



LIVE OAK CITY COUNCIL

REGULAR MEETING AGENDA NOVEMBER 15, 2023 6:00 PM

MEETING LOCATION
LIVE OAK COUNCIL CHAMBERS
9955 LIVE OAK BOULEVARD
LIVE OAK, CALIFORNIA 95953

MEMBERS OF THE COUNCIL

BOB WOTEN, MAYOR
JERAMY CHAPDELAIN, VICE MAYOR
LAKHVIR GHAG, COUNCILMEMBER
ASHLEY HERNANDEZ, COUNCILMEMBER
NANCY SANTANA, COUNCILMEMBER

AARON PALMER,
CITY MANAGER

NICOLE ROSSER,
CITY ATTORNEY

The Council may take up any agenda item at any time, regardless of the order listed. Action may be taken on any item on this agenda. Materials related to an item on this Agenda submitted to the Council after distribution of the agenda packet are available for public inspection at City Hall, 9955 Live Oak Boulevard, Live Oak, during normal business hours. Such documents are also available on the City of Live Oak's website at www.liveoakcity.org, subject to staff's availability to post the documents before the meeting.

In compliance with the Americans with Disabilities Act, the meeting room is wheelchair accessible and disabled parking is available. If you have a disability and need disability-related modifications or accommodations to participate in this meeting, please contact the City Clerk's office at (530) 695-2112 x107. Requests must be made at least 24 hours in advance.

- **Remote Viewing:**

- Members of the public can view a livestream of the meeting online at https://liveoakca.granicus.com/ViewPublisher.php?view_id=1.
- Members of the public can access the Zoom webinar as follows:
 - **Join by Electronic Device:**
<https://us02web.zoom.us/j/84869109439>
 - **Join by Phone:**
1-669-900-6833 or 1-833-548-0282 (Toll Free)
Webinar ID: 848 6910 9439

- **Public Comment:** Members of the public can submit general public comments, as well as comment on specific agenda items in the following ways:
 - **Public Attendance:** Members of the public who attend in person may make comments from the Council Chamber podium.

- **Live Remote Public Comment:** Members of the public can submit a live remote public comment by:
 - *Joining the virtual Council meeting via the link below. When public comment is opened, raise your virtual hand and be called upon to speak for up to 3 minutes.*

<https://us02web.zoom.us/j/84869109439>
 - *Joining the virtual Council meeting by calling the phone number below. When public comment is opened, dial *9 to raise your hand and be called upon to speak for up to 3 minutes.*

1-669-900-6833 or 1-833-548-0282 (Toll Free)
Webinar ID: 848 6910 9439
 - **Email Public Comment:** Comments from the public on agenda items will be accepted until 1:00 pm on the date of the meeting, via email to the City Clerk at cmenchaca@liveoakcity.org. Comments will be distributed to Council prior to the meeting and attached to the minutes. Please note that emailed comments will NOT be read aloud by staff during the meeting.
 - **eComment Feature:** Comments from the public on agenda items will be accepted until 1:00 pm on the date of the meeting, via the eComment feature at https://liveoakca.granicus.com/ViewPublisher.php?view_id=1. Comments will be distributed to Council prior to the meeting and attached to the minutes. Please note that eComments will NOT be read aloud by staff during the meeting.
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CALL TO ORDER**ROLL CALL****PLEDGE OF ALLEGIANCE AND INVOCATION****CORRECTIONS AND/OR CHANGES TO THE AGENDA BY CITY MANAGER ONLY****PRESENTATIONS AND RECOGNITIONS**

- A. Sutter Yuba Homeless Consortium Presentation and Homeless Awareness Month Proclamation

PUBLIC COMMENT

Any person wishing to address the City Council on general jurisdictional matters or consent calendar items may do so at this time. If you are commenting on an agenda item, your comments will be heard at the time that item is scheduled for discussion. The City Council adopted a time limit of three minutes per person. The Brown Act does not allow for Council discussion of items not on the agenda.

Councilmembers may only a) refer the matter to staff; b) ask for additional information; c) request a report back; or d) provide a limited factual response for items not listed on the agenda.

CONSENT ITEMS

Consent Calendar is passed by one motion with exceptions and separate votes as noted.

1. City Council Meeting Minutes
Recommendation: Approve the November 1, 2023, City Council Regular Meeting minutes.
(Clarissa Menchaca, City Clerk)
2. Consideration to Approve the Proposal with Raney Planning and Management, Inc. to Provide an Initial Study/Mitigated Negative Declaration and Planning Services for the Proposed Rezone Located at 2794 Pennington Road Medical Clinic
Recommendation: Consider approval of the proposal with Raney Planning and Management, Inc. to conduct the necessary tasks required to provide planning and environmental services for the 2794 Pennington Road Rezone project. This action does not include any recommendations regarding the project itself. The proposed project will be brought to the Live Oak Planning Commission and then the Live Oak City Council for review and consideration at a future date.
(Aaron Palmer, City Manager)
3. Claims Against the City Policy
Recommendation: Adopt Claims Against the City Policy.
(Jessica Mata, Human Resources Management Analyst)
4. Appointing Officers to the Board of Directors for SCORE
Recommendation: Adopt resolution appointing Aaron Palmer, City Manager, as the primary representative and Jessica Mata, Human Resources Management Analyst, as the alternate representative to the Board of Directors for SCORE.
(Jessica Mata, Human Resources Management Analyst)
5. City Projects Update
Recommendation: Receive and file.
(Ron Walker, Public Works Director)

6. Fire Hydrant Replacement – Pennington Road
 Recommendation: 1) Accept bid from Lamon Construction Co., Inc.; and 2) Authorize the City Manager to sign bid.
 (Ron Walker, Public Works Director)

PUBLIC HEARING ITEMS

7. Public Hearing and Approval of the Sutter Butte Basin Regional Levee Improvement Program Levee Development Impact Fee (Nexus Study) and Related Collection Agreement
 Recommendation: Conduct a public hearing to consider the proposed Sutter Butte Basin Regional Levee Improvement Program Development Impact Fee Nexus Study, receive public input, and upon conclusion of public hearing, adopt a resolution that, (1) adopts the Nexus Study, and (2) delegates authority to the City Manager to execute the collection agreement, substantially in the form included in the staff report, with SBFCA, the Counties of Butte and Sutter and the Cities of Gridley, Live Oak, and Yuba City.
 (Kevin Valente, Contract Planner)
8. Introduction and First Reading of an Ordinance of the City Council of the City of Live Oak, Amending the City of Live Oak Municipal Code, Title 15, and Adoption of the Sutter Butte Basin Regional Levee Improvement Program Development Impact Fee
 Recommendation: Conduct a public hearing, consider all information and public testimony and, if determined to be appropriate, Introduce and waive the First Reading of the presented fee ordinance and supporting resolution. Approval of both the Regional LDIF, and amendment to the City of Live Oak Municipal Code to incorporate the new fee, is based on the City making required findings pursuant to the Mitigation Fee Act (also known as “AB 1600,” Government Code sections 66000, et seq.).
 (Kevin Valente, Contract Planner)

BUSINESS ITEMS

9. Approval of Business Grant Ad Hoc Committee’s Recommendation for Business Grant Awards
 Recommendation: Approve funding for all fourteen business grant applications and approve budget transfer of \$200,000 in ARPA Funding.
 (Aaron Palmer, City Manager)
10. Secondary Fee Pump Station Discharge Pipe Replacement
 Recommendation: 1) Accept bid from TNT Industrial Contractors, Inc.; and 2) Authorize the City Manager to sign bid.
 (Ron Walker, Public Works Director)

ITEMS REMOVED FROM THE CONSENT AGENDA FOR COUNCIL CONSIDERATION AND ACTION

UPDATES AND ANNOUNCEMENTS FROM THE CITY ATTORNEY AND CITY MANAGER

COUNCILMEMBER COMMENTS

ADJOURNMENT



**City of Live Oak
Report to City Council**

Meeting Date: November 15, 2023

Title: Sutter Yuba Homeless Consortium Presentation and Homeless Awareness
Month Proclamation

Attachments:

[PowerPoint Presentation](#)
[Proclamation](#)



JOHNNY BURKE, EXECUTIVE DIRECTOR

What does the Homeless Consortium do?

The Homeless Consortium is our own local “CoC.” CoC is “Continuum of Care”- The CoC Program through Housing and Urban Development is designed to:

- ▶ Promote communitywide commitment to ***the goal of ending homelessness***
- ▶ ***Provide funding for efforts by nonprofit providers, and State and local governments*** to quickly ***rehouse homeless individuals and families*** while minimizing the trauma and dislocation caused to homeless individuals, families, and communities by homelessness
- ▶ Promote access to and effect utilization of mainstream programs by homeless individuals and families; and optimize self-sufficiency among individuals and families experiencing homelessness.

What does the Homeless Consortium oversee?

Manages funds that are distributed to local agencies

Manages the Homeless Management Information System (HMIS) and reports statistics to California and Housing and Urban Development (HUD)

Oversees and manages the local Coordinated Entry Referral system and data

Collaborates with partners to work towards ending homelessness

What is Coordinated Entry?

Coordinated Entry Processes help communities prioritize assistance based on vulnerability and severity of service needs to ensure that people who need assistance the most can receive it in a timely manner. In addition, a Coordinated Entry Process provides information about service needs and gaps to help communities plan their assistance and identify necessary resources

Just a sample of partners working with the Sutter Yuba Homeless Consortium!





PIT Count 2023

What is Point In Time (PIT)?

U.S. Department of Housing and Urban Development (HUD) requires Continuum of Cares (CoC) to conduct a count of all sheltered and unsheltered people experiencing homelessness every other year. The Sutter Yuba Homeless Consortium, with the help of partner agencies, conducts a survey of those experiencing homelessness throughout Sutter and Yuba Counties and submits the data collected to HUD. The PIT count in 2023 was conducted on 1/22/2023 and represents a snapshot of homelessness in our area on one night. All data in this report is self disclosed by those surveyed. Not all questions within the survey were answered.

How PIT was different in 2021

Due to the COVID-19 Pandemic, HUD allowed an alternate dataset to be used in place of doing a physical count for 2021. The dataset used came from the CoC's Homeless Management Information System (HMIS) providing unduplicated numbers. Instead of physically counting on one night in January the dataset compiled information on those accessing the Coordinated Entry System between 10/27/20 to 1/27/21. This three month timeline reflects more of a time-lapsed photo than a snapshot, resulting in what appears to be an increase in homelessness in our area, but is rather a result of the difference in collection method.

Total PIT Count

Total Persons Experiencing Homelessness: 963

Sutter: 418

Yuba: 545

Precariously Housed

During the PIT Count, people were interviewed who were not considered homeless by HUD's definition, however they may be considered homeless by other federal statutes. They are referred to here as "Precariously Housed," meaning staying with friends/family or paying for a motel themselves. Those Precariously Housed were surveyed as they were encountered by those conducting the PIT surveys.

Total Persons Precariously Housed: 252

Sutter: 105

Yuba: 147

Point in Time Count Comparison

	2019	2021	2023
Total Number of Homeless Residents	721	1074*	963
Sutter County	293	371*	418
Yuba County	428	697*	545

*2021 Count taken during Covid surge and HUD accepted an “alternate data set” of 90-day window of active clients, including some that were “precariously housed” on entry.



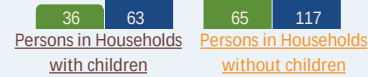
Sheltered vs Unsheltered

■ Sutter County ■ Yuba County

Sheltered

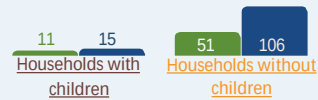
Total Persons

Total Persons Experiencing Homelessness: 963
Total Sutter Persons: 418
Total Yuba Persons: 545



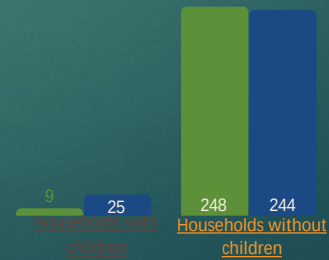
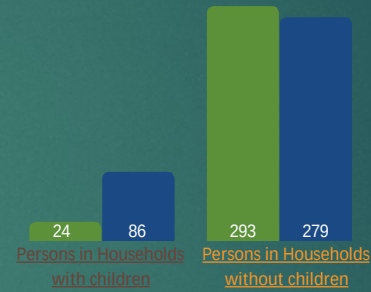
Households

Total Households Experiencing Homelessness: 709
Total Sutter Households: 319
Total Yuba Households: 390



All information collected during the PIT Count is self-reported.

Unsheltered

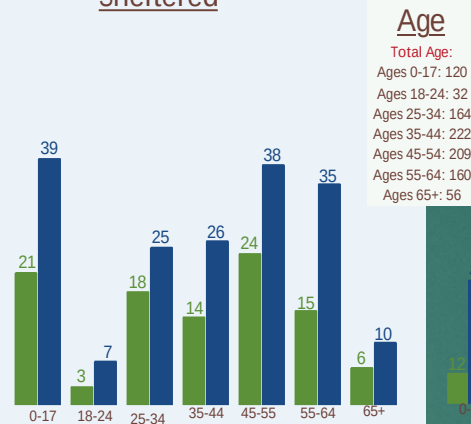




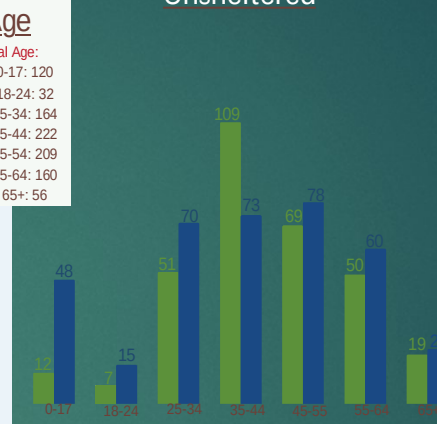
PIT Count 2023

■ Sutter County ■ Yuba County

Sheltered



Unsheltered



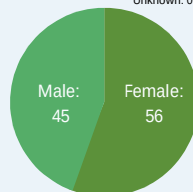
Gender

Total Gender
 Male: 569
 Female: 365
 Questioning: 3
 NSMOM*: 3
 Transgender: 0
 Unknown: 23

*NSFOM: Not singularly Female or Male

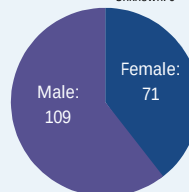
Sutter

Questioning: 0
 NSFOM*: 0
 Transgender: 0
 Unknown: 0



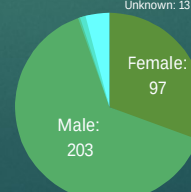
Yuba

Questioning: 0
 NSFOM*: 0
 Transgender: 0
 Unknown: 0



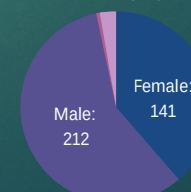
Sutter

Questioning: 1
 NSFOM*: 3
 Transgender: 0
 Unknown: 13



Yuba

Questioning: 2
 NSFOM*: 0
 Transgender: 0
 Unknown: 10



All information collected during the PIT Count is self-reported.



PIT Count 2023

■ Sutter County ■ Yuba County

Clients Stating They Became Homeless in a Regional City or Town

Yuba County			
City	Sheltered	Unsheltered	Total HUD Defined Homeless
Brownsville	0	2	2
District 10	0	0	0
Dobbins	0	7	7
Linda	8	12	20
Loma Rica	2	1	3
Marysville	93	132	225
Olivehurst	34	47	81
Plumas Lake	0	1	1
Smartsville	0	1	1
Total:	137	203	340

Clients Stating They Consider a Regional City or Town as Home

Yuba County			
City	Sheltered	Unsheltered	Total HUD Defined Homeless
Brownsville	0	2	2
District 10	0	1	1
Dobbins	0	0	0
Linda	9	13	22
Loma Rica	0	0	0
Marysville	101	168	269
Olivehurst	28	22	50
Plumas Lake	0	0	0
Smartsville	0	0	0
Total:	138	206	344

Sutter County			
City	Sheltered	Unsheltered	Total HUD Defined Homeless
Live Oak	2	9	11
Sutter	6	2	8
Yuba City	77	137	214
Total:	85	148	233

Sutter County			
City	Sheltered	Unsheltered	Total HUD Defined Homeless
Live Oak	5	1	6
Sutter	1	4	5
Yuba City	90	158	248
Total:	96	163	259

Not all Persons Experiencing Homelessness answered this series of questions.

Jurisdictions not identified as where a person became homeless or consider home are not included.

All information collected during the PIT Count is self-reported.



Sutter & Yuba Local Homeless Action Plan Spring 2023-2026

MARCH 2023



SUMMARY OF NEEDS

Current System Gaps and
Factors Contributing to
Homelessness:

Affordable Housing

Homelessness Prevention

Interim Shelter

Physical and Mental Health Services

Community Engagement

GOALS FOR ADDRESSING HOMELESSNESS

Strategy A. Homelessness Prevention

1. Reduce the number of first-time homelessness cases by 15% by June 30, 2026.
2. Stabilize the number of people who return to homelessness (13%) by June 30, 2026.

Strategy B. Shelter & Housing Support

1. Develop at least 30 units of affordable housing units for low-income households by June 30, 2026.
2. Expand interim housing by 10% by June 30, 2026.
3. Expand system support by June 30, 2026.

Strategy C. Homeless & Community Partnerships

1. Increase community efforts to engage with individuals experiencing homelessness by 50% by June 30, 2026.
2. Increase unhoused community engagement by 20% by June 30, 2026.
3. Add resources for local community by June 30, 2026.
4. Increase lived experience presence in regional planning by 100% by June 30, 2026.
5. Increase homeless engagement by 50% by June 30, 2026.

Strategy D. Health Services Expansion

1. Increase mobile engagement by 25% by June 30, 2026.
2. Develop recuperative location by June 30, 2026.
3. Implement local managed care plans by June 30, 2026.



Questions?

If you'd like additional information, please
email/call/text

director@syhomelessconsortium.org
(530)632-5761



Proclamation

Honoring November 2023 as Homeless Awareness Month

WHEREAS, homelessness is a challenge that has existed in Live Oak, across the state, and throughout the nation for many decades, impacting the lives of individuals and families, many of whom come from our own neighborhoods; and

WHEREAS, Live Oak partners with numerous public and private agencies to develop solutions to homelessness that truly address the underlying situations for each individual who finds himself or herself homeless; and

WHEREAS, we recognize that many of those living on the streets are people from our own communities who fell onto hard times or endured other difficult situations that carried them into homelessness, and that it often takes the strength of the whole community to help them regain hope and independence; and

WHEREAS, it is important to educate the public about the many reasons people are homeless, including the shortage of available housing for very low income residents, and to encourage support for homeless assistance service providers as well as community service opportunities through mentoring and relationship building; and

WHEREAS, the people of Live Oak recognize that homelessness continues to be a serious problem for hundreds of individuals and families in the region, and that we as a community cannot stand idly by, as long as this struggle continues.

NOW, THEREFORE, BE IT RESOLVED the City Council of the City of Live Oak hereby joins in recognition of Homelessness Awareness Month and encourages all citizens to be aware that many people do not have housing and need support from residents, as well as private and public service entities.

Dated this 15th day of November, 2023.

Bob Woten, Mayor

Jeramy Chapdelaine, Vice Mayor

Lakhvir Ghag, Council Member

Ashley Hernandez, Council Member

Nancy Santana, Council Member



**City of Live Oak
Report to City Council**

Meeting Date: November 15, 2023

Title: City Council Meeting Minutes

Contact Information: Clarissa Menchaca, City Clerk

Recommendation: Approve the November 1, 2023 City Council Regular Meeting minutes.

Attachments:

[Minutes](#)



LIVE OAK CITY COUNCIL

MINUTES
NOVEMBER 1, 2023
6:00 PM

MEETING LOCATION
LIVE OAK COUNCIL CHAMBERS
9955 LIVE OAK BOULEVARD
LIVE OAK, CALIFORNIA 95953

MEMBERS OF THE COUNCIL

BOB WOTEN, MAYOR
JERAMY CHAPDELAINE, VICE MAYOR
LAKHVIR GHAG, COUNCILMEMBER
ASHLEY HERNANDEZ, COUNCILMEMBER
NANCY SANTANA, COUNCILMEMBER

AARON PALMER,
CITY MANAGER

NICOLE ROSSER,
CITY ATTORNEY

CALL TO ORDER

Meeting called to order by Mayor Woten at Live Oak City Council Chambers, 9955 Live Oak Boulevard, Live Oak, CA at 6:10 pm.

ROLL CALL

Present: Councilmembers Hernandez, Santana, Ghag, Vice Mayor Chapdelaine, and Mayor Woten

PLEDGE OF ALLEGIANCE AND INVOCATION

Councilmember Hernandez led the Pledge of Allegiance. Councilmember Santana delivered the invocation.

CORRECTIONS AND/OR CHANGES TO THE AGENDA BY CITY MANAGER ONLY

Item A – *Sutter County Conservation District Presentation* – This item was added to the agenda under Presentations and Recognitions.

PRESENTATIONS AND RECOGNITIONS

A. Sutter County Conservation District Presentation

Rajvir Sahota and Kelli Evans with Sutter County provided a presentation for the Council.

PUBLIC COMMENT

The following member of the public addressed the Council: Sean Reese.

The following member of the public submitted a written public comment: Dale Carlson.

CONSENT ITEMS

Consent Calendar is passed by one motion with exceptions and separate votes as noted.

MOTION: APPROVE THE CONSENT AGENDA.
(MOTION: GHAG; SECOND: HERNANDEZ)

VOTE: MOTION PASSED UNANIMOUSLY

1. City Council Meeting Minutes
Clarissa Menchaca, City Clerk
Council action: October 18, 2023, City Council Regular Meeting minutes approved.
2. City Projects Update
Ron Walker, Public Works Director
Council action: Received and filed.
3. California Department of Resources Recycling and Recovery (CalRecycle) a Collaborative Application for the Waste Tire Enforcement Grant, Fiscal Year 2024-25 Yuba County Application on Behalf of the City of Live Oak
Aaron Palmer, City Manager
Council action: Resolution No. 22-2023 adopted.
4. Approval of New Contract with Raney Planning and Management, Inc. for Staff and Project Based Planning Services
Aaron Palmer, City Manager
Council action: New services contract with Raney Planning and Management, Inc. for staff project based planning services approved.

BUSINESS ITEMS

5. Reappointment of Councilmember Ghag to the Sutter-Yuba Mosquito & Vector Control District Board
Aaron Palmer, City Manager

Aaron Palmer, City Manager, provided a report for the Council.

Public Comment was opened and closed without any speakers.

MOTION: REAPPOINT COUNCILMEMBER GHAG TO THE SUTTER-YUBA MOSQUITO & VECTOR CONTROL DISTRICT BOARD WITH A TERM ENDING DECEMBER 31, 2027.
(MOTION: SANTANA; SECOND: CHAPDELAINE)

VOTE: MOTION PASSED UNANIMOUSLY

ITEMS REMOVED FROM THE CONSENT AGENDA FOR COUNCIL CONSIDERATION AND ACTION

There were no items removed from the Consent Agenda for Council consideration and action.

UPDATES AND ANNOUNCEMENTS FROM THE CITY ATTORNEY AND CITY MANAGER

Aaron Palmer, City Manager, highlighted the following upcoming Parks and Recreation activities: Turkey Bingo, Santa on a Fire Engine, and the annual Holiday Stroll.

COUNCILMEMBER COMMENTS

Councilmember Hernandez touched on some of the facelifts businesses are getting and highlighted the new feed store in Live Oak.

Councilmember Santana discussed Tiff's Market wanting to install a diesel pump and touched on her experience at the new feed store. Councilmember Santana requested the meeting be closed in memory of Ron Sullinger.

Lastly, Councilmember Santana addressed her concerns with some of the written public comments related to the Ad Hoc Committee on Sheriff's Contract Discussion item from the October 18, 2023, City Council Regular Meeting and requested a press release to be included in the Appeal-Democrat regarding what is occurring with the Sutter County Sheriff's contract to avoid misinformation.

Councilmember Ghag highlighted his attendance at the Race, Equity, and Inclusion Sacramento Area Council of Governments meeting. Councilmember Ghag discussed having more events for the youth and the community to participate in such as the Breakfast with Santa event. Lastly, Councilmember Ghag addressed his concerns with some of the written public comments related to the Ad Hoc Committee on Sheriff's Contract Discussion item.

Vice Mayor Chapdelaine suggested agendizing a workshop regarding the Sheriff's contract. Vice Mayor Chapdelaine highlighted his attendance at the Pumpkin Paint Night event and the Regional Housing Authority Board of Commissioners meeting.

Mayor Woten discussed Superintendent Mathew Gulbrandsen's written public comment as well as the Regional Housing Authority. Mayor Woten closed the meeting in honor and in memory of Ron Sullinger and highlighted the inerasable mark he left on the community through his dedication and public service.

ADJOURNMENT

Mayor Woten adjourned the meeting at 7:18 pm in memory of Ron Sullinger.

Bob Woten, Mayor

ATTEST:

Clarissa Menchaca, City Clerk



City of Live Oak Report to City Council

Meeting Date:	November 15, 2023
Title:	Consideration to Approve the Proposal with Raney Planning and Management to Provide an Initial Study/Mitigated Negative Declaration and Planning Services for the Proposed Rezone Located at 2794 Pennington Road Medical Clinic
Contact Information:	Aaron Palmer, City Manager
Location:	2794 Pennington Road
Background:	The proposed project site is located at 2794 Pennington Road, Live Oak, California on an approximate 0.14-acre property with an existing 1,650-square-foot (sf) single-family residence, detached garage, and shed. The proposed project would include the conversion of the existing single-family residence into a medical office and clinic. The project would require approval of a General Plan Amendment to change the land use designation from Smaller-Lot Residential to Medium-Density Residential; Rezone to change the zoning designation from R-2 to Medium Density Residential (R-3); and Conditional Use Permit (CUP) to convert the existing residence to a medical clinic.

Analysis:

Acting as an extension of City staff, Raney Planning and Management, Inc. will review the application for completeness, assist with agency consultation, prepare staff reports and attend any required meetings and public hearings. The attached proposal authorizes Raney Planning and Management, Inc. (the consultant) to perform the following tasks to process this project application:

- * Project Initiation;
- * Planning Services;
- * Environmental Services; and
- * Project Management.

Please see Attachment 1 for a detailed Scope of Work.

Conclusion

Based on the information contained in the staff report, staff recommends that the Live Oak City Council approve the attached proposal, authorizing Raney Planning and Management, Inc. to process the 2794 Pennington Road IS/MND, General Plan Amendment, Rezone, and CUP.

Fiscal Impacts:

None. The costs of this review will be entirely funded by the project applicant.

Recommendation:

Consider approval of the proposal with Raney Planning and Management, Inc. to conduct the necessary tasks required to provide planning and environmental services for the 2794 Pennington Road Rezone project. This action does not include any recommendations regarding the project itself. The proposed project will be brought to the Live Oak Planning Commission and then the Live Oak City Council for review and consideration at a future date.

Attachments:

[Raney Scope of Work](#)

October 26, 2023

Aaron Palmer, City Manager
City of Live Oak
9955 Live Oak Blvd.
Live Oak, CA 95953

Re: Scope of Work for the 2794 Pennington Road Medical Clinic General Plan Amendment, Rezone, and Use Permit Initial Study/Mitigated Negative Declaration and Planning Services

Dear Mr. Palmer:

On behalf of Raney, a division of Raney Planning & Management, Inc., I am pleased to submit the following proposal for preparation of an Initial Study/Mitigated Negative Declaration (IS/MND) and provision of planning services for the 2794 Pennington Road Medical Clinic Rezone and Use Permit project (proposed project). The following scope of work has been tailored based on our understanding of the project and the information that has been provided to date. The scope of work may be further refined in coordination with the applicant and City staff, as needed. We look forward to the opportunity to work with the City of Live Oak on this project.

PROJECT UNDERSTANDING

Project Location

The project site is located at 2794 Pennington Road in the City of Live Oak, California. The approximately 0.14-acre site (APN 006-171-001) is developed with a 1,650 square foot (sf) single-family residence, detached garage, and shed. Surrounding existing uses include Live Oak Memorial Park to the north, across Pennington Road; single-family residences to the east and south; and single-family residences and commercial uses to the west. The City of Live Oak General Plan designates the site as Smaller-Lot Residential and the site is zoned Small Lot Residential (R-2).

Project Description

The applicant is proposing to convert the existing single-family residence into a medical office and clinic. The existing garage would remain; however, the existing shed would be removed as a part of the project. The project would include modifications to the building's interior including the addition of a registration counter near the front of the building, a 32-inch-wide door to the hallway entrance, and additional kitchen counters for clinical supply storage. Modifications to the building's exterior would include the conversion of the existing backyard into a parking lot with a total of seven parking stalls, including two ADA compliant parking stalls. Other exterior property modifications would include repairing gaps in the existing fencing; constructing an ADA compliant 36-inch-wide walkway from the parking lot to the building's backdoor; constructing a 36-inch-wide wooden ramp for the front entrance; increasing the dimensions of the existing front entrance walkway; and replacing the existing backyard fence with a new

sliding metal door to allow access between the medical clinic and the parking lot. Project site access would be provided by McElroy Way to the west and would connect to the proposed parking lot.

The proposed project would require City approval of the following entitlements:

- General Plan Amendment to change the land use designation from Smaller-Lot Residential to Medium-Density Residential;
- Rezone to change the zoning designation from R-2 to Medium Density Residential (R-3); and
- Use Permit to convert the existing residence to a medical clinic.

APPROACH

Based on discussions with City staff, Raney understands the City would like Raney to provide planning services for the 2794 Pennington Road Medical Clinic Rezone and Use Permit project. Raney's approach to planning services is to act as an extension of City staff to review the application for completeness, assist with agency consultation, as well as staff reports and attending meetings. Raney will coordinate extensively with City Departments to ensure a complete and thorough review of the application. Additionally, Raney will serve as the City's point of contact with the applicant team.

Raney proposes to prepare an IS/MND to analyze the potential environmental effects associated with the proposed project. The IS/MND will be prepared using the checklist contained in Appendix G of the CEQA Guidelines and the standard City of Live Oak format. Raney anticipates that the potential impacts will be reduced to a less-than-significant level with the implementation of appropriate and practical mitigation measures; therefore, the appropriate CEQA document will be an IS/MND. Raney will work closely with City staff throughout the preparation of the IS/MND and determination of appropriate findings. The IS/MND will provide a discussion of the impacts related to implementation of the proposed project.

Raney will utilize any provided project-specific technical reports, technical reports prepared by Raney, existing information for the project site including, but not limited to, City of Live Oak General Plan and associated EIR, as well as other environmental documents prepared for projects in the area, as applicable. Raney assumes that any additional project information needed to facilitate the environmental review of the project will be supplied by the City and the applicant team. Raney intends to work closely with the City of Live Oak and the applicant team throughout the development and processing of the IS and the application. Raney will remain objective and rely on the City as the lead agency to make the ultimate determination on the conclusions and mitigation measures. The expectation of Raney is that we will serve as environmental consultants to the City, and will make ourselves available to assist the City to facilitate the process.

TECHNICAL SCOPE OF SERVICES

Raney proposes to perform the following tasks for the provision of environmental and planning services for the proposed project:

Task 1 Project Initiation and Kick-Off Meeting\$660

PLANNING SERVICES\$12,035

Task 2.1 Application Review\$3,290

Task 2.2 Agency Coordination\$1,550

Task 2.3 Prepare Staff Reports, Findings, Resolutions, and Ordinances\$6,770

Task 2.4 Prepare Public Noticing\$425

ENVIRONMENTAL SERVICES\$11,045

Task 3.1 Prepare Administrative Draft IS/MND\$7,930

Task 3.2 Prepare Screencheck Draft IS/MND and Public Review Draft IS/MND for City
Release to the Public\$1,510

Task 3.3 Prepare Mitigation Monitoring Reporting Program (MMRP)\$445

Task 3.4 Response to Comments\$1,160

Task 4 Project Management and Meetings.....\$6,370

ADDITIONAL EXPENSES\$825

Printing/Copying/Travel/Postage/Etc.\$750

Raney 10% Administrative Fee\$75

SCHEDULE

The following tentative schedule is based on experience providing similar services. The schedule could be lengthened or shortened, depending on the needs of the City of Live Oak. Factors that could lengthen or shorten the schedules include dates of receipt of project information, length of document reviews, changes in the project description, and unanticipated issues arising from City staff or the project team. Raney will coordinate with City staff to prepare a detailed schedule concerning planning services once the application has been deemed complete.

TENTATIVE SCHEDULE City of Live Oak 2794 Pennington Road Medical Clinic General Plan Amendment, Rezone, and Use Permit IS/MND and Planning Services		
Milestones & Deliverables	Timing	Anticipated Date
Notice to Proceed (NTP)	TBD	November 27, 2023
Kick-off Meeting	Week of NTP	Week of November 27, 2023
Submit Administrative Draft IS/MND to the City of Live Oak for Review	Five weeks from NTP	January 2, 2024*
Receipt of City Comments on the Administrative Draft IS/MND	Two weeks	January 16, 2024*
Submit Screencheck Draft IS/MND to the City for Review	One week	January 22, 2024
Receipt of City comments on the Screencheck Draft IS/MND	One week	January 29, 2024
Submit Public Review IS/MND to the City of Live Oak	Three days	February 1, 2024
Public Review Period (30 days)	Thirty days	February 2, 2023 to March 4, 2024
Draft MMRP and Response to Comments (if necessary) to the City of Live Oak	One week	March 11, 2024
Planning Commission Hearing	TBD	March/April 2024
City Council Hearing	TBD	April/May 2024

*Extended due to Holiday.

BUDGET

The cost for completion of the 2794 Pennington Road Medical Clinic Rezone and Use Permit IS/MND and Planning Services is anticipated not to exceed \$30,935. The tasks are summarized in the Technical Scope of Services of this proposal and costs by task are shown in the attached spreadsheets. These costs are based on the estimates of time for each task, following Raney's standard billing rates.

2794 Pennington Road Medical Clinic General Plan Amendment, Rezone, and Use Permit							
IS/MND and Planning Services							
COST ESTIMATE							
		Senior Vice President	CEQA Project Director	CEQA Project Manager	Senior Planner	Associate	Cost Per Task
Task 1	Project Initiation			2	2		\$ 660
Task 2	Planning Services						
Task 2.1	Application Review	2			8	12	\$ 3,290
Task 2.2	Agency Coordination				10		\$ 1,550
Task 2.3	Prepare Staff Reports, Findings, Resolutions, and Ordinances	2			20	24	\$ 6,770
Task 2.4	Prepare Public Noticing				1	2	\$ 425
Task 3	Environmental Services						
Task 3.1	Prepare Administrative Draft IS/MND	2	4	6		42	\$ 7,930
Task 3.2	Prepare Screencheck Draft IS/MND and Public Review Draft IS/MND			4		6	\$ 1,510
Task 3.3	Prepare MMRP			1		2	\$ 445
Task 3.4	Response to Comments, if needed			2		6	\$ 1,160
Task 4	Project Management, Meeting, and Hearings		2	20	16		\$ 6,370
	Total Hours	6	6	35	57	94	
	Hourly Rate	\$ 215	\$ 195	\$ 175	\$ 155	\$ 135	
	Total Labor	\$ 1,290	\$ 1,170	\$ 6,125	\$ 8,835	\$ 12,690	\$ 30,110
Expenses							
	Copying/Printing/Travel/Postage/Etc.*					\$ 750	
	10% administrative fee					\$ 75	
	Total Expenses						\$ 825
Total Budget							\$ 30,935

*Estimates only. Will be billed on time-and-material basis.

The following assumptions were used in the calculations:

- The cost for copying and printing is an estimate only and will be billed at cost.

- Additional meetings and hearings can easily be accommodated upon request and would be billed on a time-and-materials basis following Raney's standard billing rates.
- Raney expects that all work will be completed within the budgeted time. If additional time is necessary beyond that which has been budgeted due to unanticipated circumstances, those items will need to be renegotiated.

Factors that would increase the scope of work and estimated costs outlined in the proposal include: attendance at additional meetings and hearings, printing of additional copies of reports, analysis of additional issues beyond those discussed in this proposal or a more detailed level of analysis than described in this proposal, additional comments and subsequent revisions or responses to comments, changes in the project, and collection of data required beyond that described in this proposal. Raney would propose to renegotiate these items, if required, or charge on a time-and-materials basis.

Thank you,

Kevin Valente

Kevin Valente, AICP, Senior Planner
Raney Planning & Management, Inc.
kvalente@raneymanagement.com



City of Live Oak Report to City Council

Meeting Date:	November 15, 2023
Title:	Claims Against the City Policy
Contact Information:	Jessica Mata, Human Resources Management Analyst
Location:	Citywide
Background:	The City of Live Oak is adopting the Claims Against the City Policy to provide the City Manager the authority to delegate denying claims and to approve settlements of claims against the City up to \$25,000. The Policy further provides the City Manager the authority to approve payment of the City's deductible up to \$25,000 on any claim against the City.
Analysis:	Staff recommends Council adopts a resolution delegating the City Manager the authority to approve and deny claims against the City.
Fiscal Impacts:	None.
Recommendation:	Adopt Claims Against the City Policy.
Attachments:	

[Policy](#)
[Resolution](#)



Claims Against the City

PURPOSE

Delegate authority for the denial and settlement of claims against the City of Live Oak.

POLICY/PROCEDURE

Pursuant to the California Government Code Section 935.4, the City Manager or their designee is authorized to deny any claim against the City and to settle any claim against the City up to \$25,000 and to approve payment of the City's deductible up to \$25,000 on any claim against the City.

RESPONSIBLE PARTY

Pursuant to Government Code Section 915 (a) (3), the City hereby approves the submission of a claim, any amendment thereto, or an application the City for leave to present a late claim to the City electronically to the following address: General Liability cmenchaca@liveoakcity.org; Workers Compensation jmata@liveoakcity.org.

Pursuant to Government Code Section 915.49 (a) (3), if the claim, or any amendment thereto, or application is submitted electronically, the City shall give notice to the claimant or applicant regarding the claim or amendment or application by sending the notice to the electronic address from which the claim or amendment was received unless the person presenting the claim or amendment or making the application requests notice to be sent to an alternative electronic address.

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LIVE OAK DELEGATING TO THE CITY MANAGER
THE AUTHORITY TO PERFORM CERTAIN FUNCTIONS CONCERNING THE PROCESSING OF CLAIMS
AGAINST THE CITY**

WHEREAS, California Government Code Section 935.4 allows a City Council the authority, by ordinance or resolution, to authorize a City employee to deny claims and to allow, compromise or settle a claim against the City; and

WHEREAS, the City Council desires to expedite the processing of such future claims for money or damages as may be filed by the City.

NOW, THEREFORE, BE IT RESOLVED THAT THE CITY COUNCIL OF LIVE OAK DOES:

1. Authorize the City Manager henceforth to deny and refer all claims against the City for money or damages up to \$25,000, by adopting the Claims Against the City Policy.

PASSED AND ADOPTED by the City Council of the City of Live Oak this 15th day of November, 2023, by the following vote:

AYES:

NOES:

ABSENT:

NOT VOTING:

APPROVED:

Bob Woten, Mayor

ATTEST:

Clarissa Menchaca, City Clerk



City of Live Oak Report to City Council

Meeting Date:	November 15, 2023
Title:	Appointing Officers to the Board of Directors for SCORE
Contact Information:	Jessica Mata, HR Management Analyst
Location:	Citywide
Background:	There is a need to update the appointed primary and alternate representatives to the Board of Directors for SCORE. The most recent documented representatives are former City Clerk, Hope Ithurnburn and Director of Parks and Recreation, Luis Cibrian.
Analysis:	Staff recommends Council adopt a resolution appointing Aaron Palmer, City Manager, as the primary representative and Jessica Mata, Human Resources Management Analyst, as the alternate representative to the Board of Directors for SCORE.
Fiscal Impacts:	None.
Recommendation:	Adopt resolution appointing Aaron Palmer, City Manager, as the primary representative and Jessica Mata, Human Resources Management Analyst, as the alternate representative to the Board of Directors for SCORE.
Attachments:	

[Resolution](#)

A RESOLUTION OF THE CITY COUCIL OF THE CITY OF LIVE OAK APPOINTING OFFICERS TO THE BOARD OF DIRECTORS FOR SMALL COUNTIES ORGANIZED RISK EFFORT (SCORE)

WHEREAS, Article VIII of the Joint Powers Agreement Creating SCORE requires the governing body of each member entity to appoint one Primary and one Alternate representative to the Board of Directors; and

WHEREAS, by previous resolutions the City has appointed representatives and alternates to the Board; and

WHEREAS, there have been changes in staff at the City regarding those who were previously appointed to the Board by the City Council.

NOW, THEREFORE, BE IT RESOLVED AND ORDERED by the City Council of the City of Live Oak that Aaron Palmer is hereby appointed as the Primary Representative to the SCORE Board of Directors and Jessica Mata is retained as the Alternate to the SCORE Board of Directors; and

BE IT FURTHER RESOLVED AND ORDERED that all former Resolutions and appointments to the SCORE Board of Directors are hereby repealed.

PASSED AND ADOPTED by the City Council of the City of Live Oak on this 15th day of November, 2023, by the following vote:

AYES:

NOES:

ABSENT:

NOT VOTING:

APPROVED:

Bob Woten, Mayor

ATTEST:

Clarissa Menchaca, City Clerk



**City of Live Oak
Report to City Council**

Meeting Date: November 15, 2023
Title: City Projects Update
Contact Information: Ron Walker, Director of Public Works

Background:

1. Pennington Road - West Project: For members of the public that have questions and/or concerns an information line and website have been set up. The information telephone number is (530) 557-2023. City staff has performed a project walk-through with the project management company and the construction company to look for items that have not been completed according to the contract yet. A very small punch list has been developed and discussed with the contractor. Included in the list is a few feet of curb work yet to be completed.
2. Pennington - East Project: The City Engineer, Scott Rolls has advertised the bid.
3. P Street Lift Station Improvement Project: Staff will update as funds become available.
4. Wastewater Treatment Plant Solar Project: The design team will have an updated proposal in a few weeks.
5. Wastewater Treatment Plant Headworks Rehabilitation Project: Staff will update as funds become available.
6. Well 7 and Well 4 Generator Grant Project: Staff will update as funds become available.
7. Customer Complaint Project: City Clerk, Clarissa Menchaca, and Public Works Director, Ron Walker, are currently engaged in weekly meetings with the OneView design and implementation team. To date, we have addressed the computer and internet requirements for the system and are collaborating with Alliant to fulfill those needs. We anticipate that this project will be finished within the next 3-6 months.
8. Welcome to Live Oak Signs: City staff has received an updated package from Arrow Sign Co. The city engineering staff will continue working on the project as time allows, but this project is fourth in line behind three other projects.
9. Streets Master Plan: Staff will update as funds become available.
10. Dog Park: The City Parks and Recreation Director, Luis Cibrian, and his team are currently finalizing the verbiage for the dog park signs. All dog park equipment has arrived from the first purchase. The fence for the park has been purchased and ordered. This project is expected to be completed in April of the upcoming year.

Analysis:

This report is a City Projects Update.

Fiscal Impacts:

None.

Recommendation:

Receive and file.



City of Live Oak Report to City Council

Meeting Date: November 15, 2023

Title: Fire Hydrant Replacement - Pennington Road

Contact Information: Ron Walker, Director of Public Works

Background: On August 18, 2023, a vehicle collided with the fire hydrant located at the intersection of P Street and Pennington Road, resulting in the displacement of the hydrant from its pedestal, damage to the connecting piping, and concrete structural damage. The driver responsible for the incident is insured, and their insurance policy covers the associated damages. Allstate Insurance has requested the City to solicit repair quotes and has granted authorization for the necessary repairs.

Staff has contacted three industrial contractors to solicit bids with the following results:

1. Lamon Construction Co, Inc. -----
\$23,000
2. Franklin Construction Co.& MJ Shelton Engineering. ----- \$27,135
3. All American Construction ----- No
Response, No Bid

Analysis: This report provides information related to the damaged fire hydrant at the corner of Pennington Road and P Street.

Fiscal Impacts: Unforeseen Repair, Project Cost \$29,107

Recommendation: 1) Accept bid from Lamon Construction Co., Inc.; and 2) Authorize the City Manager to sign bid.

Attachments:

[Lamon Construction -Pennington Road Hydrant Replacement Quote 2023](#)
[Franklin Construction - Pennington Road Hydrant Replacement](#)
[All American Construction - Pennington Road Hydrant Replacement](#)



871 VON GELDERN WAY
YUBA CITY, CA 95991
PH: 530.671.1370 FAX: 530.673.6501
CSLB# 174828 DIR# 1000000569

October 26, 2023

To: City of Live Oak

Attn: Ron Walker

Re: Fire Hydrant Replacement at Pennington and P Street Intersection

<u>Item</u>	<u>Quantity</u>	<u>Item Cost</u>	<u>Total Cost</u>
Replace Hydrant	1 hydrant	\$23,000.00	\$23,000.00

Total for Quote \$23,000.00

This quote covers the sawcutting and demo of the existing sidewalk, removal of the existing hydrant down to the hydrant bury, replacement of the check valve and installing a new hydrant with new hardware, grading for the sidewalk replacement, forming/pouring/stripping of the new concrete sidewalk panel, and the backing up of the new concrete with native material.

This quote includes a shoulder closure for Traffic Control.

This quote assumes there will be no other existing utilities that will impact the work area.

This quote excludes Testing.

Please see the standard exclusions attached to this quote.

Sincerely,

John Zilich II
Estimator,
Lamon Construction Co. Inc.

Lamon Construction Co. Inc.
Standard Earthwork Exclusions

All Traffic Control, including plans and No Parking signs/barricades, unless specifically included in this quote,
Testing or Inspections unless specifically included in quote,
Rock Excavation,
Topsoil or Amended Soil,
Staking or Surveying,
SWPPP / BMP plan, installation, or maintenance,
Dewatering or any In-Water work,
Dump Fees unless specifically included in quote,
Any and all work associated with Hazardous or Contaminated Materials,
Maintenance or repair of roads or access points used for project access,
Removal of existing septic tanks or systems,
Temporary construction entrances,
Landscaping or landscape improvements unless specifically included in quote,
Night work unless specifically included in this quote,
Pedestrian or traffic control plans,
Locating of utilities other than a standard USA ticket,
Permits or Fees,
Waiver of subrogation unless specifically included in quote,
Legal fees,

Notes

Bonding can be added for 1.5% of the contract value,
Unsuitable Materials, including those from rain events, shall be handled at T&M rates,
Prime contractor to provide access to construction water, such as a hydrant meter,
Import or Export other than quantities quoted shall be handled at T&M rates,
Potholing is included for our work only,
Potholing for any utilities not shown on the bid set of drawings shall be handled at T&M,
All quotes for excavations are based upon the soil reports available at the time of bid,
If no soil report is available then the material is assumed to be stable, Type B, material,
If the material is not Type B, then the excavation shall be handled at T&M rates,
Repair of existing utilities not shown on the bid set of drawings shall be handled at T&M,
Any work in Lime Treated materials not shown on the plans shall be handled at T&M,
Quote/Proposal is contingent upon a mutually agreeable subcontract and project schedule,
Lost time due to unknown conditions discovered in the field shall be covered by T&M,
Quote is good for 30 days from the date shown; work to proceed within 60 days,
Additional Mobilizations for this project are \$2,500.00 or as noted on quote,

Equipment and Labor Escalation

The work included in this proposal/scope of work is anticipated to be completed on or before Dec 31st, 2023. Equipment and labor hours for work performed after Dec 31st, 2023, will be subject to an annual equipment and labor rate adjustment. The adjusted annual equipment rates do not include an adjustment for fuel cost increases.

Grade Tolerances

General Slopes +/- 0.33'
Subgrade +/- 0.10'
Asphalt Base +/- 0.05'

Proposal for:
Pennington Road Hydrant Replacement
 from

Bid Date: 9/05/2023
 Time: 12:00PM

MJ Shelton General Engineering, Inc.
 13 Jordans Pl. #100, Chico, CA 95973
 (530) 895-8620 Fax: (530) 895-8682 randy@mjshelton.com
 License: 873037 Type: GENERAL ENGINEERING



Franklin Construction Co.
 217 Flume Street, Suite #200
 Chico, CA 95928

Item	Description	Quantity	Unit	Unit Price	Total Price
HR	Hydrant Replacement				
01	Buy Material	1.00	LS	12,965.00	12,965.00
02	Labor	1.00	LS	9,855.00	9,855.00
03	Equipment	1.00	LS	4,315.00	4,315.00
				Total:	27,135.00
				Total:	27,135.00

√ = Locked Bid-Item

! = Zero Total Price

9/05/2023 10:48 am

Attachment Enclosed

Estimator: Randy Baylor

Job Conditions - Attachment 'A'

Pennington Road Hydrant Replacement

MJ Shelton General Engineering, Inc. is pleased to provide material, labor, equipment and insurance to complete the following scope of work as described below.

Project Location: Pennington Road, Live Oak, CA

Project Plans and Specifications: email correspondence and pictures

Scope of Work:**Item #1 - Fire Hydrant Replacement**

Item includes demolition of existing sidewalk, excavation down to existing hydrant bury, removal of existing hydrant check valve, furnish and install new hydrant check valve, furnish and install new fire hydrant and spool as necessary, backfill of new hydrant, grade prep for new concrete sidewalk, furnish and install new concrete sidewalk, site cleanup. Work figured to be completed under a shoulder closure for traffic control.

Fire hydrant lateral figured to be shut off at existing fire hydrant lateral valve.

SCOPE SPECIFIC EXCLUSIONS: Specifically excludes removal or replacement of existing hydrant lateral pipe, removal or replacement of existing hydrant valve, removal or replacement of existing hydrant bury.

General Exclusions:

"Work scope beyond that described. Specifically excludes permits, fees and bond premiums, cost of engineering and testing, dewatering or removal of unsuitable soil, Portland cement concrete not specifically mentioned above, tree replacement, landscaping and / or irrigation removal or replacement, cleanup and / or removal of debris left from others, export of all excess material generated during construction, handling and / or removal of hazardous materials, any extra work related to unmarked and / or conflicting utilities, work during inclement weather, storm water pollution prevention plan, supplies, implementation or monitoring, workers compensation waiver of subrogation, overtime work unless expressed and agreed upon in written orders or it is to our convenience."

General Conditions:

1. All work will be inspected and / or tested to the satisfaction of the responsible municipality.
2. All material is guaranteed to be as specified.
3. All work to be completed in a workman like manner according to standard practices.
4. Any alteration or deviation from above specifications involving extra costs will be executed only upon written orders and will become an extra charge over and above the estimate.
5. Any increases in the price of materials & or labor due to time delay &/or postponement on behalf of others will result in a change order to Owner / General Contractor to reflect price adjustments for effected work.
6. Our workers are fully covered by Workman's Compensation Insurance. A Waiver of Subrogation for Workers Compensation is not included in this proposal. If required, the waiver can be provided at an additional fee.
7. If any legal action or proceeding arising out of or relating to the contract is brought by either party to the contract, the prevailing party will be entitled to receive from the other party, in addition to any other relief that may be granted, the reasonable attorneys' fees, costs, and expenses incurred in the action or proceeding by the prevailing party.

Special Conditions:

1. Subsurface soil conditions are assumed suitable for "standard" excavation practices with "standard" production rates & shall not require the use of larger and / or "specialized equipment".
2. MJ Shelton General Engineering, Inc. assumes the Owner and/or General Contractor has obtained all permits and/or approvals which are, or may be, required by any local, state, or federal agency department, as necessary to perform the said work under this contract. MJ Shelton General Engineering, Inc. will not be held liable for complications if one should arise due to construction of none permitted work.
3. This proposal is based on State Prevailing wages.

9/05/2023 10:48AM

Estimator: Randy Baylor

For Job: Pennington Road Hydrant Replacement



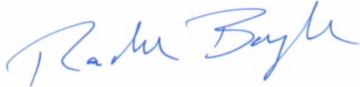
Generated by a SharpeSoft Product

MJ Shelton General Engineering, Inc.**Job Conditions - Attachment 'A'**

Pennington Road Hydrant Replacement

Payment Requirements:

1. MJ Shelton General Engineering, Inc. will submit monthly invoices for work completed and materials delivered to the site within that pay period.
 - a. All invoices are due and payable on the 10th of the month for the work completed the previous month.
 - b. Final payments shall be due and payable Thirty (30) calendar days from completion of contract. At conclusion of this contract final payment shall include any and all retention held and do payable to MJ Shelton General Engineering, Inc. Regardless of the percent complete of the overall project.
 - c. Invoice amounts not paid within the above stated terms shall accrue interest at the rate of one and one-half percent (1.5%) per month or the applicable statutory rate or maximum legal rate permitted by law, whichever is more. Such non-payment shall constitute a breach of contract. In the event of a breach of contract MJ Shelton General Engineering, Inc. may cease further work and may pursue remedies as it may deem appropriate.

MJ Shelton General Engineering, Inc.

By: _____

Randy Baylor, Estimator

*This proposal may be withdrawn if not accepted within 30 days.***Acceptance of Proposal:**

The prices, specifications, exclusions and conditions included herein are satisfactory and are hereby accepted. You are authorized to do the work as specified. Payment will be made as specified in above.

Date of Acceptance: _____ Signature: _____ Title: _____

9/05/2023 10:48AM

Estimator: Randy Baylor

For Job: Pennington Road Hydrant Replacement



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On October 10, 2023, staff reached out to All American Construction about the chance to submit a bid for repairing the fire hydrant at the intersection of Pennington Rd and P St, which was damaged by a motor vehicle. Unfortunately, All American Construction did not provide a response, and as a result, they have been marked as a "No-Bid" in the Staff Report.

Ron Walker
Director of Public Works



City of Live Oak Report to City Council

Meeting Date: November 15, 2023

Title: Public Hearing and Approval of the Sutter Butte Basin Regional Levee Improvement Program Levee Development Impact Fee (Nexus Study) and Related Collection Agreement

Contact Information: Kevin Valente, AICP, Contract Planner

Location: Citywide

Background: Before the City Council is the first step in the process of implementing the Sutter Butte Basin Regional Levee Improvement Program Development Impact Fee (Regional LDIF). The purpose of the Regional LDIF is to ensure complete and full levee improvements to provide 200-year level of protection to the urban (Northern) portion of the Sutter-Butte Basin and 100-year level of protection to the rural (southern) portion of the Basin. New requirements in the law pertaining to development impact fees require a 30-day noticed public hearing prior to the approval of a Nexus Study to support a new or increased development impact fee. This public hearing and notice is separate from the requirement to have a noticed public hearing prior to the adoption of the fee itself.

The recommended action includes conducting a required public hearing and approval of the Nexus Study as well as the approval of a collection agreement with the Sutter Butte Flood Control Agency (SBFCA) for the fee. Separately, as the next item on this Agenda, City Staff are presenting a new Fee Ordinance for the Council's consideration that would approve and implement the fee.

The Sutter Butte Flood Control Agency was formed in 2007 for the purpose of consolidating efforts of several agencies and communities with flood management responsibilities and implementing locally led flood protection projects. SBFCA's membership is comprised of the Counties of Butte and Sutter and the Cities of Biggs, Gridley, Live Oak, and Yuba City, and Levee District 1 and 9. SBFCA's City and County members have land use authority and are responsible for making key decisions that impact development in the floodplain.

As part of its comprehensive capital facilities fee program, Yuba City started collecting a flood protection development impact fee in October 2007. The

fee was collected throughout Yuba City as well as the City's sphere of influence within Sutter County. Through coordination with Yuba City, SBFCA reviewed the levee fee component of Yuba City's AB 1600 Nexus Study and subsequent to that review, prepared the attached Nexus Study to justify a fee that works in concert with SBFCA's overall funding and financing plan for levee improvements within the Sutter-Butte Basin. Yuba City rescinded their impact fee in June 2021 with the understanding that SBFCA would consider establishing a Regional Impact Fee.

Since 2007, several key facts and circumstances that supported the Yuba City Nexus Study have changed, necessitating the development of a new Regional Levee Impact Fee Program. SBFCA in coordination with the Cities and Counties is working to implement the new Levee fee that addresses the following key issues. In summary, the Regional LDIF reflects the following:

- * A detailed update of planned developments in all jurisdictions within the boundaries of SBFCA.
- * The Regional LDIF only applies to planned development within the Sutter-Butte Basin that benefits from the facilities providing reduced flood risk. For determining the allocation base for the fee, planned development is all development that has been identified by the land use jurisdictions and is expected to obtain a building permit after the implementation of the fee program. The study provides a summary of planned new development by land use that expected to be subject to the fee for the duration of the fee program.
- * Inclusion of the full scope of SBFCA's levee improvement program.
- * The benefits identified in SBFCA's Assessment District Engineer's Report were based on all elements of the Sutter-Butte Basin protection system being completed, with the assumption that the required improvements to the Southern portion of the Sutter-Butte Basin would be completed by the Department of Water Resources (DWR). However, it is clear that DWR will not have sufficient funding available to prioritize the repairs and improvements along the Southern portion of the Basin. As such the overall funding plan reflected in the Regional LDIF Nexus Study takes into consideration updated assumptions regarding cost sharing for the improvement required to complete SBFCA's charge reflected in its adopted Strategic Plan.
- * Recognition of SBFCA's current Assessment District and the funding provided
- * Since 2010, SBFCA's Assessment District has collected assessments from all properties benefiting from a completed system of improvements within the Sutter-Butte Basin. This includes the benefits to be conveyed by repairs and improvements to both the Feather River West Levee (FRWL) and the Sutter Bypass East Levee. The investment of Assessment collected in the rural portion of the Basin, have helped advance improvements to the northern urban portion of the Basin based on the prioritization of risk and consequence. The Regional LDIF, when collected and utilized to help complete rural Basin repairs will help ensure that the benefits of the completed improvements are realized by all properties being assessed.

* Within the Regional LDIF Nexus Study, the amount of funding expected to be generated by the Fee considers the Assessment District, existing grants, and reflects an assumption for future State/Federal cost sharing of remaining projects.

SBFCA staff and consultants prepared drafts of required documentation needed to implement the proposed Sutter Butte Basin Regional Levee Improvement Program Development Impact Fee. This document includes the following items attached to this report:

* Sutter Butte Basin Regional Levee Improvement Program Development Impact Fee Nexus Study, Dated June 30, 2023.

* Agreement for Collection of Sutter Butte Basin Regional Levee Improvement Program Development Impact Fee.

The following discussion summarizes the attached materials and provides additional context for the Council's consideration.

Analysis:

Nexus Study

The preparation of a Nexus Study is the first step in the process of approving the Sutter-Butte Basin Regional Levee Improvement Development Impact Fee Program. The Mitigation Fee Act (also known as "AB 1600," Government Code sections 66000, et seq.), identifies the required findings which must be made in any action establishing, increasing, or imposing a development impact fee as a condition of approval of a development project. The attached Nexus study has been prepared in a manner that establishes an equitable and fair share impact fee that can be imposed on all planned development projects that are provided 200-year level of protection to the urban (Northern) portion of the Sutter-Butte Basin and 100-year level of protection to the rural (Southern) portion of the Basin. The Impact Fees would be collected to continue providing the funding necessary to pay for the levee system improvements. In general, the study establishes the "nexus" between the impacts of the development project and the costs associated with the construction of public facilities to mitigate the impacts.

The Nexus Study documents the findings required by the Mitigation Fee Act and include the following:

* Identify the purpose of the fee.

* Identify the use to which the fee is to be put.

* Determine how there is a reasonable relationship between the fee's use and the type of development project on which the fee is imposed.

* Determine how there is a reasonable relationship between the need for the public facility and the type of development project on which the fee is imposed.

* Determine how there is a reasonable relationship between the amount of the fee and the cost of the public facility (or portion of the public facility) attributable to the development project on which the fee is imposed.

The required findings and supporting discussion for the Development Impact Fee are presented within the Nexus Study. See Table 1 in Attachment 1 that summarizes the preliminary initial fee rates documented and justified within the Nexus Study. Table 2 in Attachment 1 details the demonstrative rates on a per unit basis and provides a comparison to the previously rescinded Yuba City rates that were in effect till June 2021. It is staff's goal to work with the Member Land Use Agencies to implement the new fee rates effective by July 1, 2023. This timing is subject to approval of the Nexus Study Update by the land use agencies.

Collection Agreement

To facilitate collection of the Regional LDIF, SBFCA proposes to enter into the attached collection agreement with each of the land use jurisdictions within the Sutter-Butte Basin to administer and collect the Regional LDIF. The Regional LDIF will apply to all Planned Development in the Sutter-Butte Basin that creates a flood protection impact.

Staff requests that the Council delegate authority to the City Manager, after consultation with the City Attorney, to execute an agreement substantially in the form attached to this report. The following summarizes the substantive terms reflected with the attached form of agreement:

* On November, 15, 2023, or soon thereafter the fee becomes effective within each Land Use Agency consistent with the Mitigation Fee Act, the Land Use agencies will commence collection of the Regional LDIF.

* The Land Use Agencies will deposit all Regional DIF revenues collected, including any interest earned on funds collected less 3% Administrative costs of collection, with SBFCA.

* SBFCA will provide a 60-day notice to the Land Use Agencies of any needed proposed changes to the Regional LDIF including regular escalation of the Fee.

* The agreement also addresses reimbursement of the Regional LDIF in the event of collection errors or building permit cancellation, appeals of Regional LDIF calculations or applicability, indemnity, notice and other standard legal agreement provisions.

It should be noted that the Yuba City Finance Department will collect this proposed Regional LDIF on behalf of the City of Live Oak. The City of Live Oak currently does not collect impact fees for outside agencies. As a result, the Yuba City Finance Department would collect this proposed fee. The process would be similar to how impact fees are collected for the Live Oak

School District. Confirmation of fee payment would be provided to the Live Oak Building Department during the building permit review process.

Action to Be Taken Following Approval

Upon approval of the resolution, City staff will work with SBFCA to prepare the necessary documents for approval of the development impact fee. This would include a new Sutter Butte Basin Regional Levee Improvement Program Development Impact Fee ordinance and supporting resolution setting the fee rates consistent with the approved Nexus Study. In addition, City staff will work with SBFCA to finalize and execute the Collection Agreement.

Fiscal Impacts:

There is no immediate fiscal impact on the City by adopting the attached resolution approving the Nexus Study and authorizing the execution of the Collection Agreement. City Staff have coordinated with SBFCA staff to prepare the necessary materials to adopt the proposed fee by ordinance under a separate action as further described below.

Recommendation:

Conduct a public hearing to consider the proposed Sutter Butte Basin Regional Levee Improvement Program Development Impact Fee Nexus Study, receive public input, and upon conclusion of public hearing, adopt a resolution that, (1) adopts the Nexus Study, and (2) delegates authority to the City Manager to execute the collection agreement, substantially in the form attached, with SBFCA, the Counties of Butte and Sutter and the Cities of Gridley, Live Oak, and Yuba City.

Attachments:

[Attachment 1_Fee Tables](#)

[Attachment_2_City_of_Live_Oak_RLDIF_Nexus_Study___Coll_Agmt_Draft_Resolution](#)

[EXHIBIT A - 11201 SBFCA DIF Nexus Report 2023 0630](#)

[EXHIBIT B - SBFCA Draft Collection Agreement](#)

ATTACHMENT 1

Table 1 Preliminary Initial Fee Rates			
Land Use	Cost Share Table 8	Admin Fee 3 %	Fee Rate Per 1,000 Sq Ft¹
Single Family Residential	\$416	\$12	\$428
Multi-Family Residential	\$261	\$8	\$269
Commercial	\$423	\$13	\$436
Industrial	\$271	\$8	\$279
Notes: [1] These initial Fee Rates are effective upon adoption through the end of FY 2022-2023 after which annual Fee escalation, as described in the Nexus Study, will be applied starting July 1, 2023. Rounded to the nearest whole dollar.			

Table 2 Demonstrative Rates on Per Unit Basis			
Land Use	Per Unit Fee Rates		
	Proposed SBFCA Fee (Estimated)	Current Yuba City¹ Flood Protection	Estimated Reduction
Single Family Residential ²	\$642	\$3,951	84%
Multi-Family Residential ²	\$215	\$2,832	92%
Commercial / KSF	\$436	\$632	31%
Industrial / KSF	\$279	\$316	12%
Notes: [1] Per Yuba City Permit Calculation Sheet Effective January 1, 2021 (now rescinded). [2] Assumes a 1,500 sq. Ft Single Family Residential unit and an 800 Sq. Ft Multi-Family Residential Unit.			

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LIVE OAK APPROVING THE SUTTER BUTTE BASIN REGIONAL LEVEE PROGRAM DEVELOPMENT IMPACT FEE NEXUS STUDY; APPROVING THE AGREEMENT OF COLLECTION OF THE SUTTER BUTTE BASIN REGIONAL PROGRAM DEVELOPMENT IMPACT FEE; AND AUTHORIZING THE CITY MANAGER TO EXECUTE THE COLLECTION AGREEMENT

WHEREAS, the Mitigation Fee Act (Act) (California Government Code Section 66000 et seq.) authorizes a local agency to impose impact fees as a condition of approval of development projects to help defray the costs of public infrastructure and facilities that will be needed to serve the proposed development; and

WHEREAS, Section 66016.5(a) of the Act requires that prior to adopting a development impact fee, a local agency must adopt an impact fee nexus study that establishes the connection between the proposed fee and the actual impacts of development on the local public infrastructure and facilities; and

WHEREAS, The Sutter Butte Flood Control Agency (SBFCA) is a joint powers authority formed in 2008 for the purpose of improving protection in the Sutter-Butte Basin; and

WHEREAS, the Cities of Biggs, Gridley, Live Oak, and Yuba City and the Counties of Butte and Sutter are all member agencies of SBFCA and each has the authority to prescribe, revise, and collect fees as a condition of development of land for the purpose of financing flood control facilities, including the authority to make such fees applicable to development land within their boundaries; and

WHEREAS, each of the cities and/or counties has expressed an interest or intent to exercise this authority to collect fees to provide funding for flood protection; and

WHEREAS, in its role as a joint powers authority planning and implementing flood control activities in the Sutter-Butte Basin, SBFCA has prepared a Sutter-Butte Basin Regional Levee Development Impact Fee Nexus Study ("Nexus Study") which is attached as Exhibit A to this Agreement, which is describes and determines the applicable development impact fee within the city or county ("DIF") and sets forth the required findings required by Government Code Section 66000 et. seq.; and

WHEREAS, in accordance with Section 66016.5(a)(7) of the Act, notice was published in the Appeal Democrat on October 13, 2023, providing 30 days' notification of the time and place for a public hearing to consider and adopt the Nexus Study. Notice of the hearing was also provided 10 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; and

WHEREAS, a public hearing was held on November 15th, 2023, at a regularly scheduled meeting of the City Council of the City of Live Oak City (Council) to hear and consider the Nexus Study and its findings, as presented by SBFCA staff and consultants, and any written and oral presentations from interested members of the public regarding the Nexus Study and the proposed development impact fee; and

WHEREAS, the Nexus Study finds the development impact fee will fund full levee improvements to provide 200-year protection to the Urban (Northern) portion of the Sutter Butte Basin and 100-year protection to the rural (Southern) portion of the Basin; and

WHEREAS, the Nexus Study includes appropriate findings that a fee charged on a gross developable acreage basis bears a reasonable relationship between the fee being charged and the burden posed by the development, and that fees charged on housing developments need not be calculated on a square footage basis, consistent with the requirements of Section 66016.5(a) of the Act; and

WHEREAS, SBFCA has requested that the four cities and two counties enter into an agreement to collect the proposed development impact fees as a condition of issuing building permits for new development in the Sutter Butte Basin within each party's respective land use authority and provide those funds to SBFCA; and

WHEREAS, SBFCA has prepared a Collection Agreement for Collection of the Sutter Butte Basin Regional Levee Improvement Program Development Impact Fee (Collection Agreement), attached hereto as Exhibit B, for the Counties of Sutter and Butte and the cities of Biggs, Gridley, Live Oak, and Yuba City to execute.

NOW, THEREFORE, BE IT RESOLVED, FOUND AND ORDERED by the Live Oak City Council as follows:

1. The City Council hereby finds that the facts set forth in the recitals to this Resolution are true and correct and establishes the factual basis for the City Council's adoption of this Resolution.
2. The Council hereby approves and adopts the Sutter Butte Basin Regional Levee Improvement Program Development Impact Fee Nexus Study prepared by SBFCA and attached hereto as Exhibit A.
3. The Nexus Study adopted by this Resolution supersedes any prior nexus study adopted in relation to development impact fees for the Sutter Butte Basin, and shall be updated at least every five years, in accordance with Section 66016(a)(8) of the Act.
4. The proposed development impact fee, along with any evidence regarding the proposed fee calculation, assumptions, or methodology, shall be considered for adoption by ordinance at the second scheduled public hearing on November 15th, 2023, to be noticed and held in accordance with Sections 66018 and 66019 of the Act.
5. The Council hereby approves the Agreement for Collection of Sutter Butte Basin Regional Levee Improvement Program Development Impact Fee, attached hereto as Exhibit B, and affirms that any adopted impact development fee will be collected by the Yuba City Finance Department on behalf of the City of Live Oak in accordance with the Collection Agreement.
6. The City Manager is hereby authorized to execute the Collection Agreement substantially in the form attached, subject to review and approval by the City Attorney, and take whatever other actions are necessary and appropriate to carry out the purpose and intent of this Resolution.
7. The adoption of this Resolution is not a "project" subject to the California Environmental Quality Act ("CEQA") because it is in furtherance of the creation of a government funding mechanism which does not involve any commitment to any specific project CEQA Guidelines

Section 15378(b)(4)), and because it can be seen with certainty that there is no possibility that the resolved actions may have a significant effect on the environment, in that this Resolution contains no provisions modifying the physical design, development, or construction of residences or nonresidential structures (CEQA Guidelines Section 15061(b)(3)).

8. This Resolution shall become effective immediately.

PASSED AND ADOPTED by the City Council of the City of Live Oak this 15th day of November, 2023, by the following vote:

AYES:

NOES:

ABSENT:

NOT VOTING:

APPROVED:

Bob Woten, Mayor

ATTEST:

Clarissa Menchaca, City Clerk

LARSEN WURZEL
& Associates, Inc.

2450 Venture Oaks Way, Suite 240
Sacramento, CA 95833

Sutter Butte Basin

Regional Levee Improvement Program Development Impact Fee

NEXUS STUDY

Adopted by _____ Ordinance No. _____
(Fee Effective Month _____, 2023)

Prepared for: Butte County, Sutter County, City of Biggs, City of Gridley,
City of Live Oak, and City of Yuba City
Prepared by: Larsen Wurzel & Associates, Inc.
Prepared on Behalf of: Sutter Butte Flood Control Agency (SBFCA)
June 30, 2023

RESOLUTION PLACEHOLDER

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Appendix A: Planned Development Details

Appendix B: Funding Sources Detail

Appendix C: Estimated Cost Allocation By Land Use Agency

LIST OF ABBREVIATIONS

2007 Nexus Study	Yuba City Impact Fee Justification Report
2010 SBFCA Assessment ER	SBFCA Assessment District Final Engineer's Report prepared by Parsons Brinckerhoff dated July 14, 2010
AB 602	Assembly Bill 602 (2021)
AB 1600	Assembly Bill 1600, Mitigation Fee Act
DWR	California Department of Water of Resources
CCI	Construction Cost Index
ENR	Engineering News-Record
FEMA	Federal Emergency Management Agency
FRWLP	Feather River West Levee Project
GDA	Gross Developable Acreage
JPA	Joint Powers Authority
Levee Fee	Yuba City flood protection development impact fee
LFMA	Local Flood Management Agency
LWA	Larsen Wurzel & Associates, Inc.
Member Land Use Agencies	Counties of Butte and Sutter and the Cities of Biggs, Girdley, Live Oak, and Yuba City (collectively)
Nexus Study	Sutter Butte Basin Regional Levee Improvement Program Development Impact Fee Nexus Study
Regional LDIF	Sutter Butte Basin Regional Levee Improvement Program Development Impact
SBFCA Board	SBFCA Board of Directors
USACE	U.S. Army Corp of Engineers

SUMMARY

Overview

Larsen Wurzel & Associates, Inc. (LWA) has prepared this Sutter Butte Basin Regional Levee Improvement Program Development Impact Fee (Regional LDIF) Nexus Study (Nexus Study) by request of the Sutter Butte Flood Control Agency (SBFCA) and on behalf of the Counties of Butte and Sutter and the Cities of Biggs, Girdley, Live Oak, and Yuba City (collectively, the Member Land Use Agencies). This Nexus Study has been prepared to support the adoption of a Regional LDIF by each of the Member Land Use Agencies.

Since October 2007, Yuba City has collected a flood protection development impact fee (Levee Fee) as part of its comprehensive capital facilities fee program. This fee applied to all of Yuba City as well as Yuba City's sphere of influence within Sutter County. In addition, Sutter County relied on the same impact fee justification (2007 Nexus Study) to collect the levee fee within Sutter County's jurisdiction in the Sutter Butte Basin.

SBFCA is supporting the implementation of an updated development impact fee program for the entire region because the facts and circumstances supporting Yuba City's 2007 Nexus Study have changed. This study includes the following updates relative to the 2007 Nexus Study:

- A detailed update of the planned development in all jurisdictions within the boundaries of SBFCA;
- The full scope of SBFCA's levee improvement program; and,
- Recognition of SBFCA's current Assessment District and the funding provided through this mechanism.

It is intended that the Regional LDIF be collected throughout the entire Sutter Butte Basin. This Nexus Study provides the basis for a Regional LDIF to ensure that new development pays its proportionate share of the levee improvements that are being advanced by SBFCA to provide protection to the entire Sutter Butte Basin. It is expected that this Nexus Study and a Regional LDIF will be adopted by each of the Land Use Agencies.

SBFCA Background

SBFCA was formed in 2007 for the purpose of consolidating efforts of several agencies and communities with flood management responsibilities and implementing locally led flood protection projects. SBFCA is a joint powers authority (JPA) composed of the Counties of Butte and Sutter and the Cities of Biggs, Gridley, Live Oak, and Yuba City, and Levee Districts 1 and 9. Among SBFCA's member agencies, the cities and counties bear the responsibility for making key land use decisions and managing the floodplain. The member levee districts are responsible for the operation and maintenance of flood control facilities within their jurisdiction, including levees and appurtenant structures.

The SBFCA Board of Directors (SBFCA Board) is composed of 13 regular members, each of whom is an elected representative of a SBFCA member Agency. The SBFCA Board is the sole authorizing body for all SBFCA operations and actions. All SBFCA programs, projects, funding, financing, and policy decisions are approved by the SBFCA Board.

As provided for in the SBFCA JPA, SBFCA may exercise a broad suite of powers within its jurisdictional boundaries, including, but not limited to:

1. Plan and implement the ways and means to control flood waters within SBFCA boundaries.
2. Enter into contracts.
3. Evaluate, rehabilitate, reconstruct, repair, replace, improve, or add to the facilities of the State Plan of Flood Control in the Central Valley.
4. Acquire, develop, control, construct, manage, maintain, improve, operate, repair, and replace flood control facilities within the SBFCA boundaries.
5. Enter into agreements with any agency/department of the United States of America, the State of California, or any other governmental agency to provide funding necessary for SBFCA projects and programs.
6. Acquire property, by eminent domain or otherwise, and to hold and dispose of property necessary for SBFCA projects and programs.
7. Incur debts, liabilities, or obligations.
8. Levy and collect special benefits assessments, special capital assessments, and issue revenue bonds.
9. Impose and collect property-related fees, special taxes, and general taxes.
10. Prescribe, revise, and collect fees as a condition of land development.
11. Apply for, accept, and receive Federal, State, or local licenses, permits, grants, loans or other aid from any agency of the United States of America or the State of California.

A benefit assessment district, compliant with California Proposition 218, was created in 2010 to fund specific SBFCA operations, projects, and programs. SBFCA has also sought and received grant funding through a variety of sources (primarily from State of California grant programs). These funding agreements were executed following the formation of the JPA and Assessment District.

The SBFCA adopted Strategic Plan, dated April 2018, formulates and articulates a vision for flood management within the Basin and describes an approach to achieve that vision. The plan is updated every five years, or more often if warranted. It describes the accomplishments planned for the subsequent 10 years and who will be involved in accomplishing the goals and objectives identified. The Strategic Plan was intended to be implemented and referenced by the SBFCA Board, staff, consultants, and member and partner agencies. It informs and promotes alignment among the interested public, the State of California (Executive and Legislative branches), and involved flood managers at Federal, State, and local levels.

The Regional LDIF, when coupled with the SBFCA Assessment District and grant funds, generates the funding necessary to implement the SBFCA adopted Strategic Plan.

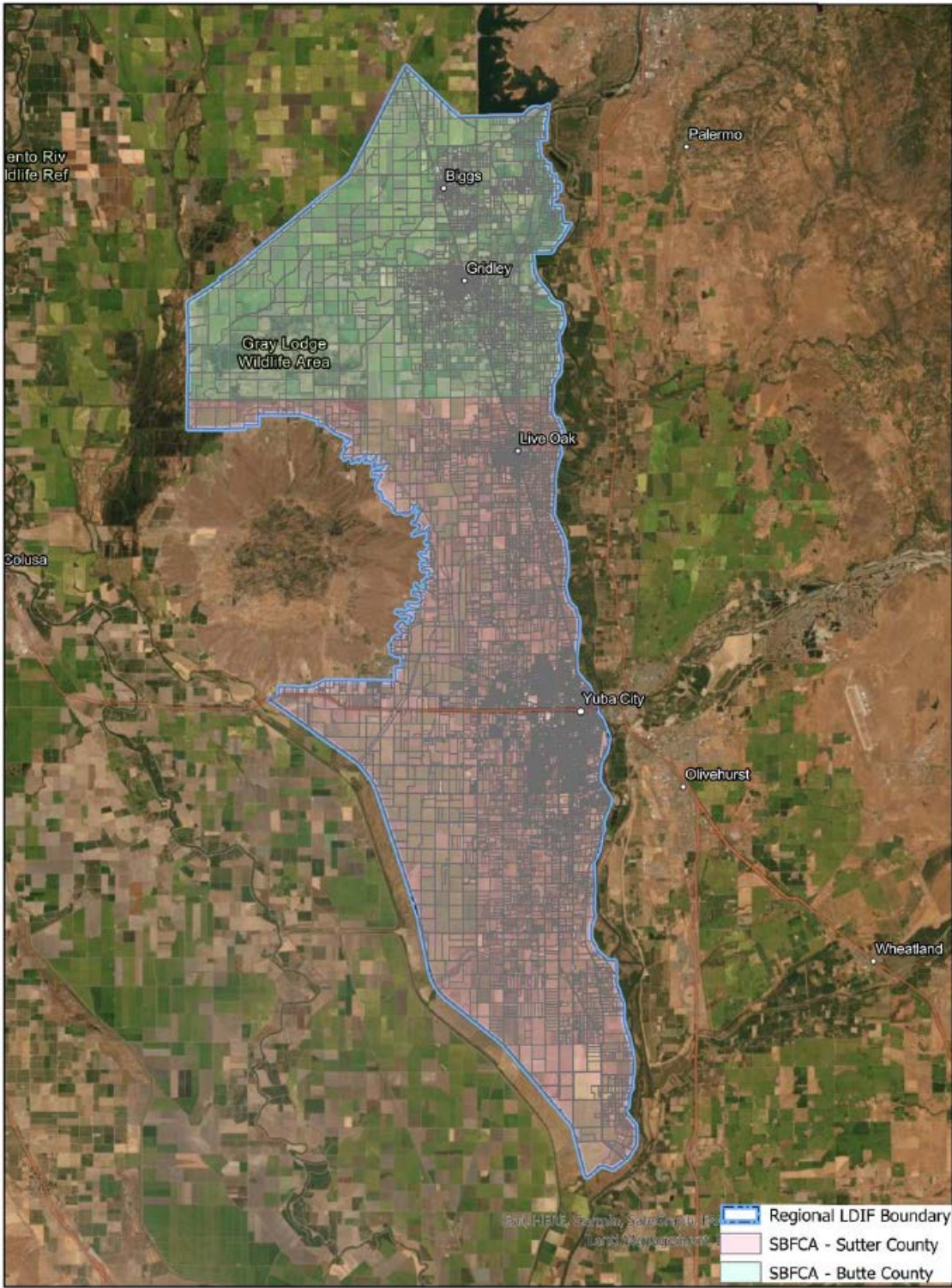
Regional Fee

This study is being prepared for SBFCA, the Local Flood Management Agency (LFMA) responsible for planning, implementing, funding, and financing the levee improvement program for the Sutter Butte Basin. This study is being prepared as a regional fee with the intent that each Member Land Use Agency will individually approve

the Nexus Study, adopt the Regional LDIF, and collect and remit fees to SBFCA. **Figure 1** shows the Regional LDIF Boundary.

While some portions of the Sutter Butte Basin levee improvement program have been completed, other portions must still be completed to provide the entire Sutter Butte Basin with the reduced flood risk described in the 2007 Nexus Study. At the time of the 2007 Nexus Study, and as late as the approval of SBFCA's Assessment District in 2010, it was expected that improvements in the southern portion of the Basin would be completed by either the U.S. Army Corp of Engineers (USACE) or California Department of Water of Resources (DWR). Because of this, assessments collected from all properties, including those in the southern portion of the Basin, were utilized to advance construction throughout the entire reach of the Feather River West Levee Project, benefitting all properties within the Basin. Since the adoption of the 2010 Assessment, it has become clear to SBFCA that DWR will not be leading the improvements benefitting the southern portion of the Basin as had been expected. Development projects in the northern portion of the Basin that benefit from the improvements advanced by revenues from the entire Basin must now generate additional funding so that the remainder of improvements can be completed for the benefit of the entire Sutter Butte Basin.

Figure 1: Regional Levee Development Impact Fee Boundary



Authority and Procedures

Assembly Bill No. 1600: Mitigation Fee Act (1987)

This Nexus Study has been prepared to assist with the establishment of a Regional LDIF program in accordance with the provisions of Assembly Bill No. 1600, also known as the Mitigation Fee Act (AB 1600), as codified in Government Code §66000 *et. seq.* AB 1600 sets forth the procedural requirements for establishing and collecting development impact fees. These procedures require that “a reasonable relationship,” or nexus, must exist between a governmental exaction and the purpose of the condition. This Nexus Study documents that a reasonable relationship exists between the development impact fee to be levied on each land use category and the cost of facility improvements.

Nexus Study requirements include:

1. Identifying the purpose of the fee.
2. Identifying how the fee is to be used.
3. Determining how a reasonable relationship exists between the fee’s use and the type of development project on which the fee is imposed.
4. Determining how a reasonable relationship exists between the need for the public facility and the type of development project on which the fee is imposed.
5. Demonstrating a reasonable relationship between the amount of the fee and the cost of the public facility attributable to the development on which the fee is imposed.

AB 1600 Requirement 1: Purpose of Fee

The Regional LDIF will provide funding for levee improvements to provide 200-year protection to the urban portion of the Sutter Butte Basin and 100-year protection to the remainder of the basin.

AB 1600 Requirement 2: Use of the Fee

The Regional LDIF will fund repairs, rehabilitations, and improvements including those beyond what is able to be completed solely with funding from the SBFCA Assessment District and State Grants to date. The Regional LDIF will fund:

- Improvements to the Feather River West Levee System including:
 - Star Bend Setback Levee constructed by Levee District 1¹
 - Feather River West Levee Project (FRWLP) Phase 1
 - Gridley Bridge Erosion Repairs
 - Laurel Avenue Flood System Repair Project
 - Federal Sutter Basin Feasibility Study and Increment Constructed by the US Army Corps of Engineers (local sponsor costs only)
 - Feather River West Levee repairs to Reaches 14 through 16

¹ The scope and costs of the Star Bend Setback Levee includes only the local share funded by SBFCA.

- Lower Feather River Repairs (remaining repairs between Highway 99 and the Sutter Bypass East Levee)
- Sutter Bypass East Levee Project Phases 1 through 3 (from Wadsworth Canal downstream to Feather River confluence)
 - Includes critical repairs for 3 sub-reaches within Phase 1
- Urban Levee Design Criteria Compliance Projects
 - Ongoing certification reporting and compliance for a period of 30 years consistent with the term of projections of development within a Nexus Study
 - ULDC Compliance projects required to maintain an Urban Level of Protection

All of the costs of the above projects/scope of work are included in the Regional LDIF and all local funding (SBFCA's Benefit Assessment) and non-local funding (State Grants) that offset these costs are reflected in this Nexus Study. The net remaining costs are the basis for a Regional LDIF.

As previously noted, this Nexus Study provides the required findings needed to impose a development impact fee pursuant to AB 1600. AB 1600 requires that the fee be calculated by spreading the costs among the anticipated future development in proportion to the impact that development has on the services provided. The 2007 Levee Fee was imposed and collected by Yuba City as a condition of new development's approval only within a portion of the Sutter Butte Basin. SBFCA has prepared this fee study to be collected on a regional basis and requests that all of the member land use agencies collect the fee on its behalf.

To determine costs associated with the Project and the planned development upon which to allocate the costs, a 30-year planning horizon has been assumed and is generally consistent with the remaining time horizons of each of the member land use agencies' General Plans.

AB 1600 Requirement 3: Relationship Between Use of Fees and Type of Development

Development of Residential, Commercial, and Industrial land uses within the Sutter Butte Basin require improved flood control and flood protection services to protect use and life.

Flood risk has two aspects: the probability of flooding and the consequences that follow. An area could have a high probability of flooding, but minimal consequences because it is vacant and contains no infrastructure or people. In this case, flood risk would be considered low. Conversely, a highly urbanized community that has a moderate or low probability of flooding would be considered high risk because of the greater consequences of a flood in that location (i.e., loss of life, livelihood, property, health, and human suffering). There are several ways to quantify flood risk including examining the risk of loss of life and risk of loss to property. The risk of loss to property can be expressed and quantified in terms of Expected Annual Damage (EAD). This Nexus Study uses EAD as a proxy for flood risk. EAD is the product of the probability of flooding (percent chance in any given year) and consequences (dollars of damage as a result of flooding). Without mitigation, additional development increases the EAD by increasing developed property at risk. To protect life and property, it is important for the LFMA to maintain a high level of service (in terms of maintaining low flood risk) within the Sutter Butte Basin as development increases. To maintain the current level of EAD and

reduce the level of flood risk to offset increased EAD, the LFMA must improve the flood protection facilities as development occurs.

Each development project will add to the necessity of flood protection due to the increased EAD because of that development. Additionally, each development project will benefit from the levee infrastructure already in place at the time of development. For the new development described in this Nexus Study to occur in the Sutter Butte Basin, levee improvements that reduce the probability of flooding are necessary.

AB 1600 Requirement 4: Relationship Between Need for Facility and Type of Development

As stated under **Requirement 3**, development of Residential, Commercial, and Industrial land uses within the Sutter Butte Basin require improved flood control and flood protection services to protect use and life.

Each development project will add to the necessity of flood protection due to the increased EAD as a result of that development. Additionally, each development project will benefit from the levee infrastructure already in place at the time of development. For the new development described in this Nexus Study to occur in the Sutter Butte Basin, levee improvements that reduce the probability of flooding are necessary.

AB 1600 Requirement 5: Relationship Between Amount of Fees and Cost of Facility

This study includes the following components:

1. A determination of the amount of planned development upon which the costs of the fee funded facilities will be allocated.
2. The identification of costs associated with each improvement, facility, or program funded by the fee.
3. The development of a standard metric by which to proportionately allocate the costs of the facilities between land use categories.
4. A determination of the fee cost per acre for each land use category.
5. A determination of the fee per unit by land use category.
6. A discussion of how the program will be administered by the Land Use Agency.

The Regional LDIF is calculated on a gross developable acreage (GDA) basis then converted to a per unit fee. The fee will be collected on a per unit basis for all types of development. For Single and Multi-Family Residential, a unit is a single dwelling unit. For Commercial and Industrial, a unit is 1,000 square feet of building. All development projects requiring a building permit within the Sutter Butte Basin will be categorized into one of the three development type categories and will be subject to the fee. At the option of each Land Use Agency, the fee may be calculated and collected either prior to issuance of a building permit or prior to issuance of a certificate of occupancy. The Fee will be charged at the then current rate at the time of calculation and collection. The details of the calculation and collection of the fee are further described within the **Fee Program Administration** section of this Nexus Study.

Table S-1 provides a summary of the proposed initial fee rates per 1,000 square foot through Fiscal Year 2022/2023.

Assembly Bill No. 602 (2021)**Level of Service Identification Requirements**

This Nexus Study has also been prepared in accordance with the provisions of Assembly Bill 602 (2021) (AB 602) as codified in Government Code § 65940.1, 66016.5, and 66019 and Health and Safety Code § 50466.5. AB 602 sets forth additional procedural requirements for the preparation of a Nexus Study and the adoption of a development impact fee. As it relates to the identification of level of service the following must be identified and provided:

1. The existing level of service;
2. The new level of service; and
3. An explanation of why the new level of service is appropriate.

AB 602 Requirement 1: Existing Level of Service

Segments of the Feather River levees do not provide adequate protection against 100-year flood flows and could cause the Sutter Butte Basin to fall into higher-risk Federal Emergency Management Agency (FEMA) flood zones. Ultimately this would result in FEMA requiring flood insurance on properties with a federally insured mortgage and issuing increased flood insurance rates accordingly. Many private lenders may also require flood insurance based on FEMA's requirement. As discussed in the **Regional Fee** section above, some portions of the Sutter Butte Basin levee improvement program have been completed, while other portions must still be completed to provide the entire Sutter Butte Basin with the reduced flood risk described in the 2007 Nexus Study. Since the 2007 Nexus Study, it has become clear to SBFCA that DWR will not be leading the improvements benefiting the southern portion of the Basin as had been expected. Development projects in the northern portion of the Basin that benefit from the improvements advanced by revenues from the entire Basin must now generate additional funding so that the remainder of improvements can be completed for the benefit of the entire Sutter Butte Basin.

AB 602 Requirement 2: New Level of Service

The Regional LDIF, in combination with other funding sources, will provide funding for levee improvements to provide the urban portion of the Sutter Butte Basin protection against 200-year flood flows within the Feather River and protection against 100-year flood flows within the Feather River for the remainder of the basin.

AB 602 Requirement 3: Explanation of Why the New Level of Service is Appropriate

Without the levee improvements, the Sutter Butte Basin would not be protected from 100-year or 200-year flood flows within the Feather River. This would result in increased risk of loss of use and life safety and may ultimately lead to the requirement of flood insurance as well increases to the FEMA flood insurance rates.

Housing Development Square Footage Basis Exemption Findings

AB 602 requires that the calculation of the fee on a housing development project be proportionate to the square footage of the proposed units of the development. This Nexus Study complies with the housing development square footage basis requirement.

Table S-1
SBFCA Regional Levee Development Impact Fee Program
Summary of Initial Fee Rates per 1,000 Sq Ft by Land Use Category

Land Use	Cost Share	Admin Fee	Fee Rate Per 1,000 Sq Ft [1]
	Table 8	3%	
Single Family	\$416	\$12	\$428
Multi-Family	\$261	\$8	\$269
Commercial	\$424	\$13	\$436
Industrial	\$271	\$8	\$279

[1] These initial Fee Rates are effective upon adoption through the end of FY 2022/2023 after which annual Fee escalation, as described in the Nexus Study, will be applied starting July 1, 2023. Rounded to the nearest whole dollar.

Procedural Requirements

The Member Land Use Agencies intend to adopt the Regional LDIF pursuant to the procedural requirements of both AB 1600 and AB 602. The procedures include the following:

- **Conduct a Noticed Public Hearing to Adopt the Nexus Study:** Each Member Land Use Agency shall conduct a noticed Public Hearing, to adopt this Nexus Study, at which oral or written presentations can be made, this may be part of a regularly scheduled meeting or a special meeting. This public hearing shall be noticed at least 30 days prior in accordance with Government Code § 66016.5(a)(7).
- **Conduct a Noticed Public Hearing to Adopt the Development Impact Fee:** Each Member Land Use Agency shall conduct a noticed Public Hearing, to adopt the development fee associated with this Nexus Study, at which oral or written presentations can be made, as part of a regularly scheduled meeting. This public hearing shall be noticed by publication at least 10 days prior in accordance with Government Code § 6062(a). In addition, notice of the time and place of the meeting, including a general explanation of the matter to be considered, and a statement that any data required by Government Code § 66016(a) is available, shall be mailed at least 14 days prior to the meeting to any interested party who files a written request with the Local Agency for mailed notice of meetings on new or increased fees or service charges.
- **Provide Public Information:** Each Member Land Use Agency shall provide public information, at least 10 days prior to their Public Hearing, including available public data indicating the amount of estimated costs required to provide the service for which the fee is to be levied.
- **Adopt a Resolution or Ordinance:** AB 1600 requires that any action by a local agency to levy a new fee or service charge or to approve an increase in an existing fee or service charge shall be taken only by ordinance or resolution.

Note that Government Code § 66017 states that fees adopted pursuant to the provisions of Government Code § 66016 (those outlined above) are effective no sooner than 60 days after final action on the adoption of the new fee or increase to an existing fee.

LAND USE CATEGORIES & NEW DEVELOPMENT

Land Use Categories

AB 1600 sets forth standards by which monetary exactions on development projects are measured. The need for a public facility must be reasonably related to the level of service required, which varies in proportion to a particular land use type.

The following is a list of the land use type categories utilized for the purpose of this Regional LDIF:

- **Single-Family Residential:** Includes structures that are single-family dwellings and duplexes. Half-plexes, rural homes, and mobile homes requiring a build permit are included in this category.
- **Multi-Family Residential:** Includes structures that are occupied by three or more families living independently of each other, under one roof. This category includes condominiums, triplexes, four-plexes, apartment complexes.
- **Commercial:** Includes offices, retail facilities, hotels, motels, restaurants, service stations and car washes, medical and dental offices, banks, and any other development typically serving and open to the general public.
- **Industrial:** Includes development occupied by manufacturing, warehouses, processing plants, heavy and light industry, lumberyards, storage, bulk plants, truck transfer terminals, and any other development typically serving the manufacturing, storage, or processing industries.

Further details with respect to the specifics of each land use category are discussed within the **Fee Program Implementation** and **Fee Program Administration** sections of this Nexus Study.

Sutter Butte Basin Land Uses

A central principle to determining a development impact fee is to consider the amount of anticipated future growth over the time horizon of the proposed program. In this case, the scope of facilities needed to provide enhanced flood protection within the Sutter Butte Basin are not necessarily functionally related to the amount of planned or existing development. The new facilities will provide a benefit to existing development. As described above, this Regional LDIF program is one of several sources of funding needed to construct the improvements. The facilities funded by this fee need not be allocated to existing development as a separate funding mechanism will cover the benefit received and service provided to existing development.

This fee only applies to planned development within the Sutter Butte Basin that benefits from the facilities providing reduced flood risk. For the purposes of determining the allocation base for the fee, planned development is all development that has been identified by the land use jurisdictions and is expected to obtain a building permit after the implementation of this fee program.

Planned New Development

Planned new development within Sutter Butte Basin was estimated based on extensive research and coordination with the Counties of Butte and Sutter and the Cities of Biggs, Gridley, Live Oak, and Yuba City.

The details of the planned development estimated over the 30-year horizon of the fee program are documented in **Appendix A. Table 1** provides a summary of planned new development by land use that is subject to the fee for the duration of the fee program. This table provides the total GDA by land use category as well as the total number of Single-Family and Multi-Family units and 1,000 building square feet for Commercial and Industrial development throughout the entire basin. The calculation of units and 1,000 square feet per acre is reflective of development throughout the basin and not specific to any individual Land Use Agency.

Table 1
SBFCA Regional Levee Development Impact Fee Program
Planned Development Summary

Land Use	Gross Developable Acreage (GDA)	1,000 Building Sq Ft	1,000 Sq Ft Per Acre [1]
Reference	Table A-1	Table A-2	
	A	B	C = B / A
Single-Family	3,612	35,235	9.75
Multi-Family	786	8,983	11.42
Commercial	736	6,504	8.84
Industrial	427	5,792	13.57
Total	5,561		

CAPITAL IMPROVEMENTS AND PROJECTS

Capital Costs Allocable to Planned Development

As described above and within the SBFCA Assessment District Final Engineer's Report prepared by Parsons Brinckerhoff dated July 14, 2010 (2010 SBFCA Assessment ER), a series of improvements are needed to ensure that the levee system provides 200-year flood protection to the northern urban portion of the Sutter Butte Basin and 100-Year flood protection to the southern rural portion of the basin. A detailed cost estimate and financing plan has been prepared by SBFCA to demonstrate how the LFMA intends to generate the funds needed to implement its levee improvement program.

The Regional LDIF will fund repairs, rehabilitations, and improvements including those beyond what is able to be completed solely with funding from the SBFCA Assessment District and State Grants to date. The Regional LDIF will fund:

- Improvements to the Feather River West Levee System including:
 - Star Bend Setback Levee constructed by Levee District 1²
 - Feather River West Levee Project Phase 1
 - Gridley Bridge Erosion Repairs
 - Laurel Avenue Flood System Repair Project
 - Federal Sutter Basin Feasibility Study and Increment Constructed by the US Army Corps of Engineers (local sponsor costs only)
 - Feather River West Levee repairs to Reaches 14 through 16
 - Lower Feather River Repairs (remaining repairs between Highway 99 and the Sutter Bypass East Levee)
- Sutter Bypass East Levee Project Phases 1 through 3 (from Wadsworth Canal downstream to Feather River confluence)
 - Includes critical repairs for 3 sub-reaches within Phase 1
- Urban Levee Design Criteria Compliance Projects
 - Ongoing certification reporting and compliance for a period of 30 years consistent with the term of projections of development within a Nexus Study
 - ULDC Compliance projects required to maintain an Urban Level of Protection

All of the costs of the above projects/scope of work are included in the Regional LDIF and all local (SBFCA Assessment) and non-local funding (State Grants) that offset these costs are reflected in this Nexus Study. The net remaining costs are the basis for a Regional LDIF.

The Regional LDIF will be only levied on Planned Development within the Sutter Butte Basin. This means that the portion of the costs allocable to existing development, will not be raised through this fee program. The

² The scope and costs of the Star Bend Setback Levee includes only the local share funded by SBFCA.

LFMA will use other local sources (SBFCA Assessment) and non-local (State Grants) to fund the balance of the costs not raised through this fee program.

Summary of Capital Improvements Funded by the Development Impact Fee

The actual costs incurred and estimated costs for the levee improvements are shown in **Table 2**. All estimated costs are in 2021 dollars. **Appendix B** provides details of State Grants and available SBFCA Assessment revenues. The total cost of capital improvements funded is approximately \$625.2 million in 2021 dollars. Other sources of funding are estimated to contribute approximately \$603.9 million which fund existing development's portion of the costs of the levee improvements. The estimated remaining \$21.3 million will be funded by Planned Development through this Regional LDIF program. This amount is used as the basis for calculating the Regional LDIF.

Table 2
SBFCA Regional Levee Development Impact Fee Program
Costs of Flood Control Capital Projects Covered by the Fee

Item	Total Cost
Program Expenditures	
Feather River West Levee Project Ph 1 & 2	
Star Bend Project Payments (to LD1)	\$2,222,242
Feather River West Levee Phase 1 (EIP / UFRR Project)	\$322,332,310
Gridley Bridge Erosion Repair	\$503,101
Laurel Avenue FSRP	\$11,102,697
Federal Project Feasibility Study & Construction (Local Share)	\$13,088,821
Reaches 14 to 16 Repairs	\$29,479,200
Lower Feather River Remainder Phase 2	\$20,000,000
Sutter Bypass Improvements	
Small Community Studies	\$999,969
Critical Repair Projects	\$30,000,000
Full Repair	\$190,000,000
ULDC Compliance Projects	
	\$5,500,000
Subtotal Program Expenditures	\$625,228,341
Program Revenues	
Non-Local Funding Sources [2]	\$473,768,575
Local Funding Sources [3]	\$130,146,977
Subtotal Program Revenues	\$603,915,552
Total Cost Funded by the Levee Fee	\$21,312,789

Source: SBFCA Budget

[1] Assumed 30-year timeframe at \$500,000 every 5 years.

[2] See Table B-1 for all grant funded sources.

[3] See Table B-2 for all available SBFCA assessment revenues and bond sale proceeds.

REGIONAL LDIF METHODOLOGY

In accordance with AB 1600, a calculation of development impact fees must be accompanied by an analysis with enough detail to justify that a thorough consideration was applied in the process of determining how the fee relates to the impacts from new development. Findings must ensure that a reasonable relationship exists between the proposed fee and the development upon which it will be levied. This section describes the methodology utilized in this report in accordance with the requirements of AB 1600.

The fee methodology utilized here includes the following steps:

1. Qualitatively determine and describe the land use categories utilized as the basis for the fee.
2. Quantify the projected growth within the benefiting area in each of the land use categories in terms of GDA.
3. Describe and estimate the capital improvement costs and their applicability to planned new development.
4. Estimate the total building footprint square feet in each land use category and the resulting damageable square feet of structure per acre for each land use category.
5. Use the estimated damageable square feet per acre, an assumed relative structure value per structure type, and the assumed flood damage percentage to estimate the average structure damage per acre per structure type.
6. Use an estimated relative land value per land use category and assumed flood damage percentage to estimate an average land damage per acre per land use category.
7. Use the estimated structure and land damages to determine an estimated total damage per acre per land use category.
8. Apply a Loss of Use and Life Safety Factor to adjust the total damage per acre to determine an adjusted damage per acre per land use category.
9. Determine a relative Flood Damage Index by relating the adjusted damage per acre for each land use category to that of the adjusted damage per acre for the Single-Family Residential land use category.
10. Utilize the Flood Damage index to determine the adjusted equivalent acreage which represents a weighted amount of planned development acreage by land use type within the Sutter Butte Basin.
11. Proportionately allocate the capital improvement costs to each land use category based upon the adjusted equivalent acreage.
12. Determine the cost per GDA by dividing the allocated costs by the GDA of each land use category.
13. Add to each cost per acre the costs of administration of the fee program.
14. Convert the per GDA fee to a per unit fee using assumed density and FAR data to determine the fee amount per unit per land use category to be collected by the land use agencies.

Cost Allocation and Calculation

The purpose of allocating the capital improvements costs among the various land uses is to provide an equitable method of funding the required improvements. The key to the cost apportionment of capital improvements to different land use types is the assumption that the benefits derived from the facilities are

related to land use type and that such benefits can be stated in relative terms. Only by relating the benefit received from the facilities and the services they provide to land use types can a reasonable nexus, or relationship, be established for the apportionment of costs to that land use.

Since the nature of the improvements in this Nexus Study relate to reducing the flood risk in the Sutter Butte Basin, the equivalency factor determined in Step 9 above is the Flood Damage Index. The Flood Damage Index is a relative factor that relates the adjusted property damages by land use to the property damage of an acre of Single-Family development. The greater the index value, the greater the impact in terms of property damage and loss of use and life associated with a possible flood. An index value closer to zero would indicate lower damage costs and loss of use and life associated with a flood. Given these facts, utilizing the Flood Damage Index as described above is a reasonable method to allocate costs proportionately based on land use.

The following describes the series of tables that calculate the Regional LDIF using the method described above.

Using the estimated total building square feet and the assumed average building stories, **Table 3** determines the estimated building footprint square feet and the associated damageable square feet of structure per acre.

After calculating the damageable square feet of structure per acre for each land use category, the value is then multiplied by the relative structure value per square foot and the assumed flood damage percentage to find the average structure damage per GDA, as shown in **Table 4**. The relative structure value and assumed flood damage percentage are based upon the 2010 SBFCA Assessment ER. **Table 5** uses the relative land value per acre and assumed flood damage percentage based upon the 2010 SBFCA Assessment ER to calculate the average land damage per acre.

By summing the average structure damage and average land damage per GDA values determined in **Table 4** and **Table 5**, a total damage per GDA can be determined. The total damage is then adjusted by a Loss of Use and Life Safety Factor, a factor determined by how many hours per day individuals occupy structures in each land use category. This factor is multiplied by the total damage per acre to determine an adjusted damage per acre. The adjusted damage per acre amount is then used to find the Flood Damage Index or equivalency factor, as illustrated in **Table 6**.

The Flood Damage Index from **Table 6** is used to determine an adjusted equivalent acreage. This amount is used to allocate the local cost to each land use category on a proportional adjusted equivalent acreage basis for each land use category. The allocated cost is then divided by the total GDA in each land use category to find the cost share per GDA as shown in **Table 7**.

Table 8 shows the allocated costs per GDA of the fee and the Administrative Fee of 3% to determine the total fee amount on a per GDA basis for each land use type. **Table 8** then calculates the Cost Share, Administrative Fee, and Fee Rate on a per unit or 1,000 building square feet basis based on the density of planned development shown in **Table 1**.

Appendix C shows the estimated allocated cost per unit for Residential and the estimated cost per 1,000 square feet for Non-Residential development by each Land Use Agency.

Table 3
SBFCA Regional Levee Development Impact Fee Program
Damageable Square Feet of Structure Per GDA

Land Use	Gross Developable Acreage (GDA)	1,000 Square Feet [1]	Estimated Total Building Sq Ft	Assumed Average Building Stories	Estimated Building Footprint Sq Ft	Damageable Structure Sq Ft per GDA
Reference	Table A-1	Table A-2				
	A	B	C = B*1,000	D	E = C/D	F = E/A
Single-Family [2]	3,612	35,235	35,234,973	1.17	30,201,406	8,361
Multi-Family [3]	786	8,983	8,983,350	2.00	4,491,675	5,711
Commercial	736	6,504	6,503,853	1.00	6,503,853	8,835
Industrial	427	5,792	5,792,371	1.00	5,792,371	13,572
Total	5,561		56,514,548		46,989,305	

[1] Single-Family and Multi-Family shown in units; Commerical and Industrial shown in 1,000s of square feet.

[2] Assumes average 2,100 square foot units (all stories) and 1,800 square foot single story units, thus imputing an assumed average number of stories per building.

[3] Assumes average 900 square feet units.

Table 4
SBFCA Regional Levee Development Impact Fee Program
Relative Structure Damage Per GDA

Land Use	Relative Structure Value Per Sq Ft	Damageable Structure Sq Ft per GDA	Assumed Flood Damage Percentage	Average Structure Damage Per GDA
Reference		Table 3		
	A	B	C	D = A*B*C
Single-Family [1]	\$60	8,361	35%	\$175,589
Multi-Family [1]	\$60	5,711	35%	\$119,939
Commercial	\$70	8,835	81%	\$500,949
Industrial	\$50	13,572	77%	\$522,520

Source: SBFCA Assessment Final Engineer's Report date July 14, 2010

[1] The Sutter Butte Flood Control Agency Engineer's Report does not distinguish Single-Family from Multi-Family in the Residential land use category therefore the same relative structure value and flood damage percentage were utilized for both land uses.

Table 5
SBFCA Regional Levee Development Impact Fee Program
Relative Land Damage per GDA

Land Use	Relative Land Value Per GDA	Assumed Flood Damage Percentage	Relative Land Damage Per GDA
	A	B	C = A*B
Single-Family	\$251,000	10%	\$25,100
Multi-Family	\$278,000	10%	\$27,800
Commercial	\$554,000	10%	\$55,400
Industrial	\$233,000	10%	\$23,300

Source: SBFCA Assessment Final Engineer's Report date July 14, 2010

Table 6
SBFCA Regional Levee Development Impact Fee Program
Relative Flood Damage Index

Land Use	Average Structure Value Damage Per Acre	Average Land Value Damage Per Acre	Total Damage Per Acre	Loss of Use & Life Safety Factor [1]	Adjusted Total Damage Per Acre	Relative Flood Damage Index
Reference	Table 4	Table 5				
	A	B	C = A+B	D	E = C*D	F = E/\$602,066
Single-Family	\$175,589	\$25,100	\$200,689	3.00	\$602,066	1.00
Multi-Family	\$119,939	\$27,800	\$147,739	3.00	\$443,218	0.74
Commercial	\$500,949	\$55,400	\$556,349	1.00	\$556,349	0.92
Industrial	\$522,520	\$23,300	\$545,820	1.00	\$545,820	0.91

[1] A ratio of 3:1 based on 24 hours of use for Residential and 8 hours of use for Commerical and Industrial.

Table 7
SBFCA Regional Levee Development Impact Fee Program
Apportionment of Costs Per GDA

Land Use	Gross Developable Acreage	Flood Damage Index	Adjusted Equivalent Acreage	Local Cost Share Percentage	Local Cost Share	Cost Share per GDA
Reference	Table 1	Table 6			Table 2	
	A	B	C = A*B	D = C/5,258	E = D*\$21,312,789	F = E/A
Single-Family	3,612	1.00	3,612	68.7%	\$14,640,612	\$4,053
Multi-Family	786	0.74	579	11.0%	\$2,346,651	\$2,984
Commercial	736	0.92	680	12.9%	\$2,757,228	\$3,746
Industrial	427	0.91	387	7.4%	\$1,568,299	\$3,675
Total	5,561		5,258	100%	\$21,312,789	

Table 8
SBFCA Regional Levee Development Impact Fee Program
Development Fee Rate Summary

Land Use	Per GDA			1,000 Sq Ft Per Acre	Per 1,000 Square Feet		
	Cost Share	Admin Fee	Fee Rate		Cost Share	Admin Fee	Fee Rate
Reference	Table 7	3%		Table 1			
	A	B = A * 3%	C = A+B	D	E = A/D	F = B/D	G = C/D
Single-Family	\$4,053	\$122	\$4,175	9.75	\$416	\$12	\$428
Multi-Family	\$2,984	\$90	\$3,073	11.42	\$261	\$8	\$269
Commercial	\$3,746	\$112	\$3,858	8.84	\$424	\$13	\$436
Industrial	\$3,675	\$110	\$3,785	13.57	\$271	\$8	\$279

FEE PROGRAM IMPLEMENTATION

The Regional LDIF calculations presented in this Nexus Study are based on the best improvement cost estimates, administrative cost estimates, and land use information available at this time. If costs change significantly, if the type or amount of new projected development changes, or if other assumptions significantly change such as Federal or State standards, this Nexus Study and the program should be updated accordingly.

Regional LDIF Collection

It is expected that each Land Use Agency in the Sutter Butte Basin will individually adopt the Regional LDIF and collect and remit fees to SBFCA. It is expected that as part of the adoption of this Nexus Study by a City or County, the agency will enter into a collection agreement with SBFCA and pursuant to that agreement, SBFCA will support the efficient administration and collection of the fee. SBFCA will support collection by clarifying and specifying any conditions that would trigger the collection of the Regional LDIF or similarly clarifying and specifying any exemption of the Regional LDIF as further described in **Exemptions from the Fee**, below. SBFCA may also support each City or County as requested to specify appropriate development conditions to ensure imposition of the fee, as well as clarify any specifics as to the calculation and collection of the fee. A City or County, at its discretion, may also allow for variations in the method of payment as further described in this section.

Fee Triggers/Applicability

The Regional LDIF will apply to all Planned Development in the Sutter Butte Basin that creates a flood protection impact. Planned Development is defined as all development that is required to obtain a building permit within the Sutter Butte Basin. At the option of the Land Use Agency, the fee may be calculated and collected either prior to issuance of a building permit or prior to building permit final and/or issuance of a certificate of occupancy. The Fee will be charged at the then current rate at the time of calculation.

Regional LDIF Program Boundary

The Regional LDIF calculations are based upon the total costs of the levee improvement program and estimated amount of development within the floodplain in the Sutter Butte Basin which encompasses the entire benefit area. By virtue of the cost allocation process, this Regional LDIF program will generate a proportional amount of fee revenue from the share of Planned Development within each of the land use agencies. **Figure 1** (page 4) illustrates the Regional LDIF Program Boundary.

Exemptions from the Fee

The following land uses and/or projects are exempt from the Regional LDIF:

1. Agricultural Exemption: Development on agricultural zoned land including development of rural residential parcels greater than 5 acres in size.

2. Additions to Pre-Existing Structures: Development projects that 1) require a building permit and 2) are increasing the amount of new structure square footage by no more than 500 new square feet are exempt from the fee. If the project increases the structure by 500 square feet or more, only the incremental new square footage will be charged the fee on a proportionate basis. See details on the proportional basis in the Fee Program Administration, Number of Units section on page 28.
3. Replacement due to Damage (with or without Addition): If the proposed project is an in-kind replacement to a previously existing structure because of fire damage or other natural disaster, the project will be exempt from the fee so long as the replacement does not increase the amount of new structure by more than 300 square feet. If the project increases the structure by more than 300 square feet, the incremental new square footage will be charged the fee on a proportionate basis.
4. Structure raised above the 200-year Floodplain Elevation: Development projects with structures raised above the elevation of the 200-year flood as determined by the Land use agencies or structures removed from the 200-year floodplain by flood control improvements that meet the design standards applicable to the Federal-State flood control system as determined by the Land use agencies, shall be exempt from the fee. The “200-year flood” and “200-year floodplain” are determined without incorporating SBFCA’s completed Feather River West Levee improvements.
5. Open space.
6. Public Agency Owned Land (including Federal, State, and Land use agencies).

Written Waivers to the Fee

With written approval from the Land Use Agency having jurisdiction, any or all portions of the proposed fees may be waived if it can be determined that a proposed project will not derive permanent benefit from the improvements for which the fees are collected (i.e., it can be shown that the property does not benefit from the flood protection). Written fee waivers may be available on a case-by-case basis for certain temporary structures, such as a mobile temporary structure used for construction management purposes.

Coverage Period

Except as otherwise indicated as part of the Member Land Use Agency’s adoption process, the Regional LDIF is to be collected beginning the 61st day after the adoption of the resolution or ordinance approving the fee, as adopted by each Member Land Use Agency’s governing body and for 30-years thereafter, unless updated, amended, or repealed.

Administration Costs

The estimated costs of administration for the Regional LDIF have been included in the fee rates program shown on **Table S1** and **Table 8**. The proposed administrative fee is 3% of the cost of the fee. However, to the extent each Land Use Agency has its own process for determining the administrative cost of the fee, this amount may be adjusted by each Land Use Agency accordingly. These administrative costs will cover the following:

- The development and administration of the Regional LDIF Program.

- Accounting costs associated with the Regional LDIF.
- Any necessary or required annual review of the fee program costs, fees, and policies.
- Any necessary or required annual reporting requirements associated with the fee program.
- Any other ongoing and recurring administrative procedures associated with the program.

Variations in Method

The Land use agencies may allow for variations in the method of fee payment at the time of fee calculation, including:

- Use of any lawfully created Assessment District or Community Facilities District (CFD) to finance fee payment.
- Voluntarily accelerated payment of the fee at the time of filing of any application for a tentative subdivision map, parcel map, or an earlier land use application, at the then-applicable rate.
- The collection of fees or other payments to fund improvements by the land use jurisdictions that are to be used, by agreement, to directly fund or reimburse the cost of the facilities funded by the fee.

The use of these alternative payment mechanisms and the collection of the Regional LDIF may vary among the Land use agencies, however, in any case, the alternative method of payment will be documented within an agreement or memorandum by the Land Use Agency.

Refunds and Appeals Process

An applicant who has paid the Regional LDIF may request that such fee be refunded at any time prior to commencement of the development, although, to do so would terminate any approved application or permit. Refunds will be made according to the policies and procedures of Land Use Agency, as they are developed, and may reflect deductions to compensate for handling and administrative costs incurred by the land use agencies in processing the fee calculation, collection, and refund request.

Appeals regarding the determination of the applicability and amount of the LDIF are to be made in writing to the Land Use Agency. The Land Use Agency shall respond to the appeal request in writing within 30 days. The determination of the Land Use may be appealed pursuant to any adopted appeal procedures. Any determination by the Land Use Agency's Board of Directors shall be considered final.

Annual Fee Escalation

To address inflationary costs, the base fee rates shown in this study shall escalate by either the escalation schedule defined by each Member land Use Agency's fee adoption process, if not otherwise defined, each July 1st, commencing on July 1, 2023, or the next July 1st. The fee rates shall escalate by the percentage increase in the Engineering News-Record (ENR) 20-City Average Construction Cost Index (CCI) for the period ending April of the previous fiscal year. The base month for this adjustment shall be April of the year preceding adoption of the fee. The fee shall be by the ratio of the most recent April index to the prior year's April index.

FEE PROGRAM ADMINISTRATION

The following describes the general procedures for the administration of the Regional LDIF. The staff of each Land Use Agency may develop more detailed administrative procedures or implement more specific policies after the adoption of the program to more efficiently administer the program and provide needed clarification in certain circumstances.

Fee Calculation

To calculate the Regional LDIF the following information is required:

- The land use category of the new development.
- The square footage of the development.
- The current fee rates.

The following provides detailed information on each requirement.

Land Use Categorization

The Development Services Department of the Member Land Use Agency will determine the correct Regional LDIF rate by classifying the proposed development into one of the following four land use categories:

- Single-Family Residential
- Multi-Family Residential
- Commercial
- Industrial

To classify the proposed development into one of the four land use categories, the agency will use the following information:

- The land use type from the zoning code that applies to the land upon which the development is proposed; and
- The descriptions of the four land use categories in this Nexus Study, found in the **Land Use Categories** discussion on page 11.

Total Square Footage of Development

For New Development of Vacant Land

In the case where a structure is being constructed on vacant land that has not previously been developed:

Residential Land Uses

- For all residential land uses, the fee is calculated proportionately to the square footage of the residential property. The total conditioned (habitable) square footage of the property is divided by 1,000 square feet to determine the total fee amount. Conditioned or habitable square footage

is livable space within a residential property excluding basements, garages, garden sheds, greenhouses, storage sheds, and covered patios.

Nonresidential Land Uses

- For nonresidential land uses, the total square footage of building space is divided by 1,000 square feet to determine the total fee amount.

For Development of Land with Pre-Existing Structures or Replacement Structures

Residential Land Uses

- For a residential expansion project in excess of 500 new habitable square feet, the incremental new square footage will be charged the fee on a 1,000 square foot basis.
- For residential replacement projects, if the project involves development of a new residential structure after the demolition of a pre-existing structure (regardless of the use of the pre-existing structure), and the new structure is larger than the demolished structure by 500 square feet or more, only the incremental new habitable square footage will be charged the fee per 1,000 square foot basis. The net new square footage in excess of 500 square feet will be determined by subtracting the documented habitable square footage of the previously existing structure from the new square footage.
- For residential expansion or replacement projects of less than 500 new square feet, no fee will be due.

Nonresidential Land Uses

- For nonresidential expansion projects of more than 500 new building square feet, the additional square footage will be charged the fee per 1,000 square foot basis.
- For nonresidential replacement projects, if the project involves development of a new nonresidential structure after the demolition of a pre-existing structure (regardless of the use of the pre-existing structure) and the new structure is larger than the demolished structure by 500 square feet or more, only the incremental new square footage will be charged the fee on a 1,000 square foot basis. The net new building square footage in excess of 500 square feet will be determined by subtracting the documented habitable square footage of the previously existing structure from the new square footage.
- For nonresidential expansion or replacement projects of less than 500 new building square feet, no fee will be due.

Calculation Steps

The following steps are required to calculate the development fee:

1. Determine the land use category fee rate based on the characteristics of the development and the descriptions of the land use categories.
2. Determine the total square footage of development using the definitions above.

3. Determine the total Regional LDIF by multiplying the fee rate from Step 1 and the proportional square footage from Step 2.

This is the fee applicable to the New Development.

Fee Revenue Accounting

The revenues raised by payment of the Regional LDIF shall be placed in a separate fund established by Yuba City (Yuba LDIF Fund). Separate and special accounts may be established in the Yuba LDIF Fund and used to account for collected revenues, along with any interest earnings. Yuba City will remit the collected funds to SBFCA pursuant to the terms of the collection agreement executed between SBFCA and Yuba City.

Periodic Review and Cost Adjustment

SBFCA will periodically review actual project costs and Regional LDIF collections to determine if any updates to the program are warranted. The periodic review will occur no less than every five years. During these reviews, the following aspects will be analyzed:

- Changes to the improvements to be funded by the Regional LDIF program
- Changes in the cost to update or administer the Regional LDIF program
- Changes in annual financing costs
- Changes in assumed land uses
- Changes in development absorption
- Changes in other funding sources

Any changes to the Regional LDIF based on the periodic update will be presented to the SBFCA Board of Directors and/or the Member Land Use Agency as required for approval before an increase of the fee will take effect. SBFCA will send notice of the fee change to the member land use, pursuant to the terms of the collection agreement(s) between SBFCA and the Member Land Use Agencies.

The fifth fiscal year following the first deposit into the fee account or fund, and annually thereafter, each Land Use Agency is required to make all the following findings about that portion of the account or fund remaining unexpended:

- Identify the purpose for which the fee is to be used.
- Demonstrate a reasonable relationship between the fee and the purpose for which it is charged.
- Identify all sources and amounts of funding anticipated to fulfill the levee improvements.
- Designate the approximate dates that the funding referred to in the above paragraph is expected to be deposited in the appropriate account or fund.

SBFCA and/or the Member Land Use Agency must refund the unexpended or uncommitted revenue portion for which a need could not be demonstrated in the above findings unless the administrative costs exceed the amount of the refund.

According to Government Code §66006, SBFCA is required to deposit, invest, account for, and expend the fees in the prescribed manner.

NEXUS FINDINGS

Authority

This report has been prepared in support of the Regional LDIF in accordance with the procedural guidelines established in AB 1600, codified in California Government §66000 et. seq. This code section sets forth the procedural requirements for establishing and collecting development impact fees. The procedures require that a “reasonable relationship or nexus must exist between a governmental exaction and the purpose of the condition.”

Specifically, each Land Use Agency imposing a fee must:

6. Identifying the purpose of the fee.
7. Identifying how the fee is to be used.
8. Determining that a reasonable relationship exists between the fee’s use and the type of development project on which the fee is imposed.
9. Determining how a reasonable relationship exists between the need for the public facility and the type of development project on which the fee is imposed.
10. Demonstrating a reasonable relationship between the amount of the fee and the cost of the public facility attributable to the development on which the fee is imposed.

Summary of Nexus Findings

The Regional LDIF to be collected for each land use is calculated based on applicability of planned new development to the capital improvement project and standardized acreage proportion of the land use category to the total cost of the improvement. With this approach, the following findings are made regarding the Regional LDIF:

AB 1600 Requirement 1: Purpose of Fee

The capital improvements funded by the Regional LDIF are necessary to serve new residential and nonresidential development as described in Section 5 of the SBFCA adopted Strategic Plan.

AB 1600 Requirement 2: Use of the Fee

The Regional LDIF will be used to design and construct levee improvements in order to reduce the probability of flooding within the Sutter Butte Basin as further described in Section 5 of the SBFCA adopted Strategic Plan.

AB 1600 Requirement 3: Relationship Between Use of Fees and Type of Development

Development of Residential, Commercial, and Industrial land uses within the Sutter Butte Basin will require improved flood control and flood protection services. This Regional LDIF, in conjunction with other funding sources, will fund the improved SBFCA flood protection system as described in Section 5 of the SBFCA adopted Strategic Plan .

AB 1600 Requirement 4: Relationship Between Need for Facility and Type of

Each Residential, Commercial, and Industrial development project adds to the incremental need for flood protection because of the increase in damage that would occur as a result of an uncontrolled flood, and the increased burden that the damages will place on the Land use agencies and SBFCA. For the new development described in this Nexus Study to occur within the Sutter Butte Basin, the level of flood control needs to be improved to provide a reduced probability of flooding to the Basin as described in Section 5 of the SBFCA Strategic Plan.

AB 1600 Requirement 5: Relationship Between Amount of Fees and Cost of Facility

The appropriate common use factor for allocating costs to each land use is the Relative Flood Damage Index. **Table 6** shows the respective Relative Flood Damage Index for each land use.

SBFCA, acting as LFMA, has estimated the total cost of the required facilities. The allocation of the costs based on the acres adjusted by the Relative Flood Damage Index have been presented in **Table 7**. The result is the cost of the improvements attributed to each acre of Residential, Commercial, and Industrial development. This allocation demonstrates the relationship between the amount of fee and the cost of the portion of the facility attributed to the specific type of development upon which the fee is imposed.

Appendix A: Planned Development Details

Planned Development Details A-1

Table A-1: Total Developable Acreage A-3

Table A-2: Total Developable Dwelling Units and Square Feet A-4

Planned Development Details

Summary of Planned Development

Development expected to occur within the Regional LDIF Boundary over the next 30 years is subject to the Fee. Generally, development build-out projections from the member Land Use Agency General Plans were analyzed in conjunctions with historical development rates and it was established that using 75% of build-out projections was appropriate to determine the amount of development expected to take place over the next 30 years. Details of projected development acres by development type and Land Use Agency can be found in **Table A1**. Details of projected units for residential and 1,000s of square feet for nonresidential development by Land Use Agency can be found in **Table A2**. It should be noted that, the densities and floor area ratios (FAR) utilized in the calculation of the Regional LDIF are an aggregate of the data across all land use agencies and are not specific to any individual agency.

City of Biggs

The City of Biggs General Plan dated January 2014 Land Use Element Table LU-4 provides low, medium, and high housing growth scenarios at 3.3%, 3.7%, and 4.1%, respectively, from 2010 through 2035. The Land Use Element also states that unless regional conditions change significantly, annual growth of 1% to 1.5% is more likely. Extrapolating 1.5 percent growth from 2010 through 2050 results in an increase of 398 units. This is consistent with using 75% of the 2035 increase in units based on the low growth scenario which in turn is also consistent with the methodology utilized for other land use agencies. City staff indicated that over the last four years, six homes had been built. Given this information, it was determined that using the 1.5% growth projected growth would be appropriate. Development was assumed to be low density residential at 6 dwelling units per acre as shown in Table LU-5.

City of Gridley

The City of Gridley 2030 General Plan Land Use Element Table Land Use-2 provides low and high estimated growth within the City Planned Growth Area by dwelling units for residential and by square feet for nonresidential development. Table Land Use-3 provides the same information for growth within the Existing City and SOI. City staff indicated that over the last ten years, 225 residential units and 15,000 square feet of commercial had been built. Given this information, it was determined that using 75% of the lower projected growth from the General Plan would be appropriate. For residential development, average dwelling units per acre as indicated in Table Land Use-5 were utilized. For nonresidential development, half of the maximum FAR was assumed as indicated in Table Land Use-5.

City of Live Oak

The City of Live Oak 2030 General Plan Land Use Element Table LU-1 provides low and high build-out estimates for the City. The low build-out data was reduced by the estimated established development. City staff indicated that over the next ten years, approximately 450 residential units are already planned to be built. Given this information, it was determined that using 75% of the low build-out acreage estimates, reduced by

the estimated established development acreages, would be appropriate. To estimate total units for residential and 1,000s of square feet for nonresidential, per acre values were calculate based Table LU-1.

City of Yuba City

The City of Yuba City build-out estimates were developed through coordination with the Department of Development Services and use of the May 2018 General Plan Diagram and Water Master Plan in conjunction with GIS data. Build-out acreage estimates were reduced by the estimated established development acreages. To calculate total units for residential and 1,000s of square feet for nonresidential, the densities and FARs provided in the Land Use Classification section of the Yuba City General Plan dated April 8, 2004.

Butte County

Per Butte County Department of Development Services, Single-Family development is assumed to continue at a rate of 74 units per year for the next 30 years. The average lot size was calculated based the information found in the Butte County General Plan Land Use Element indicating that Single-Family units dispersed throughout the unincorporated County totaled approximately 30,000 units on 117,210 acres, or lot sizes of approximately 0.25 acres. Butte County encompasses approximately 1,064,421 acres, of which, approximately 71,737 acres are within the Regional LDIF Boundary, or about 6.75%. Therefore, development of 5 units per year for 30 years was assumed.

Sutter County

Per Sutter County Department of Development Services, Single-Family development is assumed to continue at an average rate of 21 units per year for the next 30 years. The average lot size for Single-Family Residences varies greatly within Sutter County, therefore, an average lot size of 0.25 acre was assumed, consistent with Butte County. Sutter County encompasses approximately 375,902 acres, of which, approximately 121,017 acres are within the Regional LDIF Boundary, or about 32.2%. Therefore, development of 7 units per year for 30 years was assumed.

Table A-1
SBFCA Regional Levee Development Impact Fee Program
Total Developable Acreage

Area / Project	Residential			Nonresidential			Total
	Single-Family	Multi-Family	Subtotal	Commercial	Industrial	Subtotal	
City of Biggs [1]	139	0	139	0	0	0	139
City of Gridley [2]	358	64	422	41	138	179	601
City of Live Oak [3]	1,653	171	1,824	361	0	361	2,186
City of Yuba City [4]	1,772	593	2,366	372	312	684	3,050
Butte County [5]	38	0	38	0	0	0	38
Sutter County [6]	53	0	53	0	0	0	53
Total Developable Land	4,013	828	4,841	775	449	1,224	6,065
Gross Acreage to GDA Factor	90%	95%		95%	95%		
Total GDA	3,612	786		736	427		5,561

[3] City of Biggs January 2014 General Plan Land Use Element Section states that 1.5% annual growth is most likely. Growth based on the 2010 reported units of 634. Assumed low density development at 6 dwelling units per acre.

[2]City of Gridley 2030 General Plan Land Use Element Section, assumed 25% of the lower estimate of development identified would occur. For calculation of acreage, for Residential, the average dwelling units per acre were assumed; for Commerical and Industrial, half of the maximum FAR was assumed.

[3] City of Live Oak 2030 General Plan Land Use Element Section, 75% of low build-out data less estimates of current development was assumed.

[6] Per City of Yuba City Department of Development Serivces, 75% of build-out estimates developed using the May 2018 General Plan Diagram and Water Master Plan less estimates of current development.

[5] Butte County 2030 General Plan Land Use Element states that Single-Family development is dispersed throughout the County with approximately 30,000 units on 117,210 acres, equating an average lot size of approximately 0.25 acres.

[6] Per Sutter County Department of Development Services, Single-Family average lot size varies greatly throughout the County, therefore, an average lot size of 0.25 acre was assumed which is consistent with Butte County.

Table A-2
SBFCA Regional Levee Development Impact Fee Program
Total Developable Dwelling Units and Square Feet

Area / Project	1,000s Square Feet			1,000s Square Feet		
	Single-Family	Multi-Family	Total	Commercial	Industrial	Total
	[1]	[2]				
City of Biggs [3]	836	0	836	0	0	0
City of Gridley [4]	3,898	894	4,793	806	2,400	3,206
City of Live Oak [5]	13,908	1,660	15,568	1,897	0	1,897
City of Yuba City [6]	15,837	6,429	22,266	3,801	3,392	7,193
Butte County [7]	315	0	315	0	0	0
Sutter County [8]	441	0	441	0	0	0
Total	35,235	8,983	44,218	6,504	5,792	12,296

[1] Assumes average 2,100 square foot units.

[2] Assumes average 900 square foot units.

[3] City of Biggs January 2014 General Plan Land Use Element Section states that 1.5% annual growth is most likely. Growth based on the 2010 reported units of 634. Assumed low density development at 6 dwelling units per acre.

[4] City of Gridley 2030 General Plan Land Use Element Section, assumed 75% of the lower estimate of development identified would occur. Assumed residential infill within existing City and SOI was 3:1 SFR:MFR.

[5] City of Live Oak 2030 General Plan Land Use Element Section, 75% of low build-out data less estimates of current development was assumed.

[6] Per City of Yuba City Department of Development Services, 75% of build-out estimates developed using the May 2018 General Plan Diagram and Water Master Plan less estimates of current development.

[7] Per Butte County Department of Development Services, Single-Family development throughout the County is assumed to continue at a rate of 74 units per year. Approximately 6.75% of Butte County is within the SBFCA Boundary, therefore, 5 units per year for 30 years was assumed.

[8] Per Sutter County Department of Development Services, Single-Family development throughout the County is assumed to continue at a rate of 21 units per year. Approximately 32.20% of Butte County is within the SBFCA Boundary, therefore, 7 units per year for 30 years was assumed.

Appendix B: Funding Sources Detail

Table B-1: Non-Local Funding Sources..... B-1

Table B-2: Local Funding Sources..... B-2

Table B-1
SBFCA Regional Levee Development Impact Fee Program
Non-Local Funding Sources

Item	Total Cost
Feather River West Levee Project (Phases 1 & 2)	
Sutter County Grant (Calpine Levee Funding)	\$1,300,000
EIP Design Grant (Prop 1E)	\$21,339,829
EIP/UFRR Construction Grant (Prop 1E)	\$234,748,777
FSRP Laurel Ave. - (Prop 1E & 84)	\$9,920,000
Gridley Bridge Erosion (Prop 13)	\$460,000
Prop 84/1E Emergency Work (R14 - 16)	\$25,000,000
Assumed State Funding for Lower Feather (75%)	\$15,000,000
<i>Subtotal Feather River West Levee Project (Phases 1 & 2)</i>	<i>\$307,768,606</i>
Sutter Bypass Improvements	
Small Community Grants	\$999,969
Assumed State Funding for Critical / Full Repair (75%)	\$165,000,000
<i>Subtotal Sutter Bypass Improvements</i>	<i>\$165,999,969</i>
Total Non-Local Funding	\$473,768,575

Source: SBFCA Budget

Table B-2
SBFCA Regional Levee Development Impact Fee Program
Local Funding Sources

Item	Local Funding
Projected Gross Annual Assessment Revenues	
Estimated 2010-45 Capital Portion of Assessment [1]	\$204,125,000.00
Gross Bond / Debt Financing Proceeds (Project Funds made available)	
Combined Proceeds from Sutter, Yuba City and LD 1 Loans	\$5,606,406.00
2011 Line of Credit Draws	\$14,737,649.20
2013 Bonds Project Fund Deposit	\$40,000,000.00
2015 Bonds Project Fund Deposit (Net of 2011 repayment)	\$33,708,415.34
<i>Subtotal Bond/Debt Financing Proceeds</i>	<i>\$94,052,470.54</i>
Gross Debt Service Costs (Principal & Interest)	
Loan Payments to Yuba City, Sutter County and LD 1 [2]	\$6,179,084.26
2011 Interest Costs	\$340,001.49
2013 Total Debt Service (P&I)	\$76,835,530.32
2015 Total Debt Service (P&I)	\$84,675,877.92
<i>Subtotal Debt Service</i>	<i>\$168,030,493.99</i>
Total Local Funding	\$130,146,976.55

[1] Assessment Revenue includes additional proceeds: gained interest, settlements, etc. and an assumption that in later years, assessments are levied up to the required debt service limit.

[2] Actual interest cost on short-term loans paid back to Yuba City, Sutter County and LD1. Proceeds and principal re-payment has been netted from this analysis.

Appendix C: Estimated Cost Allocation By Land Use Agency

Table C-1: Residential Estimated Cost per Unit by Land Use Agency C-1

Table C-2: Commercial & Industrial Estimated Cost per 1,000 Sq. Ft. by Land Use Agency..... C-2

Table C-1
SBFCA Regional Levee Development Impact Fee Program
Residential Estimated Cost Per Unit by Land Use Agency

Area	Single Family Acreage [1]	Multi-Family Acreage [1]	Total Allocated Cost	Cost Share Percentage	Single & Multi-Family	Average Allocated Cost
Reference	Table A-1	Table A-1	Table 7		Table A-2	
	A	B	$C=(A*\$4,053) + (B*\$2,984)$	$D=(C/\$21,312,789)$	E	$F=C/E$
City of Biggs	125	0	\$508,238	2.38%	836	\$608
City of Gridley	322	60	\$1,486,860	6.98%	4,793	\$310
City of Live Oak	1488	162	\$6,515,833	30.57%	15,568	\$419
City of Yuba City	1595	564	\$8,148,003	38.23%	22,266	\$366
Butte County	34	0	\$136,799	0.64%	315	\$434
Sutter County	47	0	\$191,519	0.90%	441	\$434

Table C-2
SBFCA Regional Levee Development Impact Fee Program
Commercial & Industrial Estimated Cost Per 1,000 Square Feet by Land Use Agency

Area	Commercial Acreage [1]	Industrial Acreage [1]	Total Allocated Cost	Cost Share Percentage	1,000 Square Feet	Average Allocated Cost
Reference	Table A-1	Table A-1	Table 7		Table A-2	
	A	B	$C=(A*\$3,746) + (B*\$3,675)$	$D=(C/\$21,312,789)$	E	$F=C/E$
City of Biggs	0	0	\$0	0.00%	0	\$0
City of Gridley	39	131	\$627,232	2.94%	3,206	\$196
City of Live Oak	343	0	\$1,285,905	6.03%	1,897	\$678
City of Yuba City	354	296	\$2,412,409	11.32%	7,193	\$335
Butte County	0	0	\$0	0.00%	0	\$0
Sutter County	0	0	\$0	0.00%	0	\$0

AGREEMENT BETWEEN
SUTTER BUTTE FLOOD CONTROL AGENCY,
CITY OF BIGGS,
CITY OF GRIDLEY,
CITY OF LIVE OAK,
CITY OF YUBA CITY,
COUNTY OF BUTTE, and
COUNTY OF SUTTER
FOR COLLECTION OF SUTTER-BUTTE BASIN REGIONAL LEVEE IMPROVEMENT
PROGRAM DEVELOPMENT IMPACT FEE

This Agreement for Collection of Sutter-Butte Basin Regional Levee Improvement Program Development Impact Fee (“Agreement”) is made and entered into as of the Effective Date provided below by Sutter Butte Flood Control Agency (“SBFCA”), the Cities of Biggs (“Biggs”), Gridley (“Gridley”), Live Oak (“Live Oak”), and Yuba City (“Yuba City”), and the Counties of Butte (“Butte”) and Sutter (“Sutter”). Each signatory is a party and collectively all signatories are parties. Any of Biggs, Gridley, Live Oak, or Yuba City are a City and are collectively referred to as Cities. Any of Butte and Sutter are a County and are collectively referred to as Counties.

RECITALS

WHEREAS, SBFCA is a joint powers authority formed in 2008 for the purpose of improving flood protection in the Sutter-Butte Basin; and

WHEREAS, each of the four Cities and two Counties is a member agency of SBFCA and has authority to prescribe, revise, and collect fees as a condition of development of land for the purpose of financing flood control facilities, including the authority to make such fees applicable to development land within their boundaries.

WHEREAS, each of the Cities and/or Counties has expressed an intent to exercise this authority or has exercised this authority to provide funding for flood protection, by adopting a

resolution for the purpose of assisting in the funding for levee improvements to provide 200-year protection to the urban portion of the Sutter-Butte Basin and 100-year protection to the remainder of the basin and to thereby offset the increase in damageable property that is placed in the levee-protected floodplain as new development occurs in this area.

WHEREAS, in its role as a joint powers authority planning and implementing flood control activities in the Sutter-Butte Basin, SBFCA has prepared a Sutter Butte Basin Regional Levee Development Impact Fee Nexus Study (“Nexus Study”) which is attached as Exhibit A to this Agreement, which is intended to be used as a template by each of the cities and counties, and that describes and determines the applicable development impact fee within a City or County (“DIF”) and sets forth the required findings required by Government Code Section 66000 et. seq.

WHEREAS, SBFCA has requested that the four Cities and two Counties, as a condition of issuance of a building permit for new development within the Cities and Counties, collect and transmit to SBFCA the applicable DIF for the development project for which such building permit is to be issued.

WHEREAS, the undersigned Cities and Counties are willing and desire to collect the DIF and to transmit the DIF to SBFCA, and the Cities and Counties and SBFCA desire to set forth the standards applicable to the collection of the DIF through this Agreement.

COVENANTS

In consideration of the mutual promises and covenants herein contained, the Parties hereto agree as follows:

1. Incorporation of Recitals. The above recitals are incorporated in this Agreement by reference.
2. Collection and Transmission of DIF. Following the adoption of the DIF by a City or County, whether by separate adoption or incorporation into a more comprehensive development program, the City or County shall collect the DIF as a condition of issuance of a building permit for any building, for which a building permit is required, located in the City’s or County’s jurisdiction. The City or County shall transmit to SBFCA all amounts of the DIF that have been

collected minus administrative costs, all as provided in Section 8 below. With the transmission of DIF revenues collected by the City or County, the City or County shall provide a report in mutually agreed upon format of the fee-paying units to facilitate the tracking of fee revenues. The methodology for computing the DIF together with other procedural criteria are specified in a Nexus Study.

3. Deposit of DIF. SBFCA shall establish a separate capital facilities account into which City or County shall, at least quarterly, deposit the DIF funds collected by City or County. Any interest earned on the DIF while held by a City or County shall also be deposited by City or County.

4. Periodic Update of the DIF. SBFCA shall, within 60 days of any adjustments it proposes to make to the DIF, promptly notify the Cities and Counties of such proposed changes. The Cities and Counties agree to exercise best efforts to respond to any such proposed changes within 30 days. Alternatively, the Cities or Counties may adopt the DIF into their current process for periodic updates and provide the process and timeline to SBFCA.

5. Refunds. In the event that a City or County collects the DIF or a portion of the DIF in error or a building permit expires without construction taking place, the City or County will recalculate the correct DIF amount and process a refund to the applicant, if necessary. A City or County shall net any refunded amounts from any current DIF not yet remitted to SBFCA under Section 2. If there are insufficient collections held by a City or County not yet transmitted to SBFCA, then SBFCA shall promptly refund any amount due to a City or County to facilitate refunds to the applicant.

6. Payment of DIF under Protest. Pursuant to Title 7, Division 1, Chapter 9 of the California Government Code, commencing with §66020, any aggrieved applicant shall be entitled to pay the applicable DIF under protest. The protest procedures set forth therein shall apply to the DIF paid under protest.

7. Appeal. A City or County shall hear all appeals for waiver or reduction in a City's or County's DIF, and shall follow any applicable existing policy in hearing such appeals. The City

or County shall, within 60 days of any modification to the DIF resulting from any such appeal, notify SBFCA of such modification.

8. Compensation of Cities and Counties. In consideration for collecting the DIF, SBFCA shall reimburse each City and County for its cost of time and materials for calculating, reporting, collecting, and processing functions. Such costs shall include the time and materials expended by, but not limited to, employees of the relevant Development Services, Finance and Information Technology Departments and any other impacted departments. The Parties agree that a charge of 3% of the DIF is a reasonable estimate of each City's and County's cost of time and materials for calculating, reporting, collecting, and processing of the DIF.

9. Indemnification of each City and County by SBFCA. To the full extent permitted by law, SBFCA agrees to defend, indemnify, and hold harmless each City and County executing this Agreement and each of its elected and appointed officers, officials, agents, employees, consultants, attorneys and representatives ("Indemnitees"): (i) from and against any and all actions, proceedings, claims, damages, losses, costs, penalties, fines, obligations, errors, omissions, forfeitures, and liabilities, whether actual or threatened ("Claims and Liabilities"), against Indemnitees arising from or related in any way to the collection or establishment of DIF or the transfer of DIF to SBFCA; (ii) from and against any Claims and Liabilities arising from or related to this Agreement. The Cities and Counties shall promptly notify SBFCA of any such Claim and Liability, and, at the option of the City or County, SBFCA shall either undertake defense of the matter and pay the City's or County's associated legal costs or advance funds to pay for defense of the matter by the City or County. In the event the City or County opts for SBFCA to undertake defense of the matter, the City or County will cooperate reasonably in the defense, but retains the right to settle or abandon the matter without SBFCA's consent. The provisions of this section shall survive termination of this Agreement.

10. Notices. Notice to be provided to any Party to this Agreement arising out of matters pertaining to this Agreement shall be addressed as follows:

Aaron Palmer, Live Oak City Manager
9955 Live Oak Boulevard
Live Oak, CA 95953

Any party may change the address to which subsequent notice and/or other communications can be sent by giving written notice designating a change of address to the other Parties, which shall be effective upon receipt.

11. Term and Effective Date.

- a. This Agreement shall become effective upon the execution of the Agreement by SBFCA and the first City or County to execute it (“Effective Date”). It shall be effective for each additional city or county that executes it upon the date of that City’s or County’s execution.
- b. This Agreement shall remain in effect for each City and each County until either (i) the City or County eliminates the DIF, or (ii) SBFCA or the City or County terminates it in accordance with Section 12.

12. Termination. Each City or County may terminate this Agreement as effective for the City or County by giving SBFCA at least six (6) months written notice of withdrawal. In such event the City or County shall, within 10 days of effective withdrawal, cause to be deposited into SBFCA’s separate capital facilities account all DIF funds collected prior to withdrawal. SBFCA may terminate this Agreement by giving all Cities and Counties that are parties to the Agreement at least (2) months written notice of withdrawal.

13. Modifications. This Agreement contains the entire understanding of the Parties and no alteration, amendment, variation, or waiver of the terms of this Agreement shall be valid unless made in writing and signed by both Parties. Waiver by either Party of any default, breach or condition precedent shall not be construed as a waiver of any other default, breach or condition precedent, or any other right hereunder.

14. Governing Laws And Jurisdiction. This Agreement shall be deemed to have been executed and to be performed within the State of California and shall be construed and governed by the laws of the State of California. Any legal proceedings arising out of or relating to this Agreement shall be brought in the Superior Court of Sutter County, California.

15. Assignment; Binding on Successors. The rights and duties of the Parties may not be assigned or delegated without the written consent of the other Parties. Any attempt to assign or delegate such rights or duties in contravention of this Agreement shall be null and void. This Agreement shall be binding upon and shall inure to the benefit of the successors of the Parties hereto, respectively. Any approved assignment or delegation shall be consistent with the terms of any contracts, resolutions, indemnities and other obligations of SBFCA then in effect.

16. Interpretation. This Agreement shall be deemed to have been prepared equally by all of the Parties, and the Agreement and its individual provisions shall not be construed or interpreted more favorably for one Party on the basis that another Party prepared it.

17. Entire Agreement. This Agreement constitutes the entire contract between the Parties regarding the collection, deposit, and reporting of the DIF. Any prior agreements, regarding the subject matter of this Agreement are hereby terminated effective immediately upon full execution of this Agreement.

18. Severability. Should any part, term or provision of this Agreement be decided by any court of competent jurisdiction to be illegal or in conflict with any law of the State of California, or otherwise be rendered unenforceable or ineffectual, the validity of the remaining portions or provisions shall not be affected thereby.

19. Duplicate Counterparts. This Agreement may be executed in duplicate counterparts.

IN WITNESS WHEREOF, the Parties hereto have caused this Agreement to be executed on the day and year indicated with each Party's signature executing the agreement below.

SUTTER BUTTE FLOOD CONTROL AGENCY

By:
Executive Director

Date: _____

APPROVED AS TO FORM:
SBFCA Counsel

By: Scott L. Shapiro
Title: General Counsel

CITY OF BIGGS

By:
Title:

Date: _____

ATTEST:

By:
Title:

CITY OF GRIDLEY

By:
Title:

Date: _____

ATTEST:

By:
Title:

CITY OF LIVE OAK

By:
Title:

Date: _____

ATTEST:

By:
Title:

COUNTY OF BUTTE

By:
Title:

Date: _____

ATTEST:

By:
Title:

COUNTY OF SUTTER

By:
Title:

Date: _____

ATTEST:

By:
Title:

CITY OF YUBA CITY

By:
Title:

Date: _____

ATTEST:

By:
Title:

EXHIBIT A

DIF Resolution



City of Live Oak Report to City Council

Meeting Date:	November 15, 2023
Title:	Introduction and First Reading of an Ordinance of the City Council of the City of Live Oak, Amending the City of Live Oak Municipal Code, Title 15, and Adoption of the Sutter Butte Basin Regional Levee Improvement Program Development Impact Fee
Contact Information:	Kevin Valente, AICP, Contract Planner
Location:	Citywide
Background:	With the adoption of the November 15, 2023 Nexus Study as part of the previous item on this Agenda, the City Council has taken the first step in the process of implementing the Sutter Butte Basin Regional Levee Improvement Program Development Impact Fee (Regional LDIF). The Nexus Study provides the basis for the proposed Regional LDIF to ensure that new development pays its proportionate share of the levee improvement costs needed to provide 200-year protection to the Urban (Northern) portion of the Sutter-Butte Basin and 100-year protection to the rural (southern) portion of the Basin. The adopted Nexus Study provides the program cost estimate that would be collected to continue providing the funding necessary to pay for the levee system improvements. It was prepared as a regional fee with the intent that each of the Local Agencies individually adopt the Regional LDIF and collect and remit the fees to the Sutter Butte Flood Control Agency (SBFCA).

Analysis: The requested action and next step in the process includes conducting a required public hearing to adopt the Sutter Butte Basin Regional Levee Improvement Program Development Impact Fee Ordinance and supporting resolution. Exhibit A to the attached resolution sets the fee rates consistent with the approved Nexus Study.

The context and background for including the purpose and reason for the Regional LDIF is further detailed within staff report for the approval of the Sutter Butte Basin Regional Levee Improvement Program Development Impact Fee Nexus Study.

To implement the fee, the Council will need to update its municipal code through the adoption of an ordinance and approve the associated fee rates. This action is in addition to approving a Nexus Study after conducting a public hearing and considering all public comments.

Fiscal Impacts: The creation of the Regional LDIF, as collected by the local land use agencies, is expected to generate approximately \$21 million to be used to partially fund the required improvements to the Sutter Butte Basin levee systems. Complete funding for the required improvements will require additional funding sources as described SBFCA's adopted Strategic Plan.

Recommendation: Conduct a public hearing, consider all information and public testimony and, if determined to be appropriate, Introduce and waive the First Reading of the presented fee ordinance and supporting resolution. Approval of both the Regional LDIF, and amendment to the City of Live Oak Municipal Code to incorporate the new fee, is based on the City making required findings pursuant to the Mitigation Fee Act (also known as "AB 1600," Government Code sections 66000, et seq.).

Attachments:

[Attachment_1_RLDIF_Adoption_Resolution](#)

[Attachment 1_EXHIBIT A - Resolution RLDIF Table](#)

[Attachment 2_CC Ordinance Amending LOMC RLDIF](#)

[Attachment 2_EXHIBIT A - City of Live Oak Chapter 15.51](#)

[Attachment 2_EXHIBIT B - 11201 SBFCA DIF Nexus Report 2023 0630](#)

**RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LIVE OAK ESTABLISHING THE SUTTER BUTTE BASIN
REGIONAL LEVEE IMPROVEMENT PROGRAM DEVELOPMENT IMPACT FEE**

WHEREAS, the Mitigation Fee Act (Act) (California Government Code Section 66000 et seq.) authorizes a local agency to impose impact fees as a condition of approval of development projects to help defray the costs of public infrastructure and facilities that will be needed to serve the proposed development; and

WHEREAS, the Sutter Butte Flood Control Agency ("SBFCA") has directed Larsen Wurzel & Associates, Inc. to prepare the Sutter Butte Basin Regional Levee Improvement Program Development Impact Fee dated June 30th, 2023 ("Nexus Study"); and

WHEREAS, The City Council of the City of Live Oak ("Council") has adopted a Resolution approving the Nexus Study; and

WHEREAS, Section 6602(a) of the Act, notice was published in the Appeal Democrat on November 3, 2023, providing 10 days' notification of the time and place for a public hearing to consider and adopt the Sutter Butte Basin Regional Levee Improvement Program Development Impact Fee ("Regional LDIF"). Notice of the hearing was also provided 10 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; and

WHEREAS, a public hearing was held on November 15th, 2023, at a regularly scheduled meeting of the City Council of the City of Live Oak to hear and consider the adoption of the Regional LDIF; and

WHEREAS, the development impact fee will fund levee improvements to provide 200-year level of protection in the urban (Northern) portion of the Sutter Butte Basin and 100-year level of protection in the rural (Southern) portion of the Basin while offsetting the increase in damageable property that will be placed in the levee-protected floodplain as new development occurs in the area.

WHEREAS, the Council has adopted an Ordinance amending the City of Live Oak Municipal Code, Title 15 Buildings and Construction, by the addition of a new Chapter 15.51 Sutter Butte Basin Regional Levee Improvement Program Development Impact Fee; and

WHEREAS, the Council has considered all information related to this matter, as presented at the public hearing of the Council identified herein, including any supporting reports by City Staff, and any information provided during public hearings.

NOW, THEREFORE BE IS RESOLVED, FOUND AND ORDERED by the Live Oak City Council as follows:

1. The Council hereby finds that the facts set forth in the recitals to this Resolution are true and correct and establishes the factual basis for the Council's adoption of this Resolution.
2. The Council based on substantial evidence in the administration record of proceedings and pursuant to its independent review and consideration, hereby establishes the Sutter Butte Basin Regional Levee Improvement Program Development Impact Fee hereto as Exhibit "A".

3. The Resolution shall take effect 60 days after adoption of the Ordinance amending Title 8 of the City of Live Oak Municipal Code

PASSED AND ADOPTED by the City Council of the City of Live Oak this 15th day of November, 2023, by the following vote:

AYES:

NOES:

ABSENT:

NOT VOTING:

APPROVED:

Bob Woten, Mayor

ATTEST:

Clarissa Menchaca, City Clerk

EXHIBIT “A”
REGIONAL LEVEE IMPROVEMENT PROGRAM DEVELOPMENT IMPACT FEE
(SUTTER BUTTE BASIN, 200-YEAR AND 100-YEAR FLOODPLAIN)

Land Use	Regional Fee Rates	
Single Family Residential	\$428	Per 1,000 Square Feet (1)
Multi-Family Residential	\$269	Per 1,000 Square Feet (1)
Commercial	\$436	Per 1,000 Square Feet (1)
Industrial	\$279	Per 1,000 Square Feet (1)

1) See the City of Live Oak Municipal Code Title 15 for calculation of Gross Developable Acreage (“GDA”).

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF LIVE OAK, STATE OF CALIFORNIA, AMENDING THE CITY OF LIVE OAK MUNICIPAL CODE, TITLE 15 BUILDINGS AND CONSTRUCTION, BY THE ADDITION OF A NEW CHAPTER 15.51, SUTTER BUTTE BASIN REGIONAL LEVEE IMPROVEMENT PROGRAM DEVELOPMENT IMPACT FEE

WHEREAS, on November 15, 2023, the City Council of the City of Live Oak ("Council") approved and adopted the Sutter Butte Basin Regional Levee Improvement Program Development Impact Fee Nexus Study ("Nexus Study") prepared by the Sutter Butte Flood Control Agency ("SBFCA") and dated June 30, 2023; and

WHEREAS, the Nexus Study dated June 30, 2023 has been reviewed and considered by the Council and by reference is hereby entered into the public record; and

WHEREAS, a notice of the public hearing on this Ordinance was published in the Appeal Democrat on November 3, 2023; and

WHEREAS, the findings required by the State of California Mitigation Fee Act (also known as "AB 1600," Government Code sections 66000, et seq.) are made by Council with this action as contained in the administrative record and hereby incorporated by reference herein; and

WHEREAS, the Council did use its independent judgment and considered all of said reports including but not limited to the Nexus Study, recommendations and other evidence in the administrative record, all of which is hereby incorporated by reference herein; and

WHEREAS, the council has considered all information related to this matter, as presented at the public hearing of the Council identified herein, including any supporting reports by City Staff, and any information provided during public meetings.

NOW, THEREFORE, the Live Oak City Council does ordain as follows:

1. Approval of Nexus Study and findings. The City Council of the City of Live Oak does hereby approve the Sutter Butte Basin Regional Levee Improvement Program Development Impact Fee Nexus Study report dated June 30, 2023 and attached as Exhibit "B" and incorporated herein by this reference, and Council hereby adopts this new fee based on findings required by the State of California Mitigation Act (also known as "AB 1600," Government Code Sections 66000, et seq.), specifically Council hereby makes all of the following finds:
 - I. The purposes of the Regional LDIF imposed by this Ordinance are necessary to fund design and construction of Levee System Improvements for the Sutter Butte Basin; collected fees may be used for no other purpose.
 - II. The geographic area in which the fees will be imposed is the urban (Northern) portion of the Sutter Butte Basin and the rural

(Southern) Portion of the Basin, as illustrated by the Regional LDIF Boundary Map within Exhibit "B."

- III. The estimated reasonable costs for providing the Levee System improvements are contained in the Nexus Study report.
 - IV. There is a reasonable relationship between the type of development projects on which the fee is imposed and the uses of the fees for off-site Levee system improvements.
 - V. There is a reasonable relationship between the amount of the fees and the cost of the specified public improvement attributable to the development projects on which the fee is imposed.
2. Approval of Fee. The City Council of the City of Live Oak, based on substantial evidence in the administrative record of proceedings and pursuant to its independent review and consideration, hereby establishes the Sutter Butte Basin Regional Levee Improvement Program Development Impact Fee.

The Council may take future action to make other revisions to these fees. These fees shall be in addition to any fees previously imposed by the City. These fees shall be paid at the time of building permit issuance and collected and administered consistent with Title 15 Buildings and Construction of the Municipal Code. These fees shall be effective sixty (60) days after the adoption of this Ordinance.
 3. Addition to the Municipal Code. Chapter 15.51 is added to Title 15 of the City of Live Oak Municipal Code to read as set forth in Exhibit "A", attached hereto and incorporated herein by reference.
 4. Publication. Within fifteen (15) days after its final passage, the City Clerk shall cause this ordinance to be published in full accordance with Section 36933 of the Government Code.
 5. Severability. If any section, subsection, sentence, clause, phrase, or portion of this ordinance is, for any reason, held to be invalid or unconstitutional by the decision of any court of 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 adopted this ordinance and each section, subsection, sentence, clause, phrase, or portion thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses, phrases, or portions thereof may be declared invalid or unconstitutional.
 6. Effective Date of Resolution. This ordinance shall take effect and be in full force and effect from and after thirty (60) days after its final passage and adoption.

Introduced and the first reading waived at a regular meeting of the City Council of the City of Live Oak on the 15th day of November, 2023, and passed and adopted after waiving the second reading at a regular meeting thereafter on the ____ day of _____, 2023, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAINED:

APPROVED:

Bob Woten, Mayor

ATTEST:

Clarissa Menchaca, City Clerk

APPROVED AS TO FORM:

Nicole Rosser, City Attorney

EXHIBIT “A”

AMENDING THE CITY OF LIVE OAK MUNICIPAL CODE, TITLE 15 BUILDINGS AND CONSTRUCTION, BY THE ADDITION OF A NEW CHAPTER 15.51 TO READ AS FOLLOWS:

Chapter 15: SUTTER BUTTE BASIN REGIONAL LEVEE IMPROVEMENT PROGRAM DEVELOPMENT IMPACT FEE.

Section 15-51.010. TITLE. This Chapter shall be known as the “Sutter Butte Basin Regional Levee Improvement Program Development Impact Fee” (Regional LDIF) regulation of the City of Live Oak. The City of Live Oak hereinafter shall be called “City.” This chapter shall be applicable in the incorporated territory of the City.

Section 15-51.020. OPERATIVE DATE. “Operative Date” of this chapter begins on the 60th day following the adoption of the ordinance codified in this chapter and continuing for 30 years thereafter at which time, unless operative date is amended prior to that date, the collection of the Impact Fee pursuant to chapter shall cease.

Section 15-51.030. PURPOSE. This chapter is adopted to impose a levee improvement development impact fee (Levee Fee) to ensure that new development within the Sutter Butte Basin portion of the City of Live Oak pays its proportionate share of the levee improvement costs needed to provide 200-year level of protection to the urban (Northern) portion of the Sutter Butte Basin and 100-year level of protection to the rural (Southern) portion of the Basin. This Levee Fee, in combination with other sources of funding described within the Regional LDIF Nexus Study dated June 30, 2023 (Nexus Study), will fund the Project to provide flood protection to the Sutter Butte Basin as detailed in the Nexus Study.

Section 15-51.040. FEE RATE. The Regional LDIF for the Sutter Butte Basin Levee System, based on the acreage of a project, is detailed within the Nexus Study.

Section 15-51.050. TOTAL SQUARE FOOTAGE OF DEVELOPMENT

- i. For New Development of Vacant Land. In the case where a New Development is being constructed on vacant land or land that has not previously been developed:

Residential Land Uses

- For all residential land uses, the fee is calculated proportionately to the square footage of the residential property. The total conditioned (habitable) square footage of the property is divided by 1,000 square feet to determine the total fee amount. Conditioned or habitable square footage is livable space within a residential property excluding basements, garages, garden sheds, greenhouses, storage sheds, and covered patios.

Nonresidential Land Uses

- For nonresidential land uses, the total square footage of building space is divided by 1,000 square feet to determine the total fee amount.

- ii. For Development of Land with Existing or Pre-Existing Structures or Replacement Structures.

Residential Land Uses

- For a residential expansion project in excess of 500 new habitable square feet, the incremental new square footage will be charged the fee on a 1,000 square foot basis.
- For residential replacement projects, if the project involves development of a new residential structure after the demolition of a pre-existing structure (regardless of the use of the pre-existing structure), and the new structure is larger than the demolished structure by 500 square feet or more, only the incremental new habitable square footage will be charged the fee per 1,000 square foot basis. The net new square footage in excess of 500 square feet will be determined by subtracting the documented habitable square footage of the previously existing structure from the new square footage.
- For residential expansion or replacement projects of less than 500 new square feet, no fee will be due.

Nonresidential Land Uses

- For nonresidential expansion projects of more than 500 new building square feet, the additional square footage will be charged the fee per 1,000 square foot basis.
- For nonresidential replacement projects, if the project involves development of a new nonresidential structure after the demolition of a pre-existing structure (regardless of the use of the pre-existing structure) and the new structure is larger than the demolished structure by 500 square feet or more, only the incremental new square footage will be charged the fee on a 1,000 square foot basis. The net new building square footage in excess of 500 square feet will be determined by subtracting the documented habitable square footage of the previously existing structure from the new square footage.
- For nonresidential expansion or replacement projects of less than 500 new building square feet, no fee will be due.

Section 15-51.060. EXEMPTIONS AND EXCLUSIONS.

The following land uses and/or development projects are exempt from the Regional Levee Fee:

1. Agricultural: Development projects on agricultural land including development of Rural Residential parcels greater than 5 Acres in size.
2. Additions to Pre-Existing Structures: Development projects that require a building permit and are not increasing the amount of new structure square footage are exempt from the fee if the project involves adding less than 500 new square feet. If the project

increases the structure by 500 square feet or more, only the incremental new square footage will be charged the fee on a proportionate basis.

3. Replacement due to Damage (with or without Addition): If the proposed project is an in-kind replacement to a previously existing structure because of fire damage or other natural disaster, the project will be exempt from the fee so long as the replacement does not increase the amount of new structure by more than 300 square feet. If the project increases the structure by more than 300 square feet, the incremental new square footage will be charged the fee on a proportionate basis.
4. Structures Raised Above the 200-Year Floodplain Elevation: Development projects with structures raised above the elevation of the 200-year flood as determined by the Land use agencies or structures removed from the 200-year floodplain by flood control improvements that meet the design standards applicable to the Federal-State flood control system as determined by the Land use agencies, shall be exempt from the fee. The "200-year flood" and "200-year floodplain" are determined without incorporating SBFCA's completed Feather River West Levee improvements.
5. Open Space: Any development project that takes place on open space land.
6. Public Agency Owned Land (including federal, state, and local agencies): Any development project located on land owned by a government agency and is to be used solely for public use.

Section 15-51.070. SEVERABILITY. If any provision of this chapter or the application thereof to any entity or circumstance is held invalid, the remainder of the chapter and the application of such provision to other entities or circumstances shall not be affected thereby.

Section 15-51.080. FEE REVENUE ACCOUNTING. The Levee Fee will be collected by the Yuba City Finance Department on behalf of the City of Live Oak in accordance with the Collection Agreement. All proceeds of the Levee Fee imposed under this chapter shall be placed in a separate fund established by Yuba City (the Flood Protection Improvement Fund). Separate and special accounts may be established in the Flood Protection Improvement Fund and used to account for collected revenues, along with any interest earnings. Except for temporary borrowing from one City fund to another, the revenue (and interest) shall be used only for the purposes for which the Flood Protection Improvement Fund was collected.

LARSEN WURZEL
& Associates, Inc.

2450 Venture Oaks Way, Suite 240
Sacramento, CA 95833

Sutter Butte Basin

Regional Levee Improvement Program Development Impact Fee

NEXUS STUDY

Adopted by _____ Ordinance No. _____
(Fee Effective Month _____, 2023)

Prepared for: Butte County, Sutter County, City of Biggs, City of Gridley,
City of Live Oak, and City of Yuba City
Prepared by: Larsen Wurzel & Associates, Inc.
Prepared on Behalf of: Sutter Butte Flood Control Agency (SBFCA)
June 30, 2023

RESOLUTION PLACEHOLDER

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Appendix B: Funding Sources Detail

Appendix C: Estimated Cost Allocation By Land Use Agency

LIST OF ABBREVIATIONS

2007 Nexus Study	Yuba City Impact Fee Justification Report
2010 SBFCA Assessment ER	SBFCA Assessment District Final Engineer's Report prepared by Parsons Brinckerhoff dated July 14, 2010
AB 602	Assembly Bill 602 (2021)
AB 1600	Assembly Bill 1600, Mitigation Fee Act
DWR	California Department of Water of Resources
CCI	Construction Cost Index
ENR	Engineering News-Record
FEMA	Federal Emergency Management Agency
FRWLP	Feather River West Levee Project
GDA	Gross Developable Acreage
JPA	Joint Powers Authority
Levee Fee	Yuba City flood protection development impact fee
LFMA	Local Flood Management Agency
LWA	Larsen Wurzel & Associates, Inc.
Member Land Use Agencies	Counties of Butte and Sutter and the Cities of Biggs, Girdley, Live Oak, and Yuba City (collectively)
Nexus Study	Sutter Butte Basin Regional Levee Improvement Program Development Impact Fee Nexus Study
Regional LDIF	Sutter Butte Basin Regional Levee Improvement Program Development Impact
SBFCA Board	SBFCA Board of Directors
USACE	U.S. Army Corp of Engineers

SUMMARY

Overview

Larsen Wurzel & Associates, Inc. (LWA) has prepared this Sutter Butte Basin Regional Levee Improvement Program Development Impact Fee (Regional LDIF) Nexus Study (Nexus Study) by request of the Sutter Butte Flood Control Agency (SBFCA) and on behalf of the Counties of Butte and Sutter and the Cities of Biggs, Girdley, Live Oak, and Yuba City (collectively, the Member Land Use Agencies). This Nexus Study has been prepared to support the adoption of a Regional LDIF by each of the Member Land Use Agencies.

Since October 2007, Yuba City has collected a flood protection development impact fee (Levee Fee) as part of its comprehensive capital facilities fee program. This fee applied to all of Yuba City as well as Yuba City's sphere of influence within Sutter County. In addition, Sutter County relied on the same impact fee justification (2007 Nexus Study) to collect the levee fee within Sutter County's jurisdiction in the Sutter Butte Basin.

SBFCA is supporting the implementation of an updated development impact fee program for the entire region because the facts and circumstances supporting Yuba City's 2007 Nexus Study have changed. This study includes the following updates relative to the 2007 Nexus Study:

- A detailed update of the planned development in all jurisdictions within the boundaries of SBFCA;
- The full scope of SBFCA's levee improvement program; and,
- Recognition of SBFCA's current Assessment District and the funding provided through this mechanism.

It is intended that the Regional LDIF be collected throughout the entire Sutter Butte Basin. This Nexus Study provides the basis for a Regional LDIF to ensure that new development pays its proportionate share of the levee improvements that are being advanced by SBFCA to provide protection to the entire Sutter Butte Basin. It is expected that this Nexus Study and a Regional LDIF will be adopted by each of the Land Use Agencies.

SBFCA Background

SBFCA was formed in 2007 for the purpose of consolidating efforts of several agencies and communities with flood management responsibilities and implementing locally led flood protection projects. SBFCA is a joint powers authority (JPA) composed of the Counties of Butte and Sutter and the Cities of Biggs, Gridley, Live Oak, and Yuba City, and Levee Districts 1 and 9. Among SBFCA's member agencies, the cities and counties bear the responsibility for making key land use decisions and managing the floodplain. The member levee districts are responsible for the operation and maintenance of flood control facilities within their jurisdiction, including levees and appurtenant structures.

The SBFCA Board of Directors (SBFCA Board) is composed of 13 regular members, each of whom is an elected representative of a SBFCA member Agency. The SBFCA Board is the sole authorizing body for all SBFCA operations and actions. All SBFCA programs, projects, funding, financing, and policy decisions are approved by the SBFCA Board.

As provided for in the SBFCA JPA, SBFCA may exercise a broad suite of powers within its jurisdictional boundaries, including, but not limited to:

1. Plan and implement the ways and means to control flood waters within SBFCA boundaries.
2. Enter into contracts.
3. Evaluate, rehabilitate, reconstruct, repair, replace, improve, or add to the facilities of the State Plan of Flood Control in the Central Valley.
4. Acquire, develop, control, construct, manage, maintain, improve, operate, repair, and replace flood control facilities within the SBFCA boundaries.
5. Enter into agreements with any agency/department of the United States of America, the State of California, or any other governmental agency to provide funding necessary for SBFCA projects and programs.
6. Acquire property, by eminent domain or otherwise, and to hold and dispose of property necessary for SBFCA projects and programs.
7. Incur debts, liabilities, or obligations.
8. Levy and collect special benefits assessments, special capital assessments, and issue revenue bonds.
9. Impose and collect property-related fees, special taxes, and general taxes.
10. Prescribe, revise, and collect fees as a condition of land development.
11. Apply for, accept, and receive Federal, State, or local licenses, permits, grants, loans or other aid from any agency of the United States of America or the State of California.

A benefit assessment district, compliant with California Proposition 218, was created in 2010 to fund specific SBFCA operations, projects, and programs. SBFCA has also sought and received grant funding through a variety of sources (primarily from State of California grant programs). These funding agreements were executed following the formation of the JPA and Assessment District.

The SBFCA adopted Strategic Plan, dated April 2018, formulates and articulates a vision for flood management within the Basin and describes an approach to achieve that vision. The plan is updated every five years, or more often if warranted. It describes the accomplishments planned for the subsequent 10 years and who will be involved in accomplishing the goals and objectives identified. The Strategic Plan was intended to be implemented and referenced by the SBFCA Board, staff, consultants, and member and partner agencies. It informs and promotes alignment among the interested public, the State of California (Executive and Legislative branches), and involved flood managers at Federal, State, and local levels.

The Regional LDIF, when coupled with the SBFCA Assessment District and grant funds, generates the funding necessary to implement the SBFCA adopted Strategic Plan.

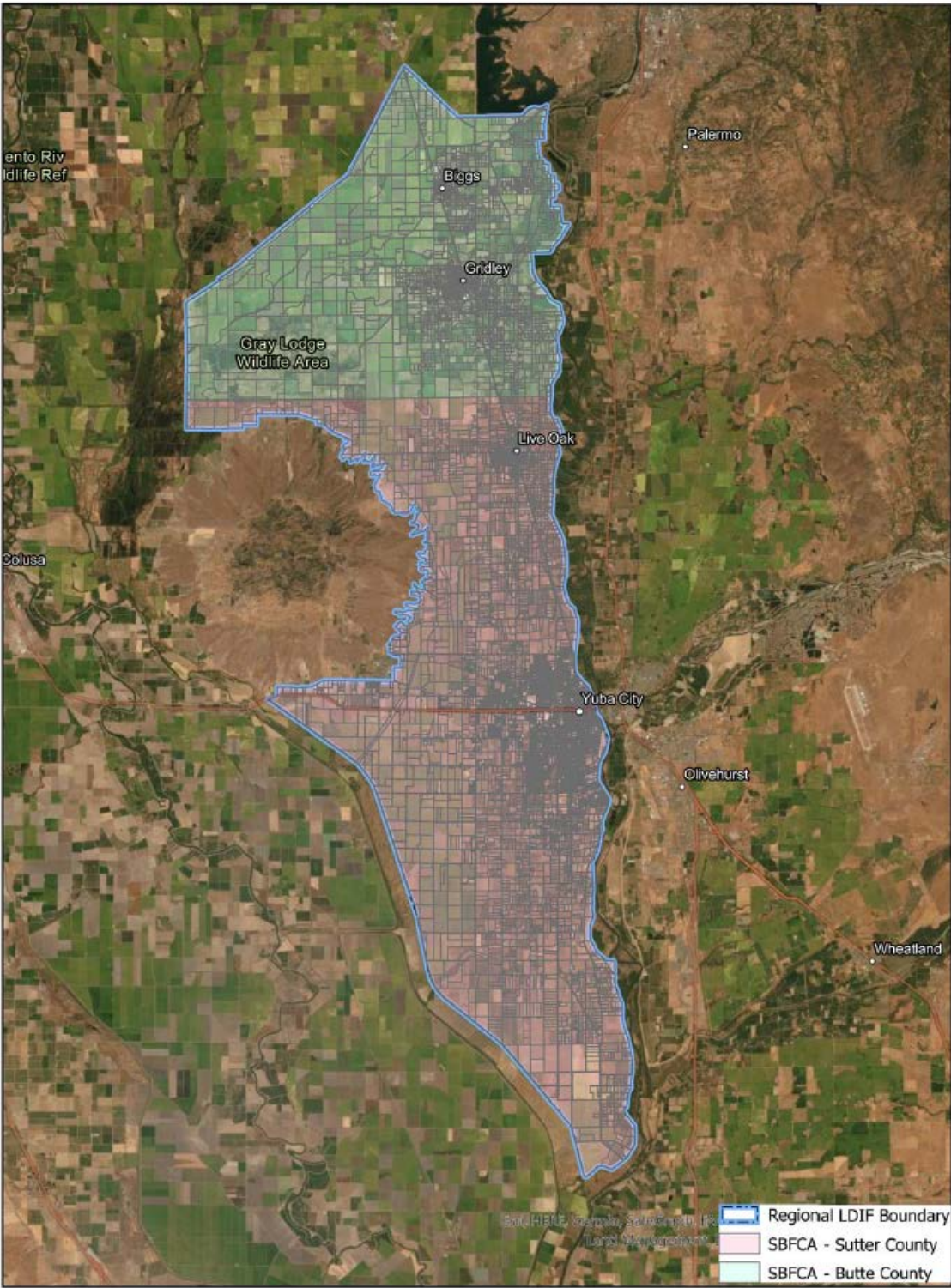
Regional Fee

This study is being prepared for SBFCA, the Local Flood Management Agency (LFMA) responsible for planning, implementing, funding, and financing the levee improvement program for the Sutter Butte Basin. This study is being prepared as a regional fee with the intent that each Member Land Use Agency will individually approve

the Nexus Study, adopt the Regional LDIF, and collect and remit fees to SBFCA. **Figure 1** shows the Regional LDIF Boundary.

While some portions of the Sutter Butte Basin levee improvement program have been completed, other portions must still be completed to provide the entire Sutter Butte Basin with the reduced flood risk described in the 2007 Nexus Study. At the time of the 2007 Nexus Study, and as late as the approval of SBFCA's Assessment District in 2010, it was expected that improvements in the southern portion of the Basin would be completed by either the U.S. Army Corp of Engineers (USACE) or California Department of Water of Resources (DWR). Because of this, assessments collected from all properties, including those in the southern portion of the Basin, were utilized to advance construction throughout the entire reach of the Feather River West Levee Project, benefitting all properties within the Basin. Since the adoption of the 2010 Assessment, it has become clear to SBFCA that DWR will not be leading the improvements benefitting the southern portion of the Basin as had been expected. Development projects in the northern portion of the Basin that benefit from the improvements advanced by revenues from the entire Basin must now generate additional funding so that the remainder of improvements can be completed for the benefit of the entire Sutter Butte Basin.

Figure 1: Regional Levee Development Impact Fee Boundary



Authority and Procedures

Assembly Bill No. 1600: Mitigation Fee Act (1987)

This Nexus Study has been prepared to assist with the establishment of a Regional LDIF program in accordance with the provisions of Assembly Bill No. 1600, also known as the Mitigation Fee Act (AB 1600), as codified in Government Code §66000 *et. seq.* AB 1600 sets forth the procedural requirements for establishing and collecting development impact fees. These procedures require that “a reasonable relationship,” or nexus, must exist between a governmental exaction and the purpose of the condition. This Nexus Study documents that a reasonable relationship exists between the development impact fee to be levied on each land use category and the cost of facility improvements.

Nexus Study requirements include:

1. Identifying the purpose of the fee.
2. Identifying how the fee is to be used.
3. Determining how a reasonable relationship exists between the fee’s use and the type of development project on which the fee is imposed.
4. Determining how a reasonable relationship exists between the need for the public facility and the type of development project on which the fee is imposed.
5. Demonstrating a reasonable relationship between the amount of the fee and the cost of the public facility attributable to the development on which the fee is imposed.

AB 1600 Requirement 1: Purpose of Fee

The Regional LDIF will provide funding for levee improvements to provide 200-year protection to the urban portion of the Sutter Butte Basin and 100-year protection to the remainder of the basin.

AB 1600 Requirement 2: Use of the Fee

The Regional LDIF will fund repairs, rehabilitations, and improvements including those beyond what is able to be completed solely with funding from the SBFCA Assessment District and State Grants to date. The Regional LDIF will fund:

- Improvements to the Feather River West Levee System including:
 - Star Bend Setback Levee constructed by Levee District 1¹
 - Feather River West Levee Project (FRWLP) Phase 1
 - Gridley Bridge Erosion Repairs
 - Laurel Avenue Flood System Repair Project
 - Federal Sutter Basin Feasibility Study and Increment Constructed by the US Army Corps of Engineers (local sponsor costs only)
 - Feather River West Levee repairs to Reaches 14 through 16

¹ The scope and costs of the Star Bend Setback Levee includes only the local share funded by SBFCA.

- Lower Feather River Repairs (remaining repairs between Highway 99 and the Sutter Bypass East Levee)
- Sutter Bypass East Levee Project Phases 1 through 3 (from Wadsworth Canal downstream to Feather River confluence)
 - Includes critical repairs for 3 sub-reaches within Phase 1
- Urban Levee Design Criteria Compliance Projects
 - Ongoing certification reporting and compliance for a period of 30 years consistent with the term of projections of development within a Nexus Study
 - ULDC Compliance projects required to maintain an Urban Level of Protection

All of the costs of the above projects/scope of work are included in the Regional LDIF and all local funding (SBFCA's Benefit Assessment) and non-local funding (State Grants) that offset these costs are reflected in this Nexus Study. The net remaining costs are the basis for a Regional LDIF.

As previously noted, this Nexus Study provides the required findings needed to impose a development impact fee pursuant to AB 1600. AB 1600 requires that the fee be calculated by spreading the costs among the anticipated future development in proportion to the impact that development has on the services provided. The 2007 Levee Fee was imposed and collected by Yuba City as a condition of new development's approval only within a portion of the Sutter Butte Basin. SBFCA has prepared this fee study to be collected on a regional basis and requests that all of the member land use agencies collect the fee on its behalf.

To determine costs associated with the Project and the planned development upon which to allocate the costs, a 30-year planning horizon has been assumed and is generally consistent with the remaining time horizons of each of the member land use agencies' General Plans.

AB 1600 Requirement 3: Relationship Between Use of Fees and Type of Development

Development of Residential, Commercial, and Industrial land uses within the Sutter Butte Basin require improved flood control and flood protection services to protect use and life.

Flood risk has two aspects: the probability of flooding and the consequences that follow. An area could have a high probability of flooding, but minimal consequences because it is vacant and contains no infrastructure or people. In this case, flood risk would be considered low. Conversely, a highly urbanized community that has a moderate or low probability of flooding would be considered high risk because of the greater consequences of a flood in that location (i.e., loss of life, livelihood, property, health, and human suffering). There are several ways to quantify flood risk including examining the risk of loss of life and risk of loss to property. The risk of loss to property can be expressed and quantified in terms of Expected Annual Damage (EAD). This Nexus Study uses EAD as a proxy for flood risk. EAD is the product of the probability of flooding (percent chance in any given year) and consequences (dollars of damage as a result of flooding). Without mitigation, additional development increases the EAD by increasing developed property at risk. To protect life and property, it is important for the LFMA to maintain a high level of service (in terms of maintaining low flood risk) within the Sutter Butte Basin as development increases. To maintain the current level of EAD and

reduce the level of flood risk to offset increased EAD, the LFMA must improve the flood protection facilities as development occurs.

Each development project will add to the necessity of flood protection due to the increased EAD because of that development. Additionally, each development project will benefit from the levee infrastructure already in place at the time of development. For the new development described in this Nexus Study to occur in the Sutter Butte Basin, levee improvements that reduce the probability of flooding are necessary.

AB 1600 Requirement 4: Relationship Between Need for Facility and Type of Development

As stated under **Requirement 3**, development of Residential, Commercial, and Industrial land uses within the Sutter Butte Basin require improved flood control and flood protection services to protect use and life.

Each development project will add to the necessity of flood protection due to the increased EAD as a result of that development. Additionally, each development project will benefit from the levee infrastructure already in place at the time of development. For the new development described in this Nexus Study to occur in the Sutter Butte Basin, levee improvements that reduce the probability of flooding are necessary.

AB 1600 Requirement 5: Relationship Between Amount of Fees and Cost of Facility

This study includes the following components:

1. A determination of the amount of planned development upon which the costs of the fee funded facilities will be allocated.
2. The identification of costs associated with each improvement, facility, or program funded by the fee.
3. The development of a standard metric by which to proportionately allocate the costs of the facilities between land use categories.
4. A determination of the fee cost per acre for each land use category.
5. A determination of the fee per unit by land use category.
6. A discussion of how the program will be administered by the Land Use Agency.

The Regional LDIF is calculated on a gross developable acreage (GDA) basis then converted to a per unit fee. The fee will be collected on a per unit basis for all types of development. For Single and Multi-Family Residential, a unit is a single dwelling unit. For Commercial and Industrial, a unit is 1,000 square feet of building. All development projects requiring a building permit within the Sutter Butte Basin will be categorized into one of the three development type categories and will be subject to the fee. At the option of each Land Use Agency, the fee may be calculated and collected either prior to issuance of a building permit or prior to issuance of a certificate of occupancy. The Fee will be charged at the then current rate at the time of calculation and collection. The details of the calculation and collection of the fee are further described within the **Fee Program Administration** section of this Nexus Study.

Table S-1 provides a summary of the proposed initial fee rates per 1,000 square foot through Fiscal Year 2022/2023.

Assembly Bill No. 602 (2021)**Level of Service Identification Requirements**

This Nexus Study has also been prepared in accordance with the provisions of Assembly Bill 602 (2021) (AB 602) as codified in Government Code § 65940.1, 66016.5, and 66019 and Health and Safety Code § 50466.5. AB 602 sets forth additional procedural requirements for the preparation of a Nexus Study and the adoption of a development impact fee. As it relates to the identification of level of service the following must be identified and provided:

1. The existing level of service;
2. The new level of service; and
3. An explanation of why the new level of service is appropriate.

AB 602 Requirement 1: Existing Level of Service

Segments of the Feather River levees do not provide adequate protection against 100-year flood flows and could cause the Sutter Butte Basin to fall into higher-risk Federal Emergency Management Agency (FEMA) flood zones. Ultimately this would result in FEMA requiring flood insurance on properties with a federally insured mortgage and issuing increased flood insurance rates accordingly. Many private lenders may also require flood insurance based on FEMA's requirement. As discussed in the **Regional Fee** section above, some portions of the Sutter Butte Basin levee improvement program have been completed, while other portions must still be completed to provide the entire Sutter Butte Basin with the reduced flood risk described in the 2007 Nexus Study. Since the 2007 Nexus Study, it has become clear to SBFCA that DWR will not be leading the improvements benefiting the southern portion of the Basin as had been expected. Development projects in the northern portion of the Basin that benefit from the improvements advanced by revenues from the entire Basin must now generate additional funding so that the remainder of improvements can be completed for the benefit of the entire Sutter Butte Basin.

AB 602 Requirement 2: New Level of Service

The Regional LDIF, in combination with other funding sources, will provide funding for levee improvements to provide the urban portion of the Sutter Butte Basin protection against 200-year flood flows within the Feather River and protection against 100-year flood flows within the Feather River for the remainder of the basin.

AB 602 Requirement 3: Explanation of Why the New Level of Service is Appropriate

Without the levee improvements, the Sutter Butte Basin would not be protected from 100-year or 200-year flood flows within the Feather River. This would result in increased risk of loss of use and life safety and may ultimately lead to the requirement of flood insurance as well increases to the FEMA flood insurance rates.

Housing Development Square Footage Basis Exemption Findings

AB 602 requires that the calculation of the fee on a housing development project be proportionate to the square footage of the proposed units of the development. This Nexus Study complies with the housing development square footage basis requirement.

Table S-1
SBFCA Regional Levee Development Impact Fee Program
Summary of Initial Fee Rates per 1,000 Sq Ft by Land Use Category

Land Use	Cost Share	Admin Fee	Fee Rate Per 1,000 Sq Ft [1]
	Table 8	3%	
Single Family	\$416	\$12	\$428
Multi-Family	\$261	\$8	\$269
Commercial	\$424	\$13	\$436
Industrial	\$271	\$8	\$279

[1] These initial Fee Rates are effective upon adoption through the end of FY 2022/2023 after which annual Fee escalation, as described in the Nexus Study, will be applied starting July 1, 2023. Rounded to the nearest whole dollar.

Procedural Requirements

The Member Land Use Agencies intend to adopt the Regional LDIF pursuant to the procedural requirements of both AB 1600 and AB 602. The procedures include the following:

- **Conduct a Noticed Public Hearing to Adopt the Nexus Study:** Each Member Land Use Agency shall conduct a noticed Public Hearing, to adopt this Nexus Study, at which oral or written presentations can be made, this may be part of a regularly scheduled meeting or a special meeting. This public hearing shall be noticed at least 30 days prior in accordance with Government Code § 66016.5(a)(7).
- **Conduct a Noticed Public Hearing to Adopt the Development Impact Fee:** Each Member Land Use Agency shall conduct a noticed Public Hearing, to adopt the development fee associated with this Nexus Study, at which oral or written presentations can be made, as part of a regularly scheduled meeting. This public hearing shall be noticed by publication at least 10 days prior in accordance with Government Code § 6062(a). In addition, notice of the time and place of the meeting, including a general explanation of the matter to be considered, and a statement that any data required by Government Code § 66016(a) is available, shall be mailed at least 14 days prior to the meeting to any interested party who files a written request with the Local Agency for mailed notice of meetings on new or increased fees or service charges.
- **Provide Public Information:** Each Member Land Use Agency shall provide public information, at least 10 days prior to their Public Hearing, including available public data indicating the amount of estimated costs required to provide the service for which the fee is to be levied.
- **Adopt a Resolution or Ordinance:** AB 1600 requires that any action by a local agency to levy a new fee or service charge or to approve an increase in an existing fee or service charge shall be taken only by ordinance or resolution.

Note that Government Code § 66017 states that fees adopted pursuant to the provisions of Government Code § 66016 (those outlined above) are effective no sooner than 60 days after final action on the adoption of the new fee or increase to an existing fee.

LAND USE CATEGORIES & NEW DEVELOPMENT

Land Use Categories

AB 1600 sets forth standards by which monetary exactions on development projects are measured. The need for a public facility must be reasonably related to the level of service required, which varies in proportion to a particular land use type.

The following is a list of the land use type categories utilized for the purpose of this Regional LDIF:

- **Single-Family Residential:** Includes structures that are single-family dwellings and duplexes. Half-plexes, rural homes, and mobile homes requiring a build permit are included in this category.
- **Multi-Family Residential:** Includes structures that are occupied by three or more families living independently of each other, under one roof. This category includes condominiums, triplexes, four-plexes, apartment complexes.
- **Commercial:** Includes offices, retail facilities, hotels, motels, restaurants, service stations and car washes, medical and dental offices, banks, and any other development typically serving and open to the general public.
- **Industrial:** Includes development occupied by manufacturing, warehouses, processing plants, heavy and light industry, lumberyards, storage, bulk plants, truck transfer terminals, and any other development typically serving the manufacturing, storage, or processing industries.

Further details with respect to the specifics of each land use category are discussed within the **Fee Program Implementation** and **Fee Program Administration** sections of this Nexus Study.

Sutter Butte Basin Land Uses

A central principle to determining a development impact fee is to consider the amount of anticipated future growth over the time horizon of the proposed program. In this case, the scope of facilities needed to provide enhanced flood protection within the Sutter Butte Basin are not necessarily functionally related to the amount of planned or existing development. The new facilities will provide a benefit to existing development. As described above, this Regional LDIF program is one of several sources of funding needed to construct the improvements. The facilities funded by this fee need not be allocated to existing development as a separate funding mechanism will cover the benefit received and service provided to existing development.

This fee only applies to planned development within the Sutter Butte Basin that benefits from the facilities providing reduced flood risk. For the purposes of determining the allocation base for the fee, planned development is all development that has been identified by the land use jurisdictions and is expected to obtain a building permit after the implementation of this fee program.

Planned New Development

Planned new development within Sutter Butte Basin was estimated based on extensive research and coordination with the Counties of Butte and Sutter and the Cities of Biggs, Gridley, Live Oak, and Yuba City.

The details of the planned development estimated over the 30-year horizon of the fee program are documented in **Appendix A. Table 1** provides a summary of planned new development by land use that is subject to the fee for the duration of the fee program. This table provides the total GDA by land use category as well as the total number of Single-Family and Multi-Family units and 1,000 building square feet for Commercial and Industrial development throughout the entire basin. The calculation of units and 1,000 square feet per acre is reflective of development throughout the basin and not specific to any individual Land Use Agency.

Table 1
SBFCA Regional Levee Development Impact Fee Program
Planned Development Summary

Land Use	Gross Developable Acreage (GDA)	1,000 Building Sq Ft	1,000 Sq Ft Per Acre [1]
Reference	Table A-1	Table A-2	
	A	B	C = B / A
Single-Family	3,612	35,235	9.75
Multi-Family	786	8,983	11.42
Commercial	736	6,504	8.84
Industrial	427	5,792	13.57
Total	5,561		

CAPITAL IMPROVEMENTS AND PROJECTS

Capital Costs Allocable to Planned Development

As described above and within the SBFCA Assessment District Final Engineer's Report prepared by Parsons Brinckerhoff dated July 14, 2010 (2010 SBFCA Assessment ER), a series of improvements are needed to ensure that the levee system provides 200-year flood protection to the northern urban portion of the Sutter Butte Basin and 100-Year flood protection to the southern rural portion of the basin. A detailed cost estimate and financing plan has been prepared by SBFCA to demonstrate how the LFMA intends to generate the funds needed to implement its levee improvement program.

The Regional LDIF will fund repairs, rehabilitations, and improvements including those beyond what is able to be completed solely with funding from the SBFCA Assessment District and State Grants to date. The Regional LDIF will fund:

- Improvements to the Feather River West Levee System including:
 - Star Bend Setback Levee constructed by Levee District 1²
 - Feather River West Levee Project Phase 1
 - Gridley Bridge Erosion Repairs
 - Laurel Avenue Flood System Repair Project
 - Federal Sutter Basin Feasibility Study and Increment Constructed by the US Army Corps of Engineers (local sponsor costs only)
 - Feather River West Levee repairs to Reaches 14 through 16
 - Lower Feather River Repairs (remaining repairs between Highway 99 and the Sutter Bypass East Levee)
- Sutter Bypass East Levee Project Phases 1 through 3 (from Wadsworth Canal downstream to Feather River confluence)
 - Includes critical repairs for 3 sub-reaches within Phase 1
- Urban Levee Design Criteria Compliance Projects
 - Ongoing certification reporting and compliance for a period of 30 years consistent with the term of projections of development within a Nexus Study
 - ULDC Compliance projects required to maintain an Urban Level of Protection

All of the costs of the above projects/scope of work are included in the Regional LDIF and all local (SBFCA Assessment) and non-local funding (State Grants) that offset these costs are reflected in this Nexus Study. The net remaining costs are the basis for a Regional LDIF.

The Regional LDIF will be only levied on Planned Development within the Sutter Butte Basin. This means that the portion of the costs allocable to existing development, will not be raised through this fee program. The

² The scope and costs of the Star Bend Setback Levee includes only the local share funded by SBFCA.

LFMA will use other local sources (SBFCA Assessment) and non-local (State Grants) to fund the balance of the costs not raised through this fee program.

Summary of Capital Improvements Funded by the Development Impact Fee

The actual costs incurred and estimated costs for the levee improvements are shown in **Table 2**. All estimated costs are in 2021 dollars. **Appendix B** provides details of State Grants and available SBFCA Assessment revenues. The total cost of capital improvements funded is approximately \$625.2 million in 2021 dollars. Other sources of funding are estimated to contribute approximately \$603.9 million which fund existing development's portion of the costs of the levee improvements. The estimated remaining \$21.3 million will be funded by Planned Development through this Regional LDIF program. This amount is used as the basis for calculating the Regional LDIF.

Table 2
SBFCA Regional Levee Development Impact Fee Program
Costs of Flood Control Capital Projects Covered by the Fee

Item	Total Cost
Program Expenditures	
Feather River West Levee Project Ph 1 & 2	
Star Bend Project Payments (to LD1)	\$2,222,242
Feather River West Levee Phase 1 (EIP / UFRR Project)	\$322,332,310
Gridley Bridge Erosion Repair	\$503,101
Laurel Avenue FSRP	\$11,102,697
Federal Project Feasibility Study & Construction (Local Share)	\$13,088,821
Reaches 14 to 16 Repairs	\$29,479,200
Lower Feather River Remainder Phase 2	\$20,000,000
Sutter Bypass Improvements	
Small Community Studies	\$999,969
Critical Repair Projects	\$30,000,000
Full Repair	\$190,000,000
ULDC Compliance Projects	
	\$5,500,000
<i>Subtotal Program Expenditures</i>	<i>\$625,228,341</i>
Program Revenues	
Non-Local Funding Sources [2]	\$473,768,575
Local Funding Sources [3]	\$130,146,977
<i>Subtotal Program Revenues</i>	<i>\$603,915,552</i>
Total Cost Funded by the Levee Fee	\$21,312,789

Source: SBFCA Budget

[1] Assumed 30-year timeframe at \$500,000 every 5 years.

[2] See Table B-1 for all grant funded sources.

[3] See Table B-2 for all available SBFCA assessment revenues and bond sale proceeds.

REGIONAL LDIF METHODOLOGY

In accordance with AB 1600, a calculation of development impact fees must be accompanied by an analysis with enough detail to justify that a thorough consideration was applied in the process of determining how the fee relates to the impacts from new development. Findings must ensure that a reasonable relationship exists between the proposed fee and the development upon which it will be levied. This section describes the methodology utilized in this report in accordance with the requirements of AB 1600.

The fee methodology utilized here includes the following steps:

1. Qualitatively determine and describe the land use categories utilized as the basis for the fee.
2. Quantify the projected growth within the benefiting area in each of the land use categories in terms of GDA.
3. Describe and estimate the capital improvement costs and their applicability to planned new development.
4. Estimate the total building footprint square feet in each land use category and the resulting damageable square feet of structure per acre for each land use category.
5. Use the estimated damageable square feet per acre, an assumed relative structure value per structure type, and the assumed flood damage percentage to estimate the average structure damage per acre per structure type.
6. Use an estimated relative land value per land use category and assumed flood damage percentage to estimate an average land damage per acre per land use category.
7. Use the estimated structure and land damages to determine an estimated total damage per acre per land use category.
8. Apply a Loss of Use and Life Safety Factor to adjust the total damage per acre to determine an adjusted damage per acre per land use category.
9. Determine a relative Flood Damage Index by relating the adjusted damage per acre for each land use category to that of the adjusted damage per acre for the Single-Family Residential land use category.
10. Utilize the Flood Damage index to determine the adjusted equivalent acreage which represents a weighted amount of planned development acreage by land use type within the Sutter Butte Basin.
11. Proportionately allocate the capital improvement costs to each land use category based upon the adjusted equivalent acreage.
12. Determine the cost per GDA by dividing the allocated costs by the GDA of each land use category.
13. Add to each cost per acre the costs of administration of the fee program.
14. Convert the per GDA fee to a per unit fee using assumed density and FAR data to determine the fee amount per unit per land use category to be collected by the land use agencies.

Cost Allocation and Calculation

The purpose of allocating the capital improvements costs among the various land uses is to provide an equitable method of funding the required improvements. The key to the cost apportionment of capital improvements to different land use types is the assumption that the benefits derived from the facilities are

related to land use type and that such benefits can be stated in relative terms. Only by relating the benefit received from the facilities and the services they provide to land use types can a reasonable nexus, or relationship, be established for the apportionment of costs to that land use.

Since the nature of the improvements in this Nexus Study relate to reducing the flood risk in the Sutter Butte Basin, the equivalency factor determined in Step 9 above is the Flood Damage Index. The Flood Damage Index is a relative factor that relates the adjusted property damages by land use to the property damage of an acre of Single-Family development. The greater the index value, the greater the impact in terms of property damage and loss of use and life associated with a possible flood. An index value closer to zero would indicate lower damage costs and loss of use and life associated with a flood. Given these facts, utilizing the Flood Damage Index as described above is a reasonable method to allocate costs proportionately based on land use.

The following describes the series of tables that calculate the Regional LDIF using the method described above.

Using the estimated total building square feet and the assumed average building stories, **Table 3** determines the estimated building footprint square feet and the associated damageable square feet of structure per acre.

After calculating the damageable square feet of structure per acre for each land use category, the value is then multiplied by the relative structure value per square foot and the assumed flood damage percentage to find the average structure damage per GDA, as shown in **Table 4**. The relative structure value and assumed flood damage percentage are based upon the 2010 SBFCA Assessment ER. **Table 5** uses the relative land value per acre and assumed flood damage percentage based upon the 2010 SBFCA Assessment ER to calculate the average land damage per acre.

By summing the average structure damage and average land damage per GDA values determined in **Table 4** and **Table 5**, a total damage per GDA can be determined. The total damage is then adjusted by a Loss of Use and Life Safety Factor, a factor determined by how many hours per day individuals occupy structures in each land use category. This factor is multiplied by the total damage per acre to determine an adjusted damage per acre. The adjusted damage per acre amount is then used to find the Flood Damage Index or equivalency factor, as illustrated in **Table 6**.

The Flood Damage Index from **Table 6** is used to determine an adjusted equivalent acreage. This amount is used to allocate the local cost to each land use category on a proportional adjusted equivalent acreage basis for each land use category. The allocated cost is then divided by the total GDA in each land use category to find the cost share per GDA as shown in **Table 7**.

Table 8 shows the allocated costs per GDA of the fee and the Administrative Fee of 3% to determine the total fee amount on a per GDA basis for each land use type. **Table 8** then calculates the Cost Share, Administrative Fee, and Fee Rate on a per unit or 1,000 building square feet basis based on the density of planned development shown in **Table 1**.

Appendix C shows the estimated allocated cost per unit for Residential and the estimated cost per 1,000 square feet for Non-Residential development by each Land Use Agency.

Table 3
SBFCA Regional Levee Development Impact Fee Program
Damageable Square Feet of Structure Per GDA

Land Use	Gross Developable Acreage (GDA)	1,000 Square Feet [1]	Estimated Total Building Sq Ft	Assumed Average Building Stories	Estimated Building Footprint Sq Ft	Damageable Structure Sq Ft per GDA
Reference	Table A-1	Table A-2				
	A	B	C = B*1,000	D	E = C/D	F = E/A
Single-Family [2]	3,612	35,235	35,234,973	1.17	30,201,406	8,361
Multi-Family [3]	786	8,983	8,983,350	2.00	4,491,675	5,711
Commercial	736	6,504	6,503,853	1.00	6,503,853	8,835
Industrial	427	5,792	5,792,371	1.00	5,792,371	13,572
Total	5,561		56,514,548		46,989,305	

[1] Single-Family and Multi-Family shown in units; Commerical and Industrial shown in 1,000s of square feet.

[2] Assumes average 2,100 square foot units (all stories) and 1,800 square foot single story units, thus imputing an assumed average number of stories per building.

[3] Assumes average 900 square feet units.

Table 4
SBFCA Regional Levee Development Impact Fee Program
Relative Structure Damage Per GDA

Land Use	Relative Structure Value Per Sq Ft	Damageable Structure Sq Ft per GDA	Assumed Flood Damage Percentage	Average Structure Damage Per GDA
Reference		Table 3		
	A	B	C	D = A*B*C
Single-Family [1]	\$60	8,361	35%	\$175,589
Multi-Family [1]	\$60	5,711	35%	\$119,939
Commercial	\$70	8,835	81%	\$500,949
Industrial	\$50	13,572	77%	\$522,520

Source: SBFCA Assessment Final Engineer's Report date July 14, 2010

[1] The Sutter Butte Flood Control Agency Engineer's Report does not distinguish Single-Family from Multi-Family in the Residential land use category therefore the same relative structure value and flood damage percentage were utilized for both land uses.

Table 5
SBFCA Regional Levee Development Impact Fee Program
Relative Land Damage per GDA

Land Use	Relative Land Value Per GDA	Assumed Flood Damage Percentage	Relative Land Damage Per GDA
	A	B	C = A*B
Single-Family	\$251,000	10%	\$25,100
Multi-Family	\$278,000	10%	\$27,800
Commercial	\$554,000	10%	\$55,400
Industrial	\$233,000	10%	\$23,300

Source: SBFCA Assessment Final Engineer's Report date July 14, 2010

Table 6
SBFCA Regional Levee Development Impact Fee Program
Relative Flood Damage Index

Land Use	Average Structure Value Damage Per Acre	Average Land Value Damage Per Acre	Total Damage Per Acre	Loss of Use & Life Safety Factor [1]	Adjusted Total Damage Per Acre	Relative Flood Damage Index
Reference	Table 4	Table 5				
	A	B	C = A+B	D	E = C*D	F = E/\$602,066
Single-Family	\$175,589	\$25,100	\$200,689	3.00	\$602,066	1.00
Multi-Family	\$119,939	\$27,800	\$147,739	3.00	\$443,218	0.74
Commercial	\$500,949	\$55,400	\$556,349	1.00	\$556,349	0.92
Industrial	\$522,520	\$23,300	\$545,820	1.00	\$545,820	0.91

[1] A ratio of 3:1 based on 24 hours of use for Residential and 8 hours of use for Commerical and Industrial.

Table 7
SBFCA Regional Levee Development Impact Fee Program
Apportionment of Costs Per GDA

Land Use	Gross Developable Acreage	Flood Damage Index	Adjusted Equivalent Acreage	Local Cost Share Percentage	Local Cost Share	Cost Share per GDA
Reference	Table 1	Table 6			Table 2	
	A	B	C = A*B	D = C/5,258	E = D*\$21,312,789	F = E/A
Single-Family	3,612	1.00	3,612	68.7%	\$14,640,612	\$4,053
Multi-Family	786	0.74	579	11.0%	\$2,346,651	\$2,984
Commercial	736	0.92	680	12.9%	\$2,757,228	\$3,746
Industrial	427	0.91	387	7.4%	\$1,568,299	\$3,675
Total	5,561		5,258	100%	\$21,312,789	

Table 8
SBFCA Regional Levee Development Impact Fee Program
Development Fee Rate Summary

Land Use	Per GDA			1,000 Sq Ft Per Acre	Per 1,000 Square Feet		
	Cost Share	Admin Fee	Fee Rate		Cost Share	Admin Fee	Fee Rate
Reference	Table 7	3%		Table 1			
	A	B = A * 3%	C = A+B	D	E = A/D	F = B/D	G = C/D
Single-Family	\$4,053	\$122	\$4,175	9.75	\$416	\$12	\$428
Multi-Family	\$2,984	\$90	\$3,073	11.42	\$261	\$8	\$269
Commercial	\$3,746	\$112	\$3,858	8.84	\$424	\$13	\$436
Industrial	\$3,675	\$110	\$3,785	13.57	\$271	\$8	\$279

FEE PROGRAM IMPLEMENTATION

The Regional LDIF calculations presented in this Nexus Study are based on the best improvement cost estimates, administrative cost estimates, and land use information available at this time. If costs change significantly, if the type or amount of new projected development changes, or if other assumptions significantly change such as Federal or State standards, this Nexus Study and the program should be updated accordingly.

Regional LDIF Collection

It is expected that each Land Use Agency in the Sutter Butte Basin will individually adopt the Regional LDIF and collect and remit fees to SBFCA. It is expected that as part of the adoption of this Nexus Study by a City or County, the agency will enter into a collection agreement with SBFCA and pursuant to that agreement, SBFCA will support the efficient administration and collection of the fee. SBFCA will support collection by clarifying and specifying any conditions that would trigger the collection of the Regional LDIF or similarly clarifying and specifying any exemption of the Regional LDIF as further described in **Exemptions from the Fee**, below. SBFCA may also support each City or County as requested to specify appropriate development conditions to ensure imposition of the fee, as well as clarify any specifics as to the calculation and collection of the fee. A City or County, at its discretion, may also allow for variations in the method of payment as further described in this section.

Fee Triggers/Applicability

The Regional LDIF will apply to all Planned Development in the Sutter Butte Basin that creates a flood protection impact. Planned Development is defined as all development that is required to obtain a building permit within the Sutter Butte Basin. At the option of the Land Use Agency, the fee may be calculated and collected either prior to issuance of a building permit or prior to building permit final and/or issuance of a certificate of occupancy. The Fee will be charged at the then current rate at the time of calculation.

Regional LDIF Program Boundary

The Regional LDIF calculations are based upon the total costs of the levee improvement program and estimated amount of development within the floodplain in the Sutter Butte Basin which encompasses the entire benefit area. By virtue of the cost allocation process, this Regional LDIF program will generate a proportional amount of fee revenue from the share of Planned Development within each of the land use agencies. **Figure 1** (page 4) illustrates the Regional LDIF Program Boundary.

Exemptions from the Fee

The following land uses and/or projects are exempt from the Regional LDIF:

1. Agricultural Exemption: Development on agricultural zoned land including development of rural residential parcels greater than 5 acres in size.

2. Additions to Pre-Existing Structures: Development projects that 1) require a building permit and 2) are increasing the amount of new structure square footage by no more than 500 new square feet are exempt from the fee. If the project increases the structure by 500 square feet or more, only the incremental new square footage will be charged the fee on a proportionate basis. See details on the proportional basis in the Fee Program Administration, Number of Units section on page 28.
3. Replacement due to Damage (with or without Addition): If the proposed project is an in-kind replacement to a previously existing structure because of fire damage or other natural disaster, the project will be exempt from the fee so long as the replacement does not increase the amount of new structure by more than 300 square feet. If the project increases the structure by more than 300 square feet, the incremental new square footage will be charged the fee on a proportionate basis.
4. Structure raised above the 200-year Floodplain Elevation: Development projects with structures raised above the elevation of the 200-year flood as determined by the Land use agencies or structures removed from the 200-year floodplain by flood control improvements that meet the design standards applicable to the Federal-State flood control system as determined by the Land use agencies, shall be exempt from the fee. The “200-year flood” and “200-year floodplain” are determined without incorporating SBFCA’s completed Feather River West Levee improvements.
5. Open space.
6. Public Agency Owned Land (including Federal, State, and Land use agencies).

Written Waivers to the Fee

With written approval from the Land Use Agency having jurisdiction, any or all portions of the proposed fees may be waived if it can be determined that a proposed project will not derive permanent benefit from the improvements for which the fees are collected (i.e., it can be shown that the property does not benefit from the flood protection). Written fee waivers may be available on a case-by-case basis for certain temporary structures, such as a mobile temporary structure used for construction management purposes.

Coverage Period

Except as otherwise indicated as part of the Member Land Use Agency’s adoption process, the Regional LDIF is to be collected beginning the 61st day after the adoption of the resolution or ordinance approving the fee, as adopted by each Member Land Use Agency’s governing body and for 30-years thereafter, unless updated, amended, or repealed.

Administration Costs

The estimated costs of administration for the Regional LDIF have been included in the fee rates program shown on **Table S1** and **Table 8**. The proposed administrative fee is 3% of the cost of the fee. However, to the extent each Land Use Agency has its own process for determining the administrative cost of the fee, this amount may be adjusted by each Land Use Agency accordingly. These administrative costs will cover the following:

- The development and administration of the Regional LDIF Program.

- Accounting costs associated with the Regional LDIF.
- Any necessary or required annual review of the fee program costs, fees, and policies.
- Any necessary or required annual reporting requirements associated with the fee program.
- Any other ongoing and recurring administrative procedures associated with the program.

Variations in Method

The Land use agencies may allow for variations in the method of fee payment at the time of fee calculation, including:

- Use of any lawfully created Assessment District or Community Facilities District (CFD) to finance fee payment.
- Voluntarily accelerated payment of the fee at the time of filing of any application for a tentative subdivision map, parcel map, or an earlier land use application, at the then-applicable rate.
- The collection of fees or other payments to fund improvements by the land use jurisdictions that are to be used, by agreement, to directly fund or reimburse the cost of the facilities funded by the fee.

The use of these alternative payment mechanisms and the collection of the Regional LDIF may vary among the Land use agencies, however, in any case, the alternative method of payment will be documented within an agreement or memorandum by the Land Use Agency.

Refunds and Appeals Process

An applicant who has paid the Regional LDIF may request that such fee be refunded at any time prior to commencement of the development, although, to do so would terminate any approved application or permit. Refunds will be made according to the policies and procedures of Land Use Agency, as they are developed, and may reflect deductions to compensate for handling and administrative costs incurred by the land use agencies in processing the fee calculation, collection, and refund request.

Appeals regarding the determination of the applicability and amount of the LDIF are to be made in writing to the Land Use Agency. The Land Use Agency shall respond to the appeal request in writing within 30 days. The determination of the Land Use may be appealed pursuant to any adopted appeal procedures. Any determination by the Land Use Agency's Board of Directors shall be considered final.

Annual Fee Escalation

To address inflationary costs, the base fee rates shown in this study shall escalate by either the escalation schedule defined by each Member land Use Agency's fee adoption process, if not otherwise defined, each July 1st, commencing on July 1, 2023, or the next July 1st. The fee rates shall escalate by the percentage increase in the Engineering News-Record (ENR) 20-City Average Construction Cost Index (CCI) for the period ending April of the previous fiscal year. The base month for this adjustment shall be April of the year preceding adoption of the fee. The fee shall be by the ratio of the most recent April index to the prior year's April index.

FEE PROGRAM ADMINISTRATION

The following describes the general procedures for the administration of the Regional LDIF. The staff of each Land Use Agency may develop more detailed administrative procedures or implement more specific policies after the adoption of the program to more efficiently administer the program and provide needed clarification in certain circumstances.

Fee Calculation

To calculate the Regional LDIF the following information is required:

- The land use category of the new development.
- The square footage of the development.
- The current fee rates.

The following provides detailed information on each requirement.

Land Use Categorization

The Development Services Department of the Member Land Use Agency will determine the correct Regional LDIF rate by classifying the proposed development into one of the following four land use categories:

- Single-Family Residential
- Multi-Family Residential
- Commercial
- Industrial

To classify the proposed development into one of the four land use categories, the agency will use the following information:

- The land use type from the zoning code that applies to the land upon which the development is proposed; and
- The descriptions of the four land use categories in this Nexus Study, found in the **Land Use Categories** discussion on page 11.

Total Square Footage of Development

For New Development of Vacant Land

In the case where a structure is being constructed on vacant land that has not previously been developed:

Residential Land Uses

- For all residential land uses, the fee is calculated proportionately to the square footage of the residential property. The total conditioned (habitable) square footage of the property is divided by 1,000 square feet to determine the total fee amount. Conditioned or habitable square footage

is livable space within a residential property excluding basements, garages, garden sheds, greenhouses, storage sheds, and covered patios.

Nonresidential Land Uses

- For nonresidential land uses, the total square footage of building space is divided by 1,000 square feet to determine the total fee amount.

For Development of Land with Pre-Existing Structures or Replacement Structures***Residential Land Uses***

- For a residential expansion project in excess of 500 new habitable square feet, the incremental new square footage will be charged the fee on a 1,000 square foot basis.
- For residential replacement projects, if the project involves development of a new residential structure after the demolition of a pre-existing structure (regardless of the use of the pre-existing structure), and the new structure is larger than the demolished structure by 500 square feet or more, only the incremental new habitable square footage will be charged the fee per 1,000 square foot basis. The net new square footage in excess of 500 square feet will be determined by subtracting the documented habitable square footage of the previously existing structure from the new square footage.
- For residential expansion or replacement projects of less than 500 new square feet, no fee will be due.

Nonresidential Land Uses

- For nonresidential expansion projects of more than 500 new building square feet, the additional square footage will be charged the fee per 1,000 square foot basis.
- For nonresidential replacement projects, if the project involves development of a new nonresidential structure after the demolition of a pre-existing structure (regardless of the use of the pre-existing structure) and the new structure is larger than the demolished structure by 500 square feet or more, only the incremental new square footage will be charged the fee on a 1,000 square foot basis. The net new building square footage in excess of 500 square feet will be determined by subtracting the documented habitable square footage of the previously existing structure from the new square footage.
- For nonresidential expansion or replacement projects of less than 500 new building square feet, no fee will be due.

Calculation Steps

The following steps are required to calculate the development fee:

1. Determine the land use category fee rate based on the characteristics of the development and the descriptions of the land use categories.
2. Determine the total square footage of development using the definitions above.

3. Determine the total Regional LDIF by multiplying the fee rate from Step 1 and the proportional square footage from Step 2.

This is the fee applicable to the New Development.

Fee Revenue Accounting

The revenues raised by payment of the Regional LDIF shall be placed in a separate fund established by Yuba City (Yuba LDIF Fund). Separate and special accounts may be established in the Yuba LDIF Fund and used to account for collected revenues, along with any interest earnings. Yuba City will remit the collected funds to SBFCA pursuant to the terms of the collection agreement executed between SBFCA and Yuba City.

Periodic Review and Cost Adjustment

SBFCA will periodically review actual project costs and Regional LDIF collections to determine if any updates to the program are warranted. The periodic review will occur no less than every five years. During these reviews, the following aspects will be analyzed:

- Changes to the improvements to be funded by the Regional LDIF program
- Changes in the cost to update or administer the Regional LDIF program
- Changes in annual financing costs
- Changes in assumed land uses
- Changes in development absorption
- Changes in other funding sources

Any changes to the Regional LDIF based on the periodic update will be presented to the SBFCA Board of Directors and/or the Member Land Use Agency as required for approval before an increase of the fee will take effect. SBFCA will send notice of the fee change to the member land use, pursuant to the terms of the collection agreement(s) between SBFCA and the Member Land Use Agencies.

The fifth fiscal year following the first deposit into the fee account or fund, and annually thereafter, each Land Use Agency is required to make all the following findings about that portion of the account or fund remaining unexpended:

- Identify the purpose for which the fee is to be used.
- Demonstrate a reasonable relationship between the fee and the purpose for which it is charged.
- Identify all sources and amounts of funding anticipated to fulfill the levee improvements.
- Designate the approximate dates that the funding referred to in the above paragraph is expected to be deposited in the appropriate account or fund.

SBFCA and/or the Member Land Use Agency must refund the unexpended or uncommitted revenue portion for which a need could not be demonstrated in the above findings unless the administrative costs exceed the amount of the refund.

According to Government Code §66006, SBFCA is required to deposit, invest, account for, and expend the fees in the prescribed manner.

NEXUS FINDINGS

Authority

This report has been prepared in support of the Regional LDIF in accordance with the procedural guidelines established in AB 1600, codified in California Government §66000 et. seq. This code section sets forth the procedural requirements for establishing and collecting development impact fees. The procedures require that a “reasonable relationship or nexus must exist between a governmental exaction and the purpose of the condition.”

Specifically, each Land Use Agency imposing a fee must:

6. Identifying the purpose of the fee.
7. Identifying how the fee is to be used.
8. Determining that a reasonable relationship exists between the fee’s use and the type of development project on which the fee is imposed.
9. Determining how a reasonable relationship exists between the need for the public facility and the type of development project on which the fee is imposed.
10. Demonstrating a reasonable relationship between the amount of the fee and the cost of the public facility attributable to the development on which the fee is imposed.

Summary of Nexus Findings

The Regional LDIF to be collected for each land use is calculated based on applicability of planned new development to the capital improvement project and standardized acreage proportion of the land use category to the total cost of the improvement. With this approach, the following findings are made regarding the Regional LDIF:

AB 1600 Requirement 1: Purpose of Fee

The capital improvements funded by the Regional LDIF are necessary to serve new residential and nonresidential development as described in Section 5 of the SBFCA adopted Strategic Plan.

AB 1600 Requirement 2: Use of the Fee

The Regional LDIF will be used to design and construct levee improvements in order to reduce the probability of flooding within the Sutter Butte Basin as further described in Section 5 of the SBFCA adopted Strategic Plan.

AB 1600 Requirement 3: Relationship Between Use of Fees and Type of Development

Development of Residential, Commercial, and Industrial land uses within the Sutter Butte Basin will require improved flood control and flood protection services. This Regional LDIF, in conjunction with other funding sources, will fund the improved SBFCA flood protection system as described in Section 5 of the SBFCA adopted Strategic Plan .

AB 1600 Requirement 4: Relationship Between Need for Facility and Type of

Each Residential, Commercial, and Industrial development project adds to the incremental need for flood protection because of the increase in damage that would occur as a result of an uncontrolled flood, and the increased burden that the damages will place on the Land use agencies and SBFCA. For the new development described in this Nexus Study to occur within the Sutter Butte Basin, the level of flood control needs to be improved to provide a reduced probability of flooding to the Basin as described in Section 5 of the SBFCA Strategic Plan.

AB 1600 Requirement 5: Relationship Between Amount of Fees and Cost of Facility

The appropriate common use factor for allocating costs to each land use is the Relative Flood Damage Index. **Table 6** shows the respective Relative Flood Damage Index for each land use.

SBFCA, acting as LFMA, has estimated the total cost of the required facilities. The allocation of the costs based on the acres adjusted by the Relative Flood Damage Index have been presented in **Table 7**. The result is the cost of the improvements attributed to each acre of Residential, Commercial, and Industrial development. This allocation demonstrates the relationship between the amount of fee and the cost of the portion of the facility attributed to the specific type of development upon which the fee is imposed.

Appendix A: Planned Development Details

Planned Development Details A-1

Table A-1: Total Developable Acreage A-3

Table A-2: Total Developable Dwelling Units and Square Feet A-4

Planned Development Details

Summary of Planned Development

Development expected to occur within the Regional LDIF Boundary over the next 30 years is subject to the Fee. Generally, development build-out projections from the member Land Use Agency General Plans were analyzed in conjunctions with historical development rates and it was established that using 75% of build-out projections was appropriate to determine the amount of development expected to take place over the next 30 years. Details of projected development acres by development type and Land Use Agency can be found in **Table A1**. Details of projected units for residential and 1,000s of square feet for nonresidential development by Land Use Agency can be found in **Table A2**. It should be noted that, the densities and floor area ratios (FAR) utilized in the calculation of the Regional LDIF are an aggregate of the data across all land use agencies and are not specific to any individual agency.

City of Biggs

The City of Biggs General Plan dated January 2014 Land Use Element Table LU-4 provides low, medium, and high housing growth scenarios at 3.3%, 3.7%, and 4.1%, respectively, from 2010 through 2035. The Land Use Element also states that unless regional conditions change significantly, annual growth of 1% to 1.5% is more likely. Extrapolating 1.5 percent growth from 2010 through 2050 results in an increase of 398 units. This is consistent with using 75% of the 2035 increase in units based on the low growth scenario which in turn is also consistent with the methodology utilized for other land use agencies. City staff indicated that over the last four years, six homes had been built. Given this information, it was determined that using the 1.5% growth projected growth would be appropriate. Development was assumed to be low density residential at 6 dwelling units per acre as shown in Table LU-5.

City of Gridley

The City of Gridley 2030 General Plan Land Use Element Table Land Use-2 provides low and high estimated growth within the City Planned Growth Area by dwelling units for residential and by square feet for nonresidential development. Table Land Use-3 provides the same information for growth within the Existing City and SOI. City staff indicated that over the last ten years, 225 residential units and 15,000 square feet of commercial had been built. Given this information, it was determined that using 75% of the lower projected growth from the General Plan would be appropriate. For residential development, average dwelling units per acre as indicated in Table Land Use-5 were utilized. For nonresidential development, half of the maximum FAR was assumed as indicated in Table Land Use-5.

City of Live Oak

The City of Live Oak 2030 General Plan Land Use Element Table LU-1 provides low and high build-out estimates for the City. The low build-out data was reduced by the estimated established development. City staff indicated that over the next ten years, approximately 450 residential units are already planned to be built. Given this information, it was determined that using 75% of the low build-out acreage estimates, reduced by

the estimated established development acreages, would be appropriate. To estimate total units for residential and 1,000s of square feet for nonresidential, per acre values were calculate based Table LU-1.

City of Yuba City

The City of Yuba City build-out estimates were developed through coordination with the Department of Development Services and use of the May 2018 General Plan Diagram and Water Master Plan in conjunction with GIS data. Build-out acreage estimates were reduced by the estimated established development acreages. To calculate total units for residential and 1,000s of square feet for nonresidential, the densities and FARs provided in the Land Use Classification section of the Yuba City General Plan dated April 8, 2004.

Butte County

Per Butte County Department of Development Services, Single-Family development is assumed to continue at a rate of 74 units per year for the next 30 years. The average lot size was calculated based the information found in the Butte County General Plan Land Use Element indicating that Single-Family units dispersed throughout the unincorporated County totaled approximately 30,000 units on 117,210 acres, or lot sizes of approximately 0.25 acres. Butte County encompasses approximately 1,064,421 acres, of which, approximately 71,737 acres are within the Regional LDIF Boundary, or about 6.75%. Therefore, development of 5 units per year for 30 years was assumed.

Sutter County

Per Sutter County Department of Development Services, Single-Family development is assumed to continue at an average rate of 21 units per year for the next 30 years. The average lot size for Single-Family Residences varies greatly within Sutter County, therefore, an average lot size of 0.25 acre was assumed, consistent with Butte County. Sutter County encompasses approximately 375,902 acres, of which, approximately 121,017 acres are within the Regional LDIF Boundary, or about 32.2%. Therefore, development of 7 units per year for 30 years was assumed.

Table A-1
SBFCA Regional Levee Development Impact Fee Program
Total Developable Acreage

Area / Project	Residential			Nonresidential			Total
	Single-Family	Multi-Family	Subtotal	Commercial	Industrial	Subtotal	
City of Biggs [1]	139	0	139	0	0	0	139
City of Gridley [2]	358	64	422	41	138	179	601
City of Live Oak [3]	1,653	171	1,824	361	0	361	2,186
City of Yuba City [4]	1,772	593	2,366	372	312	684	3,050
Butte County [5]	38	0	38	0	0	0	38
Sutter County [6]	53	0	53	0	0	0	53
Total Developable Land	4,013	828	4,841	775	449	1,224	6,065
Gross Acreage to GDA Factor	90%	95%		95%	95%		
Total GDA	3,612	786		736	427		5,561

[3] City of Biggs January 2014 General Plan Land Use Element Section states that 1.5% annual growth is most likely. Growth based on the 2010 reported units of 634. Assumed low density development at 6 dwelling units per acre.

[2]City of Gridley 2030 General Plan Land Use Element Section, assumed 25% of the lower estimate of development identified would occur. For calculation of acreage, for Residential, the average dwelling units per acre were assumed; for Commerical and Industrial, half of the maximum FAR was assumed.

[3] City of Live Oak 2030 General Plan Land Use Element Section, 75% of low build-out data less estimates of current development was assumed.

[6] Per City of Yuba City Department of Development Serivces, 75% of build-out estimates developed using the May 2018 General Plan Diagram and Water Master Plan less estimates of current development.

[5] Butte County 2030 General Plan Land Use Element states that Single-Family development is dispersed throughout the County with approximately 30,000 units on 117,210 acres, equating an average lot size of approximately 0.25 acres.

[6] Per Sutter County Department of Development Services, Single-Family average lot size varies greatly throughout the County, therefore, an average lot size of 0.25 acre was assumed which is consistent with Butte County.

Table A-2
SBFCA Regional Levee Development Impact Fee Program
Total Developable Dwelling Units and Square Feet

Area / Project	1,000s Square Feet			1,000s Square Feet		
	Single-Family [1]	Multi-Family [2]	Total	Commercial	Industrial	Total
City of Biggs [3]	836	0	836	0	0	0
City of Gridley [4]	3,898	894	4,793	806	2,400	3,206
City of Live Oak [5]	13,908	1,660	15,568	1,897	0	1,897
City of Yuba City [6]	15,837	6,429	22,266	3,801	3,392	7,193
Butte County [7]	315	0	315	0	0	0
Sutter County [8]	441	0	441	0	0	0
Total	35,235	8,983	44,218	6,504	5,792	12,296

[1] Assumes average 2,100 square foot units.

[2] Assumes average 900 square foot units.

[3] City of Biggs January 2014 General Plan Land Use Element Section states that 1.5% annual growth is most likely. Growth based on the 2010 reported units of 634. Assumed low density development at 6 dwelling units per acre.

[4] City of Gridley 2030 General Plan Land Use Element Section, assumed 75% of the lower estimate of development identified would occur. Assumed residential infill within existing City and SOI was 3:1 SFR:MFR.

[5] City of Live Oak 2030 General Plan Land Use Element Section, 75% of low build-out data less estimates of current development was assumed.

[6] Per City of Yuba City Department of Development Services, 75% of build-out estimates developed using the May 2018 General Plan Diagram and Water Master Plan less estimates of current development.

[7] Per Butte County Department of Development Services, Single-Family development throughout the County is assumed to continue at a rate of 74 units per year. Approximately 6.75% of Butte County is within the SBFCA Boundary, therefore, 5 units per year for 30 years was assumed.

[8] Per Sutter County Department of Development Services, Single-Family development throughout the County is assumed to continue at a rate of 21 units per year. Approximately 32.20% of Butte County is within the SBFCA Boundary, therefore, 7 units per year for 30 years was assumed.

Appendix B: Funding Sources Detail

Table B-1: Non-Local Funding Sources..... B-1

Table B-2: Local Funding Sources..... B-2

Table B-1
SBFCA Regional Levee Development Impact Fee Program
Non-Local Funding Sources

Item	Total Cost
Feather River West Levee Project (Phases 1 & 2)	
Sutter County Grant (Calpine Levee Funding)	\$1,300,000
EIP Design Grant (Prop 1E)	\$21,339,829
EIP/UFRR Construction Grant (Prop 1E)	\$234,748,777
FSRP Laurel Ave. - (Prop 1E & 84)	\$9,920,000
Gridley Bridge Erosion (Prop 13)	\$460,000
Prop 84/1E Emergency Work (R14 - 16)	\$25,000,000
Assumed State Funding for Lower Feather (75%)	\$15,000,000
<i>Subtotal Feather River West Levee Project (Phases 1 & 2)</i>	<i>\$307,768,606</i>
Sutter Bypass Improvements	
Small Community Grants	\$999,969
Assumed State Funding for Critical / Full Repair (75%)	\$165,000,000
<i>Subtotal Sutter Bypass Improvements</i>	<i>\$165,999,969</i>
Total Non-Local Funding	\$473,768,575

Source: SBFCA Budget

Table B-2
SBFCA Regional Levee Development Impact Fee Program
Local Funding Sources

Item	Local Funding
Projected Gross Annual Assessment Revenues	
Estimated 2010-45 Capital Portion of Assessment [1]	\$204,125,000.00
Gross Bond / Debt Financing Proceeds (Project Funds made available)	
Combined Proceeds from Sutter, Yuba City and LD 1 Loans	\$5,606,406.00
2011 Line of Credit Draws	\$14,737,649.20
2013 Bonds Project Fund Deposit	\$40,000,000.00
2015 Bonds Project Fund Deposit (Net of 2011 repayment)	\$33,708,415.34
Subtotal Bond/Debt Financing Proceeds	\$94,052,470.54
Gross Debt Service Costs (Principal & Interest)	
Loan Payments to Yuba City, Sutter County and LD 1 [2]	\$6,179,084.26
2011 Interest Costs	\$340,001.49
2013 Total Debt Service (P&I)	\$76,835,530.32
2015 Total Debt Service (P&I)	\$84,675,877.92
Subtotal Debt Service	\$168,030,493.99
Total Local Funding	\$130,146,976.55

[1] Assessment Revenue includes additional proceeds: gained interest, settlements, etc. and an assumption that in later years, assessments are levied up to the required debt service limit.

[2] Actual interest cost on short-term loans paid back to Yuba City, Sutter County and LD1. Proceeds and principal re-payment has been netted from this analysis.

Appendix C: Estimated Cost Allocation By Land Use Agency

Table C-1: Residential Estimated Cost per Unit by Land Use Agency C-1

Table C-2: Commercial & Industrial Estimated Cost per 1,000 Sq. Ft. by Land Use Agency..... C-2

Table C-1
SBFCA Regional Levee Development Impact Fee Program
Residential Estimated Cost Per Unit by Land Use Agency

Area	Single Family Acreage [1]	Multi-Family Acreage [1]	Total Allocated Cost	Cost Share Percentage	Single & Multi-Family	Average Allocated Cost
Reference	Table A-1	Table A-1	Table 7		Table A-2	
	A	B	$C=(A*\$4,053) + (B*\$2,984)$	$D=(C/\$21,312,789)$	E	$F=C/E$
City of Biggs	125	0	\$508,238	2.38%	836	\$608
City of Gridley	322	60	\$1,486,860	6.98%	4,793	\$310
City of Live Oak	1488	162	\$6,515,833	30.57%	15,568	\$419
City of Yuba City	1595	564	\$8,148,003	38.23%	22,266	\$366
Butte County	34	0	\$136,799	0.64%	315	\$434
Sutter County	47	0	\$191,519	0.90%	441	\$434

Table C-2
SBFCA Regional Levee Development Impact Fee Program
Commercial & Industrial Estimated Cost Per 1,000 Square Feet by Land Use Agency

Area	Commercial Acreage [1]	Industrial Acreage [1]	Total Allocated Cost	Cost Share Percentage	1,000 Square Feet	Average Allocated Cost
Reference	Table A-1	Table A-1	Table 7		Table A-2	
	A	B	$C=(A*\$3,746) + (B*\$3,675)$	$D=(C/\$21,312,789)$	E	$F=C/E$
City of Biggs	0	0	\$0	0.00%	0	\$0
City of Gridley	39	131	\$627,232	2.94%	3,206	\$196
City of Live Oak	343	0	\$1,285,905	6.03%	1,897	\$678
City of Yuba City	354	296	\$2,412,409	11.32%	7,193	\$335
Butte County	0	0	\$0	0.00%	0	\$0
Sutter County	0	0	\$0	0.00%	0	\$0



City of Live Oak Report to City Council

Meeting Date:	November 15, 2023
Title:	Approval of Business Grant Ad Hoc Committee's Recommendation for Business Grant Awards
Contact Information:	Aaron Palmer, City Manager
Location:	Highway 99 and Broadway Street Areas
Background:	As part of the 2023-2024 annual budget, the City Council approved appropriating \$100,000 to fund a Business Grant Program. The City Council, at the September 6, 2023 City Council meeting, created an Ad Hoc Committee to assist in the evaluation of all Business Grant applications.
Analysis:	With the Pennington Road East project now being funded from Local Transportation Funds, there is now more ARPA funding that can be used to fund additional grants applications. The Ad Hoc Committee has reviewed all applications and is recommending that all grant applications be funded and a budget transfer of \$200,000 of ARPA funding be made for this program.
Fiscal Impacts:	This will result in a budget increase of \$200,000 in ARPA Revenue account (Account 4601) with a corresponding increase in Special Department Expense (5353) in the ARPA Fund (Fund 58).
Recommendation:	Approve funding for all fourteen business grant applications and approve budget transfer of \$200,000 in ARPA Funding.
Attachments:	

[City Business Grant Applicants](#)

Live Oak Business Grant Applicants

<u>Business Name</u>	<u>Exterior Grant</u>	<u>Interior Grant</u>	<u>Current Business License</u>
Norcal Truck Parts	\$22,037.00	\$12,301.12	Yes
Tick Tax	\$8,200.00		Yes
Martin's Smog & Auto	\$11,387.86	\$5,799.67	Yes
All Hair Cut Salon	\$11,587.00		Yes
Interiors by Design	\$22,827.87		Yes
Dowd Interiors/El Bajio	\$107,346.00		Yes
Esteban's	\$25,425.28	\$9,998.99	Yes
Norcal Brokerage		\$10,077.56	Yes
E-Center	\$7,999.00	\$7,999.00	Yes
Tiff's Gas Mart	\$23,195.00		Yes
<u>More Info Needed</u>			
J Auto Sales	\$20,000.00	\$10,000.00	Yes
Subway	\$60,000.00	\$60,000.00	Yes
Pizza Factory	\$83,000.00	\$6,900.00	Yes
Hotbox Smoke Shop	\$20,000.00	\$10,000.00	Pending (Owner Change)
Total Amount Requested	\$219,173.86	\$80,697.66	
Total Amount at Grant Limit	\$240,000.00	\$90,000.00	



City of Live Oak Report to City Council

Meeting Date:	November 15, 2023
Title:	Secondary Feed Pump Station Discharge Pipe Replacement
Contact Information:	Ron Walker, Director of Public Works
Background:	The Primary purpose of the secondary feed pump station is to receive raw sewage from the headworks or equalization basin, and any recirculation water from the treatment system. From this point, all liquid is pumped to the selector basin for secondary treatment. Depending on the flow equalization used, the pump station operates to either maintain a set point level in the wet well or a set flow rate. The pump station is comprised of three submersible pumps, and riser pipes to pump liquid from the wet well to a manifold. One of the three riser pipes has a significant size hole in it, which greatly reduces pumping capacity. This damaged riser pipe needs to be replaced. To replace the riser pipe, the flow will need to be diverted at the Headworks into the emergency holding basin. Additionally, the wet well at the secondary feed station will need to be drained and cleaned. The failing riser pipe will need to be unbolted from the pump and manifold and broken out of the concrete lid of the wet well. A new riser pipe will need to be installed and the concrete repaired. Staff has contacted three industrial contractors to solicit bids with the following results: 1. TNT Industrial Contractors, Inc. ----- \$30,825 2. T&S Construction, Inc. ----- Too Busy, No Bid 3. North Star Construction ----- Too Busy, No Bid
Analysis:	This report provides information related to a failing pump station at the wastewater treatment plant, and the necessary repair work.
Fiscal Impacts:	Unforeseen repair, project cost \$30,825

Recommendation: 1) Accept bid from TNT Industrial Contractors, Inc.; and 2) Authorize the City Manager to sign bid.

Attachments:

T N T Construction

T and S Construction

North Star Construction

Secondary Feed ump Station - Detailed Drawing

Pictures



3800 Happy Lane, Sacramento, CA 95827
 916-395-8400, fax 916-395-8429
 estimating@tntindustrial.com

California Contractor's Lic. # 622974
 Nevada Contractor's Lic. # 0072754
 DIR Registration: 1000000573

Tuesday, November 7, 2023

Mr. Tony Wright
 City of Live Oak
 9955 Live Oak Blvd
 Live Oak CA 95953
 twright@liveoakcity.org

Secondary feed pump station discharge pipe replacement
TNT Bid No. 23a-089

Dear Mr. Wright,

TNT Industrial Contractors, Inc. is pleased to offer a price for the above referenced project. Our price includes the following.

Scope

- Mobilization/demobilization
- Fabricate and install steel plate to isolate pump station
- Remove plate when complete and patch holes with grout
- Demo existing damaged pipe including grout removal around pipe
- Fabricate 10" flanged x plain end pipe, coat pipe with fusion bond epoxy
- Install new 10" flanged x plain end discharge pipe
- Provide new restrained flanged coupling adapter at plain end above grade

Total Project Price.....\$30,825.00

Performance bond available, please add 2% onto total.

Clarifications

1. Our bid includes all labor costs and equipment necessary to complete the project, existing brackets to be used.
2. We exclude fees, permits, testing, hazardous material abatement and anything not specifically listed above.
3. Vactor truck to be provided by City of Live Oak to clean pump station and work area.
4. If work begins after June 30, 2024 new labor rates apply.
5. Bid is based on award of contract on or before 9/15/2023.
6. This project has been bid on a straight time only basis.
7. TNT will work uninterrupted until project completion. No additional mobilizations have been included.
8. Any change in the start date as stated at bid time will result in a day-for-day change of the expected completion date or will result in potential added costs to maintain the expected completion date.
9. Material and equipment furnished by others will arrive in the proper sequence and in a timely manner so as to support the construction schedule.
10. Clear access will be provided for construction equipment.



3800 Happy Lane, Sacramento, CA 95827
 916-395-8400, fax 916-395-8429
 estimating@tntindustrial.com

California Contractor's Lic. # 622974
 Nevada Contractor's Lic. # 0072754
 DIR Registration: 1000000573

11. Existing onsite facilities (i.e. break areas, toilet/wash stations, etc.) will be made available. TNT has not included any costs for providing these items.
12. All demolished materials will be disposed of within the plant/project limits.
13. TNT's bid price is based on current market conditions. In the event TNT is awarded the contract and there is a delay or significant price increase for material, equipment, or energy occurring after submission of this bid and before installation through no fault of TNT's, the bid price and contract sum, time of completion and contract requirements shall be equitably adjusted to reflect the price increase or delay.

Exclusions

- a) Vactor truck.
- b) Painting.
- c) Overtime rates.
- d) Engineering.
- e) Third Party, AI, or Special Inspection.
- f) Electrical.
- g) Liquidated Damages.
- h) Cost of Bond.
- i) Confined space rescue.
- j) Any and all items not specifically included in the above-mentioned Scope.

Thank you for the opportunity to offer our services. If you have any questions regarding this proposal, please do not hesitate to call.

Sincerely,

Josh Twist

Josh Twist

TNT Industrial Contractors

Tony Wright

From: Matt Stephan <matt@916pipe.com>
Sent: Thursday, October 5, 2023 6:42 AM
To: Tony Wright
Subject: RE: Live Oak Projects

Hi Tony.

I'm sorry that I've been so flakey on this. I've been trying to make time to get out there, but I just can't fit it in right now.

I wish we could help you, but I just can't take on any more right now. I'm sorry for not telling sooner. I hope you can find someone to you out.

Matt Stephan
 T&S Construction Co., Inc.
Matt@916pipe.com
 Office (916) 381-3052
 Cell (916) 879-3344

From: Tony Wright <twright@liveoakcity.org>
Sent: Wednesday, September 13, 2023 10:06 AM
To: Matt Stephan <matt@916pipe.com>
Subject: RE: Live Oak Projects

Hi Matt,

I have 3 projects. One is the replacement of a pipe in the secondary feed station. The other is the removal and replacement of air diffusers in the oxidation basin. The last one is rehab the headworks.

The Secondary feed station has a pipe with a hole in it. Included in the scope of the job will be diverting the flow from secondary feed to the EQ Basin while the pipe is being replaced.

The air diffuser project is for 96 diffusers (supplied by us) and the plastic pipes removed and replaced.

The headworks project is for rehabbing the concrete and replacing and /or installing new wheel gates.

I need the quote for the secondary feed station first. The pipe is ductile steel. Thanks, let me know if you need any more information.

Tony Wright
 Chief Plant Operator
 (530)251-7447
 City of Live Oak
 9955 Live Oak Blvd
 Live Oak CA 95953

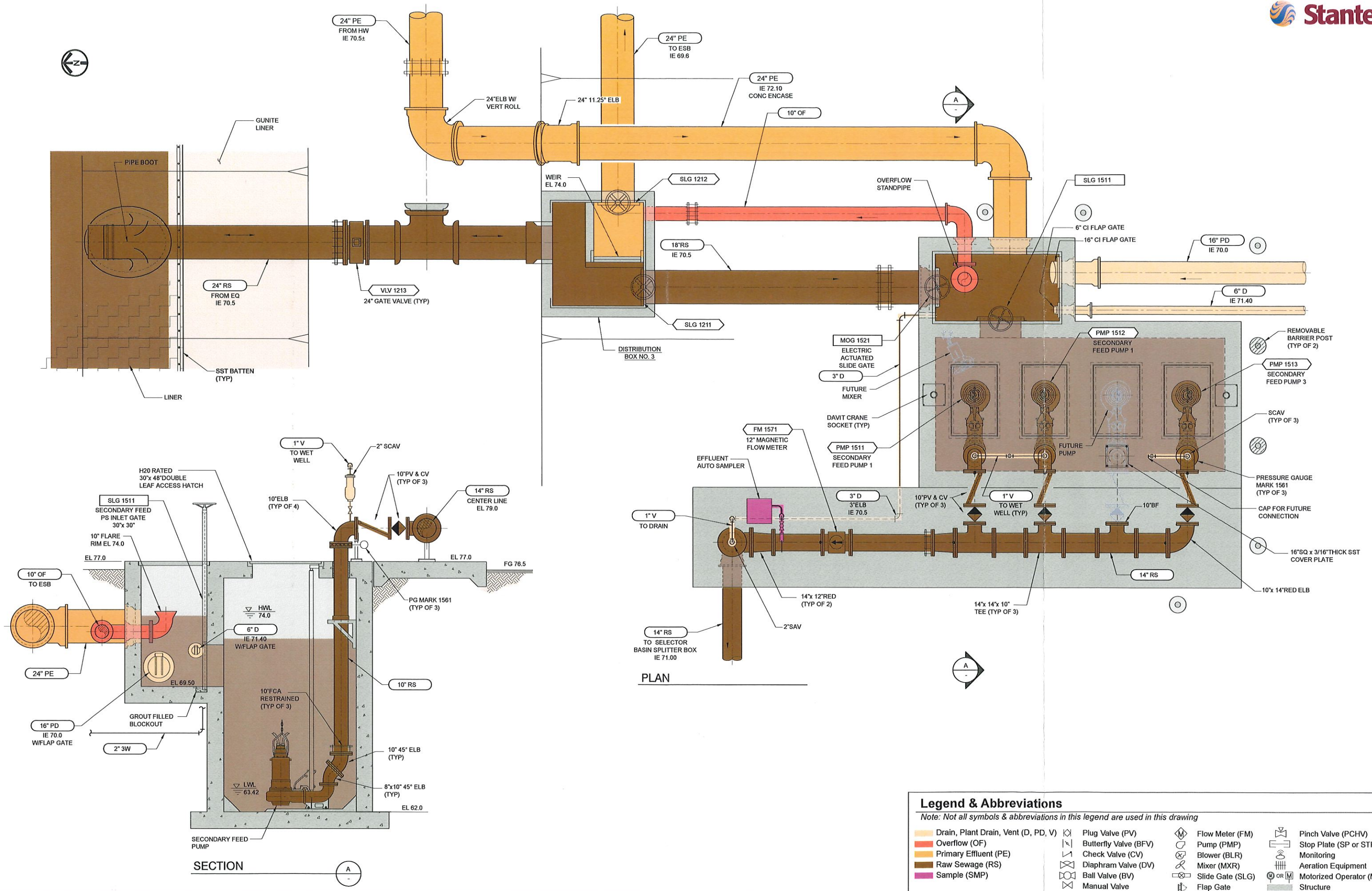


October 12, 2023

On September 12th, 2023, I received a phone call from NorthStar Construction that they were not able to place a bid on the Secondary Feed Station.


Tony Wright

CPO



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