.

Task 2.1 Deliverables:

- List of roadways broken into management sections

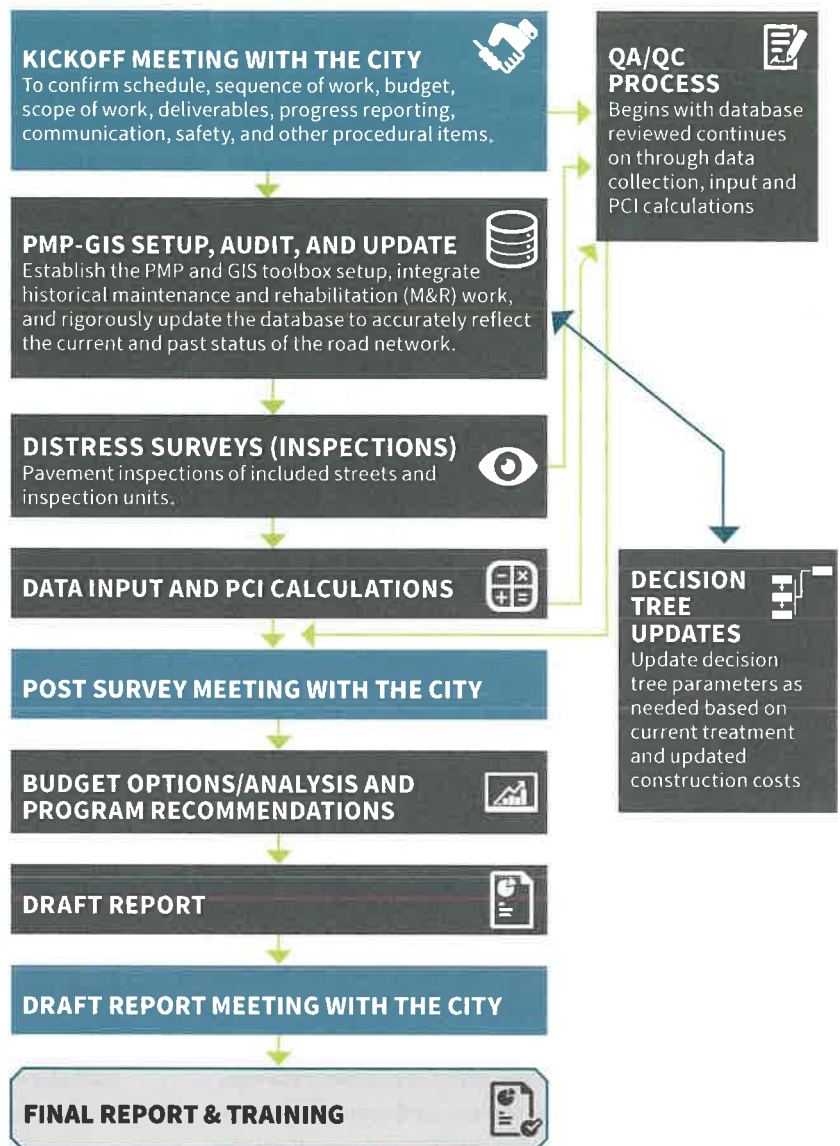
Task 2.2—Enter Maintenance & Rehabilitation Data

The historical treatment (predominately a combination of methods such as crack fill, type 2 slurry seal, and asphalt overlay) data is beneficial for determining future treatments and predicting the performance of various pavement sections. Therefore, collecting and entering this information is highly recommended. Harris will input treatment data for segments that have records of receiving treatments. The City must provide data on these segments in the form of treatment maps or pavement segment lists detailing the treatment type, date, and limits. This task will provide the City with updated maintenance data in the Streetsaver® program for future use.

Task 2.2 Deliverables:

- Applied maintenance treatment report

PMP UPDATE PROCESS



TASK 3—PAVEMENT CONDITION SURVEYS/FIELD QA/QC/DATA ENTRY/PCI CALCULATIONS

Task 3.1—Pavement Distress Surveys

The City is responsible for maintaining approximately 95 miles of paved surfaces, totaling approximately 501,00 linear feet. State Highway 160 (Oro Dam Road) and California State Route 70 fall under the maintenance purview of Caltrans District 3 and are, therefore, not part of the City's jurisdiction. Harris will conduct manual walking pavement distress surveys on approximately 95 centerline miles of Oroville's roadways, including newly added streets. The surveys aim to identify pavement distress and follow the latest MTC Pavement Distress Manuals (AC 4th Editions, PCC 3rd Edition, June 2016). All Harris surveyors are certified by MTC and possess the necessary competence and accuracy to perform inspections. The inspection method employed for condition surveys aligns with the approach utilized to demonstrate proficiency in conducting PMP distress surveys.

Before pavement surveys begin, the field crew will be provided with a list of streets to be surveyed (with parameters) using the City's Streetsaver® online database. This will allow the pavement inspectors to verify the accuracy of management section information easily and quickly during the survey process. Information to be verified includes the name, begin/end limits, segment ID, length, width, surface type, functional classification, number of lanes, surface condition, surface distress, and PCI.

Harris inspectors will look for eight pavement distresses of flexible pavement, including, but not limited to, alligator cracking, block cracking, distortions, longitudinal and transverse cracking, patching and utility cuts, rutting and depressions, weathering, and raveling. Rigid pavements will be inspected for seven distresses: corner break, divided (shattered) slab, faulting, linear cracking, patching and utility cuts, scaling/map cracking/crazing, and spalling.

Our methodology, aligned with MTC-recommended practices, involves certified inspectors conducting detailed, on-foot evaluations of pavement distresses across segmented areas of streets. This thorough process includes measuring and recording distress types, severities, and quantities within a representative sample of each management segment. Comprehensive reviews of each segment ensure the identification of the most representative sections for focused data collection. Inspectors meticulously document specific observations and areas needing immediate attention, alongside verifying road segment parameters. This exhaustive collection of data and notes is then systematically compiled and presented to the City upon survey completion, providing an up-to-date and precise depiction of the pavement network's condition. This approach facilitates informed decision-making and accurate financial forecasting for maintenance and rehabilitation planning.



Field Survey in Mountain View, CA

Task 3.4—PCI Calculation & QC Checks (QC PMP Database)

PCI's will be calculated for each street segment and for the entire network based on field inspections and the recent maintenance update. Upon completion of the data entry, a condition report will be generated that shows each road section and its current PCI, with segments ranked in the order of PCI. The PCI will be presented using a scale of 0 to 100, where 0 is the worst condition and 100 is the best condition.

Additional field checks will be performed on the segments with a considerable PCI shift (-ve or +ve) as needed. Based on the follow-up field review, Harris will notify the City of any abnormalities and, if needed, will request for additional maintenance data to be updated in the Streetsaver® database. These additional field checks will be documented in a QC log, where the actions taken to correct or justify the considerable PCI shift will be explained. Harris will send a QA/QC report to the City summarizing the QA/QC methodology, results, corrections made, and any field notes or pictures taken in the field. A post-survey meeting will be held with the City to go over the survey results and quality management reports. This task will provide accurate PCI data for the City's use.

Task 3.4 Deliverables:

- PCI report
- Color-coded PCI map
- Quality Management Report (QMR)

TASK 4—BUDGET ANALYSIS

Task 4.1—Update Maintenance & Rehabilitation Strategies (Streetsaver® Decision Tree Updates)

In Task 4.1, we aim to refine the Maintenance & Rehabilitation Strategies by updating the Streetsaver® Decision Tree. This involves a detailed review of recent City bid tabs to accurately update unit costs within the decision tree, considering the City's specified components like staff time and inspection costs.

Collaborative discussions with the City will help fine-tune the decision tree, ensuring it reflects the latest in repair and rehabilitation practices expected in the area. These updates will play a crucial role in shaping the recommended work plan and its budget implications.

Final approval from City staff will incorporate these strategies into the PMP database and highlight them in the final report, providing a clear path for project cost estimations over the next ten years.

Task 4.1 Deliverables:

- Treatment decision tree

Task 4.2—Define & Modify Future Cost Assumptions

Harris will discuss with the City and define interest rate and inflation assumptions used to project future costs.

Task 3.2—Quality Control Checks (QC Field Inspection)

Quality control checks are critical on a project such as this when a large amount of data needs to be collected and processed. We include a superior QC module in all our projects. A copy of Harris' PMS QA/QC procedures will be provided at the kickoff meeting. As part of the process, Harris will:

- Review field procedures and make changes as needed, after discussion with the City.
- Make sure the field crew has all the equipment required for inspections.
- Carry out a series of tests on the inspection data to further check the accuracy, quality, missing inspections, modifications, splits, and additions.
- Oversee (as part of field QC) 5% of re-inspections of the total inspection mileage. This will be performed by someone other than the main inspector, in addition to 100% of the field distress surveys.

This step ensures that pavement inspections are accurate and that the methodology used by inspection crews is consistent.

Task 3.3—Field Inspection Data Entry

Harris will enter all data collected into the MTC Streetsaver® pavement management database. This task will be done in conjunction with Task 3.1. All field data collected will be uploaded into the Streetsaver® program regularly.

"Harris is a local firm that has met our needs well. They have a wide bandwidth of expertise that we have drawn on. When stormwater rose as a concern, we engaged Harris and received great advice and assistance with setting up a program that will keep us in compliance while training our staff to maintain the program. I recommend Harris because of their breadth of expertise and local availability."

Harold Wolgamott, Public Works Director, City of Gonzales

Task 4.3—Define Budget Assumptions

Harris will request information on expected future budgets. This will provide the City with a budget projection that accurately reflects City funding practices.

Task 4.4—Calculate Budget Needs

Harris will generate a budget needs analysis (unconstrained budget) that calculates the financial and work program effort needed to bring the City pavement network to an optimum preventive maintenance cycle. This cost-benefit analysis will project condition ratings based on updated ratings for all segments and identify the best treatment type for each segment, including preventive and rehabilitation strategies. This report will demonstrate the level of funding the City will need to practice the most cost-effective means of managing its pavements.

Task 4.4 Deliverables:

- Budget needs report

Task 4.5—Calculate Budget Scenarios

Harris will calculate funding scenarios to evaluate the impact of current and desired funding levels on overall pavement condition and deferred maintenance costs for the next ten years. Charts comparing the impact of each funding strategy will be provided.

These funding scenarios will be calculated, and reports generated. This plan will outline pavement rehabilitation projects, prioritize them based on current data, propose a suitable type of pavement rehabilitation for each project, and estimate the cost associated with completing each individual project. This task's primary emphasis is maximizing the programming of street maintenance projects using the most cost-effective maintenance strategies available and considering a life-cycle cost analysis of each strategy recommended. The following scenarios will be generated for the following funding levels:

- No funds
- Budget needs assessment (unconstrained funding level)
- Maintain current PCI
- Improve network PCI by five points
- Current funding level

The report will show the impact of various funding levels on the City PCI and maintenance backlog.

Task 4.5 Deliverables:

- Budget scenario reports
- PCI chart
- Deferred maintenance chart



Pavement Workshop hosted by City of Benicia

TASK 5—REPORTS & POWERPOINT PRESENTATION

Task 5.1—Draft Report

Harris will provide the following sections in the PMS report for the City, incorporating all data generated from this project:

- Executive Summary – project methodology, results of budget analysis, and findings.
- Introduction – the need for a PMS.
- Methodology – field survey procedure & maintenance strategies.
- PCI Report - current PCI from inspection data for each pavement section.
- Budget Reports – impact of various budget scenarios on PCI & deferred maintenance, charts, and annual work programs.
- Backup Data
- Description Report – all pavement section data.
- Inspection Inventory - pavement distresses, severity, and quantity for each pavement section inspected.
- Maintenance treatment decision trees and inventory of applied historical treatments.

Task 5.1 Deliverables:

- Draft report for review by City staff

Task 5.2—Final Report

After two comment periods between Harris and the City, Harris will meet with the City to discuss any comments on the draft report and submit a final report in electronic format to the City incorporating their comments, along with the PMS files.

Task 5.2 Deliverables:

- Final report
- Updated Streetsaver[®] program, Excel files, and GIS shapefiles
- Electronic MTC PMS files



Client Field Training in San Jose, CA

TASK 6—GIS SEGMENTATION & MAPS GENERATION (OPTIONAL TASK)

Task 6.1—GIS Segmentation

Harris will produce a shapefile for the Pavement Management Program (PMP) from the City's GIS street centerline shapefile. The shapefile provided by the City will be reviewed and segmented to match with the existing street section definitions from the City's pavement management program. The segmentation will be accomplished prior to the completion of inspections and before generating the analysis. An exact match of the Streetsaver[®] data (i.e., fully linked) to the City's shapefile cannot be guaranteed. The shapefile produced will be thoroughly segmented to match with the street segments from the PMP database.

Task 6.1 Deliverables:

- Segmented City centerline shapefile

Task 6.2—Mapping Integration/Maps Generation

Upon completion of GIS segmentation, Harris will provide the PMP-GIS segmented shape file to MTC for integrating the mapping with the Streetsaver[®] program. MTC charges a mapping integration fee to integrate the segmented shapefiles into the Streetsaver[®] program. Up to four layers of shapefiles are included in the price. Examples of layers are street centerline, district council boundary, the City's limits, redevelopment district, and block address. Harris will generate a PCI map and a ten-year schedule of recommended treatments map.

Task 6.2 Deliverables:

- PCI listing map (color-coded)
- Work plan map (ten-year schedule of treatments)

TASK 7—TRAINING (OPTIONAL TASK)

Task 7.1—Surface Distress Identification Training (Field Training)

Training will be provided on the field inspection procedures (ASTM- 6433 compliant) to provide a description and understanding of MTC's inspections methodology and procedures. This session can be conducted based on the availability of the City staff and will be held at the time field conditions surveys are performed (Task 3.1).

As part of the field training, selected streets in various PCI conditions will be looked at for distress surveys. The goal of this training is to provide skills and knowledge in the following areas:

- Identifying inspection units used for pavement inspections.
- Identifying pavement distresses collected and entered into the PMP.
- Learning techniques to ensure quality inspections of pavements.
- Calculating the PCI for an inspection unit.

Task 7.1 Deliverables:

- Onsite training

Task 7.2—Streetsaver[®] Program Training

Harris will provide City staff with training on the Streetsaver[®] program. This training will aim to provide users with a general understanding of PMS and Streetsaver[®] software. At a minimum, the following topics will be covered:

- System requirements for accessing data entry and editing
- PCI calculations
- Budget scenarios & project selection
- PMS reports & graphs
- GIS module
- General toolbar navigation
- Standard features
- Creating projects
- Printing maps
- Exporting shapefiles online

Task 7.2 Deliverables:

- Web training

"I can recommend Harris as a very qualified, knowledgeable, and reliable firm and would not hesitate to use them again on my next PMP update."

—Adele Ho, Public Works Director, City of San Pablo

TASK 8—PCI IMPROVEMENT STUDY (OPTIONAL TASK)

Harris is prepared to undertake an in-depth PCI Improvement Study should the City of Oroville elect to enhance its pavement management strategy further. This study is designed to extend beyond traditional assessments, incorporating a multifaceted approach to infrastructure improvement:

- **Initial Evaluation:** We will commence by conducting a thorough analysis of the current Pavement Condition Index (PCI) ratings across Oroville's road network, establishing a clear baseline for improvement initiatives.
- **Strategic Planning:** In collaboration with city officials and stakeholders, we will determine a target PCI increase that aligns with Oroville's long-term infrastructure goals. This collaborative phase ensures the project's objectives resonate with the community's needs and expectations.
- **Project Identification:** Our team will identify high-priority projects capable of significantly enhancing the network's overall PCI. This process involves a detailed examination of potential interventions, considering their impact, feasibility, and alignment with citywide priorities.
- **Cost Estimation:** We will provide comprehensive cost estimates for the identified projects, enabling informed decision-making and financial planning. Our cost-benefit analysis will highlight the most economically viable options for achieving the desired outcomes.
- **Stakeholder Engagement:** Presenting our preliminary findings to city officials and community stakeholders, we will seek feedback to refine our recommendations, ensuring they accurately reflect Oroville's vision for its infrastructure.

Final Recommendations: Incorporating stakeholder feedback, we will deliver a Work Plan Report. This report will outline the recommended projects, associated costs, and a strategic roadmap for achieving the targeted PCI improvement tailored to Oroville's unique context.

Task 8 Deliverables:

- **Work Plan Report**
 - A comprehensive document detailing the study's findings, including a list of recommended projects, cost estimates, and a phased implementation plan designed to elevate Oroville's road network to the desired PCI rating.

TASK 9 COUNCIL ASSISTANCE (OPTIONAL TASK)

Harris will prepare a PowerPoint presentation after the final report is completed. The presentation will be tailored to City management staff. It will provide a summary of the pavement network and include budgets and planning recommendations. This PowerPoint presentation can be used as a tool to assist City staff in preparing City Council presentations.

If needed, Harris will attend one Council meeting to present background, inventory, findings, and recommendations.

Task 9 Deliverable:

- PowerPoint Presentation

T-4. PROPOSED SCHEDULE TO COMPLETE REQUIRED/OPTIONAL ELEMENTS

Harris proposes the following schedule for completion of work tasks, approximately seven months from the Notice to Proceed.

2023-2024 PMP UPDATE			CALENDAR MONTHS						
Task	Description	Estimated Duration	1	2	3	4	5	6	7
1.0	Project Administration	Ongoing	●	▲	●	▲	●		
2.0	PMP Setup, Audit, & Update	1 week	■						
3.0	Pavement Condition Surveys/ Field QA-QC/ Data Entry/PCI Calculation	1 months		▲					
4.0	Budget Analysis	2 Weeks			▲	■			
5.0	Reports (Draft & Final)	2 Week					▲		
6.0	Additional Services - GIS Toolbox & Maps Generation	1 Week		■					
7.0	Additional Services - Training (Field Distress & StreetSaver® Program)	4 hours		●		●			
8.0	Additional Services - PCI Improvement Study	1 Week						■	
9.0	Additional Services - Council Assistance	1 Week						■	■

Key



Meetings



Project Status Update (Email)



Duration



Deliverable



Training (Field/StreetSaver®)



City Review

T-5. REFERENCES



Pavement Management Program Updates

City of Chico

Client Contract Information: Brendan Ottoboni, Public Works Director, City of Chico | 530.879.6930 | brendan.ottoboni@chicoca.gov

Summary: Harris's partnership with the City of Chico is defined by a continuous commitment to enhancing the city's pavement management system, which has been marked by key initiatives over the years. Starting in 2007 with a significant update to Chico's pavement management program, Harris laid the groundwork for a lasting collaboration. A major technological advancement followed this effort in 2015, transitioning Chico's database to the Streetsaver® program, which included comprehensive network inspections and staff training. The collaboration continued with a detailed PMP update in 2018-2019, involving distress surveys on major roads and data integration for improved maintenance planning. Most recently, in 2023, Harris expanded its support by assessing an extended network of 317 centerline miles and updating GIS data, further optimizing Chico's road management. These milestones highlight Harris's enduring support and commitment to Chico's infrastructure development and management.

Success Story: In 2016, Harris converted the City of Chico's PMP database from Cartegraph to Streetsaver® Online Version. Performing the data migration and conversion from Cartegraph to Streetsaver® presented several technical challenges and potential issues related to data compatibility. A systematic approach was implemented to overcome these challenges.

The process began with a thorough analysis of the data structures in both systems, identifying any discrepancies and areas requiring mapping and transformation. Utilizing suitable tools or scripts specifically designed for data conversion, the team allowed for the smooth data transfer from Cartegraph to Streetsaver®. Rigorous testing was conducted to validate the integrity and accuracy of the migrated data in the new system. This comprehensive approach allowed for a successful migration, addressing technical hurdles and confirming the seamless data transition to the desired system.

Dates: 2015 – 2023

Relevant Elements:

- Partnership with City of Chico for pavement management updates
- Transitioned database to Streetsaver® program in 2015
- Detailed updates in 2007, 2018-2019, and 2023
- Converted PMP database from Cartegraph to Streetsaver® Online Version in 2016
- Overcame technical challenges systematically
- Rigorous testing ensured data integrity



Citywide Pavement Management Program Update

City of Sonoma

Client Contract Information: Steve Urbanek, Pavement Preservation Manager,
Sonoma City | 707.565.3884 | surbanek@sonoma-city.org

Summary: Sonoma City's roadway system is currently undergoing comprehensive condition surveys of their entire road network as directed by the Public Works department. Our team diligently verifies essential road attributes during these surveys, including length, width, functional class, surface type, and limits. The collected pavement inspection data is then seamlessly integrated into the City's pavement management program, allowing for the accurate calculation of the pavement condition index (PCI) for each surveyed sample.

As part of our ongoing four-year contract (2021-2024) with Sonoma City, Harris has been entrusted with the crucial responsibility of consistently updating the pavement management system (PMS) and field data. Year after year, our dedicated team conducts new inspections, incorporating the latest pavement condition data for the City's expansive road network, which spans across 1,380 centerline miles of paved roads. Our commitment to regular updates confirms that the City's PMS remains current, providing invaluable information for informed decision-making and efficient road infrastructure management.

Furthermore, Harris has recently undertaken the task of segmenting Sonoma City's road centerline shapefile and seamlessly integrating it with the Streetsaver® program. This integration brings significant benefits by facilitating the generation of the PCI and work plan maps. By aligning the road centerline data with the powerful capabilities of the Streetsaver® program, we enhance the accuracy and effectiveness of assessing road conditions and developing comprehensive work plans. This integration empowers Sonoma City to make well-informed decisions, optimize resource allocation, and increase the longevity of its road infrastructure.

Success Story: Harris made significant efforts to develop budget scenarios that supported the City's objectives for Measure M. Although Measure M did not pass, our thorough analysis and budget scenarios were instrumental in the process. Despite limited resources, we actively explored various funding sources through research and strategic planning. By collaborating closely with stakeholders and considering all available options, we provided valuable insights that informed the City's decision-making related to Measure M.

Dates: 2021 – 2024

Relevant Elements:

- Conducting comprehensive surveys of Sonoma City's road network
- Integrating pavement inspection data into the City's management program
- Updating system and field data under a four-year contract (2021-2024)
- Annual inspections covering 1,380 centerline miles
- Segmenting road centerline shapefile and integrating with Streetsaver®
- Facilitating PCI and work plan map generation
- Providing budget scenarios for Measure M objectives
- Despite Measure M not passing, offering valuable insights through strategic planning



Pavement Management Program Update

City of Gridley

Client Contract Information: Paul Eckert, City Administrator, City of Gridley | 530.859.7531 | eckert@gridley.ca.us

Summary: Harris provided consulting engineering services for the City of Gridley. The services included transitioning data from a former PMP database and developing a new PMP for Gridley using the online Streetsaver® program. Harris performed distress surveys of 27 centerline miles of pavement network to reflect the current conditions of the City's streets. If funding gaps existed, Harris provided the City with the necessary information to advocate for increased funds for pavement maintenance. From assigning streets within the network to recommending more cost-effective and sustainable treatments in your decision tree, Harris helped customize the PMP program and made appropriate recommendations for future pavement rehabilitation projects. The tasks included PMP setup, pavement distress evaluation, field data entry, updating recent maintenance and rehabilitation historical data into the Streetsaver® program, GIS mapping segmentation and integrations, performing a budget analysis, generating project reports, providing field and program training.

Success Story: Our collaboration with a seasoned consultant on a project achieved remarkable success and opened doors to new opportunities. Our meticulous work and seamless partnership earned the consultant's trust, leading to a referral to another agency in Butte City seeking assistance with their PMP update. Our expertise and dedication shone through as we seamlessly transitioned to aid the new client, delivering tailored solutions and guidance that exceeded expectations. This fruitful collaboration solidified our reputation and showcased our ability to adapt and excel in diverse environments, furthering our mission to drive impactful change and growth.

Dates: 2018 – 2019

Relevant Elements:

- Transitioning data to new PMP using Streetsaver® program
- Conducting distress surveys for 27 miles of pavement
- Identifying funding gaps and advocating for increased funds
- Customizing PMP and making future project recommendations
- Providing comprehensive PMP services including setup, evaluation, data entry, GIS mapping, budget analysis, and training
- Collaborating successfully with seasoned consultant
- Seamlessly aiding new client in Butte City with PMP update
- Delivering tailored solutions exceeding expectations
- Solidifying reputation for adaptability and excellence

COST PROPOSAL

C-1. INTRODUCTION

Updating and maintaining the City's PMP involves careful coordination of tasks and costs to ensure the smooth functionality of infrastructure management. This comprehensive undertaking includes project administration, budget analysis, and optimizing pavement conditions for efficient resource allocation. The financial framework is supported by direct fees from Harris, the MTC, and various indirect costs. Optional tasks, such as GIS mapping integration and PCI improvement studies, enrich the spectrum of offerings to address specific needs. This framework aligns with industry standards and caters to the unique requirements of the City, for a complete approach to infrastructure management and enhancement.

C-2. COST FOR SCOPE OF SERVICES

COST PROPOSAL PMP UPDATE (HARRIS FEE)			HOURLY BREAKDOWN BY PERSONNEL				
Phase/ Task	Description	Project Director	Project Manager/ Engineer	Asst. PM/ Sr.Tech	Field/ Office Technician	Total Hours	Total \$/ Task
	Rate	\$335	\$275	\$135	\$125		
	Billable	\$670	\$14,850	\$12,150	\$21,625		
1.0	Project Administration	2	18	14	10	44	\$8,760
2.0	PMP Setup, Audit, & Update	0	12	24	12	48	\$8,040
3.0	Pavement Condition Surveys/ Field QA-QC/ Data Entry/PCI Calculation	0	10	12	139	161	\$21,745
4.0	Budget Analysis	0	8	20	6	34	\$5,650
5.0	Reports (Draft & Final)	0	6	20	6	32	\$5,100
	Total Hours	2	54	90	173	319	
Subtotal Direct Harris Fee :							\$49,295

MTC FEE		
Task	Description	Total \$/ Task
A	Database Migration (Conversion by Excel)	\$4,990
B	Annual StreetSaver® Subscription	\$2,000
MTC Fee		\$6,990

PMP INDIRECT COSTS SUMMARY

Item	Description	Cost
Mileage	Travel distance expenses for project-related activities.	\$503
Lodging	Accommodation expenses incurred during project execution.	\$2,200
Meals	Daily allowances for meals during project-related work.	\$1,080
Vehicle Fee	Charge for project-related vehicle use.	\$1,200
Subtotal Indirect Costs		\$4,983

Scope of Services: (Harris+MTC+Indirect): \$61,268

ASSUMPTIONS:

1. The City has a total of approximately 95 centerline miles in the entire network.
2. The StreetSaver® Database will be purchased from MTC and will be developed from scratch. Sections will be segmented using data provided by the City.
3. Upon Streetsaver® program setup, all the approximately 95 centerline miles will include section information.
4. The effort estimate for this Task 2 & 3 is approximate. Upon reviewing the shapefiles provided by City a more accurate estimate will be provided.
5. Pavement distress surveys will be performed based on MTC's inspection methodologies that follow ASTM D6433-20 standards. (Standard Practice for Roads and Parking Lots Pavement Condition Index Surveys).
6. City will provide Harris with any historical pavement maintenance and rehabilitation to be updated in the PMP (if available)
7. Quality Control (Reinspection of 5% of roads in addition to 100% inspections) will be performed by a different inspector than the original one. Approximately 5 centerline miles will be subject to Quality Control checks.
8. The cost for MTC's data migration is an estimate based on 95 centerline miles. Also based on evaluating the format in which the data is received from City (Spreadsheet/Shapefile)
9. Hours and fees are subject to adjustment during initial scoping session with the City or subsequent directives from the City.
10. The above fee includes direct labor and overhead costs including transportation, living expenses, communication and materials.
11. All meetings will be held via web.

C-3. COST FOR ADDITIONAL SERVICES

ADDITIONAL SERVICES - OPTIONAL TASKS			HOURLY BREAKDOWN BY PERSONNEL			
Task	Description		Project Manager	Asst. PM/ Sr.Tech	Field/GIS/ Office Technician	Total Hours
		Rate	\$275.00	\$135.00	\$125.00	
6.0	GIS Toolbox & Maps Generation	10	0	36	46	\$7,250
7.0	Training (Field Distress & StreetSaver® Program)	3	3	5	11	\$1,855
8.0	PCI Improvement Study	8	20	6	34	\$5,650
9.0	Council Assistance	8	14	0	22	\$4,090
	Total Hours	10	37	47	113	
Harris Fee (Optional Tasks)						\$18,845

MTC FEE

Task	Description	Total \$/Task
6B	GIS Mapping Integration with StreetSaver® online program	\$3,500
MTC Fee		\$3,500

Additional Services Fee (Harris+MTC): \$22,345

ASSUMPTIONS (OPTIONAL TASKS):**Task 6: GIS Toolbox & Maps Generation**

1. The effort estimates are approximate. Upon reviewing the shape files provided by the City, a more accurate estimate will be provided.
2. Harris will obtain GIS data from the City or other resources and build a PMP segmented shapefile from scratch to match the PMP sections created.
3. Upon completing GIS segmentation, Harris will provide MTC with the PMP-GIS segmented shape file for integration with the Streetsaver® program.
4. A PCI listing map will be generated and color-coded according to PCI conditions. Scenario maps will be generated using the Streetsaver® GIS mapping features.
5. This task will be done in conjunction with the PMP update project.
6. MTC charges a \$3,500 (Mapping integration fee—one-time fee) to integrate the segmented Street Centerline shape files into the Streetsaver® program (Task 6B).
7. This is a one-time GIS mapping segmentation charge and does not cover subsequent updates of new streets to the GIS shape file.
8. The price includes up to four (4) layers of shapefiles. Examples of layers are street centerline, County boundary, city limits, redevelopment district, block address, etc.
9. Oroville's centerline shape file will be segmented to match the PMP segments as part of Harris's update.

Task 7.0: Training (Field Distress & StreetSaver® Program)

1. Field distress training will be held during the Task 3 Condition Surveys.
2. Field distress training will last about 1-2 hours, during which the inspection methodology and distresses will be explained.
3. StreetSaver® program training will be done via the web and held after Task 4 Budget Analysis is complete.
4. StreetSaver® Program training will be about 1-2 hours long and will include an overview of the basic functions that the City staff is most likely to use on their own.

Task 8.0: PCI Improvement Study

1. The effort estimate for this task is approximate. A more accurate estimate will be provided after discussions with the City.
2. Costs are based on generating additional target scenarios for the City.
3. A Work Plan (Sections Selected for the Treatment Report) will be provided as a deliverable.
4. City to specify scenarios required.

Task 9.0: Council Assistance

1. The effort estimate for this task is approximate. A more accurate estimate will be provided after discussions with the City.
2. PowerPoint Presentation will be provided after the final report is complete.

C-4. COST PROPOSAL TOTALS

DESCRIPTION	TOTALS
Scope of Services: PMP Direct Cost:	\$49,295
Scope of Services: MTC Fee	\$6,990
Scope of Services: Indirect Cost:	\$4,983
<i>Sub-Total Fee (Scope of Services - Not Incl Optional Tasks)</i>	<i>\$61,268</i>
Additional Services - Optional Costs (Harris Fee)	\$18,845
Additional Services -Optional Costs (MTC Fee)	\$3,500
<i>Sub-Total Fee (Optional Tasks):</i>	<i>\$22,345</i>
Total Project Fee (Incl Optional Costs):	\$83,613



CITY OF OROVILLE STAFF REPORT

TO: MAYOR PITTMAN AND COUNCIL MEMBERS

FROM: RUTH DUNCAN, ASSISTANT CITY ADMINISTRATOR -
ADMINISTRATIVE SERVICES

RE: PENSION FUNDING POLICY UPDATE

DATE: MAY 21, 2024

SUMMARY

Staff recommends the City Council review and approve the City's Pension Funding Policy.

DISCUSSION

The City's Pension Funding Policy was created on 10/19/21. The reason for creating the policy was part of the requirements for obtaining our Pension Obligation Bond. It was one of the required policies.

There are no recommended updates to this policy, but it was outlined in the policy to review every couple of years. Administration has reviewed the policy and has no recommended changes at this time.

FISCAL IMPACT

Policy review, no fiscal impact.

RECOMMENDATION

Adopt the policy to make the effective date 5/21/24.

ATTACHMENTS

A. Pension Funding Policy

PENSION FUNDING POLICY



City of Oroville

Finance Department

Effective Date: ~~10/19/21~~ 5/21/24

Last revision date: ~~New~~ 10/19/21

A. Purpose

The City's Pension Funding Policy documents the method the City will use to determine its actuarially determined contributions to fund the long-term cost of benefits to the plan participants and annuitants. The policy also:

- Provides guidance in making annual budget decisions.
- Demonstrates prudent financial management practices.
- Creates sustainable and affordable budgets for pensions.
- Reassures bond rating agencies; and
- Shows employees and the public how pensions will be funded.

B. Policy Scope

This policy sets forth the parameters to establish and maintain a systematic method for addressing the City's pension obligations.

C. Background

The City provides defined benefit retirement benefits through the California Public Employees' Retirement System (CalPERS). CalPERS is a multiple-employer public employee defined benefit pension plan.

All full-time and certain part-time City employees are eligible to participate in CalPERS. CalPERS provides retirement and disability benefits, annual cost of living adjustments and death benefits to plan members and their beneficiaries. CalPERS acts as a common investment and administrative agent for participating public entities within the State of California. Benefit provisions and all other requirements are established by state statute.

The financial objective of a defined benefit pension plan is to fund the long-term cost of benefits provided to the plan participants. In order to assure that the plan is financially sustainable, the plan should accumulate adequate resources in a systematic and disciplined manner over the active service life of benefitting employees. This funding policy outlines the method the City will utilize to determine its actuarially determined contributions to fund the long-term cost of benefits to the plan participants and annuitants.

Pension Funding: A Guide for Elected Officials, issued by eleven national groups including the U.S. Conference of Mayors, the International City/County Management Association, and the Government Finance Officers Association, established the following five general policy objectives for a pension funding policy:

- **Actuarially Determined Contributions.** A pension funding plan should be based upon an actuarially determined contribution (ADC) that incorporates both the cost of benefits in the current year and the amortization of the plan's unfunded actuarial accrued liability.
- **Funding Discipline.** A commitment to make timely, actuarially determined contributions to the retirement system is needed to ensure that sufficient assets are available for all current and future retirees.
- **Intergenerational equity.** Annual contributions should be reasonably related to the expected and actual cost of each year of service so that the cost of employee benefits is paid by the generation of taxpayers who receive services from those employees.

- Contributions as a stable percentage of payroll. Contributions should be managed so that employer costs remain consistent as a percentage of payroll over time.
- Accountability and transparency. Clear reporting of pension funding should include an assessment of whether, how, and when the plan sponsor will ensure sufficient assets are available for all current and future retirees.

D. Policy

A. Actuarially Determined Contribution (ADC)

CalPERS actuaries will determine the City's ADC to CalPERS based on annual actuarial valuations. The ADC will include the normal cost for current service and amortization of any under-funded amount. The cost will be calculated using the entry age normal cost method using economic and non-economic assumptions approved by the CalPERS Board of Administration.

The City will review the CalPERS annual actuarial valuations to validate the completeness and accuracy of the member census data and the reasonableness of the actuarial assumptions.

B. Additional Discretionary Payment (ADP) Contribution

The City will consider making ADP contributions with one-time General Fund (and other funds where appropriate) resources, with the objectives of increasing the plan's funded status, by reducing the unfunded actuarially accrued liability, and reducing ongoing pension costs.

C. Pension Obligations Bonds

The City will consider pension obligation bonds if:

- Such bonds have expected savings using borrowing costs and CalPERS' discount rate.
- At the time of issuance, pension bond proceeds plus existing assets at CalPERS and at the City's pension stabilization trust cannot exceed pension liabilities.

The City and its advisors will discuss and consider the risks of any potential pension obligation bonds.

Any pension obligation bonds, or refunding's of pension obligation bonds, must be voted upon by the City Council.

Savings realized from the issuance of pension bonds will be deposited into the City's Pension Stabilization Fund account on an annual basis.

D. Pension Stabilization Trust

The City established a formal Pension Stabilization Trust on September 5, 2017. Any funds placed into a Pension Stabilization Trust may be used towards any CalPERS retirement related cost in accordance with Trust provisions.

E. Contributions as a Manageable Budget Expense

The City will always make its required annual contributions to CalPERS. Contributions should be stable and a manageable portion of revenue.

The City may:

- Make additional discretionary contributions directly to CalPERS;
- Make discretionary contributions to a pension stabilization trust;
- Make discretionary withdrawals from a pension stabilization trust to make payments to CalPERS; and
- Issue, call, or refund pension obligation bonds.

- Required annual payment to CalPERS shall be made at the beginning of each fiscal year as cash flows allow, to realize interest savings vs making the payments monthly.

F. Transparency and Reporting

Funding of the City's pension plans should be transparent to vested parties including plan participants, annuitants, the City Council, and residents. In order to achieve this transparency, the following information shall be available:

- Copies of the annual actuarial valuations for the City's CalPERS plans are posted on the City's website.
- The City's Comprehensive Annual Financial Report shall be published on its website. This report includes information on the City's annual contributions to the pension systems and their funded status.
- The City's annual operating budget shall include the City's contributions to CalPERS.
- The City's uses a transparency portal to make financial records available to the public.

G. Review of Funding Policy

Funding a defined benefit pension plan requires a long-term horizon. As such, the City will review this policy at least every two years to determine if changes to this policy are needed to ensure adequate resources are being accumulated.



**May 07, 2024
REGULAR MEETING
MINUTES**

CALL TO ORDER / ROLL CALL

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

CLOSED SESSION

The Council will held a Closed Session on the following:

1. Public Employee Appointment (Gov. C. § 54957)

Title: Assistant Director – Public Works

2. Conference with Labor Negotiators (Gov. C. §54957.6)

Agency designated representatives: Brian Ring, City Administrator; David Ritchie, Asst. City Attorney; Elizabeth Ehrenstrom, HR Manager

Unrepresented employee: All Unrepresented Department Heads (Contracted)

3. Public Employee Discipline/Dismissal Release (Gov. C. § 54957)

OPEN SESSION

1. Announcement from Closed Session – No reportable action taken.
2. Pledge of Allegiance – Led by Vice Mayor Smith
3. Adoption of Agenda:

Correction to Item 5 (Public Hearing) : Year mentioned in the Public Hearing notice should read 2022/2023 **not** 2023/2024.

Motioned by: Council Member Goodson

Seconded by Vice Mayor Smith

Ayes: Council Member(s) Johnstone, Riggs, Thomson, Goodson, Webber, Vice Mayor Smith, Mayor Pittman

Noes: None

Abstained: None

Absent: None

PRESENTATIONS AND PROCLAMATIONS

1. PRESENTATION OF DIGITAL BUDGET BOOK

The Council may received a demo of a new Digital Budget Book from the Director of Finance, Ruth Duncan. The presentation was accepted for information.

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.

Speaker #1: Bill Speer

Speaker #2: The CameraMan

Speaker #3: Kelvin Elisary

Speaker #4: Michael Hunt

REPORTS / DISCUSSIONS

1. Council Announcements and Reports

Mayor Pittman – Thanked fellow Council Members for their attendance at the State of the City on April 30, 2024.

Vice Mayor Smith – Thanked agencies that helped with the Feather Fiesta Day activities this year. Provided clarification that the City of Oroville is not involved in the “say so” of the festivities and whether they occur or not.

Council Member Webber – Reported that Saturday May 11th is when the Fly In event will be occurring at the Oroville Airport. It’s happening from 8AM-3PM.

2. Administration Reports

Fred Mayo, Director of Public Works – Provided City Council with an update on the various Public Works departments. Spoke on the new Corp Yard located off Cal Oak Road – reports that everything is progressing nicely. Lastly, he spoke on the lighting of the Liberty Pole.

Ron Belser, Code Enforcement Manager – Provided the City Council with an update in regards to April 2024 statistics.

Ruth Duncan, Director of Finance – Welcomed new Finance Tech Jodi Hartley to the team.

Brian Ring, City Administrator – Reminded the public there will be a Public Hearing on the next agenda regarding Cal Water and the fluoride levels in our water.

CONSENT CALENDAR

Consent Calendar **items 1 - 3** 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.

Motioned by: Council Member Riggs

Seconded by: Council Member Johnstone

Ayes: Council Member(s) Johnstone, Riggs, Thomson, Goodson, Webber, Vice Mayor Smith, Mayor Pittman

Noes: None

Abstained: None

Absent: None

1. SECOND READING OF ORDINANCE 1879 AMENDING THE SECTION 15.60.030 REINSTATING THE MUNICIPAL FIRE CODE AND SECTION 15.60.040 AS AMENDMENTS TO THE CALIFORNIA BUILDING STANDARDS CODE

THE COUNCIL ADOPTED ORDINANCE NO. 1879 AMENDING TITLE 15, DIVISION I OF THE OROVILLE MUNICIPAL CODE REINSTATING THE SECTION 15.60.030 CITY OF OROVILLE MUNICIPAL FIRE, AND SECTION 15.60.040 EXPRESS FINDINGS.

2. FORECLOSURE OF 1805 FEATHER AVENUE

THE COUNCIL ADOPTED RESOLUTION NO. 9249 - 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 1805 FEATHER AVE., OROVILLE (APN 030-490-015)

3. MINUTES FOR APPROVAL

THE CITY COUNCIL APPROVED MINUTES FROM FEBRUARY, MARCH, AND APRIL 2024 REGULAR CITY COUNCIL MEETINGS AND AUTHORIZED THE MAYOR TO SIGN.

REGULAR BUSINESS

4. TASK ORDER 2 ADDENDUM 1; CONSTRUCTION MANAGEMENT AND MATERIAL TESTING SERVICES FOR NELSON AVE INTERSECTION

Fred Mayo, Director of Public Works presented this item to the Council.

THE CITY COUNCIL DIRECTED THE CITY ADMINISTRATOR TO PROCEED WITH AMENDING TASK ORDER 2 WITH NORTHSTAR TO INCLUDE CONSTRUCTION MANAGEMENT AND MATERIAL TESTING SERVICES.

Motioned by: Council Member Thomson

Seconded by: Vice Mayor Smith

Ayes: Council Member(s) Johnstone, Riggs, Thomson, Goodson, Webber, Vice Mayor Smith, Mayor Pittman

Noes: None

Abstained: None

Absent: None

PUBLIC HEARINGS

5. 5:15PM – PUBLIC HEARING - APPROPRIATIONS LIMIT

This item was heard at 5:29PM. Ruth Duncan, Director of Finance presented this item to Council.

The Council will conducted a public hearing and may consider the adoption of the fiscal year 2022-23 Appropriations Limit as restated and adopted RESOLUTION NO. 9250- A RESOLUTION OF THE OROVILLE CITY COUNCIL SETTING THE APPROPRIATIONS LIMIT (PROPOSITION 4) FOR FISCAL YEAR 2022-23.

Motioned by: Council Member Riggs

Seconded by: Council Member Goodson

Ayes: Council Member(s) Johnstone, Riggs, Thomson, Goodson, Webber, Vice Mayor Smith, Mayor Pittman

Noes: None

Abstained: None

Absent: None

6. **5:30PM – PUBLIC HEARING - CLOSEOUT OF COMMUNITY DEVELOPMENT GRANTS AND PROJECT UPDATES**

Item 5.

This item was heard at 5:31PM. Amy Bergstrand, Director Of Business Assistance And Housing Development presented this item to the Council.

THE COUNCIL CONDUCTED A PUBLIC HEARING AND AUTHORIZED THE CLOSEOUT OF COMMUNITY DEVELOPMENT BLOCK GRANT NO. 20-CDBG-12017, 20-CDBG-12018, 20-CDBG-12046, 20-CDBG-12066, 21-CDBG-PI-00009 AND 21-CDBG-PI-00010.

Motioned by: Council Member Goodson

Seconded by: Council Member Johnstone

Ayes: Council Member(s) Johnstone, Riggs, Thomson, Goodson, Webber, Vice Mayor Smith, Mayor Pittman

Noes: None

Abstained: None

Absent: None

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.

Speaker #1: Bryan Williams

Speaker #2: Bobby O.

FUTURE AGENDA ITEMS / CORRESPONDENCE

1. Future Agenda Items – Light the Bridge Project (via Webber, Goodson, and Thomson)
2. Correspondence
 - i. American Flair at Sliver Dollar Fair- 05.23-05.27
 - ii. PG&E Rate Increase Notification
 - iii. Palermo Elementary - 14 day Notice of Proposal Implement Developer Fees
 - iv. Fire Department Monthly Report - April 2024
 - v. Annual Use Of “Military Equipment” As Defined In The Oroville Municipal Code

ADJOURN THE MEETING

The meeting was adjourned at 7:05PM.

Kayla Reaster, Assistant City Clerk

David Pittman, Mayor



CITY OF OROVILLE POLICE DEPARTMENT

2055 LINCOLN STREET • OROVILLE, CA 95966-5385

530-538-2448

Fax: 530-538-2409

Bill LaGrone, Jr.
Chief of Police
530-538-2451

ANNUAL REPORT OF MILITARY EQUIPMENT USE 2024

Pursuant to Government Code sections 7070 through 7075, the City of Oroville Police Department is required to provide an annual report outlining the use of "military equipment" as defined in the Government Code and in the Oroville Municipal Code Chapter 9.25. The annual report is required to include the following information:

1. A summary of how the Military Equipment was used and the purpose of its use (provided below).
2. A summary of any complaints or concerns received concerning the Military Equipment: **None 2023/2024.**
3. The results of any internal audits, any information about violations of the Military Equipment Use Policy, and any actions taken in response: **None 2023/2024.**
4. The total annual cost for each type of Military Equipment, including acquisition, personnel, training, transportation, maintenance, storage, upgrade, and other ongoing cost, and from what source funds will be provided for the Military Equipment in the calendar year following submission of the annual Military Equipment Report (provided below).
5. The quantity possessed for each type of Military Equipment (provided below).
6. If the law enforcement agency intends to acquire additional Military Equipment on the next year, the quantity sought for each type of Military Equipment (provided below).

Summary of Military Equipment Utilized – Cost – and Quantity Possessed

Unmanned Aerial Systems

a. Description, Quantity, Capabilities, and Purchase Cost:

DJI M300 with HT20 drone, Quantity 1, Cost \$25,000 each

- The Mavic 2 Enterprise was specifically built to serve industries and applications in public safety, inspection, search & rescue, fire response, and law enforcement. This Unmanned Aerial System (UAS) is a battery powered, remote operated device with a mounted camera, light and infrared imaging device. This UAS has proven to be useful to public safety agencies in firefighting, search and rescue, pre-operational surveillance, and other tactical situations where aerial views enhance the safety and efficiency of public safety personnel. This UAS has a flight time of 45 minutes.

- b. **Purpose:** May be deployed when an arial view would enhance situational. awareness and assist officers or incident commanders during, but not limited to, the following occurrences:
- Arrest/Search Warrant
 - CBRNE (Chemical, Biological, Radiological, Nuclear, Explosives)
 - Crowd Control/Special Events
 - Dignitary Protection Detail
 - Disaster Management
 - Ongoing Criminal Investigation
 - Explosive Ordnance Disposal/Investigation
 - Fire
 - Forensic/Crime Scene
 - Missing Persons Investigations
 - Perimeter Search and Security
 - Search and Rescue
 - Traffic Collision
 - Training
 - Public Relations/Multimedia Productions
 - Assisting outside agencies in any of the above situations
 - Assisting other City of Oroville departments with carrying out their mission of better serving Oroville residents and visitors.
- c. **Authorized Use:** UAS may be utilized to enhance the department's mission of protecting lives and property when other means and resources are not available or are less effective. Any use of a UAS will be in strict accordance with constitutional and privacy rights and Federal Aviation Administration (FAA) regulations. The use of UAS shall not be used in the following circumstance:
- To conduct random surveillance.
 - To target a person based solely on actual or perceived characteristics, such as race, ethnicity, national origin, religion, sex, sexual orientation, gender identity or expression, economic status, age, cultural group, or disability.
 - To harass, intimidate, or discriminate against any individual or group.
 - To conduct personal business of any type.
 - UAS shall never be weaponized.
- d. **Expected Lifespan:** 5 – 10 years
- e. **Fiscal Impact:** \$500 - \$1000 battery replacement

- a. **Description, Quantity, Capabilities, and Purchase Cost:** Rifles are firearms that are fired from shoulder level, having a long spirally grooved barrel intended to make bullets spin and thereby have greater accuracy over a long distance. Rifles are magazine fed and either bolt-action or semi-automatic. Rifles can be configured for different purposes such as patrol, traffic motorcycle. The cost of the weapon greatly depends on the configuration. The below costs are averages. Submachine guns are magazine fed automatic carbines designed to fire handguns cartridges.

Colt AR15-A1 5.56, Quantity 15, Cost \$1400 each

Remington 700 .308, Quantity 1, Cost \$1400 each

Springfield M1A .308, Quantity 1, Cost \$1200 each

Plainfield M1 Carbine .30, Quantity 1, Cost \$900 each

Heckler and Koch MP5 submachine gun 9mm, Quantity 3, Cost \$2300 each

Winchester.308 WIN Match, Quantity 100 Cost \$2 each

- 165 gr specialized duty ammunition for the Patrol Officer

Hornady TAP 5.56 NATO, Quantity 1,600

- 75 gr ammunition for duty carbine rifles

Hornady TAP .223 Training .223 REM, Quantity 5,000

- 55 gr practice rounds used for qualifications and training

Federal 12g. Slug 1oz, Quantity 850

- 1oz slug used by Patrol Officers

- b. **Purpose:** To be used as precision weapons to address a threat with more precision and/or greater distances than a handgun, if present and desirable.
- c. **Authorized Use:** Only POST certified and department trained officers may use rifles. All personnel who are authorized to use a rifle must demonstrate proficiency annually.
- d. **Expected Lifespan:** Lifespans vary, and some have none as parts can be changed.
- e. **Fiscal Impact:** Annual maintenance is approximately \$50 for each weapon.

Distraction Devices

Item 6.

a. Description, Quantity, Capabilities, and Purchase Cost:

Defense Technology Mutli-Port Distraction Device, Quantity 3, Cost \$60

Defense Technology Fuse, Quantity 15, Cost \$34

- A non-bursting, non-fragmenting reusable device that produces a loud noise with an intense bright light. These distraction devices are commonly referred to as “flashbangs” and they are extremely useful for distracting dangerous persons during assaults, hostage rescues, and other high-risk arrest situations. The devices are re-usable up to 25 times by replacing the fuse.
- b. **Purpose:** To produce a distraction with a loud noise and bright light in order to provide a tactical advantage for officers.
- c. **Authorized Use:** Distraction devices shall only be used by officers who have been trained in their use during hostage or barricaded subject situations, situations that pose a high risk of death or serious bodily injury to officers, or during training exercises.
- d. **Expected Lifespan:** 5 years
- e. **Fiscal Impact:** Replace fuses and bodies as needed. Currently about 0 replaced a year for an average cost \$0 annually.

Chemical Agents and Smoke Canisters

- a. **Description, Quantity, Capabilities, and Purchase Cost:** Chemical Agents munitions, which are commonly referred to as “tear gas,” can be used by the Oroville Police Department as a non-lethal tool to disperse rioting suspects or barricaded subjects. The Oroville Police Department uses chemical agents which are used by law enforcement agencies across the United States: CS (2-Chlorobenzylidenemalononitrile) and OC (Oleoresin Capsicum). CS is an irritating agent and lachrymator (irritates the eyes and causes tears to flow). CS has been medically tested in the UK and the US, specifically by the US Army. There are no known allergic reactions to CS. OC was de-regulated in California in 1996, is endorsed by the FBI, and is available to civilians to legally possess (2.5 oz or less). OC is an inflammatory agent which causes involuntary closure of eyes (open in 2-5 minutes) and respiratory inflammation (subsides in approximately 2 minutes).

Defense Technology Riot Control Continuous Discharge CS, Quantity 1, \$33 each

- The Riot Control CS Grenade is designed specifically for outdoor use in crowd control situations with a high-volume continuous burn that expels its payload in approximately 20-40 seconds through four gas ports located on the canister. This grenade dispels smoke as well as CS which allows for concealed tactical movement as well as crowd displacement.

Sage Control Ordnance 37MM Sage CS Smoke, Quantity 10, Cost \$18 each

Item 6.

- A less lethal 37MM spin stabilized impact baton fire from a multi-round purpose built 37MM launcher with a rifled barrel. 37MM SAGE RIFLED - IRRITANT SMOKE MODEL: KO2 The KO2 is a pyrotechnic irritant smoke munition primarily used for crowd management situations. It is designed to be used to deny specific outdoor area occupation and to relocate or move unruly crowds. In a single source configuration, the KO2 is offered in short- and long-range variations.
- b. **Purpose:** To de-escalate a potentially deadly situation, with a reduced potential for death or serious physical injury to all persons, when a decision has been made to restrain or arrest a violent or threatening subject(s).
- c. **Authorized Use:** Chemical Agents may be used for crowd control, crowd dispersal, or against barricaded suspects based on the circumstances. Only the Watch Commander, Incident Commander, or Tactical Commander may authorize the delivery and use of tear gas, and only after evaluating all conditions known at the time and determining that such force reasonably appears justified and necessary.
- d. **Expected Lifespan:** All chemical agents have a life span of 5 years
- e. **Fiscal Impact:** Replace expired or used chemical agents- \$500 annually

Less Lethal Impact Weapons

a. Description, Quantity, Capabilities, and Purchase Cost:

Penn Arms 37MM 6 Shot Launcher, Quantity 1, Cost \$2,700

- The 37MM 6 shot launcher is a tactical 6 shot launcher that fires a standard 37MM less lethal ammunition up to 131ft. This launcher provides multi-shot capability before having to reload.

Tru Flite 37 MM Super Long Range Gas Gun, Quantity 1, Cost \$700

- The 37MM single shot launcher is a tactical single shot launcher that fires a standard 37MM less lethal ammunition up to 350 yards. This launcher is a breach loaded and must be reloaded after each use.

Remington 870 Less Lethal Shotgun, Quantity 8, Cost \$500 each

- The Remington 80 Less Lethal Shotgun is used to deploy the less lethal 12-gauge Super-Sock Beanbag Round up to 75 feet. The range of the weapon system helps to maintain space between officers and a suspect reducing the immediacy of the threat which is a principle of de-escalation.

12-Gauge Super-Sock Beanbag Round, Quantity 55, Cost \$5 each

- A less lethal 2.4 inch 12-gauge shotgun round firing a ballistic fiber bag filled 40 grams or lead shot at a velocity of 270-290 feet per second. These rounds are discharged from a Remington 870 12-gauge shotgun that is distinguishable by an orange butt stock and fore grip. This round provides accurate and effective performance when fired from the approved distance of not fewer than 5 feet. The maximum effective range of this munition is up to 75 feet.

Item 6.

Sage Control Ordnance 37MM Sage Rifled-Impact, Quantity 27, Cost \$18 each

- A less lethal 37MM spin stabilized impact baton fire from a multi-round purpose built 37MM launcher with a rifled barrel at up to 240 feet per second. The 72.2-gram Polyurethane Ogive & two (2) Nylon rotating bands projectile delivers 162/lbs. of energy upon impact.
- The KO1 is a direct fire modular impact baton round that is designed to be used in situations where kinetic energy is preferred for the incapacitation of hostile and/or non-compliant individuals.
- Available in either standard energy or less-energy variations. The KO1 is reloadable and is available with smokeless or black powder blended propelling charges to provide law enforcement with affordable realistic training capabilities.

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- The KO1 is a direct fire modular impact baton round that is designed to be used in situations where kinetic energy is preferred for the incapacitation of hostile and/or non-compliant individuals.
- Available in either standard energy or less-energy variations. The KO1 is reloadable and is available with smokeless or black powder blended propelling charges to provide law enforcement with affordable realistic training capabilities.

b. **Purpose:** Less Lethal munitions can be used to de-escalate a potentially deadly situation, with a reduced potential for death or serious physical injury.

c. **Authorized Use:** Less lethal munitions may be used by those officers trained in their use in the following type of situations, but are not limited to these situations:

- Persons armed with a weapon and the tactical circumstances allow for the safe application of the approved munitions
- Persons making credible threats to harm themselves or others.
- Persons engaged in riotous behavior such as throwing rocks, bottles, or other dangerous projectiles at people or officers.

d. **Expected Lifespan:**

- All launchers and less lethal shotguns – 10 years
- All munitions 5 years

- e. **Fiscal Impact:** Replace stock as needed (varying cost) and maintenance cost of launchers/shotguns (\$100 annual)

The Oroville Police Department only intends on replenishing ammunition supply as necessary. No new "Military Equipment" is anticipated to be purchased as of the writing of this report.

I certify that the above information is correct to the best of my knowledge and information.



Bill LaGrone, Chief of Police



CITY OF OROVILLE STAFF REPORT

TO: MAYOR PITTMAN AND COUNCIL MEMBERS

FROM: BILL LAGRONE, CHIEF OF POLICE

RE: ANNUAL USE OF “MILITARY EQUIPMENT” AS DEFINED IN THE OROVILLE MUNICIPAL CODE

DATE: MAY 21, 2024

SUMMARY

In accordance with Ordinance No. 1865, the Oroville Police Department shall annually submit a Military Equipment Report. This report shall be submitted and publicly released, and within 30 days hold at least one well-publicized and conveniently located meeting, where the public can ask questions.

DISCUSSION

In early 2022, the City of Oroville adopted an ordinance and policy which allowed the Oroville Police Department (OPD) to use “military equipment” as defined in Government Code sections 7070 through 7075. These sections of the Government Code also require a public agency that utilizes “military equipment” to provide an annual report on the ownership and use of such equipment.

Items deemed to be “military equipment” by Government Code sections 7070 through 7075 are used as a component of overall best practices for Law Enforcement Agencies (LEAs) throughout the country. These tools have been tested in the field, and are used by LEAs to enhance citizen and officer safety. Loss of these items would jeopardize the welfare of citizens and peace officers within the Oroville Police Department.

The term “military equipment” in fact does not necessarily indicate equipment that has been used by the military. Pursuant to Government Code sections 7070 through 7075, items deemed to be “military equipment” include, but are not limited to, unmanned aerial or ground vehicles, armored vehicles, command and control vehicles, pepper balls, less lethal shotguns, less lethal 40mm projectile launchers, long range acoustic devices, and flashbangs.

The Oroville Police Department is committed to using the most up to date tools and equipment to safeguard the citizens of the City of Oroville. Some of the items deemed to be “military equipment” by Government Code sections 7070 through 7075 are utilized by OPD, and LEAs across the country, in order to specifically reduce risk to community members. These items provide peace officers with the ability to safely resolve volatile situations which otherwise might rise to the level of a lethal force encounter. The items listed in the Military Equipment Use Policy, also provide OPD’s peace officers with vital tools that facilitate compliance with its stringent use of force policy.

An annual report is required pursuant to Government Code sections 7070 through 7075. The report is required to include the following items:

1. A summary of how the Military Equipment was used and the purpose of its use.
2. A summary of any complaints or concerns received concerning the Military Equipment.
3. The results of any internal audits, any information about violations of the Military Equipment Use Policy, and any actions taken in response.
4. The total annual cost for each type of Military Equipment, including acquisition, personnel, training, transportation, maintenance, storage, upgrade, and other ongoing costs, and from what source funds will be provided for the Military Equipment in the calendar year following submission of the annual Military Equipment Report.
5. The quantity possessed for each type of Military Equipment.
6. If the law enforcement agency intends to acquire additional Military Equipment in the next year, the quantity sought for each type of Military Equipment.

FISCAL IMPACT:

None

RECOMMENDATION

Receive public input and approve report

ATTACHMENTS

Annual report of Military Equipment use



CITY OF OROVILLE STAFF REPORT

TO: MAYOR AND CITY COUNCIL MEMBERS

**FROM: PATRICK PIATT, COMMUNITY DEVELOPMENT DIRECTOR
KRISTINA HEREDIA, ASSOCIATE PLANNER**

**RE: EDWARDS MINI STORAGE PROJECT AT 2560 FEATHER RIVER
BOULEVARD, ZONING AMENDMENT ZC 24-01 – ESTABLISHMENT OF
A MINI-STORAGE OVERLAY (MS-O) DISTRICT.**

DATE: MAY 21, 2024

SUMMARY

The Council will review and consider approving Zoning Code Amendment ZC 24-01 for the establishment of a Mini-Storage Overlay (MS-O) District for the property located at 2560 Feather River Boulevard.

DISCUSSION

The applicant proposes a new mini-storage facility with 212 storage units on the rear 1.7-acre portion of a 3.46 multi-tenant commercial property (APN 035-330-013) on the west side of Feather River Boulevard. The project is zoned Intensive Commercial (C-2).

Planning Commission Summary

The Planning Commission at its April 25, 2024, meeting considered the project, the required actions, and the project conditions, and recommended City Council approval of the MS-O district by a vote of 5 in favor, and 2 absent. The Planning Commission also approved two additional permits for this mini-storage facility – a use permit and a variance:

Use Permit UP24-03 pertains to a Mini-Storage Facility in a Highly Visible Area; a requirement of an MS-O district. OMC 17.44.060.E states that any property that is within 600 feet of SR-70, and/or abuts Feather River Boulevard, is Highly Visible, and requires not only the creation of a MS-O district, but also a use permit (OMC 17.44.060.F.1.a). The subject property is adjacent to both Feather River Boulevard and SR-70. However, as this development will occur to the rear of the property, and there is existing vegetation in the Caltrans right-of-way, staff does not anticipate this development having a negative visual impact on the surrounding area.

Variance VAR24-03 was approved for zero off-street parking and for six (6) storage units over 400 square feet in size. Off-street parking will not be necessary as the proposed project will operate with a fully automated security system and will have no employees, and the oversized units are mainly designed for enclosed RV storage.

Required Council approval:

A. **Creation of a Mini-Storage Overlay (MS-O)** To permit this location to be developed with a mini-storage facility. The MS-O must be approved by the Council via an ordinance.

The intent of a MS-O district is to minimize the potential adverse impacts that mini-storage facilities may have on other types of commercial development.

Pursuant to OMC 17.44.060.D, the following information shall be reviewed by the City Council prior to the creation of an MS-O district:

- There are currently 10 mini-storage facilities in operation within Oroville City limits.
- Ordinance No. 1706 (2004) established the MS-O district for new mini-storage projects.
- There is currently only one MS-O district within City limits. Security 1st Storage, located at 60 E Grand Avenue had their MS-O approved via Ordinance No. 1711 (2004).
- It appears no new storage facilities have been proposed since 2004.

No.	Business Name	Address	Business License No.	Total Number of Units
1	Extra Self Storage	3160 Olive Highway	10000750	697
2	Oro Dam Mini Storage	2755 Oro Dam Blvd E	10001676	80
3	I-Storage Oroville	2750 S 5 th Ave	10001713	649
4	I-Storage Thermalito	2160 4 th Ave	10002232	489
5	Best Self Storage and RV	3005 Feather River Blvd	10002265	501
6	Oroville Self Storage	2730 Feather River Blvd	10002580	150
7	Garden Drive Mini Storage	595 Garden Drive	10003224	198
8	Huntington's Mini Storage	2551 Huntington Lane	HUN0002	60
9	Security 1 st Storage	60 E Grand Avenue	10001540	305
10	Keg Room Storage	3035 Oro Dam Blvd E	Expired	20±
Total number of existing storage units:				3,149
11	Edwards Mini Storage	2560 Feather River Blvd	N/A	212
Total number of proposed storage units:				3,361

ENVIRONMENTAL

The Class 32 "Infill Development" Categorical Exemption (15332.a-e) exempts the construction of infill development from CEQA review, provided that the development is consistent with the zoning and General Plan designations, occurs within city limits, is served by public utilities, and doesn't result in significant effects relating to traffic, noise, air quality

and water quality. Staff feels that this project, as conditioned, meets the requirements of this categorical exemption.

FISCAL IMPACT

None. The project is subject to all customary fees.

RECOMMENDATIONS

- 1. Adopt the Notice of Exemption as the appropriate level of environmental review for this project.**
- 2. Waive the first reading and introduce by title only, Ordinance No. XXXX -- AN ORDINANCE OF THE CITY OF OROVILLE CITY COUNCIL APPROVING ZONING CODE AMENDMENT ZC 24-01 ESTABLISHING A MINI-STORAGE OVERLAY (MS-O) DISTRICT ON APPROXIMATELY 3.46 ACRES OF LAND LOCATED AT 2560 FEATHER RIVER BOULEVARD.**

ATTACHMENTS

1. Planning Commission Staff Report
2. Project Plans
3. Resolution P2024-05 approving UP24-03 and VAR24-03
4. Ordinance XXXX approving the MS-O District
5. CEQA Notice of Exemption

Attachment 1



City of Oroville

Patrick Piatt
Director

COMMUNITY DEVELOPMENT DEPARTMENT

1735 Montgomery Street
Oroville, CA 95965-4897
(530) 538-2401 FAX (530) 538-2426
www.cityoforoville.org

PLANNING COMMISSION STAFF REPORT

Thursday, April 25, 2024

RE: Use Permit UP24-03 for Edwards Self-storage at 2560 Feather River Blvd (APN 035-330-013), including a Zone Change ZC24-01 to create a Mini-Storage Overlay, and a Variance VAR24-03 to permit six storage units over 400 square feet, and to have a reduction in the number of required off-street parking spaces.

SUMMARY: The Oroville Planning Commission shall review a use permit application for a 212-unit mini-storage facility at 2560 Feather River Boulevard on approximately 1.7 acres on the west/back of an existing 3.46 multi-tenant commercial parcel adjacent to State Route 70. The application also includes a zone change to create a Mini-Storage Overlay (MS-O) at this location, and a variance to have six oversized units and to exclude parking requirements.

RECOMMENDATION: Staff recommends the following actions:

1. Conduct a Public Hearing on the proposed land use.
2. Adopt the Notice of Exemption as the appropriate level of environmental review for the project.
3. Recommend that the City Council approve Zone Change ZC 24-01 to create a Mini Storage Overlay Zone on APN 035-330-013.
4. Approve Use Permit UP24-03 with the recommended findings and proposed conditions.
5. Approve Variance VAR24-03 with the recommended findings and proposed conditions.
6. Adopt Resolution No. P2024-05

APPLICANTS: Tyler Edwards, Feather River Investments, LLC.

LOCATION:
2560 Feather River Boulevard
Oroville, CA 95965

GENERAL PLAN: Retail Business Services (RBS)

ZONING: Intensive Commercial (C-2)

FLOOD ZONE: X

ENVIRONMENTAL DETERMINATION: Categorically Exempt from CEQA as an Infill Development per Section 15332 of the California Code of Regulations.

REPORT PREPARED BY:	REVIEWED BY:
Kristina Heredia, Planner Community Development Department	Patrick Piatt, Director Community Development Director

SUMMARY FACT SHEET FOR Edwards Self-Storage
2560 Feather River Blvd (035-330-013)

Requested Action: Use Permit, Zone Change and Variance to create a Mini-Storage Overlay district.

Related Applications: None

Basis for Review: City Code §17.44.060

Existing Use: Proposed site is disturbed with former commercial storage.

Applicant: Tyler Edwards

Owner: Feather River Investments, LLC.

Location: APN 035-330-013

Parcel Size: 3.46 acre(s), use of only the west/back ~1.7 acres proposed.

% Lot Coverage: 0.4 FAR maximum, OK

**Present General Plan/
Zoning Designation:** Retail and Business Services (RBS)
Intensive Commercial (C-2)

Surrounding Land Uses:

North:	NS Fit, Harbor Freight, Smart & Final, etc.
East:	Feather River Blvd.
South:	Tractor Supply (currently under construction)
West:	State Route 70

PROJECT DESCRIPTION:

Edwards Self-Storage is a proposed self-storage facility comprised of 212 units to be developed on the western/back half of an existing 3.46-acre parcel -- behind Napa/Riebes Auto Parts and machine shop, and 4 other commercial spaces. Site access will be through the existing central driveway past the other businesses. Zoning is C-2, which allows mini-storage facilities subject to a site plan and the creation of a new Mini-Storage Overlay. However, OMC 17.44.060.F.1 requires a use permit for facilities located in a highly visible location, such as frontage along SR 70.

DISCUSSION:

This is application for a new 212-unit self-storage facility with no planned office location or human presence. The applicant has stated that all access shall be automated. The project consists of 3 applications: a use permit, a zoning change, and a variance.

Due to the proximity of SR-70, the project is considered to be “highly visible,” prompting the necessity of a use permit. However, Staff feels that due to existing high vegetation and surrounding commercial uses, the proposed development is not conspicuous, and will have minimal impact regarding visibility.

All mini-storages facilities require the creation of a Mini Storage Overlay (MS-O) zone to minimize potential impacts these uses can have on other commercial uses. The applicant is proposing to place this facility on the vacant portion of an existing parcel with multiple commercial land uses. Review of the proposed plans indicate that this facility will not adversely affect the surrounding uses, and that the proposed location is suitable for this type of development.

A variance is requested as part of this project to grant the applicant the ability to forgo off-street parking spaces, and to provide covered RV storage units for up to five vehicles. Also, due to the configuration of the lot, the applicant has proposed a corner storage unit that is slightly larger than permitted. Staff is in favor of granting the variance.

Trash Enclosure: Pursuant to OMC 17.12.110, a refuse collection area will need to be provided that is of adequate size to accommodate all required collection receptacles and waste generated by the development. Applicant proposed to utilize a common trash receptacle located outside the mini-storage fence.

Landscaping: OMC 17.12.050 requires a landscaping planting area along the front and side property lines, except where a driveway or pathway provides access to the site. Adequate landscaping shall be required adjacent to Feather River Blvd. Side property lines are impractical to landscape since they abut other commercial uses with no public visibility.

A landscape maintenance agreement, if not already in effect, shall be executed to ensure the installation and maintenance of the property’s landscaping.

Site Access and Parking: City code requires 1 space for each 3,000 square feet of gross floor area for mini storage. 13 new spaces are required, and the applicant has requested a variance for the off-street parking requirement.

Signs: Signage has not been submitted as part of this application. The applicant will need to submit separate sign application(s).

HVAC and Mechanical Equipment: All HVAC and other mechanical, electrical, and communications facilities must be screened from public view through architectural integration, fencing, landscaping, or combination thereof.

1% Art in Public Places: This project is subject to the Art in Public Places/Oroville Beautification requirement. The applicant shall install public art on the project site in a public place or pay the in-lieu fee equivalent to one percent (1%) of the estimated construction costs. The applicant has indicated that they will install their own artwork.

Environmental Determination: The Class 32 “Infill Development” Categorical Exemption

(15332.a-e) exempts the construction of infill development from CEQA review provided that the development is consistent with the zoning and General Plan designations, occurs within city limits, is served by public utilities, and doesn't result in significant effects relating to traffic, noise, air quality and water quality. Staff feels that this project, as conditioned, meets the requirements of this categorical exemption.

Mini Storage Overlay (MS-O): In 2004, the City Council adopted Ordinance No. 1706, establishing additional regulations for mini-storage facilities in response to an increasing number of sites that would otherwise be appealing for active retail and service users being developed into passive mini-storage facilities. The ordinance created additional development standards and required a rezone establishing a Mini-Storage Overlay (MS-O) District on a site prior to development.

Pursuant to OMC 17.44.060.D, the following information shall be reviewed by the Planning Commission and City Council:

1. There are currently 11 mini storage facilities in operation within Oroville City limits. Out of those 11, only one has an MS-O district; Security 1st Storage, located at 60 E Grand Avenue.

No.	Business Name	Address	Business License No.	Total Number of Units
1	Extra Self Storage	3160 Olive Highway	10000750	697
2	Oro Dam Mini Storage	2755 Oro Dam Blvd E	10001676	80
3	I-Storage Oroville	2750 S 5 th Ave	10001713	649
4	I-Storage Thermalito	2160 4 th Ave	10002232	489
5	Best Self Storage and RV	3005 Feather River Blvd	10002265	501
6	Oroville Self Storage	2730 Feather River Blvd	10002580	150
7	Garden Drive Mini Storage	595 Garden Drive	10003224	198
8	Lincoln Storage	3022 Olive Highway	10003346	unknown
9	Huntington's Mini Storage	2551 Huntington Lane	HUN0002	60
10	Security 1 st Storage	60 E Grand Avenue	10001540	305
11	Keg Room Storage	3035 Oro Dam Blvd E	Expired	20±

Design Requirements in Highly Visible Areas: Pursuant to OMC 17.44.060.M, mini storage facilities designated as being in "highly visible areas" shall adhere to design requirements, "*in order to achieve greater visual compatibility with the surrounding uses.*"

1. **The placement and height of buildings, walls and other structures along the perimeter of the site shall be varied to provide visual relief. The structures shall not project the image of a walled fortress.**
 - a. Per the site plan, the proposed development will consist of 6 standalone structures with drive aisles between 23'-39'.4" feet wide. The northern and western property lines will have another 3 structures located on the property line to assist in securing the facility.
 - b. The applicant has proposed a 6' tall wrought iron fence with automatic gate for

ingress/egress to the site. There are also 5 covered RV storage units that are located outside of the secured fence.

2. All building walls and perimeter fencing shall have a stucco or decorative masonry finish and shall include features that add dimension to an otherwise flat plane.

- a. The storage buildings are to be constructed with corrugated metal siding with contrasting roof, doors and building elevations. While there is no proposed decorative finishing, the site will be unobtrusive and not readily visible from either the street, nor the freeway.
- b. The applicant has also proposed to install a 10' tall, corrugated metal fence on the south property line that will match the storage units, creating a cohesive appearance. Therefore, Staff has determined that the proposed elevations are appropriate for the location.

3. In order to avoid the appearance of a site that is almost entirely covered by structures, the site design shall divide the massing of structures in a way that creates concentrated areas of open space between structures.

- a. The applicant has left wide drive aisles between the structures that will not only aid in vehicular movement but allows for adequate fire access and open space between the structures.

Required Findings for a Use Permit: Pursuant to OMC Section 17.48.010.4, the Planning Commission may grant a use permit only upon making all of the following findings, based on substantial evidence:

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

- 1. The need for a use permit is based on the property being located in an area designated as "highly visible." However, this development will be located in the rear of an existing commercial development and will have minimal visibility from Feather River Boulevard. There is also significant vegetation on the rear property line, which screens the facility from view off of SR-70.

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

- 1. The parcel has frontage on Feather River Boulevard and the facility will be developed in an underutilized portion of the property.

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

- 1. The applicant will work with the Public Works Department to ensure that adequate access and services are provided.

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

1. The surrounding land uses includes an auto repair store and shop, and the new Tractor Supply is being constructed on the adjacent southern parcel. The majority of the surrounding structures are simple in nature, with minimalistic design. The proposed facility will be compatible with the surrounding neighborhood in both design and land use.
- e. The subject site is physically suitable for the type and intensity of land use being proposed.**
1. The applicant is proposing to utilize the undeveloped rear portion of his property for this project. As conditioned, the property is suitable for a mini storage facility.
- f. The size, intensity and location of the proposed use will provide services that are necessary or desirable for the neighborhood and community as a whole.**
1. As conditioned, the use will provide a needed service to the community as a whole, offering a variety of storage sizes, and covered RV parking.
- g. The permit complies with all applicable laws and regulations, including the requirements of the general plan, of this title and of the city municipal code.**
1. As conditioned, this project will comply will all applicable laws and regulations.

Required Findings for a Variance: Pursuant to OMC Section 17.48.080.C.3, the Planning Commission may grant a variance only upon making all of the following findings, based on substantial evidence:

- a. The granting of the variance is not inconsistent with the general plan or any applicable specific plan.**
1. The project site is zoned Intensive Commercial (C-2) and has a General Plan Land Use Designation of Retail Business Services (RBS).
 2. The 2030 General Plan Land Use Policy 1.6 states “ensure all new development conforms to current land use and zoning designations.” The proposed site plan meets all required setbacks and design requirements per the zoning code.
 3. Goal LU-1 of the General Plan reads, “provide for orderly, well-planned, and balanced growth consistent with the limits imposed by infrastructure and the City’s ability to assimilate new growth.” The applicant is proposing to use an underutilized portion of existing property to create a convenient development while also maintaining current street frontage in a highly visible area of the City.
- 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.**
1. The applicant has requested six storage units to be greater than the permitted 400 square feet. One corner unit is proposed at 480 sf, due to the design of the development, a smaller unit would not fit in that area. Five units are proposed to be for covered RV storage, and they are 750 sf. There appears to be a general demand for covered RV storage, and this community need cannot be met at the

maximum 400 sf requirement.

2. Lastly, the applicant has requested not to have the 13 required off-street parking spaces. This facility will have no on-site caretaker, and access to the units will be through an electronic gate. There appears to be no need to provide parking at this location, as people who rent the storage facility can park their car adjacent to their storage unit when they are on site. Any parking by staff or maintenance personnel can use the aisles inside the facility or use the existing spaces just outside the entry gate.
- c. **The granting of the variance will not grant a special privilege to the property.**
1. Due to the changing technology and business models of mini storage facilities, it would appear that the requested variances are aligned with current storage needs of our community. The variances requested are all logical based on the project design. Similar projects would be able to enjoy similar benefits.
- 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.**
1. A windshield survey of the other mini-storage facilities within City limits appears to indicate that many facilities do not provide substantial parking spaces for their tenants, rather they utilize the practice of having tenants drive up to their storage unit to park. Requiring 13 off-street parking appears unnecessary for the type of project.
 2. The site plan meets all applicable criteria except for the 6 units that exceed 400 sf. Since one unit is a corner unit and cannot be changed, and the other 5 units are for RV storage, the applicant is not being granted rights denied to others.
- e. **The granting of the variance will not be materially detrimental to the public welfare.**
1. Granting of the variance supports continued commercial development, is done in the public interest and will not be detrimental to public welfare.
- f. **The granting of the variance will not be injurious to, or incompatible with, any nearby property or improvements.**
1. The nearest mini storage facility to this location is 0.5 miles away and while it does have off-street parking, it also has an on-site caretaker to assist customers. As this development will have no on-site caretaker, staff has determined that the granting of this variance is not incompatible with the nearby property.

FISCAL IMPACT

None. All applicable fees were paid prior to completing review.

PUBLIC NOTICE

The Planning Commission hearing for this project was publicly noticed in the local newspaper on April 15, 2024, and mailed to all property owners within 300 feet on April 10, 2024. As of publication, staff has received zero responses from the public notices.

Attachments:

1. Use Permit & Zone Change Applications
2. Variance Application
3. Site and architectural plans
4. Notice of Exemption
5. Resolution No. P2024-05
6. Draft Certificate of Approval

Attachment 2



PRELIMINARY
NOT FOR
CONSTRUCTION

PLANNING REVIEW ELEVATIONS

ATLAS STORAGE SOLUTIONS
FEATHER RIVER BLVD
OROVILLE, CA 95965

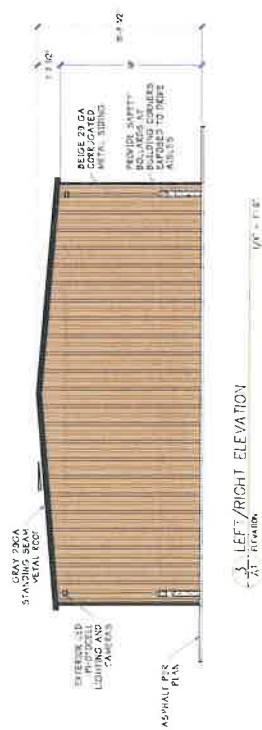
DATE	10/10/2018
BY	AL
CHECKED BY	AL
DATE	10/10/2018
PROJECT NO.	18-001
PROJECT NAME	FEATHER RIVER BLVD
PROJECT ADDRESS	FEATHER RIVER BLVD
PROJECT CITY	OROVILLE, CA
PROJECT STATE	CA
PROJECT ZIP	95965
PROJECT PHONE	
PROJECT FAX	
PROJECT EMAIL	
PROJECT WEBSITE	
PROJECT DESCRIPTION	
PROJECT NOTES	



DATE: 10/10/2018
BY: AL
CHECKED BY: AL
DATE: 10/10/2018
PROJECT NO.: 18-001
PROJECT NAME: FEATHER RIVER BLVD
PROJECT ADDRESS: FEATHER RIVER BLVD
PROJECT CITY: OROVILLE, CA
PROJECT STATE: CA
PROJECT ZIP: 95965
PROJECT PHONE:
PROJECT FAX:
PROJECT EMAIL:
PROJECT WEBSITE:
PROJECT DESCRIPTION:
PROJECT NOTES:

SHEET NO.
AI

Item 7.



PRELIMINARY
NOT FOR CONSTRUCTION

Attachment 3

**CITY OF OROVILLE
RESOLUTION NO. P2024-05**

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF OROVILLE, CALIFORNIA, MAKING FINDINGS AND CONDITIONALLY APPROVING USE PERMIT UP24-03, VARIANCE VAR24-03, AND RECOMMENDING APPROVAL OF ZONE CHANGE ZC24-01, FOR A MINI STORAGE FACILITY AT 2560 FEATHER RIVER BOULEVARD (APN 035-330-013)

WHEREAS, the City has received an application packet from Edwards Self Storage for a Mini Storage Facility to be developed at 2560 Feather River Boulevard; and

WHEREAS, The City of Oroville Municipal Code (OMC) Section 17.44.060.F specifies that a Mini Storage Facility in a highly visible location shall require a use permit; and

WHEREAS, The City of Oroville Municipal Code (OMC) Section 17.44.060.B specifies that the development of a Mini Storage Facility shall require the creation of a Mini Storage Overlay (MS-O) zone; and

WHEREAS, The City of Oroville Municipal Code (OMC) Section 17.48.080 specifies that a variance may be granted by the Planning Commission if there exists substantial evidence; and

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

NOW, THEREFORE, BE IT RESOLVED by the Planning Commission as follows:

1. This action has been determined to be exempt from the California Environmental Quality Act (CEQA) review pursuant to Title 14, California Code of Regulations, Section 15332 "Infill Development."
2. The Planning Commission approves the findings required by Section 17.48.010 and Section 17.48.080 of the Oroville City Code, as described in this Resolution.
3. The Planning Commission recommends approval of the zone change to create a Mini Storage Overlay zone.
4. The Planning Commission approves the conditions described in this Resolution.

CONDITIONS OF APPROVAL

Approved project: The Planning Commission hereby conditionally approves Use Permit UP24-03, Variance VAR24-03 and recommends approval of Zone Change ZC24-01 to the City Council, permitting the operation of Edwards Self Storage at 2560 Feather River

Boulevard (APN: 035-330-013). The subject property has a zoning designation Intensive Commercial (C-2) and a General Plan land use designation of Retail Business Services (RBS).

Project Specific Conditions

1. A landscaping plan, in conformance with OMC Chapter 17.12.050 shall be submitted, and approved by staff, prior to the issuance of a building permit.
2. No vegetation located within the Caltrans right-of-way adjacent to State Route 70 shall be removed as part of this development.
3. A refuse collection enclosure shall be provided in accordance with OMC Chapter 17.12.110. The refuse area shall be large enough to provide adequate storage for solid waste and recyclable materials generated by the use.
4. The applicant or property owner shall apply for the proper permits as required by OMC Chapter 17.20 prior to any new signage being erected.
5. Within a mini-storage facility in an MS-O district, no business activity, other than the rental of storage units, shall be conducted. The operation of the facility shall be for dead storage only. Electrical service to individual storage units shall consist only of lighting and switches. Electrical outlets within storage units are specifically prohibited.
6. In MS-O districts, no mini-storage facility shall open before 7:00 a.m. or close after 7:00 p.m.
7. The applicant shall submit to the City details of exterior lighting for review and approval.

General Conditions

1. Frontage improvements shall be provided where not currently provided and replaced where not compliant with ADA requirements or City standards, as determined by the Director of Public Works or designee.
2. The applicant and any/or subsequent owners 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.
3. Pursuant to Section 17.12.010, the proposed use of the site shall conform to the performance standards of the Oroville Municipal Code to minimize any potential negative effects that the building, structure, lighting or use could have on its surroundings, and to promote compatibility with surrounding uses and areas.
4. Applicable construction plans, calculations, specifications, applications, forms, etc. shall be submitted to the Building Division for review prior to the start of any construction activities requiring a building permit. All applicable plan review and development impact fees shall be paid at time of submittal.

5. 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.
6. Pursuant to Section 17.12.050, landscaped areas shall be continually maintained in good condition and shall be kept clean and weeded and trees shall be pruned in a natural pattern and shall not be topped or pollarded.
7. Any roof mounted or ground placed utilities (HVAC, generators, etc.) shall include an architecturally compatible method of screening. This can include screening by landscaping or a decorative fence for ground placed utilities.
8. The building shall be addressed per City requirements. Building numbers shall comply with City Code 17.20.050(A).
9. The applicant shall ascertain and comply with the requirements of all of City, County, State, Federal, and other local agencies as applicable to the proposed project.
10. The applicant and/or property owner will take appropriate measures to provide property maintenance of the building exterior, including provisions to keep the premise free of litter and debris.
11. Applicant and/or property owner will ensure protection of adjacent properties from noise, odors and undue light and glare, as well as illegal activity.
12. Pursuant to Section 17.08.135, the project shall install public art on the project site in a public place as approved by the City Council. The cost of the public art must be equal to at least one percent (1%) of the estimated construction costs. The developer has the option to opt out of this requirement and instead pay the equivalent in-lieu fee which shall be a one percent (1%) fee of the estimated construction costs.
13. The project shall remain in substantial conformance with the Conditions of Approval, as adopted by the Oroville Planning Commission. Any subsequent minor changes in the project (as determined by the Zoning Administrator) may only occur subject to appropriate City review and approval. Any subsequent substantive changes in the project (as determined by the Zoning Administrator) may only occur subject to discretionary review by the Oroville Planning Commission.
14. Pursuant to Section 17.48.010(F) of the City Code, the Planning Commission, upon its own motion, may modify or revoke any use permit that has been granted pursuant to the provisions of this section upon finding any of the following, based on substantial evidence:
 - I. Any of the conditions of the permit have not been satisfied within 1 year after it was granted.
 - II. Any of the terms or conditions of the permit have been violated.
 - III. A law, including any requirement in the Municipal Code Chapter 17, has been violated in connection with the permit.

IV. The permit was obtained by fraud.

15. The 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.
16. 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.
17. 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.

I HEREBY CERTIFY that the foregoing resolution was duly introduced and passed at a regular meeting of the Planning Commission of the City of Oroville held on the 25th of April, 2024, by the following vote:

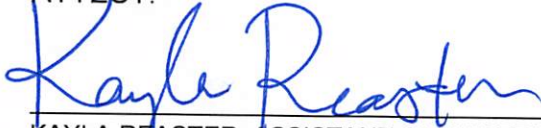
AYES: Commissioners Arace; Hallen; Sheard; Jensen; Vice Chairperson Jenkins

NOES: None

ABSTAIN: None

ABSENT: Commissioner Smith; Chair Durling

ATTEST:



KAYLA REASTER, ASSISTANT CITY CLERK

APPROVE:



WYATT JENKINS, VICE CHAIRPERSON

Attachment 4

**CITY OF OROVILLE
ORDINANCE NO. XXXX**

**AN ORDINANCE OF THE CITY OF OROVILLE CITY COUNCIL APPROVING
ZONING CODE AMENDMENT ZC24-01 TO ESTABLISH A MINI-STORAGE
OVERLAY (MS-O) DISTRICT.**

WHEREAS, the subject property is zoned Intensive Commercial (C-2); and

WHEREAS, The City of Oroville Municipal Code (OMC) Section 17.44.060.B specifies that the development of a Mini-Storage Facility shall require the creation of a Mini-Storage Overlay (MS-O) district; and

WHEREAS, the Planning Commission approved Use Permit UP24-03 for a Mini-Storage Facility in a Highly Visible Location for the subject property on April 25, 2024; and

WHEREAS, the Planning Commission approved Variance VAR24-03 for reduced off-street parking and 6 oversized storage units for the subject property on April 25, 2024; and

WHEREAS, the project development is compatible with, and complementary to, existing and future surrounding land uses as required in the Municipal Code.

The City Council of the City of Oroville does hereby ordain as follows:

SECTION 1. Pursuant to the City of Oroville Municipal Code (OMC) Section 17.08, the Zoning Map designation of an approximately 3.46 acre parcel located at 2560 Feather River Boulevard, more precisely described as Assessor's Parcel Number 035-330-013, is amended to add a Mini-Storage Overlay (MS-O) District.

SECTION 2. This ordinance shall become effective on the 30th day after its adoption.

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 on June 4, 2024, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

DAVID PITTMAN, Mayor

APPROVED AS TO FORM:

ATTEST:

SCOTT E. HUBER, City Attorney

KAYLA REASTER, Assistant City Clerk

Attachment 5

Notice of Exemption

Appendix E

Item 7.

To: Office of Planning and Research
P.O. Box 3044, Room 113
Sacramento, CA 95812-3044

County Clerk

County of: Butte

155 Nelson Ave,

Oroville, CA 95965

From: (Public Agency): City of Oroville
1735 Montgomery Street
Oroville, CA 95965

(Address)

Project Title: Edwards Mini Storage Facility

Project Applicant: Tyler Edwards

Project Location - Specific:

2560 Feather River Boulevard, Oroville, CA, 95965

Project Location - City: Oroville Project Location - County: Butte

Description of Nature, Purpose and Beneficiaries of Project:

A 212 unit mini storage facility. Project includes a use permit, UP24-03, a zone change, ZC24-04 to create a mini storage overlay zone, and a variance VAR24-03.

Name of Public Agency Approving Project: City of Oroville

Name of Person or Agency Carrying Out Project: _____

Exempt Status: **(check one):**

☐ Ministerial (Sec. 21080(b)(1); 15268);

☐ Declared Emergency (Sec. 21080(b)(3); 15269(a));

☐ Emergency Project (Sec. 21080(b)(4); 15269(b)(c));

☒ Categorical Exemption. State type and section number: Infill 15.332.a-e

☐ Statutory Exemptions. State code number: _____

Reasons why project is exempt:

Infill development that is less than 5 acres, has access to public utilities, and does not create a significant effect on the environment.

Lead Agency

Contact Person: Kristina Heredia Area Code/Telephone/Extension: 530-538-2406

If filed by applicant:

1. Attach certified document of exemption finding.

2. Has a Notice of Exemption been filed by the public agency approving the project? Yes No

Signature: _____ Date: _____ Title: Associate Planner

▪ Signed by Lead Agency Signed by Applicant

Authority cited: Sections 21083 and 21110, Public Resources Code.

Reference: Sections 21108, 21152, and 21152.1, Public Resources Code.

Date Received for filing at OPR: _____

Creation of a Mini-Storage Overlay



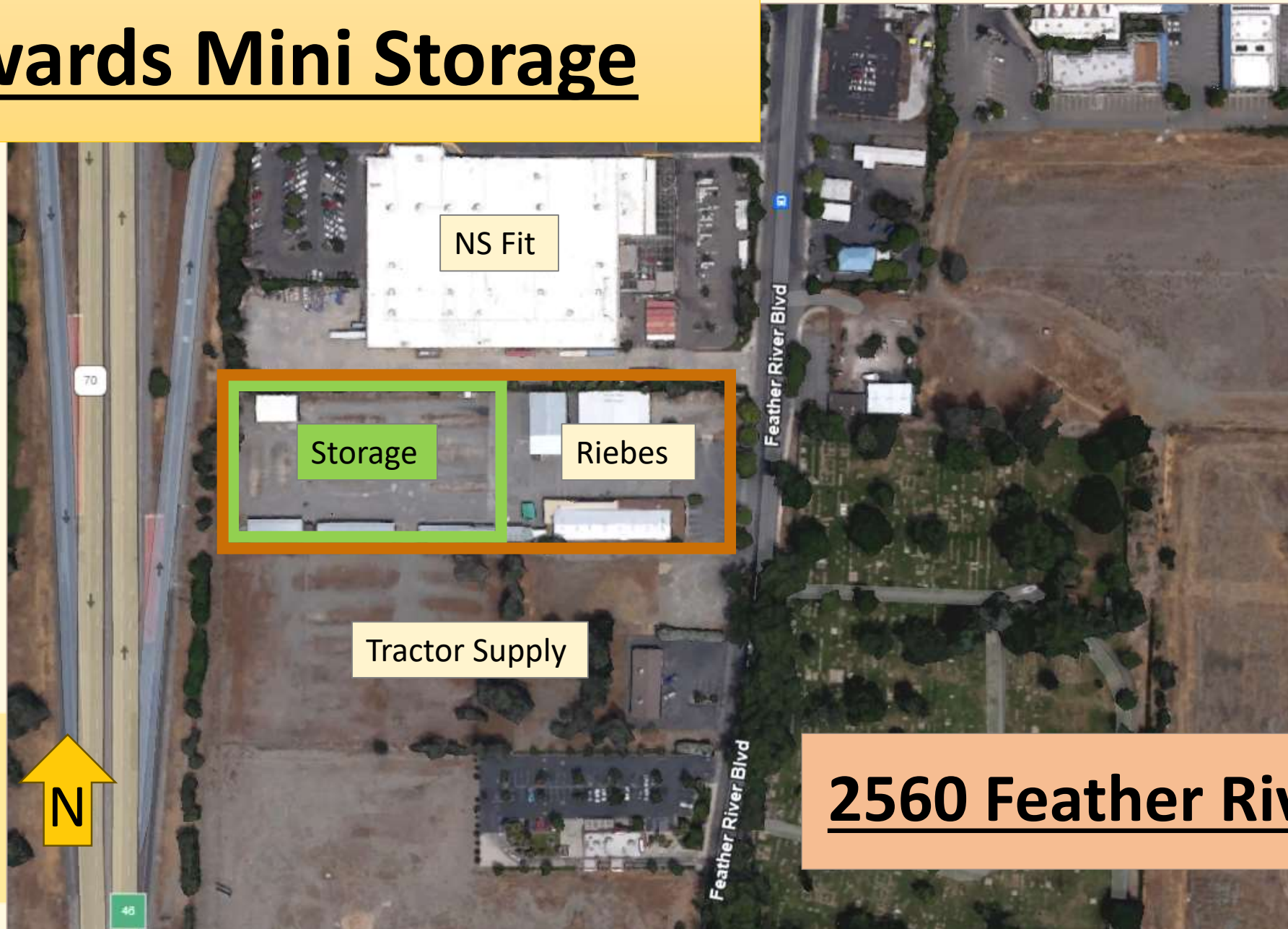
May21, 2024

Oroville City Council



Edwards Mini Storage

Item 7.



2560 Feather River Blvd

3 Entitlements for this Project

1. Zone Change ZC 24-01 – Create a Mini Storage Overlay District (MS-O)
2. Use Permit UP24-03 – Highly Visible Area (MS-O)
✓APPROVED by Planning Commission – April 25, 2024
3. Variance VAR24-03 – Reduced parking and oversized storage units
✓APPROVED by Planning Commission – April 25, 2024



Assessment of Impacts

- MS-O created via Ord 1706 (2004)
- Ord 1711 (2004) created first MS-O at 60 E Grand Ave
- Creation of an MS-O requires an “Assessment of Impacts” (OMC 17.44.060.D)

Facility Locations

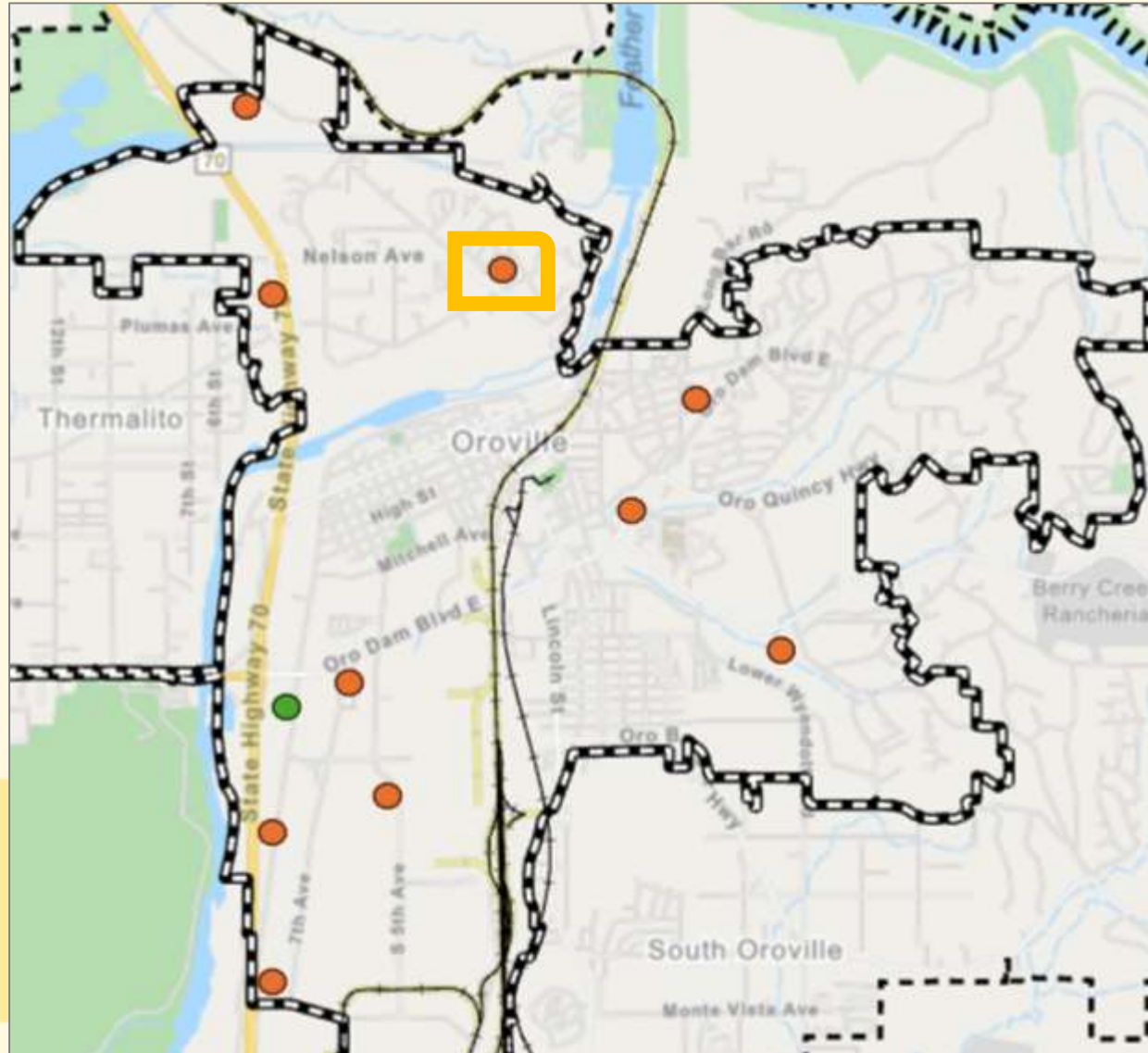
Item 7.

Legend

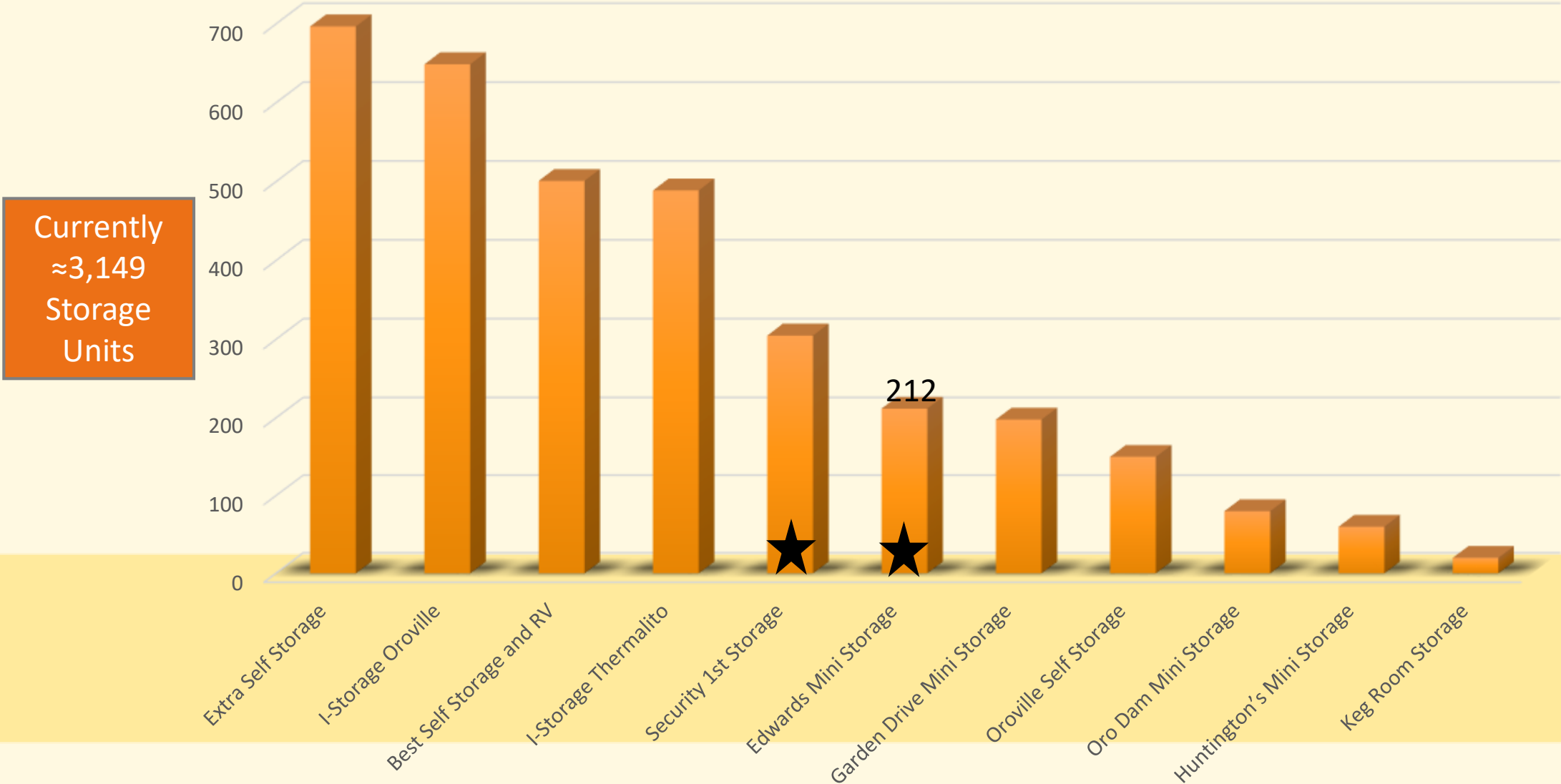
Existing

MS-O

Proposed



Storage Units by Facility



Recommended Actions

1. Provide comments and direction to staff for any desired changes
2. Conduct a public hearing on June 4, 2024 &
3. Concurrently adopt Ordinance XX - establishing a MS-O District at APN 035-330-013



Questions?





CITY OF OROVILLE STAFF REPORT

TO: MAYOR PITTMAN AND COUNCIL MEMBERS

**FROM: RUTH DUNCAN, ASSISTANT CITY ADMINISTRATOR -
ADMINISTRATIVE SERVICES**

RE: FUND BALANCE POLICY AMENDMENTS

DATE: MAY 21, 2024

SUMMARY

Staff recommends the City Council approve the recommended amendments to the City's Fund Balance Policy.

DISCUSSION

The City follows a Fund Balance Policy to account for the fund balance structure adopted and required by the Government Accounting Standards Board for Statement No. 54. This Policy was adopted on 12/02/14 and has not been updated since that time.

The Government Accounting Standards Board (GASB) issued statement 54 to bring a level of conformity of classifications of Fund Balance for Government agencies. This standard indicates a level of constraints that are broken down into five different classifications. Nonspendable, Restricted, Committed, Assigned and Unassigned.

Staff is requesting the policy to be updated to address the Assigned and Unassigned classifications. Prior to this update there were no Assignments placed on Unassigned Fund Balance. The policy update will help the City to place Assignments on Unassigned Fund Balances for known future expenditures. There are future costs that are known and planned but not due in the current fiscal year. Certain expenditures are large enough to place a strain on the budget within a fiscal year. Assigning Fund Balance within the General Fund is a mechanism to accumulate funds over multiple years so the City can more easily cover these costs when the time comes.

Staff is recommending the four following classifications for Assigned Fund Balance:

- Contingency allocation
The City may assign a specific amount to be reserved for unexpected costs, as well as legal and litigation costs that were not anticipated at the adoption of budget. This amount would be established at \$1 million.

- Pension costs
Rising pension costs and unfunded pension liabilities are a concern for the City. The City may assign a specific amount to be reserved for future pension costs.
- Leave buy-out allocation
The City may assign a specific amount to be reserved for future appropriations to fund unanticipated costs related to covering costs of employees retiring and or separating from the City to cover funding the cost of accrued leave (administrative leave and vacation leaves).
- Capital Projects
The City may assign a specific amount to be reserved for unplanned but necessary Capital Projects that are otherwise not anticipated and budgeted in the Capital Projects Fund.
- Road Projects
The City may assign a specific amount to be reserved for unplanned but necessary Road Projects that are otherwise not anticipated and budgeted.

Currently, we anticipate our unassigned fund balance to be approximately \$11 million. With that, we have a known unfunded cost of \$12 million which has been assessed to the City by CalPERS for the newest unfunded liability. This is an example of a known future cost.

Allocations will be recommended with the budget presentation and annually evaluated.

FISCAL IMPACT

Designations of Fund Balance, no fiscal impact.

RECOMMENDATION

Adopt the amendments to the City's Fund Balance Policy.

ATTACHMENTS

- A. Fund Balance Policy with changes tracked in red.

FUND BALANCE POLICY



City of Oroville
Finance Department
Effective Date: 5/21/24
Last revision date: ~~new~~12/02/14

A. Purpose

To outline the policies and procedures adopted by the City Council regarding provisions for identifying and classifying fund balances in accordance with Government Accounting Standards Board Statement No. 54.

B. Policy Scope

This policy is applicable to all government and proprietary funds of the City, dependent special districts and other agencies whose affairs and finances are under the supervision and control of the City Council.

C. Policy

Classifications of Fund Balances

- The Finance Department will develop and maintain procedures to classify Fund Balance according to the provisions set forth by the Government Accounting Standards Board.

- Assigned Fund Balance Set Aside for Known Future Spending**

The City has established a General Fund Balance Reserve for emergency, one-time costs (see General Reserve Policy). In addition to this, there are future costs that are known and planned but are not due in the current fiscal year. Certain expenditures that are large enough to place

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a strain on the budget within a fiscal year. Assigning Fund Balance within the General Fund is a mechanism to accumulate funds over multiple years so the City can more easily cover these costs when the time comes. The City will establish the following to pay for known future spending.

- Contingency allocation

The City may assign a specific amount to be reserved for unexpected costs, as well as legal and litigation costs that were not anticipated at the adoption of budget. This amount is established at 1 million.

- Pension costs

Rising pension costs and unfunded pension liabilities are a concern for the City. The City may assign a specific amount to be reserved for future pension costs.

- Leave buy-out allocation

The City may assign a specific amount to be reserved for future appropriations to fund unanticipated costs related to covering costs of employees retiring and or separating from the City to cover funding the cost of accrued leave (administrative leave and vacation leaves).

- Capital Projects

The City may assign a specific amount to be reserved for unplanned but necessary Capital Projects that are otherwise not anticipated and budgeted in the Capital Projects Fund.

GASB 54 Classifications

Classification	Description	Example
Nonspendable Fund Balance	Not in spendable form; legally or contractually required to be maintained intact	Inventories or prepaid amounts
Restricted Fund Balance	Constrained for a specific purpose; changed only with consent of outside party; legally enforceable	Creditors, grant providers or contributors or by law
Committed Fund Balance	Established by City Council for specific purpose (by resolution)	Must be established before year end, changed only by Council
Assigned Fund Balance	Established by governing body or delegated official, less formal	Minutes, memos, purchase orders or budget documents
Unassigned Fund Balance	Residual fund balance after deducting the above classification	All amounts not contained in other classifications

GASB 54 Classifications

Classification	Description	Example
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Assigned Fund Balance	Established by governing body or delegated official, less formal	Minutes, memos, purchase orders or budget documents
Unassigned Fund Balance	Residual fund balance after deducting the above classification	All amounts not contained in other classifications

Funding flow assumptions

- This policy considers restricted amounts to be spent before unrestricted fund balance when an expenditure is incurred and appropriated for purposes for which both restricted and unrestricted (committed, assigned and unassigned) amounts are available. Similarly, within unrestricted fund balance, committed, assigned then unassigned amounts in that order will be spent when an expenditure is incurred for a purpose for which amounts in any of those unrestricted fund balance classifications could be used.

Definitions

A **Nonspendable Fund Balance** includes amounts that are not in a spendable form or are legally or contractually required to be maintained intact (such as inventories or prepaid amounts).

A **Restricted Fund Balance** includes amounts that can be spent only for specific purposes stipulated by external parties (such as creditors, grant providers or contributors) or by law.

A **Committed Fund Balance** includes amounts that can be used only for the specific purpose determined by the City Council. Commitments may be changed or lifted only by the Council taking the same formal action that imposed the constraint originally. The formal action must occur prior to year end of the reporting period. The amount which will be subject to the constraint may be determined in the subsequent period.

An **Assigned Fund Balance** is comprised of amounts intended to be used by the government entity for specific purposes that are neither restricted nor committed. Intent can be expressed by the Council or by an official or body to which the Council delegates the authority. Assigned fund balance can be used to eliminate a projected budgetary deficit in the subsequent year's budget.

An **Unassigned Fund Balance** is the residual classification and includes all amounts not contained in the other classifications. Unassigned amounts are technically available for any purpose.



CITY OF OROVILLE STAFF REPORT

TO: MAYOR PITTMAN AND COUNCIL MEMBERS

FROM: BRIAN RING, CITY ADMINISTRATOR

**RE: PUBLIC HEARING - CONTINUED FROM MARCH 19, 2024 -
FEATHER RIVER RECREATION AND PARK DISTRICT NEXUS
FEE STUDY AND PROPOSED FEE INCREASES**

DATE: MAY 21, 2024

SUMMARY

The Council shall resume the public hearing which was initiated on December 5, 2023, continued to December 19, 2023, and again continued to March 19, 2024 with regard to consideration of adopting the Feather River Recreation and Park District Park Impact Fee Nexus Study along with an eight-year phased in approach to implement the new Park impact fees.

DISCUSSION

Feather River Recreation and Park District ("District"), a local special district responsible for providing park and recreational facilities recently conducted a Park Impact Fee Nexus Study ("Study"). The City Municipal Code authorizes the imposition of said fees on new development, which enables the District to fund the acquisition and development of additional park facilities to mitigate the impact caused by the new development. The Study, completed in March of 2023, proposes to adjust fees for the first time since 2003.

The Study proposes that fees be adjusted in the following manner:

- Single-Family Housing – proposed to go from \$1,196/dwelling unit to \$5,486;
- Multi-Family Housing - proposed to go from \$1,063/dwelling unit to \$4,615; and
- Mobile Homes - proposed to go from \$963/dwelling unit to \$4,672.

The District initially proposed to phase in these increases evenly over an 8 year period (including a 2% annual inflationary increase, to assist in keeping the District more current with respect to costs).

This public hearing began at the regularly scheduled December 5, 2023 City Council meeting, and was continued to the December 19, 2023 regular City Council meeting.

The topic was continued again to the March 19, 2024 meeting, pending further discussion with the District (after the selection of a new General Manager), City staff and the City Council Executive Committee. Given a new permanent General Manager had yet to be selected at the District, more time was allowed to review this topic and it was continued until May 21, 2024.

After further review, the District would like to withdraw this proposal. In the best interest of the City and the District, the District would like to take more time and return at a future date, with a revised proposal, that best meets the needs of the citizens, the City and the District.

FISCAL IMPACT

There is no fiscal impact on the City.

RECOMMENDATION

Conduct public hearing and take no action on this topic.

ATTACHMENTS

1. Nexus Fee Study
2. Feather River Recreation and Park District impact fee nexus study presentation
3. Proposed amendments to section 3.32.115 of the City Municipal Code.
4. Resolution and Exhibit A



FEATHER RIVER RECREATION AND PARK DISTRICT

PARK IMPACT FEE NEXUS STUDY

MARCH 2023
FINAL REPORT

PREPARED FOR:

**BOARD OF DIRECTORS
FEATHER RIVER RECREATION AND PARK DISTRICT**

PREPARED BY:



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FEATHER RIVER RECREATION AND PARK DISTRICT

BOARD OF DIRECTORS

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Deborah Peltzer

IMPACT FEE CONSULTANT

Blair Aas, Director of Planning Services

SCI Consulting Group

ACKNOWLEDGMENTS

This Park Impact Fee Nexus Study was prepared by SCI Consulting Group (“SCI”) under contract with the Feather River Recreation and Park District. The work was accomplished under the general direction the General Manager for the District.

We want to acknowledge the special efforts made by individuals and organizations to this project:

Shawn Rohrbacker, formerly with Feather River Recreation and Park District
City of Oroville
County of Butte
Land Image Landscape Architects and Planners

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EXECUTIVE SUMMARY

INTRODUCTION

Since 2003, the City of Oroville (“City”) and the County of Butte (“County”), on behalf of the Feather River Recreation and Park District (“District”), have imposed a park impact fee on new residential and nonresidential development within the service area of the District. The purpose of the park impact fee is to fund the one-time cost of expanding the District’s parks and recreational facilities in order to meet the impact of new residential development.

This Park Impact Fee Nexus Study (“Nexus Study”) was prepared pursuant to the “Mitigation Fee Act,” as found in Government Code § 66000 et seq. The purpose of this Nexus Study is to establish the legal and policy basis for the imposition of a new park impact fee program on new residential development. For purposes of this Nexus Study, “parks” shall mean mini-parks, neighborhood parks, and community parks. The term “recreational facilities” shall mean, but not be limited to, playground equipment, fields, courts, shade structures, and restroom buildings.

In order to impose such fees, this Nexus Study will demonstrate that a reasonable relationship or “nexus” exists between new development and the need for additional parks and recreational facilities within the District as a result of new development. More specifically, this Nexus Study will present findings in order to meet the substantive requirements of the Act, which are as follows:

- Identify the purpose of the fee.
- Identify the use to which the fee is to be put. If the use is funding public facilities, the facilities must be identified. Identifying the public facilities may be a broad class of projects¹ or made by reference to a capital improvement plan, made in applicable general or specific plan requirements, or made in other public documents².
- Determine how there is a reasonable relationship between the fee’s use and the type of development project on which the fee is imposed (“benefit relationship”).
- Determine how there is a reasonable relationship between the need for parks and recreational facilities and the type of development project on which the fee is imposed (“impact” or “need” relationship).

¹ According to Government Code § 66000(b) and validated by Homebuilders Association of Tulare/Kings Counties, Inc. v. City of Lemoore in 2010.

² According to Gov’t Code Section 66001(a)(2).

- Determine how there is a reasonable relationship between the amount of the fee and the cost of the facilities or portion of the facilities attributable to the development on which the fee is imposed (“rough proportional relationship”).

Additionally, the Act specifies that the fee shall not include costs attributable to existing deficiencies in public facilities but may include the costs attributable to the increased demand for public facilities reasonably related to the development project in order to refurbish existing facilities to maintain the existing level of service or achieve an adopted level of service that is consistent with the general plan.

Since the Act also prohibits development impact fees from funding existing deficiencies in public facilities, the fees must be used to fund only new or expanded parks and recreational facilities that add to the District’s park and recreational service capacity.

The use of fee proceeds for rehabilitating existing parks and recreational facilities is limited in that they may only cover the portion of an improvement that expands service capacity. For example, suppose the District planned to replace a shade structure with an existing park with a significantly larger shade structure. In that case, park impact fee proceeds could fund the portion equal to the percentage increase in the square footage of the larger shade structure or by another reasonable measurement of facility capacity. (See Figure 9 9 for more information.)

METHODOLOGY / APPROACH

To establish the park impact fee program consistent with the substantive requirements of the Act, this Nexus Study utilizes a districtwide, per capita standard-based methodology. A standard-based method is the most used method for the calculation of park impact fees. It was also upheld by the Homebuilders Association of Tulare/Kings Counties, Inc. v. City of Lemoore in 2010. Under this method, the cost components are based on the District’s existing level of service (“LOS”) standards and defined on a per capita basis. Total per capita costs are then applied to three residential land uses according to their respective dwelling unit occupancy factor to establish a cost/fee per new dwelling unit.

It is important to note that the level of development in the District does not directly influence the maximum park impact fee determined by this Nexus Study. The park impact fee is determined with an open-end approach based on the District’s level of service standards rather than a definite facility plan and a definite level of future development. Therefore, if the actual level of development is significantly higher or lower rate than projected, no revision of the park impact fee program would be necessary.

The Nexus Study also details the procedural requirements for adopting the Nexus Study and updated park impact fee program (“fee program”). Also, the Act contains specific requirements for the annual administration of the fee program. These statutory requirements and other important information regarding the imposition and collection of the fee are provided in the last two sections of the Nexus Study.

SUMMARY OF KEY FINDINGS

The following key findings are presented:

1. Park impact fees are needed to ensure that the District can develop park and recreation facilities and improvements needed for the resident and nonresident employee growth created by new development in the communities served by the District.
2. On behalf of the District, the City for the incorporated area of the District, and the County for the unincorporated areas of the District, currently imposes the following park impact fees on new residential development in the District.

FIGURE 1 – CURRENT PARK IMPACT FEE SCHEDULES

Land Use Category	Unit ¹	FRRPD Unincorporated Area Park Impact Fee (2003) ²	FRRPD Incorporated Area Park Impact Fee (2008) ³
Single-Family Detached Housing	DU	\$1,106	\$1,196
Single-Family Attached Housing	DU	\$1,090	\$1,160
Multi-Family Housing	DU	\$870	\$1,063
Mobile Home	DU	\$867	\$793
Accessory Dwelling Unit		----- See Note 4 -----	

Notes:

¹ DU means dwelling unit.

² Current park impact fee imposed by the County on behalf of the District in the unincorporated area of the District.

³ Current park impact fee imposed by the City on behalf of the District in the incorporated area of the District.

⁴ Pursuant to Govt. Code § 65852.2(f)(3)(A), the park impact fee for an accessory dwelling unit shall imposed proportionately in relation to the square footage of the primary dwelling unit. Accessory dwelling units less than 750 square feet of living area are exempt.

3. According to the County General Plan, the City General Plan, and the District's Master Plan, the goal is to provide 5.0 acres of neighborhood parks and community for every 1,000 residents.
4. Based on the District's current population and park acres, the District's existing level of service is 2.91 acres of developed parks for every 1,000 residents.
5. Consistent with the Act's nexus requirements, this Nexus Study demonstrates a reasonable relationship between new development, the amount of the proposed fee, and parks and recreational facilities funded by the fee.
6. The District may approve, and the City and County may adopt the fees in Figure 2 at or below the maximum levels determined by this Nexus Study. If the District and the City or the County choose to adopt lower fees, the adopted fee for each land use category must be reduced by the same percentage.

FIGURE 2 – MAXIMUM DISTRICTWIDE PARK IMPACT FEE SCHEDULE

Land Use Category	Unit ¹	Maximum Park Impact Fee ²
Single-Family Housing	DU	\$5,486
Multi-Family Housing	DU	\$4,615
Mobile Homes	DU	\$4,672
Accessory Dwelling Unit	See Note 3	

Notes:

¹ DU means dwelling unit.

² See Figure 8.

³ Pursuant to Govt. Code § 65852.2(f)(3)(A), the park impact fee for an accessory dwelling unit shall be imposed proportionately in relation to the square footage of the primary dwelling unit. Accessory dwelling units less than 750 square feet of living area are exempt.

SUMMARY OF KEY RECOMMENDATIONS

Based on the findings presented in the Nexus Study, the following key recommendations are presented:

1. The park impact fee should be adopted in accordance with Government Code Sections 66016, 66017, and 66018.
2. The District and the County should comply with the annual reporting requirements under Government Code § 66006(b).
3. Following the fifth fiscal year after the first deposit of fee revenue and every five years thereafter, District and the County should comply with the reporting requirements under Government Code § 66001(d).
4. The cost estimates presented in this Nexus Study are in January 2023 dollars. The park impact fee should be adjusted automatically without further action by the District Board, the City Council, or the County Board of Supervisors on the first day of each fiscal year by the net percentage change during the preceding calendar in the Engineering News-Record Construction Cost Index or its successor publication.
5. This Nexus Study and fee program must be updated at least every eight years. The next Nexus Study update is due no later than January 1, 2031.
6. A fee credit must be given for demolished existing dwelling units as part of a new development project to comply with the Act and recent court decisions.

EXISTING PARK AND LEVEL OF SERVICE STANDARDS

This Nexus Study utilizes a per capita-standard-based methodology to determine the park impact fee because the need for and demand for park and recreational services is driven by its service population. Using this open-ended approach, park and recreational facility costs are reduced to a cost per capita based on the District's existing LOS standards for such facilities. This section first determines the District's LOS standard for park and recreational facilities. Then, the per capita cost for park and recreational facilities for the District is established based on their respective LOS standard and the estimated parkland acquisition and development cost per acre.

CURRENT AND PROJECTED DISTRICT POPULATION

Figure 3 presents the District's current and projected population through 2040 for the census-designated places that generally cover the boundaries of the District.³ The District's current population was determined using the U.S. Census Bureau's 2020 American Community Survey 5-Year Estimate. The District's 2040 population was projected based on the District's historical annual growth rate of 1.10% or about 175 to 200 housing units per year.

As shown below, it is estimated that the District's population, as of January 2023, is approximately 9,470. It is projected that the District will grow by 9,470 residents to a household population of 52,976 by 2040.

FIGURE 3 – CURRENT AND PROJECTED DISTRICT POPULATION

Population Projection	2023	2025	2030	2035	2040	Growth 2023 thru 2040
Feather River RPD	43,506	44,469	46,969	49,610	52,976	9,470

Source: 2020 U.S. Census ACS-5-Year Estimate

Certainly, arguments can be made for higher or lower population growth. However, the projected population growth and fee revenue are merely estimates for planning purposes. The maximum park impact fee determined by this Nexus Study does not depend upon the timing and level of development.

³ The District's boundaries include the City of Oroville and the census-designated places of Palermo, South Oroville, Thermalito, Bangor, Berry Creek, Cherokee, Clipper Mills, Forbestown, Honcut, and Rackerby.

LEVEL OF SERVICE STANDARDS

Figure 3 below summarizes the District's existing and master plan level of service standards for developed neighborhood and community parks.

FIGURE 3 – LEVEL OF SERVICE STANDARDS

Type of Park	Existing District Facilities	Level of Service ("LOS") Standard per 1,000 residents		
		District Master Plan	Existing	Nexus Study
	<u>Acres</u>	<u>(Acres per 1,000 Residents)</u>		
Neighborhood Parks	24.85	2.00	0.58	0.58
Community Parks	101.64	3.00	2.36	2.36
Total	126.49	5.00	2.94	2.94

Source: Feather River Recreation and Park District

DISTRICT PARK INVENTORY

According to the District's Master Plan, neighborhood parks typically range from 5 to 10 acres and have a service area of ½ mile. They provide a common outdoor space for neighbors to socialize, play and exercise, observe nature, participate in sports, take a leisurely stroll, or even a nap. Parks may be developed for active and passive recreation activities that accommodate a wide variety of users. They are often considered the heart of the neighborhood. Community parks typically range from 10 to 100 acres and have a service area of 1.5 miles. Community parks have larger recreational facilities intended to serve broad base community-wide needs. Their focus is meeting the recreational needs of several neighborhoods and large sections of the community. They allow for large group activities and offer recreational opportunities not available at neighborhood parks. Community parks are often developed for both passive and active recreational activities.

The District has six developed neighborhood or rural parks and four developed community parks totaling 126.49 acres, or 2.91 acres for every 1,000 residents. However, the District's Master Plan standard for developed parks is 5.0 acres per 1,000 residents. Therefore, to accommodate the anticipated population growth of 52,976 new residents by 2040, an additional 27.56 acres of developed park area will be required to maintain its existing level of service, and 61.12 additional acres are needed to achieve the 5 acres per 1,000 resident standard.

To achieve their adopted Master Plan goal, the District will need to fund existing development share of needed parks and any other improvements not identified with other funding sources. Other potential sources of funds include, but are not limited to, a general obligation bond measure, state and federal grants, the District's general fund, and existing or new special tax and assessment proceeds, if allowable.

PER CAPITA COST COMPONENTS

The Act requires that development impact fees be determined in a way that ensures a reasonable relationship between the amount of the fee and the cost of park and recreational facilities attributable to the new development on which the fee is imposed. This section presents the calculation of the total cost per capita for developed parks based on the District's existing level of service for such facilities.

PARKLAND ACQUISITION COST PER CAPITA

Figure 4 below calculates the per capita cost of acquiring new parkland for new parks in the District. As presented, the 2.91 acres per 1,000 population existing standard is multiplied by the estimated average land acquisition cost of \$138,000 per acre to arrive at a per capita cost.

FIGURE 4 – PARKLAND ACQUISITION COST PER CAPITA

Cost Component	Acres per 1,000 Population ¹	Acres per Capita ¹	Average Land Acquisition Cost per Acre ²	Cost per Capita
Calc	a	b = a / 1,000	c	d = b * c
Neighborhood Parks	0.57	0.00057	\$138,000	\$78.66
Community Parks	2.34	0.00234	\$138,000	\$322.92
Total District	2.91	0.00291	\$138,000	\$401.58

Source: Feather River Recreation and Park District

Notes:

¹ Based on District's existing level of service. See Figure 3.

² Based on \$121,000 per acre from City of Oroville Development Impact Fee Update Study, December 2020 and adjusted the 14% change in the median home price in Oroville since December 2022.

PARK DEVELOPMENT COST PER CAPITA

Figure 5 below calculates the per capita cost of developing new parks in the District. As presented, the 2.91 acres per 1,000 population existing standard is multiplied by the estimated average per acre cost for park development to arrive at a per capita cost. The average park development cost per acre represents the weighted average construction cost per acre (in 2023 dollars) for neighborhood and community parks. Besides those listed for typical parks in Appendix A, other facilities, such as aquatic and community use facilities, are excluded.

FIGURE 5 – PARK DEVELOPMENT COST PER CAPITA

Cost Component	Acres per 1,000 Population ¹	Acres per Capita ¹	Average Development Cost per Acre ²	Cost per Capita
Calc	a	b = a / 1,000	c	d = b * c
Neighborhood Parks	0.58	0.00058	\$483,000	\$280.14
Community Parks	2.36	0.00236	\$488,000	\$1,151.68
Total District	2.94	0.00294	\$487,000	\$1,431.82

Source: Feather River Recreation and Park District

Notes:

¹ Based on District's existing level of service. See Figure 3.

² See Appendix A. Weighted based on existing level of service. Rounded to the nearest thousand.

DETERMINATION OF THE PARK IMPACT FEE

This section presents the calculation of the total cost per capita for parks and recreational facilities. The total cost per capita for each is then applied to four residential land use categories in proportion to the demand they create as measured by their respective dwelling unit occupancy factor.

PARK IMPACT FEE COST COMPONENTS

The figure below summarizes the per capita cost components from the previous section and includes an additional four percent for the park impact fee program administration. The fee program administrative cost component is designed to recover the cost collection, documentation, annual reporting requirements, five-year report requirements, periodic nexus studies, and other costs reasonably related to compliance with the Act. As shown, the total per capita cost is \$1,891.56.

FIGURE 6 – PARK IMPACT FEE COST COMPONENTS

Cost Component	Per Capita Cost
Parkland Acquisition ¹	\$401.58
Park Development ²	\$1,417.23
Fee Program Administration (4%) ³	\$72.75
Total Cost per Capita	\$1,891.56

Notes:

¹ See Figure 4.

² See Figure 5.

³ Collection, accounting, documentation, annual reporting requirements, five-year report requirements, periodic Nexus Study updates and other costs reasonably related to compliance with the Act.

LAND USE CATEGORIES

The Act requires that development impact fees be determined in a way that ensures a reasonable relationship between the amount of the fee and the cost of the facilities or portion of the facilities attributable to the development on which the fee is imposed. Since the demand for / need for park and recreational services is inherently driven by service population and different residential land uses, have varying household occupancies, the park impact fee is expressed on a per dwelling unit basis based on their respective dwelling unit occupancy factor for three residential land uses.

This Nexus Study also incorporates adding another residential unit to a single-family parcel as a fourth category labeled “Accessory Dwelling Unit.” For the purpose of this fee program, a “dwelling unit” means one or more rooms in a building or structure, or portion thereof, designed exclusively for residential occupancy by one or more persons for living or sleeping purposes and having kitchen and bath facilities.

The four land use categories are as follows:

- *“Single-Family Housing”* means detached or attached one-family dwelling units.
- *“Multi-Family Housing”* means buildings or structures designed for two or more families for living or sleeping purposes and having kitchen and bath facilities for each family.
- *“Mobile Home”* means a development area for residential occupancy in vehicles that require a permit to be moved on a highway, other than a motor vehicle designed or used for human habitation and for being drawn by another vehicle.
- *“Accessory Dwelling Unit”* means a dwelling unit, or “granny flat,” either a detached or attached dwelling unit, which provides complete, independent living facilities for one or more persons with provisions for living, sleeping, eating, cooking, and sanitation on the same parcel as the primary residence.

DWELLING UNIT OCCUPANCY FACTOR

Figure 7 below presents the calculation of the dwelling unit occupancy factor for the three residential land uses. The calculation is based on information from the *American Community Survey 5-Year Estimate* from the 2020 U.S. Census for the City of Oroville and the census-designated places of Palermo, South Oroville, Thermalito, Bangor, Berry Creek, Oroville East, Cherokee, Clipper Mills, Forbestown, Honcut, and Rackerby, which are found to represent the District's boundaries.

FIGURE 7 – DWELLING UNIT OCCUPANCY FACTOR

Land Use Categories	Occupied Dwelling Units	Total Number of Occupants	Dwelling Unit Occupancy Factor
Calc	a	b	c = a / b
Single-Family Housing	10,833	31,401	2.90
Multi-Family Housing	2,257	5,515	2.44
Mobile Homes	2,476	6,117	2.47
Average (2020 Census)	15,566	43,033	2.76

Source: 2020 U.S. Census, ACS 5-Year Estimate for the City of Oroville and the census-designated places of Palermo, South Oroville, Thermalito, Bangor, Berry Creek, Oroville East, Cherokee, Clipper Mills, Forbestown, Honcut, and Rackerby.

PARK IMPACT FEE DETERMINATION

Figure 8 below presents the calculation of the maximum park impact fee. As shown, the per dwelling unit fees for three residential land uses are determined by multiplying the total cost per capita by their respective dwelling unit occupancy factor.

Pursuant to 65852.2(f)(3)(A), the park impact fee for an accessory dwelling unit of 750 square feet or more must be charged proportionately in relation to the square footage of the primary dwelling unit. For example, the calculation of the maximum park impact fee for constructing a 750 square-foot accessory dwelling unit on a single-family parcel with a 2,250 square-foot single-family home would be $(750 / 2,250) * \$5,486 = \$1,828$. The construction of ADUs less than 750 square feet is exempt from the park impact fee.

The District may approve, and the City and County may adopt fees lower than the maximum justified amounts shown below, provided they are reduced by the same percentage for each land use category.

FIGURE 8 – MAXIMUM DISTRICTWIDE PARK IMPACT FEE SCHEDULE

Land Use Category	Unit	Total Cost Per Capita ¹	Dwelling Unit Occupancy Factor ²	Maximum Districtwide Park Impact Fee
Calc		a	b	c = a * b
Single-Family Housing	DU	\$1,891.56	2.90	\$5,486
Multi-Family Housing	DU	\$1,891.56	2.44	\$4,615
Mobile Homes	DU	\$1,891.56	2.47	\$4,672
Accessory Dwelling Unit				See Note 3

Notes:

¹ See Figure 6.

² See Figure 7.

³ Pursuant to Govt. Code § 65852.2(f)(3)(A), the park impact fee for an accessory dwelling unit shall imposed proportionately in relation to the square footage of the primary dwelling unit. Accessory dwelling units less than 750 square feet of living area are exempt.

FIGURE 9 – PARK IMPACT FEE BY COST COMPONENTS

Land Use Category	Unit	<u>Cost Components</u>			District Park Impact Fee
		Parkland Acquisition	Park Development	Fee Program Admin.	
Calc		a	b	c	g = a + b + c
Single-Family Housing	DU	\$1,165	\$4,110	\$211	\$5,486
Multi-Family Housing	DU	\$980	\$3,458	\$178	\$4,615
Mobile Homes ¹	DU	\$992	\$3,501	\$180	\$4,672
Accessory Dwelling Unit					Note 1

Notes:

¹ Pursuant to Govt. Code § 65852.2(f)(3)(A), the park impact fee for an accessory dwelling unit shall imposed proportionately in relation to the square footage of the primary dwelling unit. Accessory dwelling units less than

NEXUS FINDINGS FOR PARK IMPACT FEE

This section summarizes the nexus findings required to demonstrate the legal justification of the park impact fee.

PURPOSE OF THE FEE

The purpose of the park impact fee is to fund new or expanded parks and recreational facilities to meet the new resident population's needs generated by new residential development in the District.

USE OF FEE REVENUE

Park impact fee revenue will be used to fund new or expanded parks and recreational facilities to serve new development. A summary of the allowable and prohibited uses of the fee revenue is provided in Figure 9 below.

FIGURE 10 – SUMMARY OF ALLOWABLE AND PROHIBITED USES OF FEE REVENUE

<u><i>Allowable Uses</i></u>	<u><i>Prohibited Uses</i></u>
▪ The cost of new or expanded parkland, parks, and recreational facilities (100%) ▪ The cost of new recreational facilities in <u>existing</u> parks that expand service capacity (100%) ▪ Park and recreational facility costs already incurred that provide growth-related capacity (100%) ▪ The proportional cost of park and recreational facility renovation projects that expand service capacity ▪ Collection, accounting, documentation, annual reporting requirements, five-year report requirements, periodic nexus studies, and other costs reasonably related to compliance with the Act.	▪ Existing deficiencies, such as renovation or replacement of existing recreational facilities that do not expand service capacity ▪ Construction of community use facilities, swimming pools, and purchase or lease of vehicles. ▪ Operational, maintenance, or repair costs

BENEFIT RELATIONSHIP

The fee will be collected as development occurs. Fee revenue will be used to fund new and expanded parks and recreational facilities to meet the additional demand generated by the new residents created by new development projects. Fee revenue will be deposited into a separate park impact fee account or fund in a manner to avoid any commingling of the fees with other revenues and funds. The fee revenue will be restricted to the uses described in the “Use of Fee Revenue” finding. Additionally, the Act ensures that fees are either expended expeditiously or refunded. These actions ensure that a development project paying the park impact fee will benefit from its use.

IMPACT OR NEED RELATIONSHIP

Since the need for park and recreational services is inherently population-driven, new residential development in the District will generate the need for additional park and recreational services and the corresponding need for various facilities. The need is measured in proportion to the dwelling unit occupancy factor for three residential land use categories. The District’s existing standard is 2.91 improved park acres for every 1,000 residents. The fees’ use (funding new or expanded park and recreational facilities) is therefore reasonably related to the type of project (new residential development) upon which it is imposed.

ROUGH PROPORTIONALITY

The park and recreational facilities needed to serve a unit of development are based on the District’s existing level of service standards for such facilities. The cost of new and expanded park and recreational facilities and fee program administrative costs are defined on a cost-per-capita basis. These per capita costs are then applied to three residential land use categories based on their respective dwelling unit occupancy factor.

The use of average dwelling unit occupancy for three residential land use categories to determine the park impact fee schedule achieves proportionality across the types of development on which the fee is imposed. Generally, a single-family home will generate more persons than a multi-family unit and, as a result, will pay a higher park impact fee. Thus, the park impact fee schedule’s application to a specific project ensures a reasonable relationship between the fee and park and recreational facilities cost attributable to that residential development project.

PROJECTED PARK IMPACT FEE REVENUE

Figure 10 projects park impact fee revenue through 2040. Total fee revenue (in 2023 dollars) is estimated by multiplying the total cost per capita by the projected resident population growth for the period. As shown, it is projected that the District may generate approximately \$17.9 million by 2040. Indeed, arguments can be made for higher or lower population growth. However, the projected population growth and fee revenue are merely estimates for planning purposes. The maximum fee amounts do not depend upon the timing and level of development.

FIGURE 11 – PROJECTED PARK IMPACT FEE REVENUE

Land Use Category	Calc	Cost per Capita ¹ a	Projected Resident Growth (2040) ² b	Projected Park Impact Fee Revenue (2023\$) c = a * b
Residential Development		\$1,891.56	9,470	\$17,913,073

Notes:

¹ See Figure 3

² See Figure 6

The fee revenue must be deposited into a separate park impact fee account or fund in a manner to avoid any commingling of the fees with other revenues and funds. The fee revenue will be restricted to funding new or expanded parks and recreational facilities to serve new residential development. Additionally, fee revenue will be used to cover fee program administration costs such as collection, documentation, annual reporting requirements, five-year report requirements, periodic nexus studies, and other costs reasonably related to compliance with the Act.

The fee revenue will be restricted to funding new or expanded parks and recreational facilities that add to the District's park and recreational service capacity. Additionally, the use of fee proceeds for rehabilitating existing parks and recreational facilities is limited in that they may only cover the portion of an improvement that expands service capacity. For example, suppose the District planned to replace a shade structure within an existing park with a significantly larger shade structure. In that case, park impact fee proceeds could fund the portion equal to the percentage increase in the square footage of the larger shade structure or by another reasonable capacity measurement. Fee revenue may not fund 1) the renovation or replacement of existing facilities and 2) operational, maintenance, or repair costs.

COMPARISON OF CURRENT AND MAXIMUM PARK IMPACT FEES

The figure below compares the District's current park impact fee schedules with the maximum park impact fee schedule justified by this Nexus Study.

FIGURE 12 – CURRENT AND MAXIMUM INCORPORATED AREA DISTRICT PARK IMPACT FEES
(CITY OF OROVILLE)

Land Use Category	Unit ¹	FRRPD Incorporated Area Park Impact Fee (2008) ²	Maximum Districtwide Park Impact Fee	\$ Change	% Change
	Calc	a	b	c = a - b	d = c / a
Single-Family Housing	DU	\$1,196	\$5,486	\$4,290	358.7%
Multi-Family Housing	DU	\$1,063	\$4,615	\$3,552	334.1%
Mobile Homes	DU	\$793	\$4,672	\$3,879	489.2%
Accessory Dwelling Unit		----- See Note 3 -----			

Notes:

¹ DU means dwelling unit

² From Interim Development Impact Fee Calculation and Nexus Report, December 2008.

³ Pursuant to Govt. Code § 65852.2(f)(3)(A), the park impact fee for an accessory dwelling unit shall imposed proportionately in relation to the square footage of the primary dwelling unit. Accessory dwelling units less than 750 square feet of living area are exempt.

**FIGURE 13 – CURRENT AND MAXIMUM UNINCORPORATED AREA PARK IMPACT FEES
(COUNTY OF BUTTE)**

Land Use Category	Unit ¹	Current FRRPD Unincorporated Area Park Impact Fee (2003) ²	Maximum Districtwide Park Impact Fee (2023)	\$ Change	% Change
	Calc	a	b	c = a - b	d = c / a
Single-Family Housing	DU	\$1,106	\$5,486	\$4,380	396.0%
Multi-Family Housing	DU	\$870	\$4,615	\$3,745	430.5%
Mobile Homes	DU	\$867	\$4,672	\$3,805	438.9%
Accessory Dwelling Unit		----- See Note 3 -----			

Notes:

¹ DU means dwelling unit

² From Feather River Recreation and Park District Development Impact Fee Calculation Report, May 2003

³ Pursuant to Govt. Code § 65852.2(f)(3)(A), the park impact fee for an accessory dwelling unit shall imposed proportionately in relation to the square footage of the primary dwelling unit. Accessory dwelling units less than 750 square feet of living area are exempt.

FEE PROGRAM ADOPTION REQUIREMENTS

The following is a summary of the statutory procedural requirements for approval of the Nexus Study and proposed park impact fee program ("fee program") by the District Board of Directors and adoption by the City Council on behalf of the District. The specific statutory procedural requirements for adopting the fee program may be found in the California Government Code Sections 66016, 66017, and 66018, City Municipal Code 3.32.115, and County Municipal Code Chapter 16, Article 6.

It is recommended that the notice and hearing requirements be satisfied by the District, the City, and the County.

FEATHER RIVER RECREATION AND PARK DISTRICT

1. The District Board of Directors shall conduct at least "one open and public meeting" as part of a regularly scheduled meeting on the proposed fee program.
2. At least 30 days before the meeting, the District shall mail a notice of the meeting to any interested party who filed a written request for notice of the adoption of new or increased fees.
3. At least 30 days before the meeting, the District shall make the Nexus Study available to the public for review.
4. At least 30 days before the public hearing, a notice of the meeting's time and place shall be published twice in a newspaper of general circulation, with at least five days intervening between the first and last publication dates, not counting such publication dates.
5. After the public hearing, the District Board shall adopt a resolution approving the Nexus Study and proposed fee program to recommend that the City Council and the County Board of Supervisors adopt the proposed fee program on behalf of the District.

CITY OF OROVILLE

1. The City Council shall conduct at least "one open and public meeting" as part of a regularly scheduled meeting on the requested fee program.
2. At least 30 days before the meeting, the City shall mail out a meeting notice to any interested party who filed a written request for notification of the adoption of new or increased fees.

3. The Nexus Study shall be adopted at a public hearing with at least 30 days' notice, and the local agency shall notify any member of the public that requests notice of intent to begin an impact fee nexus study of the date of the hearing.
4. At least 30 days before the meeting, the City shall make the Nexus Study available for public review.
5. At least 30 days before the public hearing, a notice of the time and place of the meeting shall be published twice in a newspaper of general circulation, with at least five days intervening between the dates of the first and last publication, not counting such publication dates.
6. After the public hearing, the City Council shall adopt an ordinance and resolution establishing the proposed fee program on behalf of the District.
7. The fee shall become effective 60 days after the adoption of the resolution or longer as specified by the resolution.

COUNTY OF BUTTE

1. The County Board of Supervisors ("County Board") shall conduct at least "one open and public meeting" as part of a regularly scheduled meeting on the requested fee program.
2. At least 30 days before the meeting, the County shall mail out a meeting notice to any interested party who filed a written request for notification of the adoption of new or increased fees.
3. At least 30 days before the meeting, the County shall make the Nexus Study available for public review.
4. At least 30 days before the public hearing, a notice of the time and place of the meeting shall be published twice in a newspaper of general circulation, with at least five days intervening between the dates of the first and last publication, not counting such publication dates.
5. After the public hearing, the County Board shall adopt an ordinance and resolution establishing the proposed fee program on behalf of the District.
6. The fee shall become effective 60 days after the adoption of the resolution or longer as specified by the resolution.

FEE PROGRAM ADMINISTRATION REQUIREMENTS

This section summarizes the statutory requirements and general recommendations for the annual administration of the park impact fee program. The specific statutory provisions for administering the fee program may be found in the Mitigation Fee Act (California Govt. Code § 66000 et seq.).

ACCOUNTING REQUIREMENTS

The new park impact fees should be expended solely for the purpose for which they were collected. Proceeds from the park impact fee should be deposited into a new separate fund or account to avoid commingling fees with other revenue. Any interest earned by such account should be deposited in that account and expended solely for the purpose for which originally collected.

REPORTING REQUIREMENTS

The following information, entitled “*Annual Report*,” must be made available to the public within 180 days after the last day of each fiscal year:

- a brief description of the type of fee in the account;
- the amount of the fee;
- the beginning and ending balance of the account;
- the fees collected that year and the interest earned;
- an identification of each public improvement for which the fees were expended and the amount of the expenditures for each improvement;
- an identification of an approximate date by which development of the improvement will commence if the local agency determines that sufficient funds have been collected to complete financing of an incomplete public improvement;
- a description of each inter-fund transfer or loan made from the account or fund, including the public improvement on which the transferred or loaned fees will be expended, the date on which any loan will be repaid, and the rate of interest to be returned to the account; and
- the amount of money refunded under section Govt. Code § 66001.

The District shall review the Annual Report at the next regularly scheduled public meeting, not less than 15 days after the Annual Report is made available to the public. Notice of the time and place of the meeting, including the address where this information may be reviewed, shall be mailed, at least 15 days prior to the meeting, to any interested party who files a written request with the District for mailed notice of the meeting. Any written request for mailed notices shall be valid for one year from the date on which it is filed unless a renewal request is filed. Renewal requests for mailed notices shall be filed on or before April 1 of each year. The District Board may establish a reasonable annual charge for sending notices based on the estimated cost of providing the service.

For the fifth fiscal year following the first receipt of any park impact fee proceeds and every five years thereafter, the District must comply with Government Code Section 66001(d)(1) by affirmatively demonstrating that the District still needs unexpended park impact fees to achieve the purpose for which it was originally imposed and that the District has a plan on how to use the unexpended balance to achieve that purpose. Specifically, the District shall make the following findings, entitled “*Five-Year Findings Report*,” with respect to that portion of the account or fund remaining unexpended, whether committed or uncommitted:

- Identify the purpose to which the fee is to be put;
- Demonstrate a reasonable relationship between the fee and the purpose for which it is charged;
- Identify all sources and amounts of funding anticipated to complete financing in incomplete improvements; and
- Designate the approximate dates on which the funding is expected to be deposited into the appropriate account or fund.

The refund of all or any part of such unexpended or unappropriated fee revenue, together with any actual interest accrued thereon, in the manner described in Government Code § 66001 (e) of the, to the current record owner of any property for which a fee was paid; provided that if the administrative costs of refunding such fee revenue exceed the amount to be refunded.

TRANSPARENCY REQUIREMENTS

The District must clearly post the following information on the District's website regarding the fee program. Information updates must be made within 30 days of any change.

- The current fee schedules indicating the effective date when approved by the City Council and the County Board of Supervisors.
- Current and five previous annual reports required according to Government Code Section 66006 (b).
- Current and any previous park impact fee nexus studies conducted after January 1, 2018.

AUTOMATIC ANNUAL INFLATIONARY ADJUSTMENT

All costs and the associated park impact fees determined by this Nexus Study are in January 2023 dollars. The park impact fee should be adjusted automatically without further action by the District Board, the City Council, or the County Board of Supervisors on the first day of each fiscal year by the net percentage change during the preceding calendar in the San Francisco Bay Area Engineering News-Record Construction Cost Index or its successor publication.

FEE EXEMPTIONS

The following are exempted from payment of the fee:

- Construction of a structure owned by a governmental agency.
- Construction of an accessory dwelling unit less than 750 square feet.
- Any replacement or reconstruction of an existing dwelling unit.

NEXUS STUDY UPDATES

This Nexus Study and fee program must be updated at least every eight years. The next Nexus Study update is due no later than January 1, 2031.

APPENDICES

Appendix A – Cost Estimates for Parks and Recreational Facilities

Appendix B – Inventory of District Park Facilities

Appendix C – Combined City (2020) and District Park Impact Fees

APPENDIX A – COST ESTIMATES FOR PARK AND RECREATION FACILITIES

FIGURE 14 – TYPICAL 5-ACRE NEIGHBORHOOD PARK CONSTRUCTION COSTS

Item	Units		Unit Cost	2023 \$
	Calc	a	b	c = a * b
Basic Park Development		5 acre	\$337,000	\$1,685,000
Parking Lots		20 stall	\$5,000	\$100,000
Soccer Field		1 each	\$19,000	\$19,000
Playground Equipment - Large		1 each	\$443,000	\$443,000
Basketball Court (1/2 Court)		1 each	\$57,000	\$57,000
Shade Structure - Large (50 people)		1 each	\$113,000	\$113,000
Total Project Cost				\$2,417,000
Cost Per Acre (rounded)				\$483,000

Source: Feather River RPD and SCI Consulting Group

FIGURE 15 – TYPICAL 20-ACRE COMMUNITY PARK CONSTRUCTION COSTS

Item	Units		Unit Cost	2023 \$
	Calc	a	b	c = a * b
Basic Park Development		20 acre	\$266,000	\$5,320,000
Playground Equipment - Small		2 each	\$225,000	\$450,000
Playground Equipment - Large		1 each	\$443,000	\$443,000
Soccer Field		2 each	\$19,000	\$38,000
Youth Baseball / Softball Fields		3 each	\$77,000	\$231,000
Tennis Court with Fence (Set of 2)		4 each	\$124,000	\$496,000
Sports Lighting		1 each	\$50,000	\$50,000
Basketball Court (1/2 Court)		3 each	\$57,000	\$171,000
Shade Structure - Large (50 people)		2 each	\$114,000	\$228,000
Shade Structure - Small (25 people)		2 each	\$58,000	\$116,000
Restroom Building		4 each	\$366,000	\$1,464,000
Parking Lots		150 stall	\$5,000	\$750,000
Total Project Cost				\$9,757,000
Cost Per Acre (rounded)				\$488,000

Source: Feather River RPD and SCI Consulting Group

APPENDIX B – DISTRICT PARK INVENTORY

FIGURE 16 – DISTRICT PARK INVENTORY

Name of Park / Area	Type of Park	Total Acres	Developed Acres	Unimproved Acres
Nelson Park and Pool	Community	29.60	29.60	0.00
Riverbend Park	Community	55.99	55.99	0.00
Gary Nolan Sports Complex	Community	13.00	13.00	0.00
Playtown Park	Neighborhood	2.80	2.80	0.00
Martin Luther King Jr. Park	Neighborhood	5.58	5.58	0.00
Palermo Park and Pool	Neighborhood	4.02	4.02	0.00
Forbestown Park	Neighborhood	3.10	3.10	0.00
Wyandotte Park	Neighborhood	2.60	2.60	0.00
Bangor Park	Neighborhood	6.75	6.75	0.00
Bedrock Skate and Bike Park	Special Purpose	0.75	0.75	0.00
Bedrock Tennis Courts	Special Purpose	2.30	2.30	0.00
District Parks		126.49	126.49	0.00
City Parks ¹		36.79	26.07	10.72
Total Parks		163.28	152.56	10.72

Source: Feather River Recreation and Park District; City of Oroville

Notes:

¹ City park inventory.

APPENDIX C – COMBINED CITY (2020) AND DISTRICT PARK IMPACT FEES

FIGURE 17 – COMBINED CITY (2020) AND DISTRICT PARK IMPACT FEES

Land Use Category	Unit	District Park Impact Fee Cost Components			City Park Impact Fee Cost Components			District Park Impact Fee	City Park Impact Fee	Combined Park Impact Fee
		Parkland Acquisition	Park Development	Fee Program Admin.	Parkland Acquisition (Non-Quimby)	Recreational Buildings and Park Development	Fee Program Admin.			
Calc		a	b	c	d	e	f	g = a + b + c	h = d + e + f	i = g + h
Single-Family Housing	DU	\$1,165	\$4,110	\$211	\$472	\$2,780	\$97	\$5,486	\$3,349	\$8,835
Multi-Family Housing	DU	\$980	\$3,458	\$178	\$380	\$2,239	\$78	\$4,615	\$2,697	\$7,312
Mobile Homes ¹	DU	\$992	\$3,501	\$180				\$4,672		\$4,672
Accessory Dwelling Unit								----- See Note 2 -----		

Notes:

¹ Assumes new mobile homes are classified as single-family housing.

² Pursuant to Govt. Code § 65852.2(f)(3)(A), the park impact fee for an accessory dwelling unit shall imposed proportionately in relation to the square footage of the primary dwelling unit. Accessory dwelling units less than 750 square feet of living area are exempt.

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Park Impact Fee Program Update

BLAIR AAS | SCI CONSULTING GROUP



About the FRRPD Park Impact Fee Program

- First established in 2003
- Imposed by City and County on behalf of the District
- The unincorporated area fee hasn't been adjusted for inflation since 2003.
- The incorporated area fee was adjusted in 2008.
- The Nexus Study establishes legal and policy basis for imposing the new park impact fee program

Methodology and Approach



Districtwide Nexus Study



Per-Capita Standard Based Methodology

Existing Level of Service Standard
(2.94 acres per 1,000 residents)

Open-Ended



Fee Cost Components

Parkland Acquisition
(\$138,000 per acre)

New or Expanded Parks and Recreational Facilities
(\$487,000 per acre)

Fee Program Administration
(4%)



Current Resident Population

43,506



Dwelling Unit Occupancy Factor

2.90 persons per home
2.44 persons per unit
2.47 per mobile home

Park Impact Fee Program

Incorporated Area

Land Use Category	Unit	Current FRRPD	Maximum	\$ Change	% Change
		Incorporated Area Park Impact Fee (2008)	Districtwide Park Impact Fee		
	Calc	a	b	c = a - b	d = c / a
Single-Family Housing	DU	\$1,196	\$5,486	\$4,290	358.7%
Multi-Family Housing	DU	\$1,063	\$4,615	\$3,552	334.1%
Mobile Homes	DU	\$793	\$4,672	\$3,879	489.2%
Accessory Dwelling Unit			----- See Note 1 -----		

Notes:

¹ The park impact fee for an accessory dwelling unit shall imposed proportionately in relation to the square footage of the primary dwelling unit. Accessory dwelling units less than 750 square feet of living area are exempt.

Park Impact Fee Phasing Plan

Incorporated Area

Land Use Category	Unit ¹	Current FRRPD Incorporated Area Park Impact Fee (2008) ²	Maximum Districtwide Park Impact Fee 2023 ³	Effective July 1, 2024	Effective July 1, 2025 ⁴	Effective July 1, 2026 ⁴	Effective July 1, 2027 ⁴	Effective July 1, 2028 ⁴	Effective July 1, 2029 ⁴	Effective July 1, 2030 ⁴	Effective July 1, 2031 ⁴
<u>Eight-Year Plan</u>											
Single-Family Housing	DU	\$1,196	\$5,486	\$1,732	\$2,314	\$2,907	\$3,512	\$4,129	\$4,759	\$5,401	\$6,056
Multi-Family Housing	DU	\$1,063	\$4,615	\$1,507	\$1,990	\$2,483	\$2,985	\$3,498	\$4,021	\$4,554	\$5,098
Mobile Homes	DU	\$793	\$4,672	\$1,278	\$1,798	\$2,329	\$2,870	\$3,422	\$3,985	\$4,559	\$5,145

Notes:

¹ DU means dwelling unit

² From Interim Development Impact Fee Calculation and Nexus Report, December 2008.

³ Maximum park impact fees justified by the District's Park Impact Fee Nexus Study Final Report v 1.2 dated March 2023.

⁴ Includes a conservative 2% adjustment for inflation.

⁵ Pursuant to Govt. Code § 65852.2(f)(3)(A), the park impact fee for an accessory dwelling unit shall imposed proportionately in relation to the square footage of the primary dwelling unit. Accessory dwelling units less than 750 square feet of living area are exempt.

Accounting Requirements

- Fee proceeds must be deposited into a separate fund or account so that there will be no commingling of fees with other revenues
- Fee proceeds must be expended solely for the purpose for which there were collected
- Fee proceeds must be expended on park and recreational facilities that expand the District's service capacity.



Uses of Fee Revenue

ALLOWABLE USES

- The cost of new or expanded parks and recreational facilities (100%)
- Parkland acquisition costs (100%)
- The cost of new recreational facilities in existing parks that expand service capacity (100%)
- Park and recreational facility costs already incurred that provide growth-related capacity (100%)
- The proportional cost of park and recreational facility renovation projects that expand service capacity
- Collection, accounting, documentation, annual reporting requirements, five-year report requirements, periodic nexus studies, and other costs reasonably related to compliance with the Act.

PROHIBITED USES

- Existing deficiencies, such as renovation or replacement of existing recreational facilities that do not expand service capacity
- Aquatic facilities, community use facilities, or purchase or lease of vehicles.
- Operational, maintenance, or repair costs



Reporting Requirements



Annual Report

Must be made available to the public with 180 days after the last day of each fiscal year



Five-Year Findings Report

For the fifth year following the first receipt of fee proceeds, and every five years thereafter, in conjunction with Annual Report



Reports prepared by District; approved by District Board; filed with City



Questions?

Chris Wagoner
General Manager

Deborah Peltzer
Business Manager

Blair Aas
Impact Fee Consultant



Proposed Amendments

3.32.115 Feather River Recreation and Park District fees.

A. The City of Oroville (the “city”) shall not issue a building permit for a residential unit absent receipt by the city of written certification from the Feather River Recreation and Park District (the “district”) to the building permit applicant that the building permit applicant has paid district the residential unit impact fees adopted by resolution of the Council.

~~by the board of directors of the district, except that such fees shall not exceed the following amounts as indicated in the Supplemental Development Impact Fee Calculation and Nexus Report prepared by SCI Consulting Group:~~

~~Single family detached~~	~~See Master Fee Schedule~~
~~Single family attached~~	~~See Master Fee Schedule~~
~~Multiple family~~	~~See Master Fee Schedule~~
~~Mobile home~~	~~See Master Fee Schedule~~

-

B. Any amendment to the above fee schedule shall not be applicable within the city without an amendment to this section.

~~C. The fees set forth above shall be subject to annual adjustments in park development costs based on current dollars, as reflected in the Engineering News Record Construction Cost Index for San Francisco (“ENR CCI”). Net change in such costs shall be measured from a base date of April 15, 2009.~~

D. This section shall not apply to any building permit applications for properties located outside the boundaries of the district.

E. The city council may waive the requirement that the city receive written certification from the district upon making findings based upon substantial evidence that: (1) the required fee has been paid; and (2) the district failed to provide the certification of payment to the applicant within five business days of receipt of the payment. In addition, no certification shall be required if the city council makes findings based on substantial evidence that the board of directors of the district has either not adopted or eliminated entirely the residential unit impact fees.

F. The property known as “Oro Bay” (the “Oro Bay Property”) shall be exempt from the fee schedule set forth in this section, including any increases in said fee schedule. The Oro Bay Property consists of the real property subject to the Oro Bay Specific Plan, as approved by the city pursuant to Resolution 7138.

G. This section shall be repealed if the district increases its residential impact fees application to city building permits without the prior amendment of this section. (Ord. 1812 §§ 1—7, 2016)

**OROVILLE CITY COUNCIL
RESOLUTION NO. XXXX**

**A RESOLUTION OF THE OROVILLE CITY COUNCIL ADOPTING THE FEATHER RIVER
RECREATION AND PARK DISTRICT PARK IMPACT FEE NEXUS STUDY AND PARK
IMPACT FEE PROGRAM ON BEHALF OF SAID DISTRICT**

WHEREAS, the Feather River Recreation and Park District ("District") is a local special district responsible for providing park and recreational facilities within the City of Oroville ("City"); and

WHEREAS, the Mitigation Fee Act ("Act") codified in California Government Code Section 66000 et seq., allows the establishing, increasing, or imposing of a development fee as a condition of approval where the purpose and use of the fee were identified, and reasonable relationship to the development project was demonstrated; and

WHEREAS, the Council of the City of Oroville ("Council"), by Section 3.32.115 of the City Municipal Code, authorizes the imposition of a development impact fee ("park impact fee") on new development with the District to fund the acquisition and development of additional park facilities to mitigate the impacts caused by new development; and

WHEREAS, the Board of Directors ("the District Board") of the Feather Recreation and Park District ("District") has determined that current park and recreational facilities will not be adequate for future population growth; and

WHEREAS, the District recently conducted a Park Impact Fee Nexus Study dated March 2023 Final Report v1.2 ("Nexus Study") establishing the legal and policy basis for a new park impact fee program to be imposed by the City on behalf of the District on new development with the incorporated area of the District; and

WHEREAS, the District Board adopted Resolution No. 2008-23 on March 28, 2023, District Board formally requesting that the City Council adopt Nexus Study and implement the approved park impact fee on behalf of the District with the incorporated area of the District agreeing to be responsible for the proper accounting for and expenditure of said moneys and further agreeing to hold the City harmless from and to defend it from any action, claim or damages related to said fees, including any challenge to the validity of or use thereof; and

WHEREAS, the City Council has received and considered the Nexus Study; and

WHEREAS, in accordance with Section 66016.59(a)(7) of the Act, notice was published twice in the Oroville Mercury-Register and on the City website, providing 30 days' notification of the time and place for a public hearing to consider and adopt the Nexus Study and an eight-year phased park impact fee schedule. Notice of the hearing was also provided 14 days prior to the public hearing to those interested parties who requested, in writing, notice of meetings on new or increased fees or service charges.

NOW, THEREFORE, IT IS HEREBY RESOLVED that:

- 1) The Council hereby receives and adopts the Nexus Study dated March 2023 Final Report v1.2.
- 2) Prior to the adoption of this Resolution, the Council conducted a public hearing at which oral and written presentations were made as part of the Council's regularly scheduled December 5, 2023, meeting. Notice of the time and place of the meeting, including a general explanation of the matter to be considered, has been published twice in a newspaper in accordance with Government Code Section 66018. Additionally, at least 30 days before the meeting, the City made the Nexus Study available for public review.
- 3) After considering the Nexus Study, this Resolution, and after considering the testimony received at this public hearing, the Council hereby makes the following findings:
 - a) The park impact fees justified by the Nexus Study and approved pursuant to this Resolution are to fund the cost of parkland acquisition and the cost of new or expanded parks and recreational facilities to meet the needs of the resident population generated by new development in the City; and
 - b) The park impact fees justified by the Nexus Study and approved pursuant to this Resolution will be used to fund the cost of parkland acquisition, new or expanded park and recreation facilities, and administrative costs associated with the park impact fee program; and
 - c) The uses of the park impact fees justified by the Nexus Study and approved pursuant to this Resolution are reasonably related to the types of development projects on which the fees are imposed in that fee revenue will be used to fund parkland acquisition and new and expanded parks and recreational facilities to meet the additional demand generated by the residents created by new development. Fee revenue will be deposited into a separate District park impact fee account or fund in a manner to avoid any commingling of the fees with other revenues and funds. The fee revenue will be restricted to the allowable uses described in Nexus Study. These actions ensure that a new development project paying the park impact fee will benefit from its use; and
 - d) The park impact fees justified by the Nexus Study and approved pursuant to this Resolution bear a reasonable relationship to the need for park and recreational facilities in that each new development project will generate additional need for park and recreational services and the associated need for park and recreational facilities. The need is defined by the District's existing level of service standards for such facilities; and
 - e) The Nexus Study demonstrates that there is a reasonable relationship between the amount of the park impact fee and the cost of the park and recreation facilities attributable to the development on which the fee is imposed. Parkland acquisition and park and recreational facility costs are defined on a per capita basis and applied to three residential land use categories according to their respective average household occupancy.

- 4) The Council finds pursuant to the California Environmental Quality Act ("CEQA"), this action is not a "project" because the Resolution provides a mechanism for funding park development and recreation and operation facilities construction but does not involve a commitment to any specific project for such purposes that may result in a potentially significant impact on the environment. (CEQA Guidelines § 15378.)
- 5) The Council adopts the eight-year phased park impact fee schedule shown in Exhibit A on new development with the City on behalf of the District, which shall be collected upon issuance of a building permit.
- 6) If any portion of this Resolution is found by a court of competent jurisdiction to be invalid, such finding shall not affect the validity of the remaining portions of this Resolution.

PASSED AND ADOPTED by the Oroville City Council at a regularly scheduled meeting held on March 19, 2024, by the following vote:

AYES:

NOES:

ABSTAIN:

ABSENT:

David Pittman, Mayor

APPROVED AS TO FORM:

ATTEST:

Scott E. Huber, City Attorney

Kayla Reaster, Assistant City Clerk

EXHIBIT A

Feather River Recreation and Park District Park Impact Fee Phasing Plan (City of Oroville)

Land Use Category	Unit ¹	FRRPD Incorporated Area Park Impact Fee (2008) ²	Maximum Districtwide Park Impact Fee 2023 ³	Effective July 1, 2024	Effective July 1, 2025 ⁴	Effective July 1, 2026 ⁴	Effective July 1, 2027 ⁴	Effective July 1, 2028 ⁴	Effective July 1, 2029 ⁴	Effective July 1, 2030 ⁴	Effective July 1, 2031 ⁴
<u>Eight-Year Plan</u>											
Single-Family Housing	DU	\$1,196	\$5,486	\$1,732	\$2,314	\$2,907	\$3,512	\$4,129	\$4,759	\$5,401	\$6,056
Multi-Family Housing	DU	\$1,063	\$4,615	\$1,507	\$1,990	\$2,483	\$2,985	\$3,498	\$4,021	\$4,554	\$5,098
Mobile Homes	DU	\$793	\$4,672	\$1,278	\$1,798	\$2,329	\$2,870	\$3,422	\$3,985	\$4,559	\$5,145

Notes:

¹ DU means dwelling unit

² From Interim Development Impact Fee Calculation and Nexus Report, December 2008.

³ Maximum park impact fees justified by the District's Park Impact Fee Nexus Study Final Report v 1.2 dated March 2023.

⁴ Includes a conservative 2% adjustment for inflation.

⁵ Pursuant to Govt. Code § 65852.2(f)(3)(A), the park impact fee for an accessory dwelling unit shall imposed proportionately in relation to the square footage of the primary dwelling unit. Accessory dwelling units less than 750 square feet of living area are exempt.



CITY OF OROVILLE STAFF REPORT

TO: MAYOR PITTMAN AND CITY COUNCIL MEMBERS

**FROM: PATRICK PIATT, COMMUNITY DEVELOPMENT DIRECTOR,
LARK MCNEILL, INTERWEST PLANNING GROUP**

**RE: SECOND READING OF ZONING CODE AMENDMENT (ZC) 24- 02;
CHANGING THE SECTION'S TITLE FROM SECOND DWELLING UNITS
TO ACCESSORY DWELLING UNITS AND AMENDING MUNICIPAL CODE
SECTION 17.16.010**

DATE: MAY 21, 2024

SUMMARY

The Council will again consider adopting ZC 24-02, changing the title of Municipal Code Section 17.16.010 from Second Dwelling Units to Accessory Dwelling Units, and establishing regulations and standards for accessory dwelling units.

DISCUSSION

On March 5, 2024, the City Council conducted a public hearing and unanimously approved the first reading of Ordinance No. 1878 with two minor changes. At a second reading on March 19, 2024, the Council approved the ordinance with a 30-day minimum stay. On April 2, 2024, the Council heard public comment, again discussed the ordinance, and eliminated the 30-day requirement.

At the April 2 meeting two questions were discussed:

- 1) Can the city establish a minimum rental stay for an accessory dwelling unit? State law states that "...a local agency may require that the property be used for rentals of terms 30 days or longer (Government Code Section 65852.2.(a)(8))...." The Council ultimately opted not to require a minimum stay and will allow short-term rentals (STR). However, we note that State law does require a minimum of 30-day stays for Junior Accessory Dwelling Units (JADU's) and ADU's under 800 square feet, so STR's will be allowed only for larger ADU's between 800 and 1,200 square feet. The ordinance has been revised to reflect this. Owners that open their ADU's as STR's are required to register and pay Transient Occupancy Tax.
- 2) Whether accessory dwelling units are required to be owner-occupied. Government Code Section 65852.2.(a)(8) states that "No additional standards, other than those provided in this subdivision, shall be used or imposed, including an owner-occupant requirement." However, for a property with a junior accessory dwelling unit, either

the primary residence or the JADU must be owner occupied. Junior accessory dwelling units are an integrated part of the primary dwelling unit, frequently sharing a heating and cooling system, and potentially sharing bathing and cooking facilities. The ordinance has been revised to reflect state law.

This ordinance also has a few other text changes which are based on comments HCD (California Department of Housing and Community Development) has sent to other communities regarding their ADU ordinances. After adoption by the city, this ordinance must also be reviewed by HCD, and by incorporating these comments staff anticipates it will pass review without comment.

One of the minor corrections is in the definition of accessory dwelling unit. State law does not require a garage for an accessory dwelling unit, but it does require that a local agency allow a primary residence garage to be converted into an accessory dwelling unit.

The definition has thus been modified to read:

“Accessory dwelling unit” means an attached or a detached residential dwelling unit ~~and garage~~ that provides complete independent living facilities for one or more persons and is located on a lot with a proposed or existing primary residence *and garage*. It shall include permanent provisions for living, sleeping, eating, cooking, and sanitation on the same parcel as the single-family or multifamily dwelling is or will be situated. An accessory dwelling unit also includes an efficiency unit or a manufactured home, as defined in Section 18007 of the Health and Safety Code.”

Finally, we note that state law allows three accessory dwelling units on every single-family zoned property with a primary residence: a junior accessory dwelling unit, a detached accessory dwelling unit, and a conversion accessory dwelling unit created out of existing or proposed square footage of a primary dwelling unit and its garage.

FISCAL IMPACT

None. All ADUs and JADUs will pay applicable fees at the time building permit applications are submitted to the city.

RECOMMENDATION

Staff recommends the following actions:

1. **Approve the second reading with revisions and introduce by title only, Ordinance 1878 – AN ORDINANCE OF THE OROVILLE CITY COUNCIL AMENDING SECTION 17.16.010 OF THE ZONING ORDINANCE OF THE CITY OF OROVILLE CONSISTENT WITH STATE LAW RELATING TO ACCESSORY DWELLING UNITS.**

ATTACHMENTS

- A. Ordinance No. 1878

CITY OF OROVILLE ORDINANCE NO. 1878

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF OROVILLE ADOPTING ZONING CODE AMENDMENT (ZC) 24-02 AMENDING THE OROVILLE MUNICIPAL CODE BY CHANGING THE TITLE OF SECTION 17.16.010 FROM “SECOND DWELLING UNITS” TO “ACCESSORY DWELLING UNITS” AND AMENDING SECTION 17.16.010 ESTABLISHING REGULATIONS AND STANDARDS FOR ACCESSORY DWELLING UNITS

WHEREAS, Assembly Bill 1033 went into effect January 1, 2024, which allows accessory dwelling units to be sold independently of the primary dwelling unit on a property in a single-family residential zone; and

WHEREAS, Assembly Bill 1033 authorizes a local agency to adopt a local ordinance to allow the separate conveyance of the primary dwelling unit and accessory dwelling unit or units as condominiums, as specified; and

WHEREAS, accessory dwelling units are intended to increase the supply of non-transient housing in the State. Accessory dwelling units are permitted in all areas zoned to allow single-family or multifamily dwelling residential uses within the City limits; and

WHEREAS, City staff recommends amending the title of Section 17.010.16 in the Zoning Code from “Second Dwellings” to “Accessory Dwelling Units” and amending the Oroville Municipal Code Section 17.010.16 to establish regulations for accessory dwelling units in compliance with current State law; and

WHEREAS, The Planning Commission conducted a public hearing on December 21, 2023, and again on January 25, 2024, where Resolution No. P2023-23 was subsequently adopted recommending that the City Council adopt zoning code amendment (ZC) 24-02; and

WHEREAS, the proposed amendments are internally consistent with other applicable provisions of the Zoning Code, the 2030 General Plan, and compatible with the uses authorized in the applicable zoning districts for which the revisions are proposed; and

WHEREAS, the proposed Zoning Code Amendment is not subject to the California Environmental Quality Act (CEQA), Class 15301. This ordinance is

applicable city-wide to residential properties and structures. The additional residential units created through this ordinance are exempt from density restrictions pursuant to Government Code Section 65852.2.; 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 the code changes described herein and considered the City's staff report regarding the project.

NOW, THEREFORE, BE IT RESOLVED THAT THE COUNCIL OF THE CITY OF OROVILLE DO ORDAIN AS FOLLOWS:

SECTION 1: Findings.

The City Council of the City of Oroville adopts and finds as true and correct the aforementioned recitals and incorporate them herein as findings.

Section 2: Amendment to the Oroville Municipal Code changing the title of 17.16.010 from "Second Dwelling Units" to "Accessory Dwelling Units".

Section 3: Amendment to the Oroville Municipal Code
The Oroville Municipal Code Section 17.16.010 is hereby amended as follows:

17.16.010 Accessory Dwelling Units.

Purpose. Accessory dwelling units are intended to increase the supply of non-transient housing. Accessory dwelling units are permitted in all areas zoned to allow single-family or multifamily dwelling residential uses within the City limits unless the water and/or sewer provider indicates in writing to the City Building Department that it has insufficient capacity to serve the accessory or junior accessory dwelling unit. Any accessory dwelling unit may be rented separate from the primary residence. Any accessory dwelling unit (not including a junior accessory dwelling unit) may be sold separately from the primary residence as described in Government Code Section 65852.2(a)(10)(E) as amended.

Relationship with the General Plan and Zoning. Any Accessory Dwelling Unit or Junior Accessory Dwelling Unit which conforms with the requirements of this Chapter shall be deemed to be consistent with the General Plan designation and zoning for the parcel, regardless of any limitations on residential density imposed by the General Plan or zoning. Accessory Dwelling Units shall not be counted when determining residential density for conformance with General Plan or Zoning.

A. Definitions

1. "Accessory dwelling unit" means an attached or a detached residential dwelling unit that provides complete independent living facilities for one or more persons and is located on a lot with a proposed or existing primary residence and garage. An expansion of not more than 150 square feet beyond the same physical dimensions as the existing accessory structure to accommodating ingress and egress is permitted for accessory dwelling units and junior accessory dwelling units. It shall include permanent provisions for living, sleeping, eating, cooking, and sanitation on the same parcel as the single-family or multifamily dwelling is or will be situated. An accessory dwelling unit also includes an efficiency unit or a manufactured home, as defined in Section 18007 of the Health and Safety Code.
2. "Accessory structure" means a structure that is incidental to a dwelling located on the same lot.
3. "Efficiency unit" has the same meaning as defined in Section 17958.1 of the Health and Safety Code.
4. "Living area" means the interior habitable area of a dwelling unit, including basements and attics, but does not include a garage or any accessory structure.
5. "Nonconforming condition" means a physical improvement on a property that does not conform to current zoning standards or building code.
6. "Objective standards" means standards that involve no personal or subjective judgment by a public official and are uniformly verifiable by reference to an external and uniform benchmark or criterion available and knowable by both the development applicant or proponent and the public official prior to submittal.
7. "Passageway" means a pathway that is unobstructed clear to the sky and extends from a street to one entrance of the accessory dwelling unit.
8. "Proposed dwelling" means a dwelling that is the subject of a permit application and that meets the requirements for permitting.
9. "Public transit" means a location, including, but not limited to, a bus stop or train station, where the public may access buses, trains, subways, and other forms of transportation that charge set fares, run on fixed routes, and are available to the public.

10. "Tandem parking" means that two or more automobiles are parked on a driveway or in any other location on a lot, lined up behind one another.

B. Permit Required.

1. A planning department application for an accessory dwelling unit (ADU) or a junior accessory dwelling unit (JADU) shall be considered and approved ministerially without discretionary review or a hearing, notwithstanding Government Code Section 65901 or 65906 or any City ordinance regulating the issuance of variances or special use permits. The City shall either approve or deny the planning department application to create or serve an accessory dwelling unit or a junior accessory dwelling unit within sixty (60) days from the date the City receives a completed application if there is an existing or proposed single-family or multifamily dwelling on the lot.
 2. If the planning department application to create or serve an accessory dwelling unit or a junior accessory dwelling unit is submitted with a building permit application to create a new single-family or multifamily dwelling on the lot, the City may delay approving or denying the planning department application for the accessory dwelling unit or the junior accessory dwelling unit until the City approves or denies the planning department application to create the new single-family or multifamily dwelling, but the planning department application to create or serve the accessory dwelling unit or junior accessory dwelling unit shall be considered without discretionary review or hearing. If the applicant requests a delay, the 60-day time period shall be tolled for the period of the delay. If the City has not approved or denied the completed planning department application within 60 days, the planning department application shall be deemed approved.
 3. A certificate of occupancy for an accessory dwelling unit shall not be issued before the certificate of occupancy is issued for the primary dwelling. An existing legally permitted accessory structure, accessory living unit, or family care unit may be converted into an accessory dwelling unit consistent with the provisions of this Chapter.
 4. A demolition permit for a detached garage that is to be replaced with an accessory dwelling unit must be reviewed with the application for the accessory dwelling unit and issued at the same time as the building permit for the accessory dwelling unit.
 5. The City shall not deny an application for a permit to create an accessory dwelling unit due to the correction of nonconforming zoning conditions, building code violations, or unpermitted structures that do not present a threat to public health and safety and are not affected by the construction of the accessory dwelling unit.
- C.** If the City denies a planning department application for an accessory dwelling unit or

junior accessory dwelling unit, the City shall, within the time period described within this section, return in writing a full set of comments to the applicant with a list of items that are defective or deficient and a description of how the application can be remedied by the applicant.

D. Preapproved building plans. Beginning January 1, 2025, the City shall make available preapproved building plans for ADUs. The City will charge a reasonable fee for the use of the preapproved building plans. The City shall comply with Government Code Section 65852.27, as amended, regarding preapproved building plans for any type of accessory dwelling unit.

E. Addressing Accessory Dwelling Units. All accessory dwelling units shall be assigned an address. The Building Department will inform local agencies, service providers, and the United States Postal Service of the address of the proposed accessory dwelling unit followed by an identifying letter or number.

F. Junior accessory dwelling unit (JADU). “Junior accessory dwelling unit” means a unit that is no more than 500 square feet in size and contained entirely within an existing single-family structure and garage. A junior accessory dwelling unit has the same definition as defined by the State of California at the time an application for a junior accessory dwelling unit is received by the City. A junior accessory dwelling unit may include separate sanitation facilities or may share sanitation facilities with the existing structure.

1. JADUs can only be constructed on a site with a proposed or existing single-family dwelling.
2. No JADU may occupy more than 500 square feet of an existing residence.
3. A JADU may be located within an existing legally authorized single-family dwelling that does not meet setback requirements and it would not be considered an expansion of a legal non-conforming structure unless the conversion increases the non-conformity of the structure.
4. No additional on-site parking is required for a JADU.
5. A separate entrance to the JADU shall be provided.
6. A JADU may share a bath with the single-family dwelling or have its own bath.
7. A JADU is required to include an efficiency kitchen as defined in Section 17958.1 of the State of California Health and Safety Code.

8. For the purposes of fire and life protection ordinances and regulations, a JADU is to be considered part of the single-family dwelling.
9. A JADU shall not be sold separately from the primary residence unless the owner is another governmental agency, land trust, or housing organization.

G. Maximum Number of All Units. For single-family and multi-family zoned properties, a property owner may apply to construct any of the following: 1. The conversion of a portion of an existing or proposed single-family residence or multifamily building and garage to an ADU. 2. One JADU is allowed and must be within the proposed or existing space of a single-family dwelling and garage. 3. One detached new construction ADU not exceeding 850 square feet that does not exceed four-foot side and rear yard setbacks. . 4. Multiple ADUs within the portions of multifamily structures that are not used as livable space at the time of the conversion of the non-residential floor space to an ADU are permitted, and in up to 25 percent of the existing multifamily structures. 5. Up to two detached ADUs on a lot that has existing or proposed multifamily dwellings that are subject to height limits prescribed in Government Code Section 65852.2 (as amended at the time of the building permit application) and four-foot rear and side yard setbacks.

H. Development Standards. ADUs shall be subject to the fees and charges allowed by the State of California at the time an application for an ADU is submitted to the City. ADUs shall conform to height, setback, site plan review, fees, charges, and other zoning requirements generally applicable to residential construction within the zone in which the ADU is located with the following exceptions:

1. The combined site coverage of the primary dwelling unit and any accessory structures on the parcel are limited to the maximum allowable site coverage in the underlying zone district. An ADU square footage is not included in calculating the maximum allowable site coverage in the underlying zone district. A minimum front yard setback of twenty (20) feet is required unless this setback would prohibit the construction of an ADU of less than 800 square feet on the subject property. When necessary to deviate from the twenty (20) foot front yard setback, the required minimum front yard setback to create an ADU of at least 800 square feet will be established on a case-by-case basis as demonstrated on the proposed ADU site plan. A minimum setback of no more than four (4) feet from the side and rear lot lines shall be required for an ADU.
2. An existing legally authorized accessory structure which does not meet front, rear or side yard setback requirements may be converted to an ADU or reconstructed to the same dimensions as the existing structure and converted to an ADU and would not be

considered an expansion of a legal, non-conforming use unless the conversion increases the non-conformity of the structure.

3. For an ADU, off-street parking shall be provided in accordance with the provisions of Municipal Code Section 17.12.070, except that in districts with a minimum lot area of at least 5 acres, parking spaces for the ADU may be surfaced with gravel. One (1) parking space is required per ADU, and the space may be provided through tandem parking. Parking for ADUs is allowed in front, rear and side setback areas. ADUs located: within one-half (½) mile walking distance of a public transportation stop along a prescribed route according to a fixed schedule, or located within one (1) block of a car share parking spot, or located entirely within the primary residence and the ADU does not result in a net increase in habitable floor area on the property, or located in an area where on-street permit parking is required, but such permits are not available to the tenant, or located within a designated historic district, are exempt from providing an additional off-street parking space.
4. All ADUs and JADUs shall have exterior points of ingress and egress (door).
5. A maximum height of 16 feet for a detached accessory dwelling unit on a lot with an existing or proposed single family or multifamily dwelling unit.
6. A maximum height of 18 feet for a detached accessory dwelling unit on a lot with an existing or proposed single family or multifamily dwelling unit that is within one-half of one mile walking distance of a major transit stop or a high-quality transit corridor, as those terms are defined in Section 21155 of the Public Resources Code. An additional two feet in height to accommodate a roof pitch on the accessory dwelling unit that is aligned with the roof pitch of the primary dwelling unit is also permitted.
7. A maximum height of 18 feet for a detached accessory dwelling unit on a lot with an existing or proposed multifamily, multistory dwelling.
8. A maximum height of 25 feet or the height limitation in the local zoning ordinance that applies to the primary dwelling, whichever is lower, for an accessory dwelling unit that is attached to a primary dwelling. This clause shall not require a local agency to allow an accessory dwelling unit to exceed two stories.
9. The construction of ADUs units shall comply with City Building Code requirements for detached dwellings in effect at the time of construction.
10. Fire sprinklers, however, shall not be required in an ADU or JADU if they are not required

in the existing single-family or multifamily dwelling.

11. ADU's and JADU's shall be prohibited if the proposed property is in a designated Very High Fire Hazard Zone as defined in Government Code Section 51178 unless the property has two separate points of direct access to a highway or other safe egress.
12. The property owner may elect to have a separate electrical and gas service provided to the JADU or ADU. The property owner may elect to have the JADU or ADU served by the existing electrical or gas service and will be required to upgrade any existing service connections as required by the building code or service provider.
13. Any ADU constructed on properties listed in the California Register of Historical Resources shall conform to the City of Oroville Municipal Code Section 17.44.040, Downtown Historic Overlay as necessary to prevent adverse impacts on that property. Any ADU constructed on properties located within the Downtown Historic Overlay abutting a property listed in the California Register of Historical Resources shall conform to the City of Oroville Municipal Code Section 17.44.040, Downtown Historic Overlay as necessary to prevent adverse impacts to the listed property.
14. The total floor area for a detached ADU shall not exceed 1,200 square feet, except that in districts with a minimum lot size of at least 5 acres, the ADU floor area shall not exceed 2,000 square feet.
15. For an attached ADU, total floor space may not exceed one thousand (1,000) square feet for an attached ADU that provides more than one (1) bedroom, or less than eight hundred fifty (850) square feet for an attached ADU that provides one (1) or less bedroom.
16. Notwithstanding any other provision of this section, an attached unit that qualifies as an efficiency unit, as defined in Section 17958.1 of the Health and Safety Code, shall be allowed regardless of the ratio between its floor area and the living area of the existing dwelling unit.
17. No setback shall be required for an existing living area or accessory structure or a structure constructed in the same location and to the same dimensions as an existing structure that is converted to an accessory dwelling unit or to a portion of an accessory dwelling unit.

I. Multi-family zoned property. At least one accessory dwelling unit is allowed within an existing multifamily dwelling and garage, and accessory dwelling units up to 25 percent

of the existing multifamily dwelling units are allowed by right. Multiple accessory dwelling units may be created within the portions of existing multifamily dwelling structures that are not used as livable space, including, but not limited to, storage rooms, boiler rooms, passageways, attics, basements, or garages, if each unit complies with state building standards for dwellings. Accessory dwelling units may be created out of existing living space as well. Up to two accessory dwelling units are allowed on each multi-family zoned property, subject to the height and setback restrictions in this ordinance.

J. Fees. ADUs up to 750 square feet are exempt from impact fees, and ADUs that are 750 square feet or larger may be charged impact fees but only such fees that are proportional in size (by square foot) to those for the primary dwelling unit. The construction of ADUs shall be subject to the payment of all fees applicable to the construction of a single-family dwelling on the same property.

K. Sale of Accessory Dwelling Units. Junior accessory dwelling units may not be sold separate from the primary residence on a legal lot, except as provided below.

L. Sale of Accessory Dwelling Unit by a Qualified nonprofit corporation. The City shall allow an accessory dwelling unit to be sold or conveyed separately from the primary residence to a qualified buyer as set forth in Government Code 65852.26 as amended, at the time an application under that section is submitted to the city. All conditions of Government Code 65852.26 apply, including but not limited to the requirement for separate utilities for the ADU and a 45-year low-income restriction on the JADU or ADU, whichever is proposed.

(1) For purposes of this section, the following definitions apply:

(a) "Qualified buyer" means persons and families of low or moderate income, as that term is defined in Section 50093 of the Health and Safety Code.

(b) "Qualified nonprofit corporation" means a nonprofit corporation organized pursuant to Section 501(c)(3) of the Internal Revenue Code that has received a welfare exemption under Section 214.15 of the Revenue and Taxation Code for properties intended to be sold to low-income families who participate in a special no-interest loan program.

M. Use Restriction.

1. Any single-family zoned property with a primary residence and a JADU shall be occupied by the property owner in either residence on the subject property. Owner-occupancy shall not be required if the property owner is another governmental agency, land trust, or housing organization.
2. ADUs and JADUs meeting either a) or b) shall not be rented out for less than a thirty-day period.
 - a) An ADU or JADU located within the existing or proposed space of a single-family residence and garage or accessory structure, the living space has exterior access from the proposed or existing single-family dwelling, and the side and rear setbacks are a minimum of 4 feet.
 - b) A detached, new construction, ADU that does not exceed four-foot side and rear yard setbacks, has a total floor area limitation of not more than 800 square feet, and a height limitation of 16 feet.
3. Prior to obtaining a certificate of occupancy for an ADU or JADU meeting 2. a) and b) above, a deed restriction, approved by the City, shall be recorded with the County Recorder's office, which shall include the prohibition on the use of any dwelling on the subject parcel for transient habitation. The deed shall state the ADU or JADU lease agreement shall be for a term equal to or greater than thirty (30) days.
4. The property owner containing a JADU shall provide the city, upon written request, a copy of the rental agreement with the renter of the JADU or primary residence, whichever is occupied by a renter. The JADU or primary residence may not be sub-let or rented out to another individual or entity by the renter.
5. The deed restriction may be removed if the owner eliminates the JADU, as evidenced by removal of the kitchen facilities. To remove the deed restriction, an owner may make a written request of the Zoning Administrator, providing evidence that the JADU has in fact been eliminated. The City Building Division shall confirm this evidence in writing. The Zoning Administrator may then determine whether the evidence supports the claim that the JADU has been eliminated. Appeal may be taken from the Zoning Administrator's determination consistent with other provisions of this code.
6. The deed restriction is enforceable by the zoning administrator or his/her designee for the benefit of the city. Failure of the property owner to comply with the deed restriction may

result in legal action against the property owner, and the city is authorized to obtain any remedy available to it at law or equity, including, but not limited to, obtaining an injunction enjoining the use of the JADU in violation of the recorded restrictions or abatement of the illegal unit.

N. Conflicts If this ordinance conflicts with State law at the time an ADU or JADU building permit is submitted to the city, the State law shall govern. Where the Zoning Ordinance is silent, State law shall prevail for ADUs and JADUs.

Section 4: Environmental Determination.

Zoning Code Amendment ZC24-02 is not subject to the provisions of the California Environmental Quality Act ("CEQA") pursuant to Existing Facilities, Title 14, CCR, §15301. This ordinance is applicable city-wide to existing residential properties and structures in compliance with State planning law. The additional residential units created through this ordinance are exempt from density restrictions pursuant to Government Code Section 65852.2.

Section 5: Severability.

If any section, subsection, sentence, clause, or phrase of this ordinance is for any reason held to be invalid or unconstitutional by a decision of any court of any competent jurisdiction, such decision shall not affect the validity of the remaining portions of this ordinance. The City Council hereby declares that it would have passed this ordinance, and each and every section, subsection, sentence, clause and phrase thereof not declared invalid or unconstitutional without regard to whether any portion of the ordinance would be subsequently declared invalid or unconstitutional.

Section 6: **Effective Date.**

This ordinance shall take effect thirty (30) days after the date of its final adoption.
The City Clerk shall certify to adoption thereof and cause its publication according to law.

PASSED AND ADOPTED by the City Council of the City of Oroville at a regular meeting held on this 21st day of May 2024, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

David Pittman, Mayor

APPROVED AS TO FORM:

ATTEST:

Scott E. Huber, City Attorney

Kayla Reaster, Assistant City Clerk

CITY OF OROVILLE ORDINANCE NO. 1878

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF OROVILLE ADOPTING ZONING CODE AMENDMENT (ZC) 24-02 AMENDING THE OROVILLE MUNICIPAL CODE BY CHANGING THE TITLE OF SECTION 17.16.010 FROM "SECOND DWELLING UNITS" TO "ACCESSORY DWELLING UNITS" AND AMENDING SECTION 17.16.010 ESTABLISHING REGULATIONS AND STANDARDS FOR ACCESSORY DWELLING UNITS

WHEREAS, Assembly Bill 1033 went into effect January 1, 2024, which allows accessory dwelling units to be sold independently of the primary dwelling unit on a property in a single-family residential zone; and

WHEREAS, Assembly Bill 1033 authorizes a local agency to adopt a local ordinance to allow the separate conveyance of the primary dwelling unit and accessory dwelling unit or units as condominiums, as specified; and

WHEREAS, accessory dwelling units are intended to increase the supply of non-transient housing in the State. Accessory dwelling units are permitted in all areas zoned to allow single-family or multifamily dwelling residential uses within the City limits; and

WHEREAS, City staff recommends amending the title of Section 17.010.16 in the Zoning Code from "Second Dwellings" to "Accessory Dwelling Units" and amending the Oroville Municipal Code Section 17.010.16 to establish regulations for accessory dwelling units in compliance with current State law; and

WHEREAS, The Planning Commission conducted a public hearing on December 21, 2023, and again on January 25, 2024, where Resolution No. P2023-23 was subsequently adopted recommending that the City Council adopt zoning code amendment (ZC) 24- 02; and

WHEREAS, the proposed amendments are internally consistent with other applicable provisions of the Zoning Code, the 2030 General Plan, and compatible with the uses authorized in the applicable zoning districts for which the revisions are proposed; and

WHEREAS, the proposed Zoning Code Amendment is not subject to the California Environmental Quality Act (CEQA), Class 15301. This ordinance is

applicable city-wide to residential properties and structures. The additional residential units created through this ordinance are exempt from density restrictions pursuant to Government Code Section 65852.2.; 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 the code changes described herein and considered the City's staff report regarding the project.

NOW, THEREFORE, BE IT RESOLVED THAT THE COUNCIL OF THE CITY OF OROVILLE DO ORDAIN AS FOLLOWS:

SECTION 1: Findings.

The City Council of the City of Oroville adopts and finds as true and correct the aforementioned recitals and incorporate them herein as findings.

Section 2: Amendment to the Oroville Municipal Code changing the title of 17.16.010 from "Second Dwelling Units" to "Accessory Dwelling Units".

Section 3: Amendment to the Oroville Municipal Code
The Oroville Municipal Code Section 17.16.010 is hereby amended as follows:

17.16.010 ~~Second~~-Accessory Dwelling Units.

Purpose. Accessory dwelling units are intended to increase the supply of non-transient housing. Accessory dwelling units are permitted in all areas zoned to allow single-family or multifamily dwelling residential uses within the City limits unless the water and/or sewer provider indicates in writing to the City Building Department that it has insufficient capacity to serve the accessory or junior accessory dwelling unit. ~~All accessory dwelling units must be rented out for terms longer than thirty (30) days.~~ Any accessory dwelling unit may be rented separate from the primary residence. Any accessory dwelling unit (not including a junior accessory dwelling unit) may be sold separately from the primary residence as described in Government Code Section 65852.2(a)(10)(E) as amended.

Relationship with the General Plan and Zoning. Any Accessory Dwelling Unit or Junior Accessory Dwelling Unit which conforms with the requirements of this Chapter shall be deemed to be consistent with the General Plan designation and zoning for the parcel, regardless of any limitations on residential density imposed by the General Plan or zoning. Accessory Dwelling Units shall not be counted when determining residential density for conformance with General Plan or Zoning.

A. Definitions

1. "Accessory dwelling unit" means an attached or a detached residential dwelling unit ~~and garage~~ that provides complete independent living facilities for one or more persons and is located on a lot with a proposed or existing primary residence ~~and garage~~. An expansion of not more than 150 square feet beyond the same physical dimensions as the existing accessory structure to accommodating ingress and egress is permitted for accessory dwelling units and junior accessory dwelling units. It shall include permanent provisions for living, sleeping, eating, cooking, and sanitation on the same parcel as the single-family or multifamily dwelling is or will be situated. An accessory dwelling unit also includes an efficiency unit or a manufactured home, as defined in Section 18007 of the Health and Safety Code.
2. "Accessory structure" means a structure that is incidental to a dwelling located on the same lot.
3. "Efficiency unit" has the same meaning as defined in Section 17958.1 of the Health and Safety Code.
4. "Living area" means the interior habitable area of a dwelling unit, including basements and attics, but does not include a garage or any accessory structure.
5. "Nonconforming condition" means a physical improvement on a property that does not conform to current zoning standards or building code.
6. "Objective standards" means standards that involve no personal or subjective judgment by a public official and are uniformly verifiable by reference to an external and uniform benchmark or criterion available and knowable by both the development applicant or proponent and the public official prior to submittal.
7. "Passageway" means a pathway that is unobstructed clear to the sky and extends from a street to one entrance of the accessory dwelling unit.
8. "Proposed dwelling" means a dwelling that is the subject of a permit application and that meets the requirements for permitting.
9. "Public transit" means a location, including, but not limited to, a bus stop or train station, where the public may access buses, trains, subways, and other forms of transportation that charge set fares, run on fixed routes, and are available to the public.

10. "Tandem parking" means that two or more automobiles are parked on a driveway or in any other location on a lot, lined up behind one another.

B. Permit Required.

1. A planning department application for an accessory dwelling unit ([ADU](#)) or a junior accessory dwelling unit ([JADU](#)) shall be considered and approved ministerially without discretionary review or a hearing, notwithstanding Government Code Section 65901 or 65906 or any City ordinance regulating the issuance of variances or special use permits. The City shall either approve or deny the planning department application to create or serve an accessory dwelling unit or a junior accessory dwelling unit within [thirty-sixty \(360\)](#) days from the date the City receives a completed application if there is an existing [or proposed](#) single-family or multifamily dwelling on the lot.
 2. If the planning department application to create or serve an accessory dwelling unit or a junior accessory dwelling unit is submitted with a building permit application to create a new single-family or multifamily dwelling on the lot, the City may delay approving or denying the planning department application for the accessory dwelling unit or the junior accessory dwelling unit until the City approves or denies the planning department application to create the new single-family or multifamily dwelling, but the planning department application to create or serve the accessory dwelling unit or junior accessory dwelling unit shall be considered without discretionary review or hearing. If the applicant requests a delay, the 60-day time period shall be tolled for the period of the delay. If the City has not approved or denied the completed planning department application within 60 days, the planning department application shall be deemed approved.
 3. A certificate of occupancy for an accessory dwelling unit shall not be issued before the certificate of occupancy is issued for the primary dwelling. An existing legally permitted accessory structure, accessory living unit, or family care unit may be converted into an accessory dwelling unit consistent with the provisions of this Chapter.
 4. A demolition permit for a detached garage that is to be replaced with an accessory dwelling unit must be reviewed with the application for the accessory dwelling unit and issued at the same time as the building permit for the accessory dwelling unit.
- [4-5. The City shall not deny an application for a permit to create an accessory dwelling unit due to the correction of nonconforming zoning conditions, building code violations, or unpermitted structures that do not present a threat to public health and safety and are not affected by the construction of the accessory dwelling unit.](#)

- C. If the City denies a planning department application for an accessory dwelling unit or

junior accessory dwelling unit, the City shall, within the time period described within this section, return in writing a full set of comments to the applicant with a list of items that are defective or deficient and a description of how the application can be remedied by the applicant.

- D. Preapproved building plans.** Beginning January 1, 2025, the City shall make available preapproved building plans for ADUs. The City will charge a reasonable fee for the use of the preapproved building plans. The City shall comply with Government Code Section 65852.27, as amended, regarding preapproved building plans for any type of accessory dwelling unit.
- E. Addressing Accessory Dwelling Units.** All accessory dwelling units shall be assigned an address. The Building Department will inform local agencies, service providers, and the United States Postal Service of the address of the proposed accessory dwelling unit followed by an identifying letter or number.
- F. Junior accessory dwelling unit (JADU).** "Junior accessory dwelling unit" means a unit that is no more than 500 square feet in size and contained entirely within an existing single-family structure and garage. A junior accessory dwelling unit has the same definition as defined by the State of California at the time an application for a junior accessory dwelling unit is received by the City. A junior accessory dwelling unit may include separate sanitation facilities or may share sanitation facilities with the existing structure.
1. JADUs can only be constructed on a site with a proposed or existing single-family dwelling.
 2. No JADU may occupy more than 500 square feet of an existing residence.
 3. A JADU may be located within an existing legally authorized single-family dwelling that does not meet setback requirements and it would not be considered an expansion of a legal non-conforming structure unless the conversion increases the non-conformity of the structure.
 4. No additional on-site parking is required for a JADU.
 5. A separate entrance to the JADU shall be provided.
 6. A JADU may share a bath with the single-family dwelling or have its own bath.
 7. A JADU is required to include an efficiency kitchen as defined in Section 17958.1 of the State of California Health and Safety Code.

8. For the purposes of fire and life protection ordinances and regulations, a JADU is to be considered part of the single-family dwelling.
9. A JADU shall not be sold separately from the primary residence unless the owner is another governmental agency, land trust, or housing organization

G. Maximum Number of All Units. ~~There are four categories of the allowed number of ADUs and JADUs on a single parcel. (A) One ADU and one JADU are permitted per lot. For single-family and multi-family zoned properties, a property owner may apply to construct any of the following:~~
~~1. The conversion of a portion of an existing or proposed single-family residence or multifamily building and garage to an ADU. The 2. One JADU is allowed and must be within the proposed or existing space of a single-family dwelling and garage or existing space of a single-family dwelling or accessory structure, that meets specified requirements such as exterior access and setbacks for fire and safety. (B) 3. One detached new construction ADU not exceeding 850 square feet that does not exceed four-foot side and rear yard setbacks. This ADU may be combined on the same lot with a JADU and cannot exceed a maximum unit size of 850 square feet. (C) 4. Multiple ADUs within the portions of multifamily structures that are not used as livable space at the time of the conversion of the non-residential floor space to an ADU are permitted, and in up to 25 percent of the existing multifamily structures. (D) 5. Up to two detached ADUs on a lot that has existing or proposed multifamily dwellings that are subject to height limits prescribed in Government Code Section 65852.2 (as amended at the time of the building permit application) and four-foot rear and side yard setbacks.~~

~~— **Location.** A second dwelling unit may be either attached to or detached from the primary dwelling unit on the parcel. The City shall not issue a certificate of occupancy for an accessory dwelling unit before the City issues a certificate of occupancy for the primary dwelling.~~

H. Development Standards. ADUs shall be subject to the fees and charges allowed by the State of California at the time an application for an ADU is submitted to the City. ADUs shall conform to height, setback, site plan review, fees, charges, and other zoning requirements generally applicable to residential construction within the zone in which the ADU is located with the following exceptions:

1. The combined site coverage of the primary dwelling unit and any accessory structures on the parcel are limited to the maximum allowable site coverage in the underlying zone district. An ADU square footage is not included in calculating the maximum allowable site coverage in the underlying zone district. A minimum front yard setback of twenty (20) feet is required unless this setback would prohibit the construction of

an ADU of less than 800 square feet on the subject property. When necessary to deviate from the twenty (20) foot front yard setback, the required minimum front yard setback to create an ADU of at least 800 square feet will be established on a case-by-case basis as demonstrated on the proposed ADU site plan. A minimum setback of no more than four (4) feet from the side and rear lot lines shall be required for an ADU.

2. An existing legally authorized accessory structure which does not meet front, rear or side yard setback requirements may be converted to an ADU or reconstructed to the same dimensions as the existing structure and converted to an ADU and would not be considered an expansion of a legal, non-conforming use unless the conversion increases the non-conformity of the structure.
3. For an ADU, off-street parking shall be provided in accordance with the provisions of Municipal Code Section [17.12.070](#), except that in districts with a minimum lot area of at least 5 acres, parking spaces for the ADU may be surfaced with gravel. One (1) parking space is required per ADU, and the space may be provided through tandem parking. Parking for ADUs is allowed in front, rear and side setback areas. ADUs located: within one-half (½) mile walking distance of a public transportation stop along a prescribed route according to a fixed schedule, or located within one (1) block of a car share parking spot, or located entirely within the primary residence and the ADU does not result in a net increase in habitable floor area on the property, or located in an area where on-street permit parking is required, but such permits are not available to the tenant, or located within a designated historic district, are exempt from providing an additional off-street parking space.
4. All ADUs [and JADUs](#) shall have exterior points of ingress and egress (door).
5. A maximum height of 16 feet for a detached accessory dwelling unit on a lot with an existing or proposed single family or multifamily dwelling unit.
6. A maximum height of 18 feet for a detached accessory dwelling unit on a lot with an existing or proposed single family or multifamily dwelling unit that is within one-half of one mile walking distance of a major transit stop or a high-quality transit corridor, as those terms are defined in Section 21155 of the Public Resources Code. An additional two feet in height to accommodate a roof pitch on the accessory dwelling unit that is aligned with the roof pitch of the primary dwelling unit is also permitted.
7. A maximum height of 18 feet for a detached accessory dwelling unit on a lot with an existing or proposed multifamily, multistory dwelling.

8. A maximum height of 25 feet or the height limitation in the local zoning ordinance that applies to the primary dwelling, whichever is lower, for an accessory dwelling unit that is attached to a primary dwelling. This clause shall not require a local agency to allow an accessory dwelling unit to exceed two stories.
9. The construction of ADUs units shall comply with City Building Code requirements [for detached dwellings](#) in effect at the time of construction.
10. Fire sprinklers, however, shall not be required in an ADU or JADU if they are not required in the existing single-family or multifamily dwelling.
11. ADU's and JADU's shall be prohibited if the proposed property is in a designated Very High Fire Hazard Zone as defined in Government Code Section 51178 unless the property has two separate points of direct access to a highway or other safe egress.
12. The property owner may elect to have a separate electrical and gas service provided to the JADU or ADU. The property owner may elect to have the JADU or ADU served by the existing electrical or gas service and will be required to upgrade any existing service connections as required by the building code or service provider.
13. Any ADU constructed on properties listed in the California Register of Historical Resources shall conform to the City of Oroville Municipal Code Section 17.44.040, Downtown Historic Overlay as necessary to prevent adverse impacts on that property. Any ADU constructed on properties located within the Downtown Historic Overlay abutting a property listed in the California Register of Historical Resources shall conform to the City of Oroville Municipal Code Section 17.44.040, Downtown Historic Overlay as necessary to prevent adverse impacts to the listed property.
14. The total floor area for a detached ADU shall not exceed 1,200 square feet, except that in districts with a minimum lot size of at least 5 acres, the ADU floor area shall not exceed 2,000 square feet.
15. For an attached ADU, total floor space may not exceed one thousand (1,000) square feet. ~~In no instance shall the floor space of an attached ADU be restricted to less than one thousand (1,000) square feet~~ for an attached ADU that provides more than one (1) bedroom, or less than eight hundred fifty (850) square feet for an attached ADU that provides one (1) or less bedroom.
16. Notwithstanding any other provision of this section, an attached unit that qualifies as an efficiency unit, as defined in Section 17958.1 of the Health and Safety Code, shall

be allowed regardless of the ratio between its floor area and the living area of the existing dwelling unit.

17. No setback shall be required for an existing living area or accessory structure or a structure constructed in the same location and to the same dimensions as an existing structure that is converted to an accessory dwelling unit or to a portion of an accessory dwelling unit.

~~JIK.~~ Multi-family zoned property. At least one accessory dwelling unit is allowed within an existing multifamily dwelling and garage, and accessory dwelling units up to 25 percent of the existing multifamily dwelling units are allowed by right. Multiple accessory dwelling units may be created within the portions of existing multifamily dwelling structures that are not used as livable space, including, but not limited to, storage rooms, boiler rooms, passageways, attics, basements, or garages, if each unit complies with state building standards for dwellings. Accessory dwelling units may be created out of existing living space as well. Up to two accessory dwelling units are allowed on each multi-family zoned property, subject to the height and setback restrictions in this ordinance.

~~KJL.~~ Fees. ADUs up to 750 square feet are exempt from impact fees, and ADUs that are 750 square feet or larger may be charged impact fees but only such fees that are proportional in size (by square foot) to those for the primary dwelling unit. The construction of ADUs shall be subject to the payment of all fees applicable to the construction of a single-family dwelling on the same property.

~~LKM.~~ Sale of Accessory Dwelling Units. Junior accessory dwelling units may not be sold separate from the primary residence on a legal lot.

~~MLN.~~ Sale of Accessory Dwelling Unit by a Qualified nonprofit corporation. The City shall allow an accessory dwelling unit to be sold or conveyed separately from the primary residence to a qualified buyer as set forth in Government Code 65852.26 as amended, at the time an application under that section is submitted to the city. All conditions of Government Code 65852.26 apply, including but not limited to the requirement for separate utilities for the ADU and a 45-year low-income restriction on the JADU or ADU, whichever is proposed.

(1) For purposes of this section, the following definitions apply:

(a) "Qualified buyer" means persons and families of low or moderate income, as that term is defined in Section 50093 of the Health and Safety Code.

(b) "Qualified nonprofit corporation" means a nonprofit corporation organized pursuant to Section 501(c)(3) of the Internal Revenue Code that has received a welfare exemption under Section 214.15 of the Revenue and Taxation Code for properties intended to be sold to low-income families who participate in a special no-interest loan program.

M-NO. Use Restriction.

1. Any single-family zoned property with a primary residence and an JADU constructed after January 1, 2025, shall be occupied by the property owner in either residence on the subject property. "Constructed" shall mean any ADU for which a building permit was applied for after January 1, 2025. Owner-occupancy shall not be required if the property owner is another governmental agency, land trust, or housing organization.
2. ADUs and JADUs meeting either a) or b) shall not be rented out for less than a thirty-day period.
 - a) An ADU or JADU located within the existing or proposed space of a single-family residence and garage or accessory structure, the living space has exterior access from the proposed or existing single-family dwelling, and the side and rear setbacks are a minimum of 4 feet.
 - b) A detached, new construction, ADU that does not exceed four-foot side and rear yard setbacks, has a total floor area limitation of not more than 800 square feet, and a height limitation of 16 feet.
- 1.3. Prior to obtaining a building permit certificate of occupancy for an ADU or an ADU or JADU meeting 2. a) and b) above, a deed restriction, approved by the City, shall be recorded with the County Recorder's office, which shall include the prohibition on the use of any dwelling on the subject parcel for transient habitation. The deed shall state the ADU or ADU or JADU lease agreement shall be for a term equal to or greater than thirty (30) days.
- 2.4. The property owner containing a JADU shall provide the city, upon written request, a copy of the rental agreement with the occupant/renter of the ADU or JADU or primary residence, whichever is occupied by a renter. The ADU or JADU or primary residence may not be sub-let or rented out to another individual or entity by the occupant/renter.
- 3.5. The deed restriction may be removed if the owner eliminates the ADU or JADU, as evidenced by, for example, removal of the kitchen facilities. To remove the deed restriction, an owner may make a written request of the Zoning Administrator, providing evidence that the ADU or JADU has in fact been eliminated. The City Building Division shall confirm this evidence in writing. The Zoning Administrator may then determine whether the evidence supports the claim that the ADU or JADU has been eliminated. Appeal may be taken from the Zoning Administrator's determination consistent with other provisions of this code. If the ADU or JADU is not entirely physically removed but is only eliminated by virtue of having a necessary component of an ADU or JADU removed, the

~~remaining structure and improvements must otherwise comply with applicable provisions of this code.~~

~~4.6.~~ The deed restriction is enforceable by the zoning administrator or his/her designee for the benefit of the city. Failure of the property owner to comply with the deed restriction may result in legal action against the property owner, and the city is authorized to obtain any remedy available to it at law or equity, including, but not limited to, obtaining an injunction enjoining the use of the ~~ADU or~~ JADU in violation of the recorded restrictions or abatement of the illegal unit.

~~ONP.~~ Conflicts If this ordinance conflicts with State law at the time an ADU or JADU building permit is submitted to the city, the State law shall govern. Where the Zoning Ordinance is silent, State law shall prevail for ADUs and JADUs.

Section 4: Environmental Determination.

Zoning Code Amendment ZC24-02 is not subject to the provisions of the California Environmental Quality Act ("CEQA") pursuant to Existing Facilities, Title 14, CCR, §15301. This ordinance is applicable city-wide to existing residential properties and structures in compliance with State planning law. The additional residential units created through this ordinance are exempt from density restrictions pursuant to Government Code Section 65852.2.

Section 5: Severability.

If any section, subsection, sentence, clause, or phrase of this ordinance is for any reason held to be invalid or unconstitutional by a decision of any court of any competent jurisdiction, such decision shall not affect the validity of the remaining portions of this ordinance. The City Council hereby declares that it would have passed this ordinance, and each and every section, subsection, sentence, clause and phrase thereof not declared invalid or unconstitutional without regard to whether any portion of the ordinance would be subsequently declared invalid or unconstitutional.

Section 6: **Effective Date.**

This ordinance shall take effect thirty (30) days after the date of its final adoption.
The City Clerk shall certify to adoption thereof and cause its publication according to law.

PASSED AND ADOPTED by the City Council of the City of Oroville at a regular meeting held on this 21st day of May 2024, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

David Pittman, Mayor

APPROVED AS TO FORM:

ATTEST:

Scott E. Huber, City Attorney

Kayla Reaster, Assistant City Clerk



CITY OF OROVILLE STAFF REPORT

TO: MAYOR PITTMAN AND CITY COUNCIL MEMBERS

FROM: PATRICK PIATT, COMMUNITY DEVELOPMENT DIRECTOR
LARK MCNEILL, INTERWEST PLANNING GROUP

**RE: SECOND READING OF ZONING CHANGE (ZC) 24- 03, AMENDING
MUNICIPAL CODE SECTIONS 17.16.150, 17.32.010, 17.34.020, AND
17.36.010 REGARDING MOBILE FOOD VENDORS**

DATE: MAY 21, 2024

SUMMARY

The Council will consider adopting Zoning Change ZC 24-03, establishing regulations and standards for mobile food vendor villages and updating regulations for individual food vendors (OMC 17.16.150 et al.)

DISCUSSION

On February 6, 2024, the City Council conducted a public hearing and unanimously approved the first reading of Ordinance No. 1879. The Council directed staff to review the location of existing mobile food vendors on Highway 162 and based on that information make recommendations about allowable quantity and locations.

Code enforcement and Planning staff made a field survey of existing mobile food vendors on Highway 162, Olive Highway, and South Feather River Boulevard. There are currently 12 mobile food vendors operating on these roads, including six mobile food vendors on Highway 162.

After several discussions, staff recommends allowing the six existing mobile food vendors on Highway 162 to remain but not allowing any additional vendors to operate along that corridor. In addition, after 6 months each existing vendor would then be required to re-apply for new or renewed permits.

Staff also recommends that up to three mobile food vendor villages (MFVV's) could be established in town and be separated by one mile from each other. An MFVV is two or more vendors at the same location. This means the likely locations for such villages are north Oroville (e.g. by Home Depot), on Olive Highway, on South Feather River Blvd,

and potentially at or near the Airport. We recommend not allowing an MFVV at Highway 70 and Garden Drive to reserve that location for the highest and best use for this location along highway 70.

Staff has thus modified the draft ordinance as follows:

1. MFVV's must be separated by at least one mile – only three MFVVs shall be permitted in the city unless in conjunction with special event permits or on city owned property.
2. Mobile food vendors beyond the maximum allowed and MFVVs are prohibited within 500 feet of Highway 162.
3. All existing mobile food vendor permits located on Highway 162 or within 500 feet of Highway 162 will expire 180 days after the adoption of this ordinance and must be renewed or re-applied.
4. Highway Commercial (HC) is no longer a zone district where mobile food vendors and MFVVs are permitted (i.e. Garden Drive).
5. The revised ordinance establishes a 500-foot buffer between brick-and-mortar restaurants and single mobile food vendors. However, mobile food vendors are allowed to operate on the same parcel as a brick-and-mortar restaurant if both are under the same ownership.
6. The revised ordinance establishes a 500-foot buffer from single mobile food vendors and the Downtown Historic Overlay district. This precludes food trucks in downtown and Gateway.
7. A 500-foot buffer between single mobile food vendors and residential zones is required in the revised ordinance.

FISCAL IMPACT

None. All mobile food vendors pay a fee for their administrative permits, and villages in the city are required to pay for a minor use permit application to cover the cost of obtaining city approval.

RECOMMENDATION

Staff recommends the following actions:

1. **Approve the second reading and introduce by title only, Ordinance 9215 – AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF OROVILLE AMENDING SECTION 17.16.150, 17.32.010, 17.34.020, AND 17.36.010 OF THE OROVILLE MUNICIPAL CODE REGARDING MOBILE FOOD VENDING**

ATTACHMENTS

- A. Existing Food Vendors in Oroville as of 3-27-24
- B. Ordinance No. 9215

**CITY OF OROVILLE ORDINANCE
No. 1880**

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF
OROVILLE AMENDING SECTION 17.16.150, 17.32.010,
17.34.020, AND 17.36.010 OF THE OROVILLE MUNICIPAL
CODE REGARDING MOBILE FOOD VENDING**

WHEREAS mobile food vendors and mobile food vendor villages are popular eating uses which provide economic opportunities throughout California; and

WHEREAS the City of Oroville Municipal Code Section 17.16.150 currently contains few regulations to protect public safety or protect adjacent properties from activities generated by single mobile food trucks and multiple food trucks at one location; and

WHEREAS the City of Oroville Planning Commission held a workshop on a draft mobile food vendor village ordinance on September 28, 2023; and

WHEREAS the City of Oroville Planning Commission held a public hearing on November 16, 2023, on proposed modifications to Section 17.16.150 et al of the City of Oroville Municipal Code, received public comment, and recommended adoption by the City Council of a Notice of Exemption for said modifications and the modifications themselves; and

WHEREAS, at a duly noticed public hearing on February 6, 2024, the City Council considered the recommendation of the Planning Commission, property owners, and members of the public who are potentially affected by the changes described herein, and considered the City's staff report regarding the proposed Amendment; and

WHEREAS, on February 6, 2024, the City Council adopted the Notice of Exemption, and requested staff to explore restrictions on mobile food vendors to protect existing retail businesses that sell ready-to-eat food or beverages for on-premises or off-premises consumption, and to return to the City Council with recommendations.

The Council of the City of Oroville do ordain as follows:

Section 1. Findings. The City Council of the City of Oroville adopts and finds as true and correct the aforementioned recitals and incorporates them herein as findings.

Section 2. Amendment to the City Code. Section 17.16.150, Section 17.32.010, Section 17.34.020, and Section 17.36.010 of the Oroville Municipal Code are amended as indicated in Exhibit 1 of this Ordinance.

Section 3. This ordinance shall become effective on June 1, 2024, or 30 days after the second reading is approved, whichever comes later.

Section 4. 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 May 21, 2024, by the following vote:

AYES

NOES

ABSENT

ABSTAIN:

Mayor, David Pittman

APPROVED AS TO FORM:

ATTEST:

City Attorney, Scott E Huber

Assistant City Clerk, Kayla Reaster

EXHIBIT 1

17.16.150 Mobile food vending

A. Purpose. The purpose of these regulations is to promote the health, safety, comfort, convenience, prosperity, and general welfare by requiring that new and existing mobile food vendors provide the community and customers with a minimum level of cleanliness, quality and security. These regulations differentiate the difference between a single mobile food vendor at one location, and multiple mobile food vendors at one location.

Single mobile vendors may be permitted to operate by administrative permit approval on private property as shown in Allowable Use Table 17.32.010-1 for commercial zones, Table 17.34.010-1 for mixed use zones, and Table 17.36.010-1 for industrial zones. Uses are subject to the following regulations.

Mobile food vending villages may be permitted to operate by Minor Use Permit on private property as shown in Allowable Use Table 17.32.010-1 for commercial zones, Table 17.34.010-1 for mixed use zones, and Table 17.36.010-1 for industrial zones. Uses are subject to the following regulations. Mobile food vending villages on city owned property other than public rights-of-way are exempt from the requirement for a Minor Use Permit but must comply with the same regulations as mobile food vending villages contained in this Section.

B. Definitions.

1. Mobile Food Vendor (MFV). Any food service establishment designed to be readily movable, that sells food or drinks by means of a motorized or nonmotorized vehicle, such as a catering truck, food truck, or other itinerant method, for a period of at least 30 minutes in a single location in which food or drinks are heated or otherwise prepared and then sold. It also includes a nonmotorized vehicle which is not self-propelled or which cannot be moved by a person pushing or pulling such nonmotorized vehicle. Mobile food vendor shall not mean a “sidewalk vendor” as defined by Government Code Sections 51036 to 51039 (SB956) or an ordinance adopted by the city regarding sidewalk vendors.
2. Mobile food vending villages (MFVV) are defined as more than one mobile food vending vehicle stationary on a private property for more than one hour at a time.
3. Vending stations are defined as the motorized or nonmotorized vehicle the mobile food vendor uses to sell food.

C. Permit requirements for all mobile food vendors, including mobile food vending villages.

1. A single mobile food vendor at any one location shall be required to obtain an administrative permit as provided in this chapter. The permit application shall include the authorization of each property owner where the mobile food vendor intends to vend.
2. Business Tax Certificate. Every mobile food vendor shall obtain a Business Tax Certificate prior to operation.
3. Butte County Environmental Health. A valid permit from the Butte County Environmental Health Department is required and shall be displayed at the mobile food vending vehicle.
4. Permit and license display. At all times while vending, a valid business license shall be displayed at the mobile food vending vehicle.
5. All mobile food vendors shall always display a current business tax certificate and the health department permit in plain view on the exterior of the vending station. In addition, the mobile food vendor shall always have a letter of permission from the owner of the subject property available in the mobile food vehicle.
6. Only nine (9) mobile food vendors shall be permitted on East Highway 162 (Oro Dam Boulevard and Olive Highway). Any existing City issued mobile food vendor permits located on Highway 162 as of the date this ordinance becomes effective shall expire 180 days after the effective date of this ordinance (see also paragraph H below). No new mobile food vendors shall be permitted within 500 hundred feet of the Highway 162 right-of-way line.
7. All mobile food vendors shall be located a minimum of 500 feet from the property line of a parcel where any retail business that sells ready-to-eat food or beverages for on-premises or off-premises consumption is located. The only exception is mobile food vendors owned and operated by the same food retail business operating on that same parcel.
8. All mobile food vendors shall be located a minimum of 500 feet from the property line of a parcel located in the Downtown Historic Overlay.
9. Hours of operation for mobile food vendors shall be between 6:00 a.m. and 10:00 p.m.
10. The vending station shall always be maintained in good operating condition.
11. The vending station shall not include a permanent foundation or other feature that would constitute an improvement to real property.

12. The vending station shall not discharge any materials onto the sidewalk, gutter, or storm drains.
13. All mobile food vending shall be conducted entirely upon private property and not within any public right-of-way.
14. On developed lots, mobile food vendors shall not operate in parking spaces required to meet minimum parking requirements for any other business on the subject site, block any parking required to adequately serve other businesses, or any driveways or aisles for vehicular circulation on the subject site.
15. All mobile food vendors shall maintain a 10-foot minimum setback from the property lines and public sidewalks, curbs, and gutters.
16. Mobile food vendors shall keep the subject property and adjacent right-of-way free of litter within 200 feet of the vehicle.
17. All refuse shall be removed from the site and properly disposed of daily.
18. All mobile vendors shall provide covered garbage, recycling, and compost containers as required by the Butte County Environmental Health Department. No garbage, recycling, and compost containers will be permitted to remain on-site unless stored within a solid storage structure.
19. No single mobile vendor shall use, play, or employ any sound outcry, amplifier, loudspeaker, radio or any other instrument or device to produce sound in connection with the promotion of a vending operation.
20. Signage for single mobile food vendors shall be located on the vending equipment and is subject to the requirements of City of Oroville Municipal Code, Chapter 17.20, Signs.
21. No mobile food vendor shall sell alcoholic beverages, non-food items, cannabis products, illegal drugs, adult-oriented material depicting, describing, or relating to sexual activities, and any other products prohibited by local, state and federal laws.
22. After the permitted hours of operation, all mobile food vendors located on undeveloped property shall move their mobile food vending equipment and trash containers, including the mobile vehicle itself, off-site or within an approved, enclosed structure on site. Mobile food vendors located on the same property as their commissary may store their vehicles overnight on the same property.
23. Mobile food vendors shall not encroach on a public sidewalk or curb with any part of a vehicle, wagon, trailer or truck or any other equipment related to the operation of the business.

D. Standards for Mobile Food Vendor Villages

Minor Use Permit. Mobile food vending villages shall require the approval of a Minor Use Permit (MUP). The approval shall be specific to a location and shall not be transferable to other locations or operators. The permit application shall include the authorization of each property owner where the mobile food vendor intends to vend. Operation of a mobile food vending village shall not be permitted pursuant to California Senate Bill No. 946, as specified in Government Code Sections 51036 – 51039, Sidewalk Vendors.

1. No more than three mobile food vendor villages shall be approved at one time within the city limits, except groups of mobile food vendors approved in conjunction with a special event permit or located on city owned property.
2. All mobile food vendor villages shall be located a minimum of one mile apart as measured from the property line on which there is an existing or proposed mobile food vending village to the property line on which there is an existing or proposed mobile food vending village.
3. No mobile food vendor villages shall be permitted within 500 hundred feet of the Highway 162 right-of-way line.
4. All mobile food vendor villages shall be located a minimum of 500 feet from the property line of a parcel where any retail business that sells ready-to-eat food or beverages for on-premises or off-premises consumption is located.
5. All mobile food vendor villages shall be located a minimum of 500 feet from residential zones.
6. Hours of operation for mobile food vendor villages shall be between 6:00 a.m. and 10:00 p.m., or as specified in the Minor Use Permit conditions of approval for that site.
7. Applications for mobile food vending villages shall include the location and description of any proposed outdoor dining area, including tables, chairs, and shade structures.
8. If the proposed location is on an unimproved property, the area that the mobile food vendors will be parked on in addition to associated customer parking shall be paved or chip-sealed or other types of surfaces deemed appropriate. The requirements of Municipal Code Section 17.12.070, Parking shall be met for customer parking. Other hard surfaces may be approved by the Zoning Administrator in the conditions of approval for the Minor Use Permit.
9. Mobile food vendor villages shall be permitted a maximum of two A-frame signs subject to the requirements of the Oroville Municipal Code, Chapter 17.20, Signs.

10. No more than two hundred (200) square feet within a mobile food vendor village site or on property adjacent to a mobile food vendor village site shall be occupied by musical instruments, equipment, amplifiers, or bandstand. No music is allowed if there are less than two mobile food vendors at the site while music is being played or amplified.
11. No temporary or permanent chairs, tables, shade structures or other site furniture is permitted except as specified in the Mobile Food Vendor Village Minor Use permit conditions of approval. Shade structures may require prior approval from the Fire Department dependent on shade structure size and materials.
12. Building Division and Fire Department. All necessary permits and approvals from the Building Division and the Fire Department shall be obtained prior to operation of a mobile food vending village.
13. Individual mobile food vendors within a mobile food vendor village shall maintain their immediate sales location in a clean and hazard-free condition.
14. Optional on-site storage structures may be permitted as conditioned within the Minor Conditional Use permit. All structures shall be placed on a concrete foundation. Building permits shall be issued for the structures as determined by the City Building Code. One metal storage container no larger than 200 square feet may be placed on-site for use by the mobile food vendors. The storage container shall always be painted a dull beige color or as specified within the conditions of approval of the MUP. Any graffiti painted on the storage container shall be repainted with the base wall color within forty-eight (48) hours' notice by the City to the property owner by the property owner. A deposit of \$5,000.00 shall be deposited with the City Finance Department prior to placing the metal storage container on-site to guarantee that the container(s) will be removed from the site when the mobile food vendor use on the site discontinues for more than thirty (30) days.
15. To prevent the activities of the mobile food vendor village from intruding onto the public street or adjacent properties, the Zoning Administrator may determine that permanent or temporary barriers shall be installed along street frontages or property lines based on the location of the proposed mobile food vendor village. Any barrier shall be installed and maintained by the property owner. Failure to maintain the barrier shall be reason for revocation of the MUP if the property owner fails to remedy the barrier condition within fourteen (14) days of receiving written notice from the city to repair/replace the designated barrier.

E. Penalties and Fines

Any violation of this section by any individual holding a valid mobile food vendor permit is punishable as follows:

First Violation	Administrative Fine of \$100
Second Violation Within One Year of First	Administrative Fine of \$200
Each Addition Violation within One Year of First	Administrative Fine of \$500
Fourth and Subsequent Violations	Revocation of Permit

Any person found vending without a mobile food vending permit shall immediately cease vending and the activity is punishable by the following in lieu of the administrative fines set forth above:

First Violation	Administrative Fine of \$250
Second Violation Within One Year of First	Administrative Fine of \$500
Each Addition Violation within One Year of First	Administrative Fine of \$1,000

F. Approvals. All City issued mobile food vendor permits (administrative, ministerial, or conditional use permit approval) issued after the effective date of this ordinance shall be valid for a period of one year from the date of approval. Any existing City issued mobile food vendor permits as of the date this ordinance becomes effective shall expire 180 days after the date of the effective date of this ordinance. All mobile food vendors must apply for a new mobile food vendor permit within 180 days of the effective date of this ordinance and comply with all regulations in this Section.

G. Revocation An administrative permit may be modified or revoked by the Zoning Administrator, pursuant to Oroville Municipal Code Section 17.48.020 should the conditions in that section apply. A MUP may be modified or revoked by the Planning Commission pursuant to Oroville Municipal Code Section 17.48.010.F should the conditions in that Section apply.

Table 17.32.010-1 relating to Commercial districts is amended to read:

§ 17.32.010. Allowed uses in commercial districts.

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

- A. **Permitted Use (P).** Uses that are shown with a "P" shall be permitted, subject to obtaining a zoning clearance, as provided in Section **17.48.030** (Zoning clearances) of this title, as well as any building permits or other permits required by this Code.
- B. **Administrative Permit Required (AP).** Uses that are shown with an "AP" shall be subject to obtaining an administrative permit, as provided in Section **17.48.020** (Administrative permits) of this title.
- C. **Use Permit Required (UP).** Uses that are shown with a "UP" shall be subject to obtaining a use permit, as provided in Section **17.48.010** (Use permits) of this title.
- D. **Use-Specific Regulations (S).** Uses that are shown with an "S" shall be subject to permit requirements as provided in the specific regulations for that use. The table indicates where the use-specific regulations are located in this Code.
- E. **Use Not Allowed (-).** Uses that are shown with a "-", or that are not listed, shall not be allowed, except as provided in Sections **17.08.090** (Interpretation regarding allowable uses of land) and **17.48.090** (Nonconforming uses and structures) of this title.

Table 17.32.010-1
Allowed Uses in Commercial Districts

Key

- P** Permitted use, subject to zoning clearance
- AP** Administrative permit required
- UP** Use permit required
- S** See use-specific regulations for permit requirement
- Use not allowed

Land Use	Zoning Districts						Use-Specific Regulations
	CN	C-1	C-2	CH	CLM	OF	
Local Food Uses							
Neighborhood food and beverage sales	AP	AP	AP	AP	AP	AP	17.16.220 (Neighborhood food and beverage sales)
Urban agriculture	S	S	S	S	S	S	17.16.230 (Urban agriculture)

	Zoning Districts						Use-Specific Regulations
Land Use	CN	C-1	C-2	CH	CLM	OF	
Public Assembly							
Carnival, circus or fair	AP	AP	AP	AP	AP	UP	17.16.060 (Temporary uses and buildings)
Commercial recre- ational facility-indoor, 10,000 square feet or less of gross floor area	UP	P	P	P	UP	-	-
Commercial recre- ational facility-indoor, more than 10,000 square feet of gross floor area	-	UP	P	UP	UP	-	-
Commercial recre- ational facility-outdoor	-	UP	P	-	UP	-	-
Concert or performance	AP	AP	AP	AP	AP	-	17.16.060 (Temporary uses and buildings)
Library or museum	-	UP	UP	UP	UP	UP	-
Meeting facility—10,000 square feet or less of gross floor area	P	P	P	UP	UP	P	-
Meeting facility—more than 10,000 square feet of gross floor area	-	UP	P	-	UP	UP	-
Park or playground	UP	UP	UP	UP	UP	UP	-
School, public	-	P	P	UP	UP	UP	-
School, private	-	P	P	-	-	UP	-
Training facility	-	UP	UP	-	-	UP	-
Residential							
Caretaker residence	UP	UP	UP	UP	UP	-	-
Family day care, large	S	S	S	S	S	-	17.16.050 (Family day care homes)
Family day care, small	P	P	P	P	P	-	17.16.050 (Family day care homes)
Home occupation, low- impact	P	P	P	-	-	-	17.16.040 (Home occupations)
Home occupation, mod- erate-impact	AP	AP	AP	-	-	-	17.16.040 (Home occupations)
Residential care facility —6 units or fewer	P	P	P	P	P	-	-

Land Use	Zoning Districts						Use-Specific Regulations
	CN	C-1	C-2	CH	CLM	OF	
Residential care facility—7 units or more	-	-	-	-	-	-	-
Retail							
Alcoholic beverage sales	UP	UP	UP	-	-	-	-
Building supply	-	-	P	-	P	-	-
Cannabis retail	-	-	-	-	-	-	-
Equipment and machinery sales or rental	-	-	P	-	P	-	-
Drive-through establishment—pharmacy	P	P	P	P	P	-	17.16.080 (Drive-through establishments)
Drive-through establishment—all other uses	UP	UP	UP	UP	UP	-	17.16.080 (Drive-through establishments)
Farmers' market	AP	AP	AP	AP	AP	AP	17.16.060 (Temporary uses and buildings)
Food and beverage sales—10,000 square feet or less of gross floor area	P	P	P	P	P	-	-
Food and beverage sales—10,001 to 40,000 feet of gross floor area	UP	P	P	UP	-	-	-
Food and beverage sales—more than 40,000 square feet of gross floor area	-	P	P	UP	-	-	-
Funeral merchandise sales	-	UP	UP	-	-	UP	-
Gas station	-	UP	P	P	P	-	17.16.070 (Gas stations)
General retail—10,000 square feet or less of gross floor area	P	P	P	P	P	-	-
General retail—10,001 to 40,000 feet of gross floor area	UP	P	P	UP	P	-	-

Land Use	Zoning Districts						Use-Specific Regulations
	CN	C-1	C-2	CH	CLM	OF	
General retail—more than 40,000 square feet of gross floor area	-	UP	P	UP	UP	-	-
Mobile food vendor	AP	AP	AP	AP	AP	AP	17.16.150 (Mobile food vending)
Mobile Food Vendor Village	UP	UP	UP	-	UP	-	17.16.150 (Mobile food vending)
Pet store	UP	UP	UP	-	-	-	17.16.120 (Animal keeping)
Plant nursery or garden supply store	UP	P	P	P	-	-	-
Restaurant or café	P	P	P	P	P	-	-
Seasonal holiday agricultural sales	AP	AP	AP	AP	AP	-	17.16.060 (Temporary uses and buildings)
Shopping center	UP	UP	P	UP	UP	-	-
Smoke shop	UP	UP	UP	UP	UP	UP	17.16.190 (Smoke shops)
Vehicle sales—automobile, new	-	UP	P	UP	P	-	-
Vehicle sales—all other	-	-	UP	UP	UP	-	-
Services							
Animal grooming	UP	UP	UP	-	-	-	17.16.120 (Animal keeping)
Animal keeping, noncommercial	P	P	P	P	P	-	17.16.120 (Animal keeping)
Bank or financial service	P	P	P	-	P	P	-
Bed and breakfast	UP	P	P	P	-	-	-
Business support service	P	P	P	P	P	P	-
Cannabis testing	-	-	-	-	-	-	-
Car wash	-	UP	P	P	P	-	17.16.090 (Car and vehicle washes)
Catering service	-	P	P	-	P	-	-
Child day care center	P	P	P	UP	UP	-	-
Gym	P	P	P	-	P	-	-
Hospital	-	UP	UP	-	-	-	-

Land Use	Zoning Districts						Use-Specific Regulations
	CN	C-1	C-2	CH	CLM	OF	
Hotel or motel	-	UP	P	UP	UP	-	-
Instructional or production studio	P	P	P	-	P	P	-
Kennel	-	-	UP	-	UP	-	17.16.120 (Animal keeping)
Mortuary	-	UP	UP	UP	P	UP	-
Office—professional	P	P	P	-	P	P	-
Office—all other	P	P	P	-	P	P	-
Outpatient services	UP	P	P	-	-	-	-
Personal services—low-impact	P	P	P	P	P	-	-
Personal services—moderate-impact	UP	UP	UP	UP	UP	-	-
Recreational vehicle (RV) park	-	-	UP	P	UP	-	-
Substance abuse counseling	-	-	P	-	P	-	-
Temporary real estate office	AP	AP	AP	AP	AP	AP	17.16.060 (Temporary uses and buildings)
Temporary uses not listed here	S	S	S	S	S	S	17.16.060 (Temporary uses and buildings)
Veterinarian	UP	UP	P	-	P	-	17.16.120 (Animal keeping)
Manufacturing, Wholesale, Repair and Storage							
Food or beverage production	-	UP	UP	-	UP	-	-
Landscape material sales	-	UP	UP	-	P	-	-
Manufacturing—20,000 square feet or less of gross floor area	-	UP	P	-	P	P	-
Manufacturing—more than 20,000 square feet of gross floor area	-	-	UP	-	UP	UP	-
Metalwork—20,000 square feet or less of gross floor area	-	UP	UP	P	P	UP	-

Land Use	Zoning Districts						Use-Specific Regulations
	CN	C-1	C-2	CH	CLM	OF	
Metalwork—more than 20,000 square feet of gross floor area	-	-	UP	UP	UP	UP	-
Mini-storage facility	S	S	S	-	S	-	17.16.060 17.44.060 (MS-O-Mini-storage overlay)
Outdoor storage—250 square feet or less	P	P	P	P	P	P	17.16.140 (Outdoor storage)
Outdoor storage—more than 250 square feet	UP	UP	P	UP	P	UP	17.16.140 (Outdoor storage)
Recycling facility or center	-	UP	P	-	P	-	-
Repair service, large equipment— 20,000 square feet or less of gross floor area	UP	UP	P	P	P	-	-
Repair service, large equipment—more than 20,000 square feet of gross floor area	-	-	UP	UP	UP	-	-
Repair service, small appliances	P	P	P	-	P	-	-
Research laboratories	-	-	UP	-	UP	UP	-
Scrap or dismantling yard	-	-	-	-	UP	-	-
Vehicle service or repair	-	UP	P	P	P	-	-
Warehousing	-	-	-	-	P	-	-
Transportation and Infrastructure							
Parking garage or lot as primary use	UP	UP	P	-	UP	UP	-
Public safety facility	UP	UP	UP	UP	UP	UP	-
Solar energy system, Tier 1	P	P	P	P	P	P	17.16.180 (Solar energy systems)
Solar energy system, Tier 2	AP	AP	AP	AP	AP	AP	17.16.180 (Solar energy systems)
Solar energy system, Tier 3	UP	UP	UP	UP	UP	UP	17.16.180 (Solar energy systems)
Utility building or substation	P	P	P	P	P	P	-

Land Use	Zoning Districts						Use-Specific Regulations
	CN	C-1	C-2	CH	CLM	OF	
Vehicle depot	-						

(Ord. 1749 § 4; Ord. 1763 §§ 18, 23, 24, 26; Ord. 1769 § 9; Ord. 1775 § 7; Ord. 1778 § 4; Ord. 1784 § 7; Ord. 1794 § 2; Ord. 1819 § 7, 2017; Ord. 1830 § 6, 2018; Ord. 1834 § 4, 2019; Ord. 1850 § 3, 2021)

Table 17.34.020-1 relating to Mixed Use districts is amended to read:

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

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

Table 17.34.020-1: Allowed Uses in Mixed-Use Districts

Key

- P** Permitted use, subject to zoning clearance
- AP** Administrative permit required
- UP** Use permit required
- S** See use-specific regulations for permit requirement
- Use not allowed

Land Use	Zoning Districts			Use-Specific Regulations
	MXD	MXN	MXC	
Local Food Uses				
Neighborhood food and beverage sales	AP	AP	AP	17.16.220 (Neighborhood food and beverage sales)
Urban agriculture	S	S	S	17.16.230 (Urban agriculture)
Public Assembly				
Carnival, circus or fair	AP	AP	AP	17.16.060 (Temporary uses and buildings)
Commercial recreational facility—indoor, 10,000 square feet or less of gross floor area	UP	UP	P	
Commercial recreational facility—indoor, more than 10,000 square feet of gross floor area	UP	UP	UP	
Commercial recreational facility—outdoor	-	-	UP	
Concert or performance	AP	AP	AP	17.16.060 (Temporary uses and buildings)
Library or museum	UP	UP	UP	
Meeting facility—10,000 square feet or less of gross floor area	P	P	P	
Meeting facility—more than 10,000 square feet of gross floor area	UP	UP	P	
Park or playground	UP	UP	UP	
School, public	UP	UP	UP	
School, private	UP	UP	UP	
Training facility	UP	UP	UP	
Residential [1]				
Caretaker residence	UP	UP	-	
Family day care, large	S	S	S	17.16.050 (Family day care homes)
Family day care, small	P	P	P	17.16.050 (Family day care homes)
Home occupation, low-impact	S	S	S	17.16.040 (Home occupation)

Home occupation, moderate-impact	S	S	S	17.16.040 (Home occupation)
Mixed-use development	P	P	P	17.16.030 (Mixed-use development)
Multiple-family dwellings [1]	-	P	P	
Residential care facility—6 units or fewer	P	P	P	
Residential care facility—7 units or more	UP	UP	-	
Retail				
Alcoholic beverage sales	UP	UP	UP	
Building supply	-	-	-	
Equipment and machinery sales or rental	-	-	-	
Drive-through establishment—pharmacy	-	-	UP	17.16.080 (Drive-through establishments)
Drive-through establishment all other uses	-	-	UP	17.16.080 (Drive-through establishments)
Farmers market	AP	AP	AP	
Food and beverage sales—10,000 square feet or less of gross floor area	P	P	P	
Food and beverage sales—10,001 to 40,000 square feet of gross floor area	UP	P	P	
Food and beverage sales—more than 40,000 square feet of gross floor area	UP	UP	P	
Funeral merchandise sales	UP	UP	UP	
Gas station	-	-	UP	17.16.070 (Gas stations)
General retail—10,000 square feet or less of gross floor area	P	P	P	
General retail—10,001 to 40,000 feet of gross floor area	UP	P	P	
General retail—more than 40,000 square feet of gross floor area	-	UP	UP	

Land Use	Zoning Districts			Use-Specific Regulations
	MXD	MXN	MXC	
Mobile food vendor	AP	AP	AP	17.16.150 (Mobile food vending)
Mobile food vendor village	-	UP	UP	17.16.150 (Mobile food vending)
Pet store	UP	UP	UP	17.16.120 (Animal keeping)
Plant nursery or garden supply store	UP	UP	P	
Restaurant or café	P	P	P	
Seasonal holiday agricultural sales	AP	AP	AP	17.16.060 (Temporary uses and buildings)
Shopping center, 1,000 square feet or less of gross floor area	P	P	P	
Shopping center, 1,000 square feet or greater of gross floor area	P	UP	P	
Smoke shop	UP	UP	UP	17.36.010 (Allowed uses in industrial districts)
Vehicle sales—automobile, new	-	-	P	
Vehicle sales—all other	-	-	UP	
Services				
Animal grooming	UP	UP	UP	17.16.120 (Animal keeping)
Animal keeping, noncommercial	P	P	P	17.16.120 (Animal keeping)
Bank or financial service	P	P	P	
Bed and breakfast	P	P	P	
Business support service	P	P	P	
Car wash	-	UP	UP	17.16.090 (Car and vehicle washes)
Catering service	P	P	P	
Child day care center	P	P	P	
Gym	P	P	P	
Hospital	-	-	-	
Hotel or motel	UP	-	UP	

Land Use	Zoning Districts			Use-Specific Regulations
	MXD	MXN	MXC	
Instructional or production studio	P	-	P	
Kennel	-	-	UP	17.16.120 (Animal keeping)
Mortuary	UP	-	UP	
Office—professional	P	P	P	
Office—all other	P	P	P	
Outpatient Services	UP	UP	UP	
Personal services—low-impact	P	P	P	
Personal services—moderate-impact	UP	UP	UP	
Temporary real estate office	AP	AP	AP	17.16.060 (Temporary uses and buildings)
Temporary uses not listed here	S	S	S	17.16.060 (Temporary uses and buildings)
Veterinarian	UP	UP	P	17.16.120 (Animal keeping)
<i>Manufacturing, Wholesale, Repair, and Storage</i>				
Food or beverage production	UP	-	UP	
Landscape material sales	-	-	UP	

Land Use	Zoning Districts			Use-Specific Regulations
	MXD	MXN	MXC	
Manufacturing—20,000 square feet or less of gross floor area	UP	-	UP	
Metalwork—10,000 square feet or less of gross floor area	UP	-	UP	
Mini-storage facility	-	-	-	17.44.060 (MS-O: mini-storage overlay)
Outdoor storage—250 square feet or less	-	-	P	17.16.140 (Outdoor storage)
Outdoor storage—more than 250 square feet	UP	UP	UP	17.16.140 (Outdoor storage)
Repair service, large equipment—20,000 square feet or less of gross floor area	-	-	UP	
Repair service, small appliances	P	P	P	
<i>Transportation and Infrastructure</i>				
Parking garage or lot as primary use	UP	UP	UP	
Public safety facility	UP	UP	UP	
Solar energy system, Tier 1	P	P	P	17.16.180 (Solar energy systems)
Solar energy system, Tier 2	AP	AP	AP	17.16.180 (Solar energy systems)
Solar energy system, Tier 3	UP	UP	UP	17.16.180 (Solar energy systems)
Utility building or substation	P	P	P	

Note:

[1] Residential uses in the downtown mixed-use district are permitted only on upper stories above ground floor commercial uses.

(Ord. 1819 § 8, 2017; Ord. 1830 § 7, 2018)

Table 17.36.010-1 relating to Industrial districts is amended to read:

The uses allowed in industrial districts shall be as shown in Table 17.36.010-1. These uses include:

- A. **Permitted Use (P).** Uses that are shown with a “P” shall be permitted, subject to obtaining a zoning clearance, as provided in Section [17.48.030](#), as well as any building permits or other permits required by this Code.
- B. **Administrative Permit Required (AP).** Uses that are shown with an “AP” shall be subject to obtaining an administrative permit, as provided in Section [17.48.020](#).
- C. **Use Permit Required (UP).** Uses that are shown with a “UP” shall be subject to obtaining a use permit, as provided in Section [17.48.010](#).
- D. **Use-Specific Regulations (S).** Uses that are shown with an “S” shall be subject to permit requirements as provided in the specific regulations for that use. The table indicates where the use-specific regulations are located in this Code.
- E. **Use Not Allowed (—).** Uses that are shown with a “—,” or that are not listed, shall not be allowed, except as provided in Sections [17.08.090](#) and [17.48.090](#).

Table 17.36.010-1

**Allowed Uses in
Industrial Districts**

	Zoning Districts			
Land Use	AB P	M-1	M-2	Use-Specific Regulations
<i>Public Assembly</i>				
Carnival, circus or fair	AP	AP	AP	17.16.060
Commercial recreational facility	—	UP	UP	
Concert or performance	AP	AP	AP	17.16.060
Library or museum	—	UP	UP	
Meeting facility	—	UP	UP	
Park or playground	—	UP	UP	

Training facility	UP	P	P	
	Zoning Districts			
Land Use	ABP	M-1	M-	Use-Specific

			2	Regulations
Residential				
Caretaker dwelling unit	P	P	P	
Retail				
Adult-oriented business	—	S	S	17.16.110
Building supply	—	UP	UP	
Cannabis retail	—	—	—	
Drive-through establishment	—	UP	UP	17.16.080
Equipment and machinery sales or rental	—	UP	P	
Farmers market	AP	AP	AP	17.16.060
Food and beverage sales—10,000 sq. ft. or less of gross floor area	P	P	P	
Food and beverage sales—more than 10,000 sq. ft. of gross floor area	—	—	—	
Gas station	—	UP	UP	17.16.070
General retail—10,000 sq. ft. or less of gross floor area	UP	UP	UP	
General retail—more than 10,000 sq. ft. of gross floor area	—	UP	UP	
Mobile food vendor	—	S	S	17.16.150
Mobile food vendor village	UP	UP	UP	17.16.050
Plant nursery or garden supply store	—	UP	UP	
Restaurant or café	UP	UP	UP	
Seasonal holiday agricultural sales	AP	AP	AP	17.16.060
Smoke shop	—	UP	UP	17.36.010
Vehicle sales	—	UP	UP	
Services				
Business support service	P	P	P	
Car wash	—	UP	UP	

Catering service	—	UP	UP	
Zoning Districts				
Land Use	ABP	M-1	M-2	Use-Specific Regulations
Child day care	UP	UP	UP	
Instructional or production studio	—	P	P	
Kennel	—	UP	UP	17.16.120
Marijuana dispensary	—	—	—	
Office—professional	P	UP	UP	
Office—all other	P	UP	UP	

Outpatient services	—	—	—	
Substance abuse counseling	—	—	—	
Temporary real estate office	AP	AP	AP	17.16.060
Temporary uses not listed here	S	S	S	17.16.060
Veterinarian	—	P	P	17.16.120
Manufacturing, Wholesale, Repair and Storage				
Cannabis cultivation	—	—	—	
Cannabis distribution	—	—	—	
Cannabis manufacturing	—	—	—	
Cannabis microbusiness	—	—	—	
Cannabis nursery	—	—	—	
Cannabis testing	—	—	—	
Food or beverage production	—	UP	P	
Landscape material sales	—	UP	P	
Manufacturing—40,000 sq. ft. or less of gross floor area	P	P	P	
Manufacturing—more than 40,000 sq. ft. of gross floor area	UP	UP	P	
Metalwork—40,000 sq. ft. or less of gross floor area	P	P	P	
Metalwork—more than 40,000 sq. ft. of gross floor area	UP	UP	P	
Mini-storage facility	—	S	S	17.44.060
Outdoor storage—500 sq. ft. or less	P	P	P	17.16.140
Outdoor storage—more than 500 sq. ft.	UP	P	P	17.16.140
Recycling facility or center	—	P	P	
Repair service, large equipment	P	P	P	

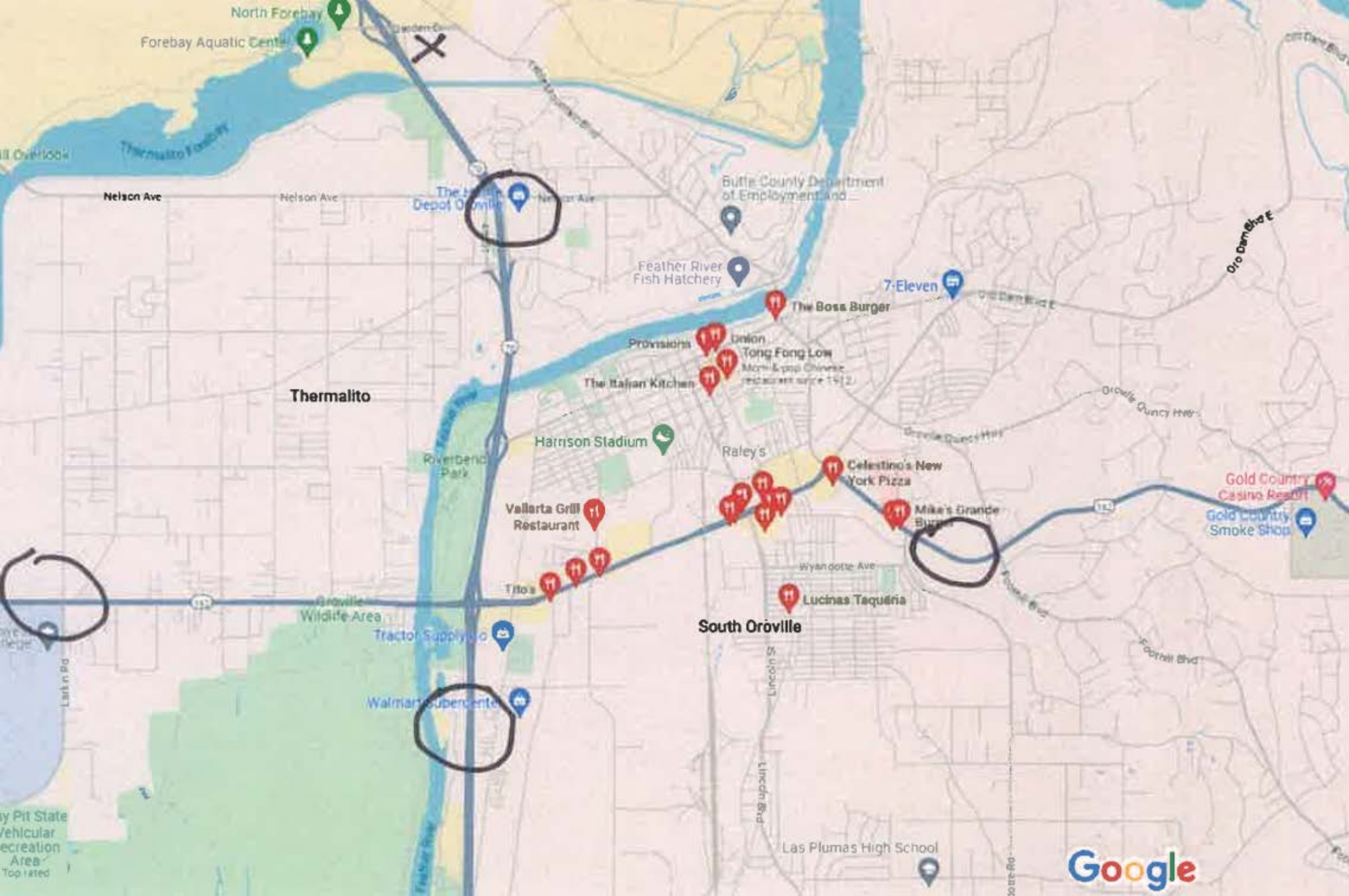
	Zoning Districts			
Land Use	ABP	M-1	M-2	Use-Specific Regulations
Repair service, small appliances	P	P	P	
Research laboratory	UP	P	P	
Scrap or dismantling yard	—	—	UP	
Vehicle services and repair	—	P	P	
Warehousing	P	P	P	
Wholesaling and distribution	UP	P	P	
<i>Agricultural and Resource-Based Uses</i>				
Surface mining	—	—	UP	Chapter 15.92
<i>Transportation and Infrastructure</i>				
Parking garage or lot as primary use	—	UP	UP	
Public safety facility	P	P	P	
Solar energy system, Tier 1	P	P	P	17.16.180 (Solar energy systems)
Solar energy system, Tier 2	AP	AP	AP	17.16.180 (Solar energy systems)
Solar energy system, Tier 3	UP	UP	UP	17.16.180 (Solar energy systems)
Utility building or substation	P	P	P	
Vehicle depot	—	P	P	

(Ord. 1749 § 4; Ord. 1759 § 1; Ord. 1769 § 10; Ord. 1775 § 8; Ord. 1778 § 5; Ord. 1784 § 8; Ord. 1794 § 2; Ord. 1819 § 9, 2017; Ord. 1830 § 8, 2018; Ord. 1834 § 5, 2019)

Food Truck Data as of 3-27-24

Item 11.

Business Name and Address	Type of Food
Sweetwater Shaved Ice Lic# 10002113	
935 Oro Dam Blvd E	
Tito's Tacos Lic# 10002451	
601 Oro Dam Blvd E	Mexican
Weenie's Lic# 10002983	
?	
Tacos El Mariachi Lic#10003093	Mexican
1450 Oro Dam Blvd	
El Grullense #2 Lic#10003136	Mexican
1115 Oro Dam Blvd E	
Amazing Asian Food Lic#10003289	Asian
2358 Lincoln St.	
La Michoacana Lic# 10003290	Mexican
555 Oro Dam Blvd	
Pillo's Tacos Lic# 10002451	
?	
El Cazador #2 Lice# 10003317	Mexican
1715 Feather River Blvd	
Spice Haul Lic# 10003335	
Expired	
Tinoco's Tacos Lic# 10003343	Mexican
2710 Feather River	
Thomas Concessions Lic# 10003352	
Expired	
Garretts Back Home Barbecue Lic#	BBQ
10003394	
3034 Olive Hwy	
Sweet Leilanis Lic# 10003416	
Expired	
Taqueria Hidalgo #3 (lic #?)	Mexican
2557 Olive Hwy	
Righteous Burger (lic #?)	Temporarily Closed
2557 Olive Hwy	





CITY OF OROVILLE STAFF REPORT

TO: MAYOR PITTMAN AND COUNCIL MEMBERS
FROM: BRIAN RING, CITY ADMINISTRATOR
RE: CALIFORNIA WATER SERVICE FLOURIDATION
DATE: MAY 21, 2024

SUMMARY

The Council will consider whether California Water Service (CalWater) should continue to be required to add fluoride to drinking water that is provided to its customers residing within the City of Oroville.

DISCUSSION

On February 1, 1954, the Oroville City Council passed a resolution requesting that California Board of Public Health issue a permit to CalWater, authorizing CalWater to add fluoride to domestic water supply provided to the City residents. In addition, the resolution requested that CalWater obtain said permit. In 1957, CalWater started to fluoridate the drinking water within the City limits.

State law currently requires systems with 10,000 or more service connections to fluoridate water if public funds are available to do so. In 2018, 59% of water systems in California treated their water with fluoride (down from 64% in 2014). Currently public funds are not available for this service.

There are differing opinions on the potential benefits of adding fluoride to water. In 1954, this matter was brought before the Oroville City Council at the request of many Oroville residents, as a way to help prevent tooth decay. Since this time, other methods have been introduced as a way to apply fluoride to your teeth.

FISCAL IMPACT

None.

RECOMMENDATION

Receive public input on the fluoridation of drinking water provided by CalWater; and
Provide any direction to staff.

ATTACHMENTS

1. Resolution 1436
2. Resolution 1438

CITY OF OROVILLE

RESOLUTION NO. 1438

A RESOLUTION AUTHORIZING AND DIRECTING THE CITY ATTORNEY TO FILE A COMPLAINT BEFORE THE STATE OF CALIFORNIA PUBLIC UTILITIES COMMISSION AND TO PROSECUTE THE SAME TO COMPLETION WITH REFERENCE TO THE FAILURE OF THE CALIFORNIA WATER SERVICE TO COMPLY WITH RESOLUTION NO. 1436 REQUESTING SAID COMPANY TO APPLY FOR A PERMIT FROM THE STATE OF CALIFORNIA, BOARD OF PUBLIC HEALTH, TO FLUORIDATE THE CITY OF OROVILLE DOMESTIC WATER SUPPLY.

WHEREAS, the City Council of the City of Oroville did by Resolution No. 1436 request the California Water Service to apply to the State of California Board of Public Health to issue an appropriate permit and to take such other steps as are necessary to cause fluoridation of the City of Oroville domestic water supply, and

WHEREAS, it has come to the attention of the City Council that the said California Water Service had declined to comply with said Resolution, and

WHEREAS, it is necessary and proper that an appropriate complaint be filed before the State of California Public Utilities Commission wherein and whereby said Commission shall be requested by appropriate procedure to order and direct the California Water Service Company to comply with said Resolution, and

WHEREAS, it appears to be to the best interests of the people of the City of Oroville that said action be taken,

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

1. In the event the California Water Service Company shall fail to comply or advise that it will within a reasonable

time, comply with the Resolution hereinabove mentioned, within two weeks after receipt of notice from the City Attorney advising said California Water Service Company that unless said water service company shall comply with said Resolution within two weeks, appropriate proceedings will be commenced before the State of California Public Utilities Commission to compel the compliance with said Resolution, the City Attorney of the City of Oroville is hereby authorized and directed to prepare and file an appropriate complaint before the State of California Public Utilities Commission and thereupon to prosecute such complaint to completion, whereby and wherein said Public Utilities Commission shall be requested by appropriate procedure to issue an order compelling the California Water Service Company to take such appropriate steps as are necessary, including the application to the State of California Board of Public Health for an appropriate permit, to cause fluoridation of the domestic water supply of the City of Oroville.

2. The City Attorney is further hereby authorized and directed in and by said complaint, or in and by a separate complaint to petition and request said Public Utilities Commission to determine appropriate rates and/or rate adjustments for domestic water supply in the City of Oroville, in the event said California Water Service Company shall voluntarily, or pursuant to any appropriate order of the Public Utilities Commission, commence fluoridation of the domestic water supply of the City of Oroville pursuant to any permit issued by the State of California Board of Public Health.

3. The Clerk shall certify to the adoption of this Resolution,

- - -

Passed and adopted at a regular meeting of the
City Council of the City of Oroville on the 1st day of March,
1954, by the following vote:

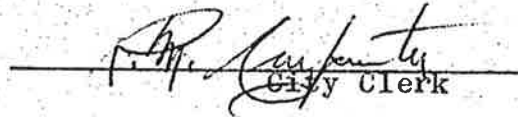
AYES: BUCK, McKILLOP, MEYER, RICHTER, PATTON, WEISKER

NOES: DYER

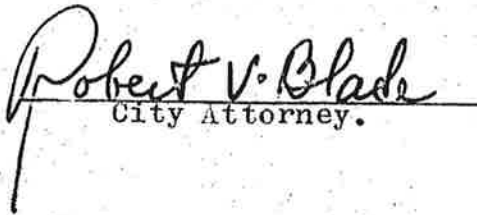
ABSENT: NONE


Mayor

Attest:


City Clerk

Approved as to form:


City Attorney.

CITY OF OROVILLE

Item 12.

RESOLUTION NO. 1436

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF OROVILLE APPROVING FLUORIDATION OF THE CITY WATER SUPPLY AND REQUESTING THE STATE OF CALIFORNIA BOARD OF HEALTH TO ISSUE AN APPROPRIATE PERMIT AND REQUESTING THE CALIFORNIA WATER SERVICE TO OBTAIN SUCH PERMIT AND THEREUPON TAKE SUCH STEPS AS ARE NECESSARY AS TO CAUSE FLUORIDATION OF THE CITY WATER SUPPLY.

WHEREAS, the City Council has been in receipt of numerous petitions and letters from the people of the City of Oroville requesting appropriate action to cause fluoridation of the City water supply, and

WHEREAS, domestic water is supplied to the inhabitants of the City of Oroville by the California Water Service Company, a corporation, and

WHEREAS, said matter was duly referred to the Committee on Fire, Lights and Water, and said committee thereupon held a public hearing at which time evidence in support of fluoridation and in opposition thereto was received and duly considered by said committee, and

WHEREAS, said committee has reported to the City Council concerning said public hearing, finding that the majority of the people of the City of Oroville are in favor and desire that the domestic water supply be fluoridated in accordance with the regulations issued by the State of California Board of Public Health, and

WHEREAS, said committee has recommended to the City Council that an appropriate resolution be adopted requesting the necessary steps to be taken to cause such fluoridation of the domestic water supply, and

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

1. The State of California Board of Public Health

be, and it is hereby respectfully requested to issue an appropriate permit or amended permit to the California Water Service Company, a corporation, authorizing said corporation to introduce into the domestic water supply of the City of Oroville mineral fluorides in such quantity and concentration as said State of California Board of Health deems advisable, and

2. The California Water Service Company, a corporation, be, and it is hereby respectfully requested to obtain and secure from the State of California Board of Public Health the permit hereinabove referred to, and thereupon to take such steps as are necessary as to authorize and thereupon forthwith to commence fluoridation of the domestic water supply of the City of Oroville in accordance with the rules and regulations of and such permit issued by the State of California Board of Public Health.

3. The Clerk shall certify to the adoption of this Resolution.

- - - - -

Passed and adopted at a regular meeting of the City Council of the City of Oroville on the 1st day of February, 1954, by the following vote:

AYES: BUCK, McKILLOP, RICHTER, WEISKER

NOES: DYER

ABSENT: PATTON

ABSTAINING: MEYER


Mayor

Attest:


City Clerk

Approved as to form:



Cal Water Oroville: Fluoridation

Requirement for Cal Water to add fluoride to finished water

Loni Lind, Local Manager

Cal Water Oroville

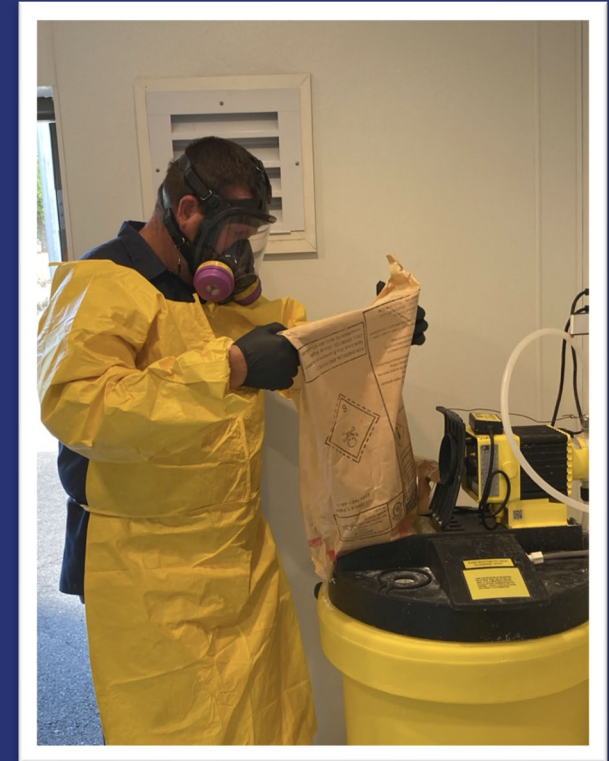


- High quality drinking water in Oroville since 1927
- 52 miles of main, 2 storage tanks (2.45 Mgal)
- Water comes from the Thermalito Canal – from Lake Oroville
- 2 Standby wells (PFAS), 1 well with GAC removal of PFAS
- Interties with neighboring agencies
- 3,504 service connections, serving estimated 11,536 population
- **We are Treatment Operators: Protecting customer health and safety is our highest priority.**

What is fluoride?



- Naturally occurring in soil, not in human body
 - Uptaken by plants, soluble in water
- Replaces an ion in hydroxyapatite --> fluorapatite
- Harder, less susceptible to acid dissolution, more brittle
- Odorless, colorless, toxic at high concentrations



Regulatory History – EPA, DDW



- 1909-1944: Observation of inverse correlation between brown teeth staining (fluorosis) and dental caries
- 1914: Fluoride is added to toothpaste (marketed in 1956 as “anticavity”)
- 1945-1955: 3 cities elect to pilot water fluoridation
- 1954: City of Oroville asks Cal Water to fluoridate
 - Cal Water says “no thank you”
- 1954: City of Oroville and Butte County petition CPUC to require Cal Water to fluoridate
 - 1957: Decision passed by CPUC requiring Cal Water to fluoridate

EPA Fluoridation Rule



Article 4.1. Fluoridation

§64433. System Requirements and Exemptions.

(a) Any public water system with **10,000 service connections or more** that does not have a fluoridation system shall install such a system pursuant to the requirements in this article **if the State Board identifies a source of sufficient funds** not excluded by Health and Safety Code section 116415 to cover capital and any associated costs necessary to install such a system.



List of Fully Fluoridated Water Systems - all water is fluoridated

Alameda County

- Alameda County Water District
- East Bay Municipal Utility District
- City of Pleasanton
- Dublin San Ramon Services District
- City of Hayward

Butte County

~~City of Gridley~~

- Cal-Water Service Co. (Oroville)

Contra Costa County

- City of Antioch
- Contra Costa Water District (Bollman)
- City of Martinez
- Diablo Water District
- City of Pittsburg
- Contra Costa Water District (Randall-Bold)

Fresno County

City of Coalinga

Humboldt County

Jacoby Creek Co. WD

City of Arcata

City of Eureka

Los Angeles County

- Golden State WC (Bell, Bell Garden) [p]
- Golden State WC (Willowbrook) [p]
- Golden State WC (Florence/Graham)
- Golden State Water Co. (Norwalk)
- Golden State WC (Hollydale)
- Golden State Water Co. (Southwest)
- City of Torrance
- Foothill Municipal Water District
- City of Long Beach

Placer County

- Placer CWA - (Bianchi Estates)
- Cal-American Water Co. (West Placer)
- City of Roseville - West Train

Riverside County

- City of Perris
- Western MWD - Murrieta Division
- Western MWD
- Western MWD (ID A - Rainbow)

Sacramento County

- Sacramento County WA (Mather-Sunrise)
- Sacramento County WA (Arden Park Vista)
- Sacramento Suburban Water District -
- Cal-American Water Co. (Suburban)
- Cal-American Water Co. (Parkway)
- City of Sacramento
- Cal-American Water Co. (Arden)

San Diego County

- City of San Diego
- Vallecitos Water District
- Carlsbad MWD
- Fallbrook Public Utility District
- Olivenhain MWD
- Rainbow MWDistrict
- Rincon Del Diablo MWD (ID-1)
- Ramona Municipal Water District
- Valley Center Municipal WD
- Vista Irrigation District
- Padre Dam Municipal WD

San Francisco County

- San Francisco International Airport
- San Francisco Public Utility Comm. SFWS

Santa Barbara County

City of Santa Maria

- Vandenberg Air Force Base

Santa Clara County

- City of Palo Alto
- Stanford University
- City of San Jose (NSJ/Alviso)
- Purissima Hills WD
- City of Mountain View
- City of San Jose (Evergreen)

Solano County

City of Benicia

City of Fairfield

City of Vallejo

City of Vacaville

- City of Vallejo (Travis AFB WTP)
- Travis Air Force Base

Sonoma County

City of Healdsburg

Sutter County

~~City of Yuba City~~

Ventura County

- Solano Verde Mutual Water Co.
- Academy Mutual Water Co.
- Brandeis Bardin Institute
- Ventura CWWD No. 17 (Bell Canyon)
- City of Port Hueneme
- Cal-Water Service Co. (Westlake)
- City of Thousand Oaks
- Ventura CWWD No. 8 (Simi Valley)
- Channel Islands Beach CSD
- Cal-American WC (Village District)

Why are we here?



- Cal Water will continue to fluoridate as long as required
 - Necessarily neutral
- Customer concerns expressed in the last 5 years
 - Expensive to remove
 - Mandated pharmaceutical dosage
 - Willingness to choose



If Fluoridation is Discontinued: Pros/Cons



- Cons
 - Cavities may increase
 - Dental bills may increase
- Pros
 - Fluoride becomes optional (toothpaste) instead of mandated (drinking water)
 - Cost savings – small, but chemical costs are rising

Cal Water is necessarily neutral.

Questions?

Loni Lind

llind@calwater.com



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 APRIL 2024

DATE: MAY 21, 2024

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	30	6
Dispatcher	8	8	0
Municipal Law Enforcement	10	17	7
Administrative Personnel	4	4	0

Department Activity:

Events Year to Date 2024	Average Response Time for Crimes against persons *Priority 1 crimes	Average Response Time for all types of calls for Service	National Average Response Time
14,679	4:01 minutes	6:50 minutes	8 - 11 minutes

Patrol Checks and Park Patrols:

	Patrol Checks/Park Patrols
APRIL 2024	306
Year to Date	904

Parking Enforcement Citations Issued:

Item i.

APRIL 2024	Year to Date 2024	APRIL 2023	Year to date 2023
4	41	13	47

Police Activity:

Arrest	APRIL 2023	APRIL 2024	Year to date 2023	Year to date 2024
Misdemeanor	99	84	341	392
Felony	34	41	138	148

Citations	APRIL 2023	APRIL 2024	Year to date 2023	Year to date 2024
	32	33	214	171

Uniform Crime Reporting:

Crimes of Violence	APRIL 2024	Year to Date JANUARY – DECEMBER
Homicide	0	0
Rape	1	2
Robbery	0	2
Aggravated Assault	0	8

Community Navigator:

Contacts	Services Received	Year to date contacts	Year to date services
238	216	372	299

SPCA Statistics: Service Calls by Priority:

Item i.

Priority Level	Number of Calls	Total Minutes per call type	Average response times
Urgent	8	53	6.62
Priority	51	403	7.90
At Officer Convenience	40	254	6.34
After Hours	34	226	6.65

Animal Intake and Outcome Stats:

Total Animals taken in from City	Total Animals outgoing	Cats	Dogs	Other	Bird	Livestock
106	98	41	60	3	2	0

*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	1	0	0	0	0	1
Died	5	1	4	0	0	0
Disposal	8	1	6	0	0	1
Euthanasia	62	25	32	0	2	3
RTO	21	19	2	5	0	0
Transfer	1	1	0	0	0	0
Foster	0	0	0	0	0	0

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

SPCA After-hours call outs:

APRIL 2024
34

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



We inspire people to plant, nurture, and celebrate trees.

FOR IMMEDIATE RELEASE

Contact:

Jasmine Putney
Arbor Day Foundation
402-216-9307
jputney@arborday.org

Arbor Day Foundation Names Oroville a 2023 Tree City USA®

LINCOLN, Nebraska (5/3/2024) – Oroville was named a 2023 Tree City USA by the Arbor Day Foundation to honor its commitment to effective urban forest management.

Oroville achieved Tree City USA recognition by meeting the program's four requirements: maintaining a tree board or department, having a tree care ordinance, dedicating an annual community forestry budget of at least \$2 per capita, and hosting an Arbor Day observance and proclamation.

The Tree City USA program is sponsored by the Arbor Day Foundation, in partnership with the U.S. Forest Service and the National Association of State Foresters.

“Tree City USA communities see the positive effects of an urban forest firsthand,” said Dan Lambe, chief executive of the Arbor Day Foundation. “The trees being planted and cared for by Oroville are ensuring that generations to come will enjoy to a better quality of life. Additionally, participation in this program brings residents together and creates a sense of civic pride, whether it’s through volunteer engagement or public education.”

If ever there was a time for trees, now is that time. Communities worldwide are facing issues with air quality, water resources, personal health and well-being, energy use, and extreme heat and flooding. Oroville is doing its part to address these challenges for residents both now and in the future.

More information on the program is available at arborday.org/TreeCityUSA.

About the Arbor Day Foundation

Founded in 1972, the Arbor Day Foundation has grown to become the largest nonprofit membership organization dedicated to planting trees, with more than one million members, supporters and valued partners. Since 1972, almost 500 million Arbor Day Foundation trees have been planted in neighborhoods, communities, cities and forests throughout the world. Our vision is to lead toward a world where trees are used to solve issues critical to survival.

As one of the world's largest operating conservation foundations, the Arbor Day Foundation, through its members, partners and programs, educates and engages stakeholders and communities across the globe to involve themselves in its mission of planting, nurturing and celebrating trees. More information is available at arborday.org.