

**AGENDA
GRIDLEY PLANNING COMMISSION**



SPECIAL MEETING
6:00 P.M., TUESDAY
JULY 28, 2015

GRIDLEY CITY HALL
COUNCIL CHAMBERS
685 KENTUCKY STREET
GRIDLEY, CA 95948

**MEETING CALLED TO ORDER
ROLL CALL**

**CHAIR O'BRIEN
RECORDING SECRETARY**

1. CONSENT AGENDA

1.1 Approval of Planning Commission Minutes dated June 30, 2015.

Continued to August 18th, 2015

2. PUBLIC HEARINGS –

2.1 Conditional Use Permit No. 01-15; Steve & Jayda Moore, Applicant/Owner; Application for a Conditional Use Permit to allow a single family residential use within an existing structure located at 545 Ohio Street on a 0.21 acre parcel. Zoning for the property is Restricted Commercial (C-1) and Downtown Mixed Use (DMU) General Plan land use designation.
(APN: 009-192-006)

- A. Receive staff report
- B. Open public hearing
- C. Hear public testimony
- D. Close public hearing
- E. Commission discussion

3. INFORMATIONAL – None

4. COMMUNITY PARTICIPATION FORUM - *Members of the public may address the Commission at this time on any matter not already listed on the agenda, with comments being limited to three minutes. The Commission cannot take any action at this meeting on requests made under this section of the agenda.*

5. REGULAR AGENDA - None

6. REPORTS & COMMUNICATIONS - None

7. ADJOURNMENT - to the regular meeting of the Planning Commission to be held on Tuesday, August 18, 2015 at 6:00 p.m.

General Notes:

This agenda was posted on the public bulletin board in the foyer of City Hall at or before 4:00 p.m. on July 24, 2015, in accordance with Government Code Section 54954.2. The item was noticed in the Gridley Herald ten (10) days in advance of this public hearing in accordance with §65854, Public Hearing and sent to property owners within 300 ft. of the subject site.



CITY OF GRIDLEY

Staff Report

Item 2.1

TO: Planning Commission

MEETING DATE: July 28, 2015

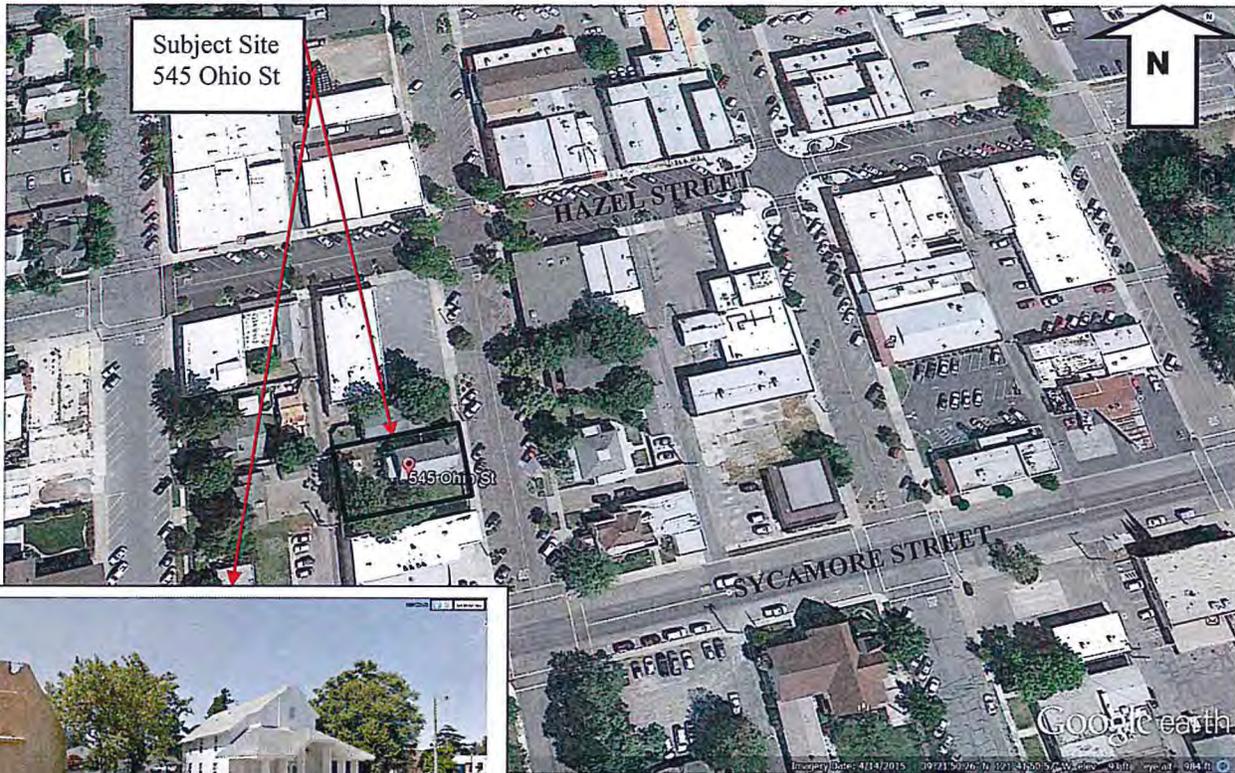
SUBJECT: Conditional Use Permit No. 01-15; Steve & Jayda Moore, Applicant/Owner; Application for a Conditional Use Permit to allow a single family residential use within an existing structure located at 545 Ohio Street on a 0.21 acre parcel. Zoning for the property is Limited Commercial (C-1) and Downtown Mixed Use (DMU) General Plan land use designation. (APN: 009-192-006)

SUMMARY:

Mr. and Mrs. Steve Moore, owners of the property located at 545 Ohio Street, are the applicants requesting a conditional use permit to allow single family residential use within an existing structure. The request is to reinstate a previous conditional use permit that has expired due to non-payment of development impact fees. On April 21, 2008, the City Council approved the conditional use permit with a condition that an agreement be recorded requiring payment of development impact fees. The required fees were not paid and the conditional use permit expired, therefore an application for a new conditional use permit is submitted to the Planning Commission for consideration.

SITE DESCRIPTION:

The subject site is an approximately 0.21 acre parcel located within a mixed use area. The General Plan land use designation is Downtown Mixed Use and is zoned Limited Commercial (C-1). Land uses surrounding the site include adjacent single family residential and commercial to the north, east, and south with single and multi-family residential to the west. These uses are consistent with the General Plan.



DISCUSSION:

Historical Information

The city received applications for conditional use permits and other documents for this property:

Item	Entitlement	Date	Action	Description
1.	CUP 4-96	April/1996	Approved	To allow a church use in a commercial zone
2.	CUP 2-05	February/2005	Approved August 15, 2005 (Expired)	To convert an existing church 2 nd floor residential loft use with 1 st floor commercial use
3.	CUP 8-07	December/2007	Application-Approved January/2008 (Expired)	To convert an existing church to a 2 story single family residential use with 30% of the 1 st floor dedicated to commercial use

4.	Agreement	March/2008	Approved	CC directed staff to record agreement via deed of trust to reduce development impact fees if paid within 3, 4, or 5 years with full amount due if after 6 years. If not paid, CUP 8-07 would be void.
5.	2008-0024706	June 26, 2008	Record Deed of Trust	Gridley named as Beneficiary for payment of development impact fees

The Moores were granted a delay to pay Development Impact Fees approved by the City Council for the project under CUP-8-07. Further, the City Council allowed a reduction in the fees if they were paid meeting specific benchmark dates:

- If paid within 3 years of the conditional use permit anniversary date - \$4,600.00
- If paid within 4 years of the conditional use permit anniversary date - \$5,370.00
- If paid within 5 years of the conditional use permit anniversary date - \$6,140.00
- If paid within 6 years of the conditional use permit anniversary date - \$17,841.64

The terms noted above would have discounted \$13,241.64 if the fees were paid within the 3 year time frame (1/2011), discounted \$12,471.64 if paid within the 4 year time frame (1/2012), and discounted \$11,701.64 if paid within the 5 year time frame (1/2013). No discount would be granted up to the 6 year anniversary date (1/2014), full price would be required in the amount of \$17,841.64 if no other payment were made. The agreement also defines that if no payment is made, the conditional use permit is cancelled and cannot be used for residential use any longer.

The Moores continued to illegally use the property as residential use from the expiration of the conditional use permit in January, 2014. The applicant has submitted a new application to allow residential use at this location.

Development Impact Fees

Development impact fees are collected at the time building permits are issued to cover costs for public facilities and services within the city. Levying these fees is compliant with the authority granted cities by Article XI, Section 7 of the California Constitution.

Development impact fees are assessed in order for development to pay their fair share of capital improvements needed as a result of the projected growth. The capital improvement cost for new growth is determined in the city Development Impact Fee Study; the fee is adjusted April 1 of each year in conformance with the Construction Cost Index published by the Engineering News Record. These fees are applicable when there is a change in use as well and are typically collected at the time of building permit issuance.

The applicant strongly disagreed with the amount of impact fee that had been calculated and therefore submitted the request to reduce and defer payment until a later date – hence the agreement noted above was developed. Without payment of the fee under any of the payment

scenarios outlined above, the applicant has enjoyed the use of city services without payment of their fair share.

City staff has informed the applicant that the total amount of \$17,841.64 is due and payable at this time. There is no sunset of the fee requirement due to the previous conditional use permit being vacated due to non-payment.

The Planning Commission is unable to negotiate alternative payment amounts or schedules. A condition of approval (No. 6) requires the payment of the fee in order to activate the conditional use permit if the Planning Commission should approve the entitlement. The fee is required to be paid regardless of the conditional use permit.

The property is currently advertised for sale. If the fees are not paid to activate the conditional use permit for residential use, then at the time of sale, the fee will be paid through escrow settlement. Additionally, if the conditional use permit is not granted or activated, the property may not be used as a residential use and must be occupied wholly by a commercial use.

Land Use/Code Compliance

The change in use from commercial to residential requires a conditional use permit (Ch. 17.21) thus allowing the Planning Commission to consider any impacts that may need to be addressed. Generally, concerns would be related to parking, an increase in the intensity of use, and compatibility issues with other surrounding uses. The property has been improved in 2008 to meet the conditions at the time.



A 20 ft. x 20 ft. parking pad was provided with rear access from the alley to provide the required residential parking.

The property is located in the City of Gridley Special Parking Overlay District and no additional parking is required for the commercial use.

Conditional use permits (CUP) are entitlements that once activated are tied to the property without sunset unless so conditioned. In 1996 a CUP was approved to allow a church on a commercially zoned property (Ch. 17.21). The conversion of the structure to meet the needs of a single family residential unit with minor square footage available for commercial uses is no longer conducive to a church use. A condition of approval has been added requiring the applicant to submit an application to rescind CUP 4-96 (No. 5).

FINDINGS

The Planning Commission must make the following conditional use permit and variance findings prior to granting an approval:

Conditional Use Permit Findings:

1. The proposed use is in accordance with the objectives of the Downtown Mixed Use General Plan land use designation and C-1, Limited Commercial zoning district.

The proposed use is compatible with the General Plan and zoning land use designations provided a conditional use permit is granted. Therefore, this finding can be made.

2. That the establishment, maintenance, or operations of the use applied for will not, under the circumstances of the particular case, be detrimental to the health, safety, peace, comfort and general welfare of persons residing or working in the neighborhood of such proposed use.

The subject site has adequate parking to meet the office needs. No complaint is on record from surrounding neighbors related to the activities held at the church. This use would not be detrimental to the general welfare of the residents and other commercial uses in the surrounding area. Therefore, this finding can be made.

3. That the use will not be detrimental or injurious to property and improvements in the neighborhood or to the general welfare of the city or substantially impede enactment of the comprehensive plan.

The structure will remain the same, will appear to be a residence, will have improvements made to meet the building and life safety codes, if necessary, to ensure code modifications from the 2008 to 2015 are met related to residential use. The proposal will not be detrimental to the general welfare of the city. Therefore, this finding can be made.

PUBLIC NOTICE

A notice was published in the Gridley Herald, mailed to addresses within a 300 foot radius of the subject site, and posted at City Hall. At the time this report was prepared, no comments had been received.

ENVIRONMENTAL REVIEW

The proposed project is categorically exempt from environmental review pursuant to the California Environmental Quality Act, Section 15301, Existing Facilities, Class 1.

CONCLUSION

The proposed use would be compatible within the surrounding land uses and would not impact the existing uses. The conditions of approval will need to be met fully before the conditional use permit is active. The applicants have enjoyed over 7 years of public services without paying for them by not meeting the terms of the Development Impact Fee Agreement. The fulfillment of the conditions of approval and payment of all fees due will activate the conditional use permit if the Planning Commission should approve the request as presented.

RECOMMENDATION

The Planning Commission effect the following actions:

1. Determine the project is categorically exempt per the California Environmental Quality Act, Section 15301, Existing Facilities, Class 1;
2. Make the required conditional use findings as described within the staff report; and,
3. Approve Conditional Use Permit 01-15 subject to the conditions attached to the July 28, 2015 staff report as Exhibit A.

ATTACHMENTS:

1. Exhibit A, Draft Conditions of Approval
2. Exhibit B, Planning Commission Minutes dated January 22, 2008
3. Exhibit C, Planning Commission Staff Report dated January 22, 2008
4. Exhibit D, Executed Declaration of Acceptance dated February 12, 2008
5. Exhibit E, City Council Minutes dated March 3, 2008 (Page 3)
6. Exhibit F, City Council Staff Report dated March 3, 2008
7. Exhibit G, City Council Minutes dated March 17, 2008 (Page 4)
8. Exhibit H, City Council Staff Report dated March 17, 2008
9. Exhibit I, City Council Staff Report dated April 18, 2008 (Minutes reflect action was on the consent agenda, passed with a unanimous vote)
10. Exhibit J, Agreement between the City and the Moores regarding the payment of Development Impact Fees
11. Exhibit K, Deed of Trust with Assignment of Rents; Moores grant the City of Gridley as Beneficiary to collect Development Impact Fee
12. Exhibit L, Certificate of Occupancy dated December 5, 2008

EXHIBIT A

**Draft Conditions of Approval
Conditional Use Permit 01-15**

1. The approved use for CUP 01-15 shall be substantially as described within this staff report, submitted site plans, narratives, and applications on file in City Hall except as modified by the following conditions. Changes to the use, areas, and etc. shall be subject to the review and approval by the Planning Commission.
2. The applicant/property owner shall file a Declaration of Acceptance of the Final Conditions of Approval within 30 days of Planning Commission approval.
3. The applicant/owner shall pay all Building, Fire, and Planning Department fees at an hourly rate to determine if any upgrades are required due to changes in the code from the date of the 2008 construction to the use of the currently adopted code. If required, upgrades shall be constructed per the Building and the Fire Department(s). A deposit in the amount of \$350 shall be submitted for a code review.
4. The applicant/owner shall arrange to have Gridley Electric inspect the meter panel(s) at the site to insure they meet the current standards.
5. The applicant/owner shall submit an application to rescind CUP 4-96.
6. This conditional use permit approval will not be valid or activated until the 2008 Development Impact Fee in the amount of \$17, 841.64 is paid in full in addition to any fees determined due in Item 3 above.
7. The Development Impact Fee in the amount of \$17,841.64 shall be paid within 45 days of the date of the Planning Commission approval date. This timing allows for a 30 day period to return the Declaration of Acceptance as noted in Item 2 above, and an additional 15 days to effect payment to the City of Gridley. If the Development Impact Fee is not paid within the 45 day grace period, of which the fee is due and payable in full at this time, CUP 1-15 shall be void and no residential use shall be allowed. If the decision by the Planning Commission is appealed to the City Council, the effective date and conditions thereof shall be as determined by the City Council.

{end}

EXHIBIT B

**MINUTES
GRIDLEY PLANNING COMMISSION**

REGULAR MEETING
5:00 P.M.; TUESDAY
JANUARY 22, 2008



GRIDLEY CITY HALL
685 KENTUCKY STREET
GRIDLEY, CA 95948

The January 22, 2008 Planning Commission meeting was called to order by Chair Ravie Aujla.

ROLL CALL

Planning Commissioners present: R. Aujla, T. O'Brien, M. Trainor, L. Goss
Council Members present: J. Fichter, F. Hall, B. Johnson, P. Mota, M. Sparks
Staff Resent: J. Slota, City Administrator
A. Redamonti, Community Development Director
D. Brinkley, Community Development Assistant
Consultants present: J. Goldman and M. Gerkin, EDAW
P. Figge, Planning Focus

City Administrator, Jack Slota, swore in newly appointed Planning Commissioner, Lee Goss. A second roll call was taken to establish Lee Goss as present.

1. PUBLIC HEARINGS –

1.1 Conditional Use Permit No. 8-07; Jayda and Steve Moore, owners/applicants; 545 Ohio Street; APN 009-192-006; C-1 Limited Commercial Zoning. - A request to allow single-family residential occupancy of an existing commercial (church) building located in the historic downtown area.

Chair Aujla excused herself and exited Council Chambers due to her business being located within 300 feet of the project.

Commissioner O'Brien assumed Chair duties.

Community Development Director, Andrea Redamonti reviewed the staff report date January 22, 2008, highlighting the following:

- > Residential and Commercial uses surround the property
- > 2 On site parking spaces are required for residential use

Commissioner O'Brien opened the public hearing. No one offered public testimony and the hearing was closed.

MOTION BY TRAINOR, SECOND BY GOSS TO Find that the project is Categorically Exempt per the California Environmental Quality Act, Section 15201; and Approve Conditional Use Permit No. 8-07 based on the findings and conditions of approval listed in the staff report dated January 22, 2008.

AYES: O'Brien, Trainor, Goss

NAYS: None

EXCUSED: Aujla

Motion passed: 3-0-1

Chair Aujla returned to Council Chambers and resumed the Chair.

2. COMMISSION CONSIDERATION/PRESENTATIONS

2.1 Gridley's Choices for the Future: Public Workshop on General Plan Alternatives

Jeff Goldman and Matthew Gerken of EDAW presented a power point to discuss different concepts and approaches for new growth consistent with the City's General Plan Vision and Guiding Principles. The Vision and Guiding Principles document was drafted based on public input received to date.

EXHIBIT B

EXHIBIT C CITY OF GRIDLEY

Staff Report

Item 1.1



TO: Planning Commission
FROM: Andrea Redamonti, Community Development Director
MEETING DATE: January 22, 2008
SUBJECT: Conditional Use Permit No. 8-07. Steve and Jayda Moore, applicants/owners; 545 Ohio Street; APN 009-192-006; C-1 Limited Commercial and Special Parking Overlay zoning district.

SUMMARY:

The applicant is requesting a Conditional Use Permit (CUP) to allow single-family residential occupancy of an existing commercial (church) building located in the historic downtown area. A Conditional Use Permit was approved by the Planning Commission on August 15, 2005 for an almost identical project. However, because all of the conditions of approval were not completed within twelve months of approval, the permit expired.

BACKGROUND:

Based on City records, the building has been used as a wedding chapel and commercial purposes. Residential uses are located to the north and east of the property. Commercial uses such as El Toro Foods grocery store and general offices are also located in the area. The applicant proposes to construct a second-story and partitioned areas within the existing church.

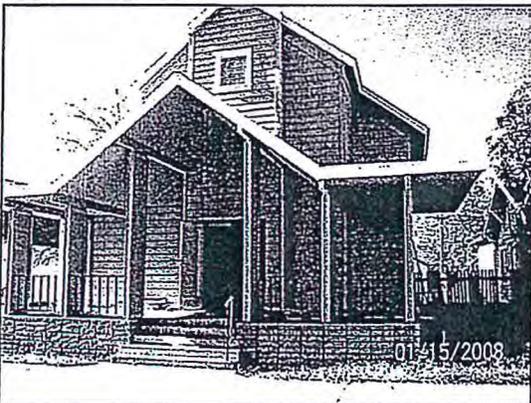


Photo 1 – View of church Ohio Street

Although no on-site parking spaces are required for the commercial use (special parking overlay district), two on-site parking spaces are required for the residential use and will be provided. These spaces will be accessed from the alley.

According to Chapter 17.18 of the Gridley Municipal Code, residential uses are conditional uses within the downtown commercial area. The Planning Commission may grant the Use Permit upon a determination that the benefit to the public health, safety or welfare exceeds any detriment inherent in such change. The standards for granting a Use Permit include specific findings that are listed on the following pages of the staff

report.

DISCUSSION:

The primary impacts of this proposal will be on the residential use. Commercial businesses in the area have the potential to negatively impact the residential use with excessive noise and traffic. Typical downtown commercial businesses include retail, bars, restaurant and offices. These uses may generate odors and operate later in the evening. However, in this instance, the residential

use should be compatible with the commercial use since it will be “owner occupied”. This type of mixed-use development is becoming more typical in many downtowns and is similar to the Hazel Hotel project. In addition, multi-family and single-family residential uses are located north and east of the property.



Photo 2 – surrounding multi-family residential development on Ohio Street across from the subject property.



Photo 3 – Southern elevation of church

The intent of the limited commercial district is to establish and preserve commercial areas with stores, services, offices, restaurants and other retail uses contained within enclosed buildings in settings conducive to pedestrian traffic. Impacts of this proposal include the loss of commercial

buildings for residential purposes and setting a precedent for future residential developments within the downtown historic district. On the other hand, the existing structure is currently vacant, is not a typical downtown commercial building and per the conditions of approval, retention of commercial activity is guaranteed. In fact, the use may spur other kinds of similar commercial live-work activity in the area.

City Fire, Police and Public Works Departments reviewed this application and did not find any elements of the project that would be a detriment to the public health and safety. The Building Department submitted a memorandum regarding the proposal with specific conditions of approval that must be met prior to residential occupancy of the structure. Since this request is regarded as a "change of use", the entire structure must conform to current building code requirements. The conditions of approval also address architectural compatibility with the existing building and compliance with Building and Fire Code regulations. The applicants have been working with the City Building Departments to ensure compliance with these regulations.

A notice of the public hearing was circulated to property owners within a 300 foot radius. As of the date of this staff report, no objections were submitted to the City. The second-story addition for residential use would be compatible with surrounding land uses.

ATTACHMENTS:

- City Staff Comments
- Site map and architectural illustrations

RECOMMENDATIONS:

- Find that the project is Categorical Exempt per the California Environmental Quality Act, Section 15201; and
- Approve Conditional Use Permit No. 8-07 based on the findings and conditions of approval listed in the staff report dated January 22, 2008.

FACT SHEET FOR CONDITIONAL USE PERMIT No. 08-07
545 Ohio Street; APN 009-192-006

Requested Action: Allow single-family residential use within a C-1 Limited Commercial zoning district.

Related Applications: CUP No. 4-96 and CUP No. 2-05

Existing Use: abandoned church.

Applicant: Steve and Jayda Moore

Owner: Steve and Jayda Moore

Location: 545 Ohio Street

Parcel Size: 80 x 110 feet (8, 800 square feet)

Lot Coverage: 100% allowed, less than 50% existing and with project

Parking: Present: no on-site required
Residential: 2 on-site proposed

Access: Ohio Street and alley

General Plan/Zoning: Commercial (C-1 Limited Commercial)

Surrounding Land Uses: North: residential
South: Masonic hall
East: office
West: multi-residential (Gridley House)

Level of Recommended Environmental Review: Categorical Exemption

Applicable Regulations: (Others may also apply)
Conditional Use Permits Chapter 17.54
Building Code Regulations Title 15

General Plan Policies: None applicable except for compatibility of zoning and land use designations with surrounding areas.

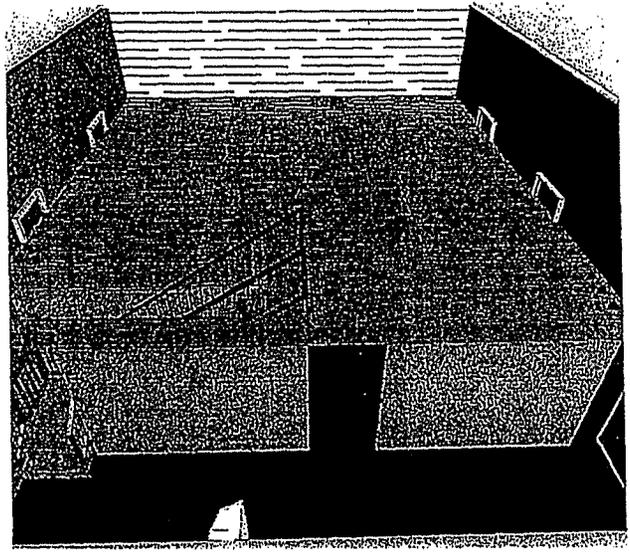
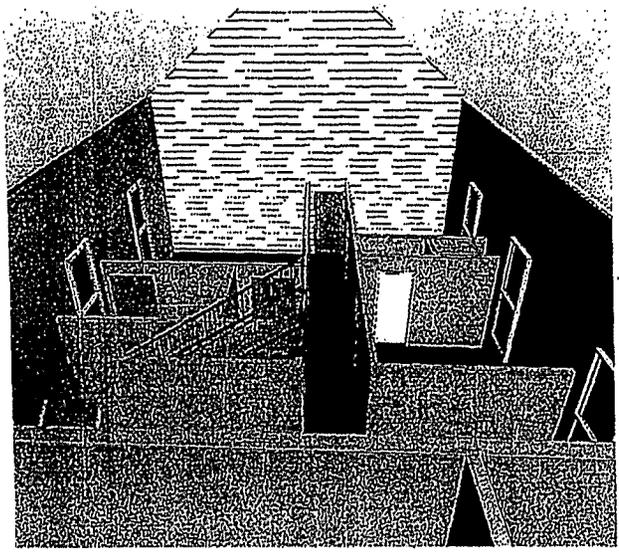
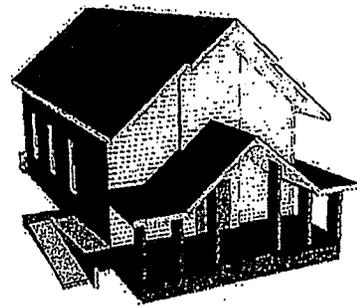
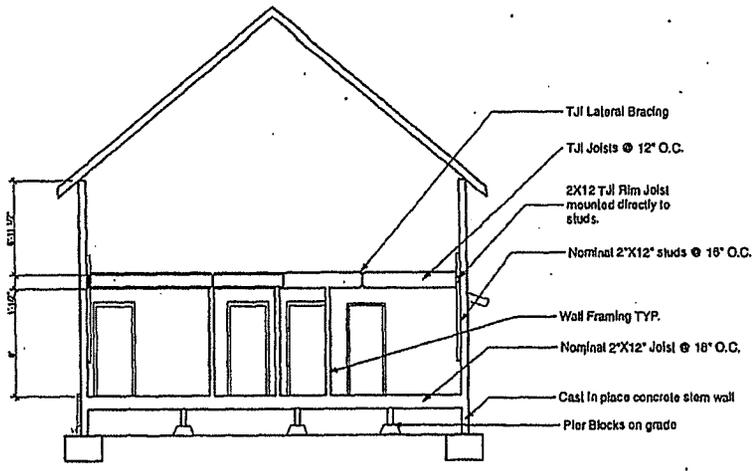
FINDINGS REQUIRED FOR USE PERMIT NO. 8-07
545 Ohio Street; APN 009-192-006

Findings for approval of a Use Permit: "the establishment, maintenance, or operation of the use or building applied for will not under the circumstances of the particular case, be detrimental to the health, safety, peace, comfort and general welfare of persons residing or working in the neighborhood of such proposed use, or be detrimental or injurious to property and improvements in the neighborhood or to the general welfare of the city or substantially impede enactment of the comprehensive plan." (GMC 17.54.040)

1. Proper notice of the public hearing was given by legal notice in the Gridley Herald and notice mailed to property owners within 300' of the project on Friday, January 11, 2008. Surrounding businesses and residences did not submit comments relating to any negative impacts associated with the proposed residential use of the church building.
2. Notice of the public hearing, conduct of said hearing, and an opportunity for all parties to present testimony was completed in accordance the California Government Code Section 65009.
3. The project is Categorically Exempt per the California Environmental Quality Act (CEQA) Guidelines Class 1, Section 15301: minor expansion to an existing facility.
4. The request for a Use Permit to use an existing church building for single-family residences will not under the circumstances of the particular case, be detrimental to the health, safety, morals, comfort and general welfare of the persons residing or working in the neighborhood of such proposed use because the residential use will blend well with the existing home and multi-family residential buildings as well as surrounding commercial uses. In addition, the proposed use will revitalize a currently vacant church building by establishing a commercial use as part of the residential use.
5. The residential use will not be injurious or detrimental to property and improvement in the neighborhood or to the general welfare of the city because the proposal is consistent with the surrounding neighborhood mix of commercial and residential uses and any addition to the exterior of the building will match the architecture of the existing church.
6. Prior to residential occupancy, the structure must meet current Building Code requirements. These requirements shall be met prior to occupancy of the building or the proposed use will not be approved. Compliance with the described improvements is included in the conditions of approval of the project. This requirement ensures the safety of future occupants and surrounding neighborhood.
7. Prior to residential occupancy, the church must meet current Fire Codes. The Fire Department did not submit any comments opposing this project nor did they submit

additional conditions of approval. This addresses the issue of safety. Compliance with the described improvements is included in the conditions of approval of the project.

8. No comments were received from the Police Department regarding this proposal.
9. The project complies with the City's General Plan Land Use Element policies by encouraging infill and compact development and by promoting a balance of housing opportunities for all ethnic groups, age and income levels. The project will provide safe, affordable housing by encouraging new construction of a currently underutilized, vacant church building.

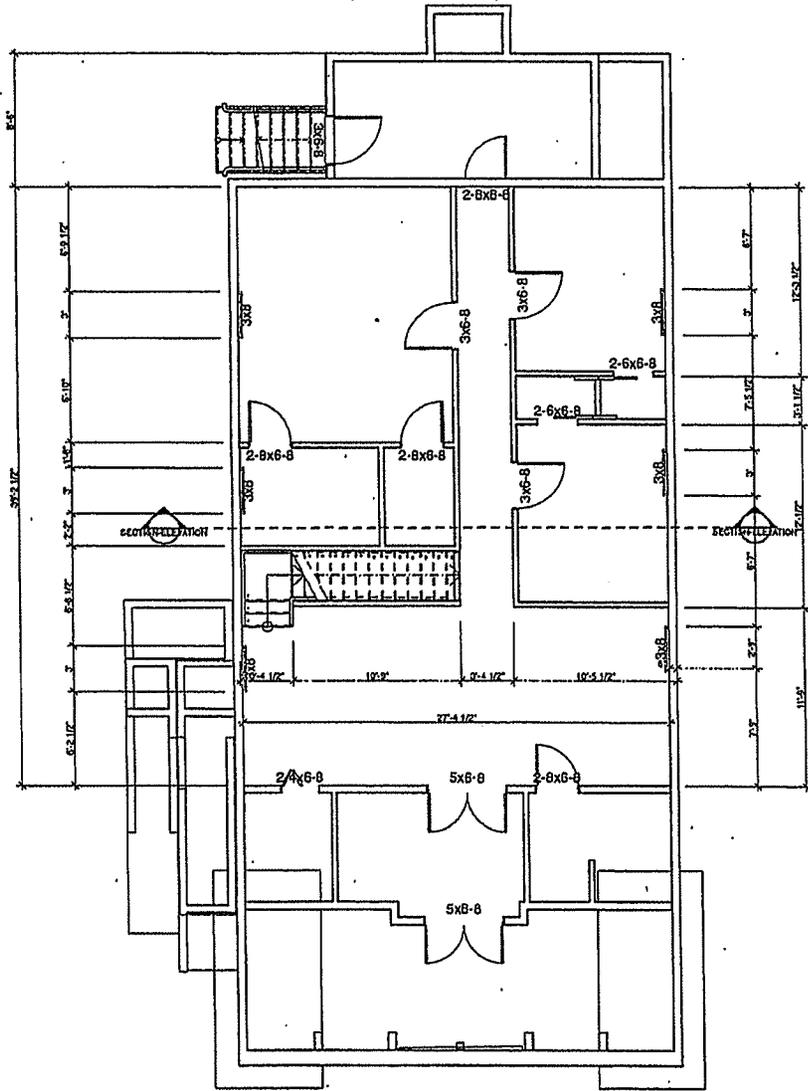


545 Ohio St.

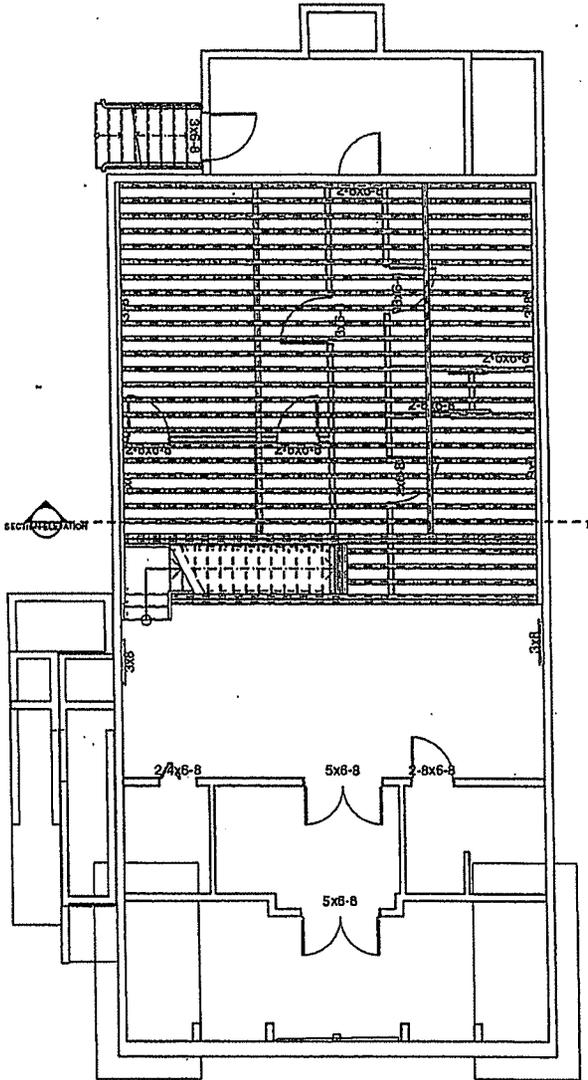
Interior Partitions

Drawn By Owner: Steve Moore

Interior Partitions



Loft Area



545 Ohio St.

Interior Partition Plan
Drawn by Owner: Steve Moore

Existing

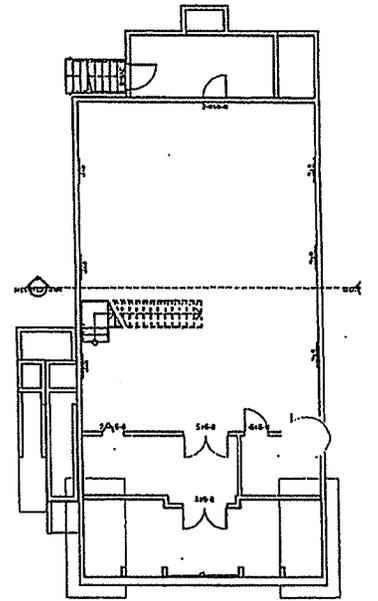


EXHIBIT D

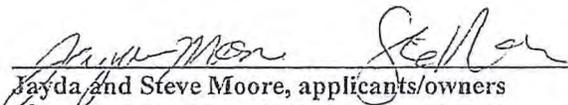
DECLARATION OF ACCEPTANCE
CONDITIONS OF APPROVAL
USE PERMIT NO. 8-07
545 Ohio Street; APN 009-192-006

Approved Use: Construct a second-story loft addition and several partitioned areas within an existing church structure for single-family residential use. A portion of the structure will continue to be used for C-1 Limited Commercial

Conditions of Approval:

Prior to Residential Occupancy of the Building:

1. The applicant shall file a declaration of acceptance of the following conditions by submitting a signed copy of the conditions to the Planning Department within 30 days of the Planning Commission approval. The application shall expire one (1) year from the date of Planning Commission approval unless a building permit has been secured prior to the one (1) year date.
2. The use of the site shall be as described above. Any modifications to the approved plans shall require prior approval by the Community Development Director.
3. The applicant shall obtain a City of Gridley building permit before construction can proceed.
4. Prior to occupancy, the applicant shall comply with all Building and Fire Code regulations and all other applicable State and local codes. For the applicant's information, if the building is constructed as a live/work space, then it will be designated as "R-3 Single Family Residential" and "B Business" occupancy. Table 3-B of the California Building Code requires a one-hour fire-resistive occupancy separation between the two occupancies. If the "B" occupancy serves members of the general public and/or the business will have employees, then the business occupancy must be accessible to disabled individuals (entry, path of travel within occupancy, restroom, work areas, customer service areas, etc.).
5. The applicant shall provide two paved on-site parking spaces per Chapter 17.46 of the GMC.
6. Any external addition to the building shall be architecturally compatible with the existing structure as determined by the Community Development Director.
7. At least 30% of the existing building footprint must be available for commercial use. The remaining floor area and any new second-story additions may be used only for a single-family residential use. The structure may not be separated into any additional separate living spaces (studio/apartments).



Jayda and Steve Moore, applicants/owners

2-12-08
date



Andrea Redamonti, Community Development Director

2-12-08
date



MINUTES
CITY OF GRIDLEY
CITY COUNCIL

EXHIBIT E

REGULAR MEETING
7:00 P.M., MONDAY
MARCH 3rd, 2008

CITY HALL
685 KENTUCKY STREET
GRIDLEY, CALIFORNIA

Gridley City Council

6:00 p.m. Study Session

Gridley Museum and Historical Preservation presentation

There was a study session involving a power point presentation of the Gridley Museum and Historical Preservation.

At 7:00 p.m. the meeting was called to order by Mayor Fichter, Council member Johnson led the pledge of allegiance.

7:00 p.m. Regular Session

ROLL CALL

City Council Members

Present	Sparks, Hall, Johnson, Mota, Fichter
Absent	None
Arriving post roll call	None

Staff present:

Assistant City Administrator, Brad Wilkie
City Attorney, Brant Bordsen
City Engineer, Bruce Nash
Chief of Police, Gary Keeler
Electric Department Superintendent, Gary Davidson
Public Works Director, Alvin Davis
Chief, Mike Brown, Captain Skip Sannar
Housing and Grant Coordinator, Robert Lunt
Recreation Director, Malanee Montero
Building Official, Keith Gebhardt

Recording Secretary Elisa Arteaga

Press Gridley Herald, Lisa Van De Hay

1. PUBLIC HEARINGS - None
2. COMMUNITY PARTICIPATION FORUM - 5 MINUTE LIMITATION

IN ACCORDANCE WITH STATE LAW, IT SHALL BE THE POLICY OF THIS COUNCIL THAT NO ACTION SHALL BE TAKEN ON ANY ITEM PRESENTED DURING THE PUBLIC FORUM OR ON UNSCHEDULED MATTERS UNLESS THE COUNCIL, BY MAJORITY VOTE, DETERMINES THAT AN EMERGENCY SITUATION EXISTS, OR UNLESS THE COUNCIL BY A TWO-THIRDS VOTE FINDS THAT THE NEED TO TAKE ACTION AROSE SUBSEQUENT TO THIS AGENDA BEING POSTED. MEMBERS OF THE PUBLIC MAY ADDRESS THE COUNCIL ON MATTERS THAT ARE NOT OTHERWISE SCHEDULED FOR A PUBLIC HEARING.

- 2.1 PUBLIC - None

EXHIBIT E

2.2 COUNCIL

Council member Marlana Sparks reported a concern from a local resident. Karen Leonard was asked to present this to meeting. She was not in attendance however, Sparks explained that Leonard lives on Butteview and Sycamore and she has been having problems getting into and out of her driveway safely. Sparks concurred that she does notice the vehicles do speed by on that street. Sparks stated Ms. Leonard would probably be at the next meeting. Sparks further inquired what would be recommended to address this item. Assistant Chief Cook reported that unfortunately it is unsafe to back out. They have been informed of her concerns and have made an effort to slow down traffic in that area (speed trailer/signage); it is an unfortunate situation for her because it is the layout of her property with requiring her to back out unto the street.

Fichter welcomed Interim Assistant City Administrator, Brad Wilkie.

2.3 STAFF

Recreation Director, Malanee Montero provided a brief update regarding the Senior Program. She elaborated as to the events, meals and attendance. She addressed progress being made in the program and great attendance as well as socialization for seniors. At the last meeting there were approximately 30 seats taken. Montero reported that Community Action Agency has mentioned to her that this has been the most successful program site in this area. Montero recommended everyone go and visits the center. There was discussion regarding the meals and the success of the cite. She added that she was shocked when informed of the low number of people that get meals on wheels (8) in this area. There are many in need of a hot meal, however only eight people and Gridley and Biggs receive meals on wheels, she was unaware of why they were not utilizing the program.

2.3.1 Soccer Fields Update

Staff provided a brief overview of the status of the soccer fields. They are continuing to work on the fields and cooperatively with school district. Bruce Nash, City Engineer reported that in the packet a copy of the staff report submitted. They are in the process of doing phase I on the project. They reviewed the timeline for the soccer fields. At this point items on the report (2.4/2.5) are not accurate, because of the cost of the site improvements the dollar amounts will have to go out to bid. The architects are going through the plans and this will be done on a parallel time frame. Tentatively it is schedule to be done in the middle of September. Malanee Montero reported they usually start on practices on the Saturday the day after Labor Day. Wilkie reported that the teams begin practicing before this time. If Sycamore is unavailable, they may be able to use McKinley and Wilson and possibly Vierra Park. There was discussion regarding conflicting schedules with other functions at the Fairgrounds which will not allow the use for practices. Malanee will contact Robert Williams for further clarification. Hall inquired how badly the field in the industrial park. Alvin Davis reported that he would prefer the fields not be used at the industrial park. Johnson concurred with Davis and inquired what school field are not available and why, he suggested Montero contact School District official.

2.3.2 Entry Arch update (Bruce Nash)

City Engineer, Bruce Nash reported regarding the undergrounding project of Comcast and phone lines. They anticipate having the final plans and calculations by the end of this week and they will be submitted to building. Also he reviewed the timeline of the remaining portions and anticipates mid April for the project.

2.3.3 Skateboard Park update

The Skate board update was provided by City Engineer, Bruce Nash. They are working on grading and drainage bids. A brief review of the timeline for preparation of the project, equipment installation and completion of the project was reviewed. Council member Sparks reported she was happy to see it working.

2.4 COMMENDATIONS, AWARDS, PROCLAMATIONS AND PRESENTATIONS

3. AWARD OF CONTRACTS - None

4. CONSENT AGENDA

MOTION BY HALL, SECOND BY SPARKS, for approval of the following consent items:

4.1 Approval of City Council minutes dated February 22nd, 25th, 26th, 28th, 2008.

4.2 Second Reading: *Ordinance No. 776-2008*, "AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF GRIDLEY AMENDING SECTION 14 GRIDLEY MUNICIPAL CODE, DEVELOPMENT IMPACT FEES," by reading of title only.

4.3 HAZMAT Joint Powers Agreement

Recommendation

Authorize the Mayor to sign the 2007-2008 Fire First Amendment to the "Hazardous Materials Team Special Mutual Aid Joint Powers Agreement,"

4.4 Waste Management Franchise Extension

Recommendation

1. Approve the attached 45 say extension agreement and authorize the Mayor to sign the extension.
2. Direct staff to complete the discussions regarding terms for the long term extension of the existing franchise agreement.

By unanimous vote, the motion passed 5-0.

5. COUNCIL CONSIDERATION

5.1 Planning Commission appointment – continued from 2/16/08

Planning Commissioner, Ravi Aujla reported four applicants were interviewed for the position of Planning Commission and reviewed the recommended appointment of Gurpreet Singh. Singh is employed by the Roseville Police Department. He showed enthusiasm for the position and brings a fresh new perspective into the community. They recommended Council appoint Singh to the position of Planning Commissioner.

MOTION BY HALL, SECOND BY JOHNSON, to accept recommendation by review Committee and appoint Gurpreet Singh to the position of Planning Commissioner.

By unanimous vote, the motion passes 5-0.

5.2 Council consideration of a modification to the City's development impact fees as they apply to a mixed residential/commercial project at 545 Ohio Street; APN 009-192-006; C-1 Limited Commercial Zoning; Jayda and Steve Moore, applicants/owners.

Keith Gebhardt, Building Official reported that the applicants are requesting Council consider a reduction of the residential impact fees and approve payment of these fees on a pro rata basis for a period of time not exceed 5 years, to be specified by a deed restriction placed on the property. He further reported that the applicant has inquired from Staff a few times about the property and currently believes staff did not give them a correct cost estimate. The amount of impact fees they feel should be reflected on the square footage. They are adding a second story and they are adding additional footage. He explained original fees calculated and the methodology used to calculate the approximate cost as well as the reduction requested. The applicant is inquiring if the City could finance the fees and reduce the computation of the fees based on a 30 year amortized schedule at 4.9% (there will be a deed restriction and at the end of five years). When the balance of the impact fees are due, and if they are not paid the conditional use permit will be pulled. The fees will be included in the monthly utility billing Staff reported that it was important for the City to be careful with not setting precedence.

Council member Hall asked for clarification as to why the applicants felt they had been dealt with unfairly. It was explained that last spring they brought in a plan; they did not know the scope of the project. Hall added that they couldn't have been dealt with unfairly if at the time they did not know the exact scope of the project. The applicant Jayda and Steve Moore addressed Council with their concern pertaining to the cost for the project. She explain that she is self employed and would like to work out of the property but also will be living in the location. She elaborated as to the original inquiry made at City Offices and added that the communication has been problematic. Moore's explained their situation and attempts to sell the properties which have been unresolved. She expressed her frustration with resolving the matter and reported that the calculation of fees should have been made correctly for their project because there was a misunderstanding. She believed that although they were misinformed and they did try to prepare for the fees and were trying to

researching codes. Last year there were no mention of school fees, and it has been a problem with interpretation of fees. She explained the commercial use vs. residential use and procedure of refunding fees. They also were interested in breaking up over the next few years. Another main concern is that they would pay for it and then it would eventually go back to commercial use, could they get reimbursed.

City Attorney Brant Bordsen, reported that the manner of calculation of fees can not be changed on a case by case basis. If the calculation is changed it will be across the board for everyone. If the fees are going to be financed, again it will be provided to other individuals as well. Bordsen reported that if there are others who wish to change this it will be done so for everyone. Mayor Fichter clarified that previously in the prior meeting there was a suggestion to review the ordinance further. Council member Johnson concurred. Jayden Moore added that the interpretation of the ordinance is vital. She reviewed the ordinance and her interpretation. She added that the payment plan is the City's idea because the numbers are so large. Bordsen assured the Council and applicant he can look at the ordinance and interpret it. Sparks inquired what kind of business space is going into this location Moore explained she is going to use it for office space, she takes areal photos for special events and had customers from all areas.

Bordsen reported that he would look at the ordinances. This matter would be placed on the agenda for review at the next meeting. Wilkie concurred and added that there is the ability to put separate parcels on their buildings based on use. Fichter concurred and reported that this is becoming more common that people are working more from their homes. Housing and Grants Coordinator, Robert Lunt reported that in some locations, they are creating lofts where they have residential and retail in the same. That is being encouraged in surrounding areas one example is the Hazel Hotel. There are several good reasons to having this available for safety features in case someone sees danger they can report it. **DIRECTION:** City Attorney will review ordinances and the matter will be placed on the next agenda for consideration.

Council convened to a Meeting of the Gridley Redevelopment Agency and reconvened to the Council Meeting.

6. COUNCIL CONCERNS AND REPORTS - None
7. CORRESPONDENCE - None
8. UNSCHEDULED MATTERS - IN ACCORDANCE WITH STATE LAW, IT SHALL BE THE POLICY OF THIS COUNCIL THAT NO ACTION SHALL BE TAKEN ON ANY ITEM PRESENTED DURING THE PUBLIC FORUM OR ON UNSCHEDULED MATTERS UNLESS THE COUNCIL, BY MAJORITY VOTE, DETERMINES THAT AN EMERGENCY SITUATION EXISTS, OR, UNLESS THE COUNCIL BY A TWO-THIRDS VOTE FINDS THAT THE NEED TO TAKE ACTION AROSE SUBSEQUENT TO THE POSTING OF THIS AGENDA.

MOTION BY FICHTER, SECOND BY SPARKS, to add the Lions Easter Egg Hunt item to the agenda because it was brought to staff's attention after the posting of the agenda.

By unanimous vote, the motion passes 5-0.

MOTION BY JOHNSON, SECOND BY MOTA, to allow the Lions use the city park for hold the Easter Egg Hunt.

By unanimous vote, the motion passes 5-0.

9. INFORMATIONAL ITEMS
 - 9.1 Safety & Regulatory Training – No reportable trainings since last update.
10. CLOSED SESSION – at 8:10 p.m. City Attorney Brant Bordsen announced Council would retire to closed session under government code.
 - 10.1 CONFERENCE WITH REAL PROPERTY NEGOTIATORS

Discussion concerning acquisition of parcel or a portion of one of these parcels (vicinity of Ord Ranch and Hwy 99) for new substation to accommodate future growth.

Property: (Parcels under consideration: APN: 025-200-066,025-200-077, 025-190-082, 025-200-087, 025-200-088, 025-200-097, or 025-200-098.)

10.2 PUBLIC EMPLOYMENT

Title: City Administrator – Council will continue discussions concerning applicants.

11. **ADJOURNMENT** – at 8:40 p.m. Council adjourned to the next regularly scheduled meeting for a study session at 6:00 p.m. followed by the regular session at 7:00 p.m. on Monday, March 17th, 2008.

Acting City Clerk: _____
Brad Wilkie

EXHIBIT F



**CITY OF GRIDLEY
Staff Report**

TO: Brad Wilkie, Interim City Administrator
FROM: Keith Gebhardt, Chief Building Official 
MEETING DATE: March 3, 2008
SUBJECT: Modification of the Application of, and the Deferral of Payment of, Development Impact Fees as Applied to a Mixed Residential/Commercial Project at 545 Ohio Street; APN 009-192-006; C-1 Limited Commercial Zoning; Jayda and Steve Moore, Applicants/Owners

SUMMARY:

Jayda and Steve Moore are currently remodeling the former church building at 545 Ohio Street. They intend to convert it into a live/work space. Because the property is commercially zoned, a use permit is required for the conversion. They applied for, and were granted Conditional Use Permit 8-07 by the Gridley Planning Commission on January 22, 2008. The Moores feel that City staff did not give them an accurate cost estimate of development impact fees in advance of them committing to the project. They also feel that development impact fees were unfairly applied to their project by City staff. They feel the amount of residential impact fees they pay should be based on the percentage of floor area the residential occupancy uses within the total building floor area. Their concerns are further described in the attached letter from Jayda Moore of February 20, 2008.

BACKGROUND:

The church building is single-story with 1,492 square feet of floor area. The finished project will be two-story with 743 square feet of commercial area and 1,505 square feet of residential area. The revised floor area will total 2,248 square feet, an increase of 756 square feet. To achieve consistency, Staff computed impact fees for all three (3) occupancies per the current fee schedule. The fees for the proposed residential and commercial occupancies were added together, and then the fees for the existing commercial occupancy were credited against that total. The remaining balance has been determined to be the amount due. Fee calculation sheets for the three (3) occupancies are attached. Please note, per the City Fee Schedule, residential development impact fees are charged per living unit, and are not affected by the amount of floor area within each living unit. Connection and distribution fees were not charged since the property is already connected to City utilities. Using the above methodology, staff determined the balance of development impact fees due to be \$17, 841.64. This amount does not include the balance of building permit fees due. Staff regrets that we were not able to provide the Moores with an

EXHIBIT F

accurate computation of the development impact fees at a sooner date, but we only recently received the final construction plans for the project.

The Moores have asked for a reduction of the residential development impact fees based on the percentage of floor area devoted to the residential occupancy. They have also requested that the City of Gridley finance the payment of those fees. The floor area of the residential occupancy (1,505 square feet) ÷ the total floor area of the building (2,248 square feet) = 67% (sixty-seven percent). Using this methodology, a balance of \$11,369.68 would be due. This is \$6,471.96 less than the amount computed by City staff.

The Moores would like the City to accept payment of the development impact fees on a 30 (thirty) year amortized schedule for a period of five (5) years. A deed restriction (copy attached) demands full payment of the balance of all outstanding development impact fees at the end of the five (5) year period, or when sale or transfer of the property occurs, whichever occurs first. Should the Moores choose not to pay the balance of the fees, Conditional Use Permit 8-07 will be revoked, and the property will be restricted to solely commercial use.

The interest rate charged to finance the development impact fees would be 4.9% per annum. This is a standardized rate used by the City, most notably in the Block Grant Program. Monthly payments for thirty (30) years, based on a loan balance of \$17,841.64, would be \$94.69. Monthly payments for thirty (30) years, based on a loan balance of \$11,369.68 would be \$60.34.

DISCUSSION:

The combined commercial/residential use of this property raises unique issues. The City would like to encourage development in the Downtown District. Development impact fees add additional costs to this project and may discourage this type of development, yet the monies collected through the levy of development impact fees are needed to improve the infrastructure for new development. Development impact fees for individual projects cannot be charged to ratepayers as a group. Any decision made by Council should consider what precedents may be created for the future.

ATTACHMENTS:

- Letter from Jayda Moore dated February 20, 2008
- Floor plan drawings for the proposed project
- Development Fee Calculation Sheets (3) prepared by City Staff
- Deed Restriction for 545 Ohio Street

RECOMMENDATION

- Review all findings and testimony and direct Staff on action(s) to be taken.

Andrea Redamonti
Community Development Director
City of Gridley
685 Kentucky Street
Gridley, CA 95948

February 20, 2008

RE: 545 Ohio Street

APN: 009-192-006

Andrea,

This letter is a request for a deed of restriction to be placed upon our property located at 545 Ohio Street. This request is an attempt to solve the complexities we have incurred in our remodeling project while still satisfying the following two restrictions. Firstly, compliance with the City of Gridley's General Plan and specifically the desire of the planning board to reserve our property for future commercial use. Secondly existing codes and ordinances which do not clearly address conditional use of our structure. The unique nature of our proposal to use one existing structure residentially and commercially makes it difficult to apply existing developmental fees in a fair and reasonable way.

Our intention regarding this property is to use it as a live/work occupancy for a period of time and allow for it to return to one hundred percent (100%) commercial use at a future date. We intend to remodel and maintain the structure in a manner which allows easy conversion to "B" space (office space) at any moment. Though our plan is to owner-occupy, it is not our intent to live in this building indefinitely. Realistically we could be leaving in a year and a half, but possibly our departure will be somewhere between three to five years. At which time, our continued use the building would return to "B" space.

Upon our review of Gridley's code of ordinances Chapter 14.04 Impact Fees for Public Facilities and Services and we find that our situation with the conditional use permit is not directly addressed. Our inquiries on this matter to the city's officials as early as a pre-planning meeting last Spring and as recently as the last two month in working with the city to obtain a building permit have failed to produce any clarity. That said, the impact fee calculation sheets submitted to us on February 15, 2008 seem to be a gross increase beyond what had been previously explained to us. Our plans always involved a residential element still a various inquiries never received any responses indicated that the full residential impact fees would be applied to our project.

It was our understanding prior to February 15th, 2008 that we would be responsible for impact fees directly related to our increased utility usage. For example, if the building currently has two water closets, one bathtub/shower, two wash basins and one sink and our modifications add one bathtub/shower, one wash basin and one water closet, we are responsible for the increased utility impact of those additional facilities and any additional square footage.

Because of the complications involved, we request that our impact fees be re-assessed at the end of a five year period based on the current usage of the structure. We feel that we

made a earnest effort to be informed about anticipated costs during the planning process and we asked all the right questions. We made many decisions with impact fees in mind and are frustrated that our efforts to minimize costs may have been meaningless. It is our hope that city officials be able to address our problem using a deed restriction which protects both the interests of the city and ourselves the property owners. Or, simply remove all residential development fees and apply commercial fees to the entire project.

We have enclosed a *Commercial Development Fee Calculation Sheet* which represents the justifiable project developmental impact fees.

Respectfully,

Steve and Jayda Moore
Owners, 545 Ohio Street



MINUTES
CITY OF GRIDLEY
CITY COUNCIL

EXHIBIT G

REGULAR MEETING
7:00 P.M., MONDAY
MARCH 17th, 2008

CITY HALL
685 KENTUCKY STREET
GRIDLEY, CALIFORNIA

Gridley City Council

6:00 p.m. Industrial Park Study Session

7:00 p.m. Regular Session

ROLL CALL

City Council Members

Present	Sparks, Hall, Johnson, Mota, Fichter
Absent	None
Arriving post roll call	None

Staff present:

Interim City Administrator, Brad Wilkie
 City Attorney, Brant Bordsen
 City Engineer, Bruce Nash
 Chief of Police, Gary Keeler
 Electric Department Representative, Gary Davidson
 Electric Supervisor, Gary Davidson
 Public Works Director, Alvin Davis
 Fire Captain, Skip Sannar

Recording Secretary

Elisa Arteaga

Press

Gridley Herald, Lisa Van De Hay

1. PUBLIC HEARINGS

1.1 CDBG Program Income Use Plan

The staff report was reviewed by Interim City Administrator, Brad Wilkie. He reported that the CDBG Program Income Use Plan is designed to satisfy the federal and state laws and regulations and the purpose of this hearing it to explain a proposed amendment to the CDBG Program Income Reuse Plan and allow the public to ask questions and make comments.

Mayor Fichter opened the public hearing no one wished to be heard and the public hearing was closed

MOTION BY HALL, SECOND BY SPARKS, to adopt *Resolution No. 2008-R-022*, "A RESOLUTION OF THE CITY OF GRIDLEY AMENDING THE CDBG PROGRAM INCOME REUSE PLAN," by reading of title only.

By unanimous vote, the motion passes 5-0.

2. COMMUNITY PARTICIPATION FORUM - 3 MINUTE LIMITATION

IN ACCORDANCE WITH STATE LAW, IT SHALL BE THE POLICY OF THIS COUNCIL THAT NO ACTION SHALL BE TAKEN ON ANY ITEM PRESENTED DURING THE PUBLIC FORUM OR ON UNSCHEDULED MATTERS UNLESS THE COUNCIL, BY MAJORITY VOTE, DETERMINES THAT AN EMERGENCY SITUATION EXISTS, OR UNLESS THE COUNCIL BY A TWO-THIRDS VOTE FINDS

THAT THE NEED TO TAKE ACTION AROSE SUBSEQUENT TO THIS AGENDA BEING POSTED. MEMBERS OF THE PUBLIC MAY ADDRESS THE COUNCIL ON MATTERS THAT ARE NOT OTHERWISE SCHEDULED FOR A PUBLIC HEARING.

2.1 PUBLIC

Steve Lambert 2938 Nelson Ave. running for the Co. 4th District Supervisors position that will be vacated by Jossiasan. He introduced himself formally to Council and added he has been in actively involved in the community, and in the feed and garden business. He has also recently moved from Biggs. Introduced himself to Council and looks forward to working with Council and entertained any questions. He is familiar with LAFCO and Citizens Advisory Committee (involved with the general plan). Council member Hall concurred and added he met with Lambert. Council welcomed him and felt that the 4th District would have good representation. Lambert added he was happy to be involved and would like to continue to be involved. He felt having the experience would be advantageous. Mayor Fichter thanked Lambert.

Planning Commission Chairwoman, Ravi Adjula introduced the newly appointed Planning Commissioner, Gurpreet Singh (1875 Butte Lodge Court). Singh introduced himself to Council provided a brief overview of his interest in serving in this position and working with Council and staff.

Council member Sparks provided an update on the Sutter Butte Flood Control Agency meeting. She reported the Public Works Director, Alvin Davis and Electric Superintendent Gary Davidson attended the meeting as well and they reviewed the items that are currently in progress as well as the creation of a Website, funding for the improvements and the scope of the project. She reviewed the criteria for accreditation and review of which levies were in need of improvement and also the maps will be prepared with updates to follow, when the maps are available older maps to be discarded. Davidson concurred and added they are focusing on areas that are immediate concerns, power point was presented by Dan Peterson was submitted a discussion was held regarding flood insurance. The only portion that affected the City was the insurance issue and the important to get insurance. It is better to have insurance before remapping then it is better to received it before the maps are changed.

Council member Sparks, added that at the previous meeting there were concerns from a resident of speeding in their area and they have to back out into the street. It was taken care of it and traffic has slowed down. She thanked the Gridley Police Department for working with the resident.

Council member Johnson reported on the items in public works that were discussed in the Public Works meeting. The first issue involved a resident building a new fence on the city right-a-way and it was a foot taller than the standard allowed height. The resident was directed to move the fence out of the city right-a-way. The other issue was the fire bell being relocated in the downtown, the museum wanted to know if they could put the bell front of the museum. The Committee recommended an area between the fire department and museum it will be placed in one of the planter areas in the downtown area.

Mayor Fichter reported she attended the Mosquito Abatement meeting they discussed "Anna felice" mosquito. They discussed fogging and spraying methods and concerns. They try to kill them before they hatch. Johnson reported that the City use to have a lot more mosquito's, he has seen the spraying of the fields and believes there is a big difference. What they are doing is making a difference in the summer time.

2.2 COUNCIL

2.3 STAFF

Electric Superintendent Gary Davidson reported the Electric Department is continuing to use the new bucket truck and will put it to good use.

Chief of Police, Gary Keeler reported that he attended a conference. It was in Fresno, it is a California Police Chiefs association. They have an extreme gang problem. It was informative, more enforcement but have stepped it up so much that their chief has to have security around him and his family. They talked about technology, youth issues, and satisfaction of youth in the job market. It was good and felt he brought back a lot. Keeler informed Council that this last weekend there was a shooting in Marysville. At a concert they experienced problems and there were some connections with Gridley. There were 3 people shot, one is in critical condition. The Gridley Police Department is putting a lot of effort and working cooperatively with Marysville. Johnson inquired as to who was the head of the police chiefs at the conference. Keeler reported it was the Police Chief of the Los

Angeles Police Department (Bratton). Fresno's Chief is knowledgeable both have been involved in large organizations.

2.3.1 Green Line Project Update (City Administrator)

Brad Wilkie, City Administrator reported he reviewed the agreement and anticipated it was fine and will be signed by Butte Co. Supervisors first then it will be presented to Council for approval.

2.3.2 Soccer Fields Projects (City Engineer)

City Engineer Bruce Nash reported they are continuing with progress.

2.3.3 Skatepark project (City Engineer)

City Engineer Bruce Nash reported they are continuing with progress.

2.3.4 Entry Arch update (City Engineer)

Bruce Nash reported at the prior meeting he provided a schedule for Council. The entry arch plans have been received comments made and it were sent back to the Engineer.

2.4 COMMENDATIONS, AWARDS, PROCLAMATIONS AND PRESENTATIONS

2.4.1 Sexual Assault Awareness Month Proclamation

Mayor Fichter presented Leslie Holms the proclamation for sexual assault awareness month. Holmes reported she has worked for rape crisis agency as the bookkeeper. It was a agency that housed victims and provided them with not only housing but counseling assistance. Keeler added that that the way the victims are treated has changed a lot over the years and it is credited to agencies that aid and provide this service.

3. AWARD OF CONTRACTS - None

4. CONSENT AGENDA

MOTION BY HALL, SECOND BY JOHNSON, for consent items

4.1 Approval of City Council minutes dated March 3rd, 2008.

4.2 California Asset Management Program (CAMP)

In preparation of the issuance of tax increment bonds for the Redevelopment Agency, the City will be required to track and report periodically on the status of the bond. CAMP provides the reporting functions as part of membership.

Recommendation

Authorize the City to join the CAMP JPA by adoption of *Resolution No. 2008-R-019*, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF GRIDLEY AUTHORIZING THE CITY OF GRIDLEY TO JOIN WITH OTHER PUBLIC AGENCIES AS A PARTICIPANT OF THE CALIFORNIA ASSET MANAGEMENT TRUST AND TO INVEST IN SHARES OF THE TRUST AND IN INDIVIDUAL PORTFOLIOS," by reading of title only.

4.3 CDBG Business Loan approval

Recommendation

1. Approve the proposed CDBG Program Income loan to Bryon Sutherland dba: Sutherland Glass Art and approval of Loan Memorandum and "CDBG ED Loan Approval and Drawdown Checklist", submitted by TCEDC.
2. Adoption of *Resolution No. 2008-R-023*, "A RESOLUTION OF THE CITY OF GRIDLEY DESIGNATING A BLIGHTED AREA", by reading of title only.

4.4 Electric Utility replacement tower truck

The existing tower truck is 4 years past its expected replacement date and requires a substantial maintenance repair to continue operating.

Recommendation

1. Authorize the purchase and/or lease of an Electric Utility Tower Truck from Global Equipment Sales for an amount not to exceed \$175,000.
2. Adopt *Resolution No. 2008-R-021*, "A RESOLUTION OF THE CITY OF GRIDLEY AUTHORIZING THE PURCHASE OF A USED ELECTRIC UTILITY TOWER TRUCK AND APPROPRIATING SUPPLEMENTAL FUNDS," by reading of title only.

4.5 Acceptance of TDA Audit reports

Recommendation

Based on the results of the audits, with no exceptions, Staff requests that the City Council accept the financial audits of the Transportation Development Act Funds and the Senior Tax Fund as provided by Nystrom & Company.

By unanimous vote, the motion passes 5-0.

5. COUNCIL CONSIDERATION

5.1 Review of Title 14 of the Municipal Code – Development Impact Fees

City Administrator, Brad Wilkie reported that during the previous Council meeting of March 3, 2008, Council expressed interest in reviewing city ordinances, resolutions and development impact fee schedules. Council will review information and make a recommendations and or direction based upon the findings and testimony.

City Attorney, Brant Bordsen reported that there is no other method of addressing this issue other than changing the ordinance. Wilkie reported that in the general plan a portion looked at will involved the options for zoning. The impact fees would be applied to the larger development areas. Council member Johnson addressed this issue and stated he would like to reconsider the statue of limitations for abandoned use. For example, if a resident's house burned down and it is unoccupied for over a year they would not be subject to reconnection fees. Bordsen elaborated as to the differences in uses and consideration of abandonment. He reported that an amendment could be done. Johnson reported a few people have approached him about extending the time for consideration of abandonment. There was brief discussion relating to the issue of abandonment and consideration of reviewing the ordinances. Johnson reported extending the statue of limitations on abandonment could be revisited and should be an option because it was not a burden on the system if the location originally had use and would be a few people who would build on a property. Sparks entertained agendizing the abandonment statue of limitation. Johnson concurred and added lengthening the time would encourage building. Direction: Staff to agendize this item for the next agenda for consideration.

Steve Moorc, approached Council with a question of how many people have read the ordinance and expressed his frustration with the wording. He asked Council consider clarification pertaining to the definition of new construction. Moore added that they have been trying to work this out. They have already paid a lot of money and a review of the ordinance would be done. He reported that this was mentioned a few weeks ago and it has not been resolved. He reported he would lose a lot of money on this project and if need to he would take legal action it if was necessary. He closed by mentioning to council he was willing to resolve this in a peaceful and calm manner.

Convene to a Joint Meeting of the Gridley City Council and the Gridley Redevelopment Agency

Roll Call

R-4 CONSENT

R-4.1 Approval of Agency minutes dated March 3rd, 2008.

R-4.2 Agency adopts Resolution approving its Report to Council and authorizing transmittals to City Council, taxing entities and others as may be required.

MOTION BY HALL, SECOND BY JOHNSON, for the approval of the following:

1. That the Agency adopt *Resolution No. 2008-RDA-04*, "A RESOLUTION OF THE GRIDLEY REDEVELOPMENT AGENCY APPROVING AND ADOPTING THE REPORT TO THE CITY COUNCIL OF THE CITY OF GRIDLEY ON THE PROPOSED 2008 AMENDMENT TO THE REDEVELOPMENT PLAN FOR THE GRIDLEY REDEVELOPMENT PROJECT AND SUBMITTING SAID REPORT AND THE PROPOSED 2008 AMENDMENT TO THE CITY COUNCIL," by reading of title only.
2. Approving the Report in the form attached to this staff report as Attachment No. 2 and transmitting it, the proposed 2008 Amendment, attached to this staff report as Attachment No. 1, and related documents to the City Council.
3. That the City Council adopt *Resolution No. 2008-R-020*, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF GRIDLEY ACKNOWLEDGING RECEIPT FROM THE GRIDLEY REDEVELOPMENT AGENCY OF THE PROPOSED 2008 AMENDMENT TO THE REDEVELOPMENT PLAN FOR THE GRIDLEY REDEVELOPMENT PROJECT AND THE REPORT TO THE CITY COUNCIL CONCERNING SAID 2008 AMENDMENT," by reading of title only.
4. The recommended actions are necessary to continue the process to adopt the 2008 Amendment.

Joint Roll call

City Council members: **By unanimous vote the motion passed 5-0.**

Agency members: **By unanimous vote the motion passed 5-0.**

R-5 BOARD CONSIDERATION

R-5.1 Industrial Park – Agency - Verbal report

Executive Director, Brad Wilkie provided the Industrial park verbal report. He added that the CDBG loan was being approved for the owner of the glass blowing business. They are continuing to progress and are discussing the railroad crossing, they are reevaluating what can be done relating to having issues addressed. No other action was reported.

Reconvene Council Meeting

6. COUNCIL CONCERNS AND REPORTS - None
7. CORRESPONDENCE - None
8. UNSCHEDULED MATTERS - IN ACCORDANCE WITH STATE LAW, IT SHALL BE THE POLICY OF THIS COUNCIL THAT NO ACTION SHALL BE TAKEN ON ANY ITEM PRESENTED DURING THE PUBLIC FORUM OR ON UNSCHEDULED MATTERS UNLESS THE COUNCIL, BY MAJORITY VOTE, DETERMINES THAT AN EMERGENCY SITUATION EXISTS, OR, UNLESS THE COUNCIL BY A TWO-THIRDS VOTE FINDS THAT THE NEED TO TAKE ACTION AROSE SUBSEQUENT TO THE POSTING OF THIS AGENDA.
9. INFORMATIONAL ITEMS
 - 9.1 Safety & Regulatory Update
 - 9.2 NCPA conference – Utility Director

City Administrator, Brad Wilkie provided a verbal update regarding the NCPA conference he attends on an annual basis. They could talk about the strategic meeting and talk about this it was worth while conference they were able to review the LODI, renewable energy portfolio standards of

20%, 70-75 percent comes from hydro energy. However it does not count, (20/20 deadline) meeting the requirements proactively. They will be meeting bi-monthly.

9.3 NCPA Strategic Planning Conference – Energy Commissioner

Wilkie reviewed the meetings and upcoming attendance of Electric Commissioner Sanford, he is the representative for Gridley. One of things they will do is tour the Oroville Dam facility and they anticipate participating in the tour. Fichter inquired who was open to for the tour. They gave a contact name for other people touring, Council entertained attending the tour. Wilkie added a solar panel is on the roof and Wilkie is waiting for the demonstration material. It has been installed and is operating and there is a meter in the main electrical panel that is showing how it is working.

9.4 Gridley-Biggs month in review for February, 2008

10. CLOSED SESSION – at 8:00 p.m. City Attorney Brant Bordsen announced Council would retire to closed sessions under government code.

10.1 CONFERENCE WITH REAL PROPERTY NEGOTIATORS

Discussion concerning acquisition of parcel or a portion of one of these parcels (vicinity of Ord Ranch and Hwy 99) for new substation to accommodate future growth.

Property: (Parcels under consideration: APN: 025-200-066, 025-200-077, 025-190-082, 025-200-087, 025-200-088, 025-200-097, or 025-200-098.)

10.2 PUBLIC EMPLOYMENT

Title: City Administrator – Council will continue discussions concerning applicants.

11. ADJOURNMENT – adjourning a study session at 6:00 p.m. followed by the regularly scheduled meeting at 7:00 p.m. on Monday, April 7th, 2008.

Acting City Clerk: _____
Brad Wilkie



**EXHIBIT H CITY OF GRIDLEY
Staff Report**

TO: Brad Wilkie, Interim City Administrator
FROM: Keith Gebhardt, Chief Building Official
MEETING DATE: March 17, 2008
SUBJECT: Application and/or Payment of Development Impact Fees as Applied to a Mixed Residential/Commercial Project at 545 Ohio Street; APN 009-192-006; C-1 Limited Commercial Zoning; Jayda and Steve Moore, Applicants/Owners

SUMMARY:

During the regular Gridley City Council meeting of March 3, 2008, Council directed the City Attorney, with the assistance of the Chief Building Official, to examine City ordinances, resolutions and fee schedules to see if would possible to charge residential development impact fees based on a percentage of the total building floor area used by a residential development, rather than a per-unit flat fee. Council also directed staff to research the possibility of the City providing financing arrangements for the payment of development impact fees. These requests were made as an effort to assist owners Jayda and Steve Moore who are currently remodeling the former church building at 545 Ohio Street. They intend to convert it into live and work space occupancies.

BACKGROUND:

Staff computed impact fees for all three (3) occupancies per the current fee schedule. The fees for the proposed residential and commercial occupancies were added together, and then the fees for the existing commercial occupancy were credited against that total. The remaining balance is \$17,841.64. Per the City Fee Schedule, residential development impact fees are charged per living unit, and not by the amount of floor area within each living unit. Connection and distribution fees were not charged since the property is already connected to City utilities.

The Moores have asked for a reduction of the residential development impact fees based on the percentage of the total floor area, 67% (sixty-seven percent), devoted to the residential occupancy. This approach lowers the balance due to \$11,369.68 – a reduction of \$6,471.96. They have also asked if the City of Gridley would finance the payment of those fees

Staff examined the following documents: "Development Impact Fee Study", performed by Pacific Municipal Consultants for the City of Gridley, published February 17, 2005; all impact

agenda *next meeting*
CITY COUNCIL AGENDA
consideration
DATE: 3/17/08 ITEM NO. 5.1

EXHIBIT H

fee related ordinances enacted from January 1, 2004, to present; all impact fee related resolutions enacted from January 1, 2004, to present; all fee schedules enacted from January 1, 2004, to present; the Gridley Municipal Code. The January 1, 2004 cut-off date was chosen because fee application methods and calculations used prior to this date are no longer in effect or relevant to the post development impact fee study period.

Staff members could not locate provisions in the above documents that would allow a reduction in development impact fees based on the percentage of floor devoted to the residential portion of a mixed residential/commercial occupancy. The February 17, 2005 fee study results provide standard per unit residential amounts that are independent of floor area, and commercial amounts that are closely linked to floor area. The methodology used in the calculation of residential or commercial impact fees is not associated with percentage of floor area devoted to either occupancy. This methodology is also reflected in subsequent ordinances, resolutions and fee schedules.

Staff members also could not locate provisions, or a specific program, for City financing of development impact fees. A few financing arrangements, usually based on criteria of financial hardship, have been made in the past.

DISCUSSION:

As currently adopted, the City ordinances, resolutions and fee schedules do not permit the application of residential development impact fees based on the percentage of total floor area devoted to the residential occupancy. A new, justifiable calculation methodology would have to be developed. This would require that Pacific Municipal Consultants be retained to perform a nexus study to determine if present methodologies could be altered.

The City does not currently have a loan program for the payment of development impact fees. A loan program could be developed, but it must have uniform criteria for eligibility, be open to all qualified applicants, and have an adequate funding source that complies with State law. Development impact fees for individual projects cannot be charged to ratepayers as a group. Any loan program implemented will set a precedent, and therefore must also consider the fiscal impacts and responsibilities it would impose on the City.

RECOMMENDATION

- Review all findings and testimony, direct and/or authorize Staff on action(s) to be taken.

WHEN RECORDED, MAIL TO:

City of Gridley
685 Kentucky Street
Gridley, CA 95948

**CITY OF GRIDLEY
DECLARATION OF RESTRICTIONS ON THE USE OF REAL PROPERTY**

We, Steve and Jayda Moore, owners of all that certain real property in the City of Gridley, County of Butte, State of California, described in the attached Exhibit "A" and also designated as Assessor's Parcel Number 009-192-006, 545 Ohio Street, Gridley, California, do hereby declare that in accordance with the provisions of the C-1 Limited Commercial District and Conditional Use Permit 8-07, granted by the City of Gridley, which govern the use of this property, the following restrictions shall apply:

This property is in the C-1 Limited Commercial District. The City of Gridley Planning Commission has granted Conditional Use Permit 8-07 which allows residential use of this property provided that a minimum of thirty percent (30%) of the total conditioned floor area is maintained as a commercial occupancy. Because the owners have stated the immediate payment of all residential development impact fees will subject them to financial hardship, the City of Gridley has agreed to allow payment of these outstanding fees per the schedule described in the attached Exhibit "B".

Owners' failure to make timely payments per the attached schedule shall result in the revocation of this agreement.

This agreement shall remain in effect for five (5) years from the date of its execution, or until sale or transfer of title, whichever occurs first, at which time, all outstanding development impact fees shall be due and payable to the City of Gridley. Payment of these outstanding fees shall allow Conditional Use Permit 8-07 to remain in effect. Should the owners choose not to pay the outstanding impact fees due at this time, then Conditional Use Permit 8-07 shall be revoked and the property restricted to commercial use only. Owners shall not be entitled to a refund of any fees paid under the terms of this agreement.

Steve and Jayda Moore warrant that they shall not violate the above restrictions. The foregoing restrictions are imposed for the benefit of the City of Gridley, shall be binding upon the heirs, assigns and assessors of Owner, and shall not be revised, amended or revoked without the written consent of the City of Gridley. In the event of breach of the above provisions, the non-breaching party shall recover its costs and attorney's fees incurred to enforce the provisions herein. The recovery of such costs and attorney's fees does not depend upon filing a legal action. Violation of these restrictions could result in the City of Gridley demanding immediate payment of all outstanding development impact fees associated with this real property.

Steve Moore

Date

Jayda Moore

Date

The City of Gridley does hereby accept the benefits of the foregoing Declaration of Restrictions on Use of Real Property.

Brad Wilkie, City Clerk

Date

EXHIBIT I



Staff Report

To: City Council
From: Brad Wilkie, Interim City Administrator
Date: April 18, 2008
Subject: 545 Ohio Street project

Staff has met with the property owners regarding the dispute of fees at 545 Ohio Street and a proposal has been developed based on the terms discussed. A contract has been drawn up to put into place the term letter provided by the owners (at the request of staff).

The agreement provides for the City to receive an increasing amount starting at \$4,600 in fees if the property is sold or occupied by the end of three years. This increases unequally up to 6 years when approximately \$17,000 would be due. The property owners have the right to pay the then current amounts before 6 years to retain the Conditional Use permit. If, in this 6 year window, the City implements a different development impact fee schedule for the area where this property is located, the owner has the right to pay the new impact fees as determined (if these are lower than the agreed amounts)

Recommendation

1. Approve the terms of the Agreement and authorize the Mayor to sign.
2. Direct staff to record the agreement

CITY COUNCIL AGENDA
Consent
DATE: ITEM NO.

4-21-08 4.2

EXHIBIT I

EXHIBIT J

**RECORDING REQUESTED BY AND WHEN
RECORDED MAIL TO:**

CITY OF GRIDLEY
685 Kentucky Street
Gridley, CA 95948

Space above this Line for Recorder's Use

**AGREEMENT BETWEEN THE CITY OF GRIDLEY AND STEVEN
MOORE AND JAYDA MOORE CONCERNING A CONDITIONAL USE
PERMIT AND THE PAYMENT OF DEVELOPMENT IMPACT FEES
CONCERNING THE PROPERTY AT 545 OHIO STREET, GRIDLEY, CA**

APN: 009-192-006

EXHIBIT J

**AGREEMENT BETWEEN
THE CITY OF GRIDLEY
AND
STEVEN MOORE and JAYDA MOORE
CONCERNING
A CONDITIONAL USE PERMIT AND THE PAYMENT
OF DEVELOPMENT IMPACT FEES CONCERNING THE PROPERTY AT
545 OHIO STREET, GRIDLEY, CA**

THIS AGREEMENT is entered into by and between **THE CITY OF GRIDLEY**, (hereinafter, **CITY**) and **STEVEN MOORE and JAYDA MOORE** of 545 Ohio Street, Gridley, CA., 95948 (hereinafter **OWNERS**) with respect to the matters set forth below:

RECITALS

OWNERS own that certain property commonly known as 545 Ohio Street, Gridley, CA., 95948 and more particularly described on **EXHIBIT "A"** attached hereto and incorporated herein by reference (hereinafter **THE PROPERTY**).

THE PROPERTY has a commercial zoning.

OWNERS applied for and obtained a Conditional Use Permit so that they could reside at **THE PROPERTY** in addition to conducting commercial operations.

THE CITY has calculated development impact fees of \$17,841.64. **OWNERS** dispute their obligation to pay these fees.

THE PARTIES agree to resolve this dispute as set forth below:

**SECTION 1
Incorporation of Recitals**

The foregoing recitals are not merely recitals, but are contractual in nature and are incorporated into this Agreement.

SECTION 2
Resolution of Dispute

The above described dispute is resolved on the following terms and conditions:

1. **OWNERS** will obtain a Building Permit with regard to **THE PROPERTY** and will diligently complete the improvements called for therein no later than 120 days after execution of this Agreement. For purposes of the payments specified in Paragraph 2, below, the "Anniversary Date" shall be the earlier of 120 days after execution of this Agreement or, at such time as an Occupancy Permit is granted with respect to the work covered under the Building Permit.

2. **OWNERS** agree that the Conditional Use Permit 8-07 which they obtained concerning **THE PROPERTY** shall be forfeited, relinquished and abandoned and of no force and effect unless **OWNERS** make one of the four (4) payments to **THE CITY** in the amount specified below, time being of the essence with respect to such payment:

a. Forty-Six Hundred Dollars (\$4,600.00) on or before the expiration of three (3) years after the Anniversary Date.

b. Fifty-Three Hundred Seventy Dollars (\$5,370.00) on or before the expiration of four (4) years after the Anniversary Date.

c. Sixty-One Hundred Forty Dollars (\$6,140.00) on or before the expiration of five (5) years after the Anniversary Date.

d. Seventeen Thousand, Eight Hundred Forty-One and 64/100 Dollars (\$17,841.64) on or before the expiration of six (6) years after the Anniversary Date.

After six (6) years have elapsed from the Anniversary Date, if **OWNERS** have not made one of the four (4) timely payments specified above to **THE CITY**, then the Conditional Use Permit 8-07, shall be cancelled and of no further force or effect.

In the event **THE CITY** adopts new Development Impact Fees prior to six (6) years after the Anniversary Date, the **OWNER** shall have the option of paying such fees in full within thirty (30) days of the adoption of such fees and such payment shall be deemed to satisfy the payment specified above (and shall be sufficient to preserve the validity of the Conditional Use Permit which is the subject of this Agreement). The payments specified in this paragraph must be satisfied prior to any transfer of **THE PROPERTY** and, if not, the Conditional Use Permit shall be revoked and of no further force or effect.

3. This Agreement may be recorded. The **OWNER's** obligations to **THE CITY** pursuant to this Agreement shall be secured by a Deed of Trust.

OWNERS agree to execute any documentation required by **THE CITY** to effect abandonment and relinquishment of their rights under the Conditional Use Permit.

IN WITNESS WHEREOF, the parties have executed this Agreement on the date set forth below.

Dated: _____

STEVEN MOORE, Owner

Dated: _____

JAYDA MOORE, Owner

Dated: _____

CITY OF GRIDLEY

BY: _____

Exhibit A

THE LAND REFERRED TO HEREIN IS DESCRIBED AS FOLLOWS:

ALL THAT CERTAIN REAL PROPERTY SITUATE IN THE CITY OF GRIDLEY, COUNTY OF BUTTE, STATE OF CALIFORNIA, DESCRIBED AS FOLLOWS:

LOT 6 IN BLOCK 2 OF THE CITY (FORMERLY TOWN) OF GRIDLEY, ACCORDING TO THE OFFICIAL MAP THEREOF FILED IN THE OFFICE OF THE RECORDER OF THE COUNTY OF BUTTE, STATE OF CALIFORNIA, ON SEPTEMBER 26, 1910 IN BOOK 7 OF MAPS, AT PAGE 42.

AP NO. 009-192-006.

EXHIBIT A

EXHIBIT K



RECORDING REQUESTED BY
City of Gridley
AND WHEN RECORDED MAIL TO

Name City of Gridley
Street Address 685 Kentucky Street
City, State Gridley, CA 95948
Zip

2008-0024706

Recorded REC FEE 0.00
Official Records
County of Butte
CANDACE J. GRUBBS
County Clerk-Recorder
MS
03:03PM 26-Jun-2008 Page 1 of 3

SPACE ABOVE THIS LINE FOR RECORDER'S USE

Parcel No. 009-192-006

DEED OF TRUST WITH ASSIGNMENT OF RENTS

(This Deed of Trust contains a "DUE-ON-SALE" clause)

This DEED OF TRUST, made April 21, 2008, between

Steven Moore and Jayda Moore, husband and wife, herein called TRUSTOR,
whose address is 545 Ohio Street, Gridley, CA 95948

(Number and Street) (City) (State) (Zip)

Bidwell Title & Escrow Company, a California Corporation, herein called TRUSTEE, and

City of Gridley, herein called BENEFICIARY,

Trustor irrevocably grants, transfers and assigns to Trustee in Trust, with Power of Sale, that property in the
City of Gridley, County of Butte, California, described as:

See Exhibit A attached hereto and made a part hereof.

SK
W5

If the Trustor shall sell, convey or alienate said property, or any part thereof, or any interest therein, or shall be divested of his title or any interest therein in any manner or way, whether voluntarily or involuntarily, without the written consent of the beneficiary being first had and obtained, beneficiary shall have the right, at its option, to declare any indebtedness or obligations secured hereby, irrespective of the maturity date specified in any note evidencing the same, immediately due and payable.

Together With the rents, issues and profits thereof, SUBJECT, HOWEVER, to the right, power and authority given to and conferred upon Beneficiary by paragraph (B5) of the provisions incorporated herein by reference to collect and apply such rents, issues and profits.

For the Purpose of Securing: 1. Performance of each agreement of Trustor incorporated by reference or contained herein. 2. Payment of the indebtedness evidenced by Agreement Concerning a Conditional Use Permit and the Payment of Development of Impact Fees of even date herewith, and any extension or renewal thereof. 3. Payment of such further sums as the then record owner of said property hereafter may borrow from Beneficiary, when evidenced by another note (or notes) reciting it is so secured.

To protect the security of this Deed of Trust, Trustor agrees: By the execution and delivery of this Deed of Trust and the note secured hereby, that and with respect to the property above described, Trustor expressly makes each and all of the agreements, and adopts and agrees to perform and be bound by each and all of the terms and provisions set forth in subdivision A of that certain Fictitious Deed of Trust referenced herein, and it is mutually agreed that all of the provisions set forth in subdivision B of that certain Fictitious Deed of trust recorded in the book and page of Official Records in the office of the county recorder of the county where said property is located, noted below opposite the name of such county, namely:



COUNTY	BOOK	PAGE	COUNTY	BOOK	PAGE	COUNTY	BOOK	PAGE	COUNTY	BOOK	PAGE
Alameda	435	684	Kings	792	833	Placer	895	301	Sierra	29	335
Alpine	1	250	Lake	362	39	Plumas	151	5	Siskiyou	488	181
Amador	104	348	Lassen	171	471	Riverside	3005	523	Solano	1105	182
Butte	1145	1	Los Angeles	12055	899	Sacramento	4331	82	Sonoma	1851	689
Calaveras	145	152	Madera	810	170	San Benito	271	383	Stanislaus	1715	458
Colusa	298	617	Marin	1508	339	San Bernardino	5567	61	Sutter	572	297
Contra Costa	3978	47	Mariposa	77	292	San Francisco	A332	905	Tehama	401	289
Del Norte	78	414	Mendocino	579	530	San Joaquin	2470	311	Trinity	93	366
El Dorado	588	458	Merced	1547	538	San Luis Obispo	1151	12	Tulare	2294	275
Fresno	4828	572	Modoc	184	851	San Mateo	4078	420	Tuolumne	135	47
Glenn	422	184	Mono	52	429	Santa Barbara	1878	880	Ventura	2082	366
Humboldt	657	527	Monterey	2184	538	Santa Clara	5338	341	Yolo	653	245
Imperial	1091	501	Napa	639	88	Santa Cruz	1431	494	Yuba	334	488
Inyo	147	588	Nevada	305	320	Shasta	684	528			
Kern	3427	650	Orange	5889	611	San Diego	SERIES 2 Book 1981, Page 183887				

Said agreements, terms and provisions contained in said subdivision A and B, (identical in all counties are printed on the reverse side hereof) are by the within reference thereto, incorporated herein and made a part of this Deed of Trust for all purposes as fully as if set forth at length herein, and Beneficiary may charge for a statement regarding the obligation secured hereby, provided the charge therefor does not exceed the maximum allowed by laws.

The foregoing assignment of rents is absolute unless initiated here, in which case, the assignment serves as additional security.

The undersigned Trustor, requests that a copy of any notice of default and any notice of sale hereunder be mailed to him at this address hereinbefore set forth.

STATE OF CALIFORNIA
COUNTY OF Butte

On April 13th, 2003 before me,

Elisa L. Arteaga, Notary Public, personally appeared,

S.S.

Steven Moore

Steven Moore

Jayda Moore

who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies) and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s), acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

Signature

Elisa L. Arteaga
Elisa L. Arteaga

(This area for official notarial seal)

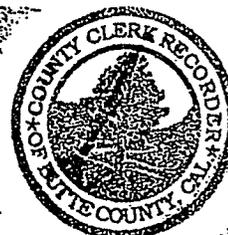
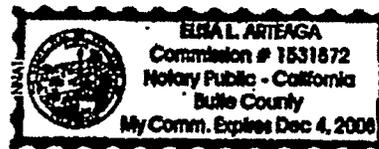


Exhibit A

THE LAND REFERRED TO HEREIN IS DESCRIBED AS FOLLOWS:

ALL THAT CERTAIN REAL PROPERTY SITUATE IN THE CITY OF GRIDLEY, COUNTY OF BUTTE, STATE OF CALIFORNIA, DESCRIBED AS FOLLOWS:

LOT 6 IN BLOCK 2 OF THE CITY (FORMERLY TOWN) OF GRIDLEY, ACCORDING TO THE OFFICIAL MAP THEREOF FILED IN THE OFFICE OF THE RECORDER OF THE COUNTY OF BUTTE, STATE OF CALIFORNIA, ON SEPTEMBER 26, 1910 IN BOOK 7 OF MAPS, AT PAGE 42.

AP NO. 009-192-006



Date: 06.12.15

This is to certify that, if bearing the purple seal of this office, this is a true copy of the document filed with the Butte County Clerk-Recorder's Office.

Candace J. Grubbs

Butte County Clerk-Recorder

By: R. Wright, Deputy



CITY OF GRIDLEY
DEPARTMENT OF BUILDING INSPECTION
Certificate of Occupancy

This is to certify that the *Business/Residence at 545 Ohio Street, Gridley, California*, has been completed and the stated occupancy is authorized and filed at the City of Gridley Building Department.

Property Owner of Record: Steve & Jayda Moore

Builder: Owner

APN: 009-192-006

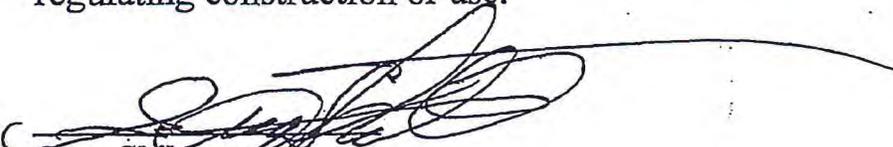
Occupancy Type: B (office) w/R-3

Construction Type: V-N (non-rated)

Building Permit Number: 4767

Date of Completion: December 5, 2008

This certificate is issued pursuant to the requirements of Section 110 of Appendix Chapter I of the 2007 California Building Code certifying that at the time of issuance this structure was in compliance with the various ordinances of the City of Gridley regulating construction or use.


Greg Shiels
Chief Building Inspector