



Willows City Council Regular Meeting

February 12, 2019
Willows City Hall
7:00 p.m.

City Council
Gary Hansen, Mayor
Kerri Warren, Vice Mayor
Lawrence Mello, Council Member
Joe Flesher, Council Member
Larry Domenighini, Council Member

Interim City Manager
Wayne Peabody

City Clerk
Tara Rustenhoven

201 North Lassen Street
Willows, CA 95988
(530) 934-7041

Agenda

1. **CALL TO ORDER- 7:00 p.m.**
2. **PLEDGE OF ALLEGIANCE**
3. **ROLL CALL**
4. **PUBLIC COMMENT/WRITTEN COMMUNICATIONS**

- a. **Public Comments:**

Members of the public wishing to address the Council on any item(s) not on the agenda may do so at this time when recognized by the Mayor/Vice Mayor; however, no formal action will be taken unless a majority consensus of the Council directs staff to place the item on a future agenda. Public is advised to limit discussion to one presentation per individual. While not required, please state your name and address for the record. (Oral communications will be limited to three minutes)

5. **CONSENT AGENDA**

Consent items are considered to be routine by the City Council and will be enacted in one motion. There will be no separate discussion on these items unless a Council Member requests, in which event the item will be removed from the consent agenda. It is recommended that the Council:

- a. Approval of general checking, payroll & direct deposit check registers 36533-36599, Z09688-Z09774, 37768-37845.
- b. Approval of minutes of the Regular City Council Meeting held on January 22, 2019.

Comments from the public are welcome. The Mayor will allow an opportunity for comments related to Public Hearings and each action item on the agenda. Please limit comments to three minutes per topic, and one comment per person per topic. Once comments conclude, please allow the Council the opportunity to continue its consideration of the item without interruption.

6. **ORDINANCES**

- a. Conduct a public hearing and, upon conclusion, it is recommended that council read by title only and pass the first reading of an Ordinance of the City of Willows entitled "An Ordinance of the City of Willows Amending Chapter 8.10.170 of Title 8 of the Willows Municipal Code Pertaining to Alternative Remedies for the Abatement of Public Nuisances."

- b. Conduct a public hearing and upon conclusion, consider reading by title only and passage of the first reading of the attached two ordinances, entitled Amending two sections of Chapter Eighteen of the Zoning Ordinance of the City of Willows and directing return for second reading and adoption at the appropriate future meeting.

7. REGULAR BUSINESS AGENDA/ITEMS REQUIRING COUNCIL ACTION

- a. Accept by motion, the audited financial statements for the fiscal year ending June 30, 2018.
- b. Adopt a resolution approving grant funds from the Downtown Façade Improvement Funds for an existing commercial building.

8. COUNCIL/ STAFF REPORTS/COMMENTS

- a. Staff Reports/Comments:
- b. Council Reports/Comments:

9. RECESS TO CLOSED SESSION

- a. PUBLIC COMMENT-Pursuant to Government Code Section § 54954.3, the public will have an opportunity to directly address the legislative body on the item below prior to the Council convening into closed session. Public Comments are generally restricted to three minutes.
- b. LIABILITY CLAIM, pursuant to Government Code Section § 54956.9,
Claimant Name: Elaine Alexander
Agency Claimed Against: City of Willows

10. RECONVENE IN OPEN SESSION

11. ANNOUNCEMENT OF ANY ACTION TAKEN IN CLOSED SESSION

12. ADJOURNMENT

This agenda was posted on February 7, 2019



Tara Rustenhoven, City Clerk

A complete agenda packet, including staff reports and back-up information, is available for public inspection during normal work hours at City Hall or the Willows Public Library at 201 North Lassen Street in Willows or on the City's website at www.cityofwillows.org.

In compliance with the Americans with Disabilities Act, the City of Willows will make available to members of the public any special assistance necessary to participate in this meeting. The public should contact the City Clerk's office at 934-7041 to make



CONSENT AGENDA



Period

1/3/2019 TO 2/8/2019

General Checking 36533 TO 36599

Payroll Direct Depos Z09688 TO Z09774

Payroll Checks 37768 TO 37845

APPROVAL DATE 2/12/2019

APPROVED _____

Check Number	Check Date	Vendor Number	Name	Gross Amount	Discount Amount	Net Amount	Invoice #	Payment Information Description
036562	01/28/19	PAT01	JULIE PATTERSON	55.00	.00	55.00	B90128P	REFUND BASKETBALL/JERSEY
036563	01/29/19	4LE00	4LEAF INC	10268.00	.00	10268.00	J3693A	EDA FIELD CONSTRUCTION DE
036564	01/29/19	AFF00	AFFORDABLE COMPUTER SOLUT	79.00	.00	79.00	5119	SERVER ADJUSTMENTS
036565	01/29/19	AIR00	AIRGAS NCN	93.17	.00	93.17	84103225	OXYGEN
036566	01/29/19	ATT01	A.T.& T.	1000.30	.00	1000.30	B90128	TELEPHONE EXP. 11/19-12/1
036567	01/29/19	BAK06	BAKER & TAYLOR BOOKS	97.47	.00	97.47	401243260	NEW PRINT MAT. LIBRARY
036568	01/29/19	BAR03	BARNES & NOBLE	116.76	.00	116.76	7267438	BOOKS
036569	01/29/19	CIT06	CITY OF ORLAND	19490.76	.00	19490.76	131	CONT.SERV. LIBRARYJULY-SE
				19490.76	.00	19490.76	132	CONT.SERV. LIBRARYOCT-DEC
			Check Total.....	38981.52	.00	38981.52		
036570	01/29/19	COA00	COASTLAND CIVIL ENGINEERI	149.50	.00	149.50	45104	W SYCAMORE ST REHAB THROU
				175.00	.00	175.00	45158	BASIN RESIDENTIAL THROUGH
				437.50	.00	437.50	45159	WILLOWS CITY ENGINEERING
				2023.95	.00	2023.95	45165	EDA GRANT THROUGH 12/31/1
				221.25	.00	221.25	45175	MCDONALD'S THROUGH 12/31/
			Check Total.....	3007.20	.00	3007.20		
036571	01/29/19	COR02	CORBIN WILLITS SYSTEMS	407.87	.00	407.87	B901151	CONT.SERV. FINANCEFEB 201
036572	01/29/19	FGL00	FGL ENVIRONMENTAL	88.00	.00	88.00	970168A	BACTI ANALYSIS
036573	01/29/19	FP000	FRANCOTYP-POSTALIA, INC.	87.84	.00	87.84	103911446	POSTBASE METER 1/1/19-3/
036574	01/29/19	GLE21	GLENN CO. SHERIFFS DEPT.	114629.16	.00	114629.16	102218-11	CONTRACTUAL LAW ENFORCEME
036575	01/29/19	GLE54	GLENN COUNTY BUILDING DEP	2851.10	.00	2851.10	4053	BUILDING INSPECTION SERVI
036576	01/29/19	GRA00	GRAY ROCK TRUCKING	165.00	.00	165.00	43697	CRUSHED ROCK DELIVERY
036577	01/29/19	HOF02	SARAH HOFFMAN	25.79	.00	25.79	B90128	MILEAGE-CAREER FAIR
036578	01/29/19	INT16	INTERSTATE BATTERY SYSTEM	124.28	.00	124.28	30052849	STORM PUMP GENERATOR REPA
036579	01/29/19	JER00	JEREMY'S PEST STOMPERS	35.00	.00	35.00	17198	PEST CONTROL FD JAN 2019
036580	01/29/19	JWW00	J.W. WOOD COMPANY INC.	7050.85	.00	7050.85	C201020	PARK FOUNTAINS
036581	01/29/19	KNI03	KNIFE RIVER CONSTRUCTION	284.30	.00	284.30	206727	WET PATCH
				285.97	.00	285.97	206939	WET PATCH
			Check Total.....	570.27	.00	570.27		
036582	01/29/19	LEA01	LEAGUE OF CA. CITIES	100.00	.00	100.00	4804	MEMBERSHIP DUES SACRAMENT
036583	01/29/19	MAT01	MATSON & ISOM TECHNOLOGY	180.00	.00	180.00	67014	OFFSITE BACKUP JAN 2019
				2843.00	.00	2843.00	67074	MANAGED PARTNER AGREEMENT
			Check Total.....	3023.00	.00	3023.00		
036584	01/29/19	MIC00	WALTER MICHAEL	159.93	.00	159.93	B90128	PLANNING CONFERENCE REIMB
036585	01/29/19	NAT26	NATIONAL FIRE SYSTEMS, IN	110.36	.00	110.36	51811	MAINTENANCE/INSPECTION
				250.00	.00	250.00	80677	HOOD INSPECTION
			Check Total.....	360.36	.00	360.36		
036586	01/29/19	NCC01	NCCSIF	16228.00	.00	16228.00	2083	WORKERS COMP.7/1/18-6//30
036587	01/29/19	NOR18	NORTHERN CALIF. GLOVES	77.76	.00	77.76	513409	GLOVES
036588	01/29/19	OFF05	OFFICE DEPOT, INC.	34.31	.00	-34.31	528515001C	OFFICE SUPPLIES RETURNED
				34.31	.00	34.31	528929001	OFFICE SUPPLIES
				68.62	.00	68.62	707500001	OFFICE SUPPLIES
				25.62	.00	25.62	867356001	OFFICE SUPPLIES
				43.09	.00	43.09	893425001	OFFICE SUPPLIES
			Check Total.....	137.33	.00	137.33		
036589	01/29/19	ORL08	ORLAND SAW & MOWER	206.88	.00	206.88	29159	CHAINSAW REPAIR
036590	01/29/19	PGE01	PG & E	20.37	.00	20.37	B90128	P.G. & E. 1600 S TEHAMA S
				8751.32	.00	8751.32	B90129	P.G. & E. 12/13/18-1/13/1
			Check Total.....	8771.69	.00	8771.69		
036591	01/29/19	POL01	POLY RISER & PIPE	50.19	.00	50.19	13244	LEAF TRUCK REPAIR

Check Number	Check Date	Vendor Number	Vendor Name	Gross Amount	Discount Amount	Net Amount	Invoice #	Payment Information Description
036592	01/29/19	RAY03	RAY MORGAN COMPANY	63.28	.00	63.28	2380559	PROF. SERVICES GENERAL OF
036593	01/29/19	RCO00	RCO HOME IMPROVEMENT CARP	2123.49	.00	2123.49	67982	CARPET INSTALLATION
036594	01/29/19	SPP00	SPP FUND III, LLC	3314.00	.00	3314.00	157358465	SOLAR ELECTRICITY DEC 201
036595	01/29/19	SWR01	SWRCB FEES	1400.00	.00	1400.00	0165889	ANNUAL PERMIT-STORM WATER
036596	01/29/19	USB04	U.S. BANK CORPORATE PAYME	2438.51	.00	2438.51	B90129	DECEMBER STMT PER ATTACHE
036597	01/29/19	VAL01	VALLEY ROCK PRODUCTS	628.36	.00	628.36	1127830	CRUSHED ROCK
036598	01/29/19	WAL07	WAL-MART COMMUNITY	316.39	.00	316.39	B90129	DECEMBER STMT PER ATTACHE
036599	01/29/19	WIL17	WILLDAN	1521.86	.00	1521.86	2-20372	PLAN CHECK SERVICES 11/26
				484.46	.00	484.46	2-20373	PLAN CHECK SERVICES 11/26
				74.71	.00	74.71	2-20374	PLAN CHECK SERVICES 11/26
				156.61	.00	156.61	2-20375	PLAN CHECK SERVICES 11/26
Check Total.....:				2237.64	.00	2237.64		
Cash Account Total.....:				221370.39	.00	221370.39		
Total Disbursements.....:				221370.39	.00	221370.39		
Cash Account Total.....:				.00	.00	.00		

Check Number	Check Date	Vendor Number	Name	Gross Amount	Discount Amount	Net Amount	Invoice #	Payment Information Description
036533	01/08/19	ABO00	STEVE ABOLD	200.00	.00	200.00	B90108	PUB. WKS. TOOL PARKS/PUB.
036534	01/08/19	AME02	AMERIPRIDE UNIFORM SVCS.	251.16 499.52	.00 .00	251.16 499.52	B90108 AB90108	DECEMBER STMT PER ATTACHE DECEMBER STMT PER ATTACHE
Check Total.....:				750.68	.00	750.68		
036535	01/08/19	AME43	AMERICAN RED CROSS HEALTH	84.00	.00	84.00	22155380	FIRST AID/CPR COURSE
036536	01/08/19	CAL18	CALIFORNIA BUILDING STAND	44.10	.00	44.10	B90108	BSF 10/1-12/31/18
036537	01/08/19	COL07	JANE COLLINS	41.73	.00	41.73	B90108	MILEAGE JULY-DEC 2018
036538	01/08/19	COM16	COMCAST CABLE	145.93	.00	145.93	B90108	ADMIN INTERNET 12/29/18-1
036539	01/08/19	DEP01	DEPT. OF CONSERVATION	35.52	.00	35.52	B90108	SMIP 10/1-12/31/18
036540	01/08/19	GAN01	GANDY-STALEY OIL CO.	2102.07	.00	2102.07	B90108	DECEMBER STMT PER ATTACHE
036541	01/08/19	GCS00	GCS ENVIRONMENTAL EQUIPME	171.19	.00	171.19	18721	#16 SWEEPER REPAIR
036542	01/08/19	GLE53	GLENN GROUNDWATER AUTHORIT	4124.00	.00	4124.00	19GGA03	MEMBER FUNDING OBLIGATION
036543	01/08/19	HUN02	ROBERT W HUNT	2925.00	.00	2925.00	19-01	GENERAL LEGAL SERVICES
036544	01/08/19	MAT01	MATSON & ISOM TECHNOLOGY	2843.00	.00	2843.00	65616	MANAGED PARTNER AGREEMENT
036545	01/08/19	MJB01	MJB WELDING SUPPLY, INC.	38.00	.00	38.00	1231708	CYLINDER RENTAL
036546	01/08/19	NSW00	NSWTS	100.00	.00	100.00	111	MONTHLY SERVICE CHARGE JA
036547	01/08/19	O'R01	O'REILLY AUTO PARTS	52.24	.00	52.24	B90108	DECEMBER STMT PER ATTACHE
036548	01/08/19	OFF05	OFFICE DEPOT, INC.	59.75	.00	59.75	531687001	OFFICE SUPPLIES
036549	01/08/19	PEA00	WAYNE PEABODY	200.00	.00	200.00	B90108	TECHNOLOGY ALLOWANCE JAN
036550	01/08/19	SAC08	SACRAMENTO VALLEY MIRROR	68.85	.00	68.85	15772	LEGAL AD APP LIMITS
036551	01/08/19	SAI02	TIMOTHY L. SAILSBERY	200.00	.00	200.00	B90108	VEHICLE ALLOW. FINANCE JA
036552	01/08/19	SEV00	INFRAMARK, LLC	54219.41	.00	54219.41	37011	WILLOWS OPERATION JAN 201
036553	01/08/19	SIN00	SINCLAIR HEATING AND AIR	1162.00	.00	1162.00	1243	FABRICATE ROOF JACKS
036554	01/08/19	STO01	STONY CREEK UNIFIED SCHOO	100.00	.00	100.00	B90108	EC LIBRARY RENT JAN 2019
036555	01/08/19	SWR01	SWRCB FEES	800.00	.00	800.00	SM1019221	WATER SYSTEM FEES
036556	01/08/19	TRA02	TRACTOR SUPPLY CREDIT PLA	139.41	.00	139.41	B90108	DECEMBER STMT PER ATTACHE
036557	01/08/19	USB02	US BANK	833.91	.00	833.91	374124253	EQUIP. LEASE 12/20/18-1/2
036558	01/08/19	VER02	VERIZON WIRELESS	187.80	.00	187.80	B90108	TELEPHONE EXP. 11/27-12/2
036559	01/08/19	WILHD	WILLOWS HARDWARE, INC.	520.55	.00	520.55	B90108	DECEMBER STMT PER ATTACHE
036560	01/08/19	WILHI	WILLOWS ACE HARDWARE	434.64	.00	434.64	B90108	DECEMBER STMT PER ATTACHE
036561	01/08/19	WILHQ	WILLOWS AUTO PARTS	494.82	.00	494.82	B90108	DECEMBER STMT PER ATTACHE
Cash Account Total.....:				73078.60	.00	73078.60		
Total Disbursements.....:				73078.60	.00	73078.60		
Cash Account Total.....:				.00	.00	.00		



SUMMARY MINUTES OF THE WILLOWS CITY COUNCIL REGULAR MEETING HELD JANUARY 22, 2019

Meeting audio is available at the City of Willows website. This is not a live feature. Audio recordings are posted the succeeding business day following the scheduled City Council Meeting.
Please visit www.cityofwillows.org for free PodBean recordings.

Mayor Hansen called the meeting to order at 7:00 p.m.

The meeting opened with the Pledge of Allegiance led by Council Member Domenighini.

Roll Call:

Council Members Present: Council Members Flesher, Domenighini, Mello, Vice Mayor Warren, Mayor Hansen

Council Members Absent:

Staff Present: Interim City Manager Wayne Peabody, Administrative Services Director Tim Sailsbery, City Clerk Tara Rustenhoven and City Attorney Robert Hunt.

Public Comment/ Written Communications: No public comments or written communications.

Interim City Manager Peabody requested item 8 of the agenda be moved under public comment and also open Public Comment for the item.

Recess to closed session:

- a. PUBLIC COMMENT-Pursuant to Government Code Section §54954.3, the public will have an opportunity to directly address the legislative body on the item below prior to the Council convening into closed session. Public comments are generally restricted to three minutes.
- b. CONFERENCE WITH LEGAL COUNSEL- ANTICIPATED LITIGATION
Significant exposure to litigation pursuant to paragraph (2) of subdivision (d) of Gov. Code Section §54956.9:
Number of cases: 1
Entered into closed session at 7:02 p.m.
Council reconvened into open session at 7:41 p.m.

Announcement of any action taken in closed session:

Mayor Hansen reported no reportable action.

Consent Agenda:

- a. Approval of minutes of the Regular City Council Meeting held on January 08, 2019.

Action:

Motion: Council Member Warren /Second: Council Member Flesher

Moved to approve the Consent Agenda as presented above and the following item(s).

The motion passed unanimously 5/0 carried by the following voice vote:

AYES: Flesher, Domenighini, Mello, Vice Mayor Warren, Mayor Hansen
NOES:
ABSENT:
ABSTAIN:

Regular Business:

- a. Approve by motion, the published RFP documents for solid waste collection and recycling services.

Interim City Manager gave a brief update of the extension of the current contract made with Waste Management made back on December 11th 2018. He recommended staying under the current RFP and choosing Option 1.

Council Member Domenighini asked if Orland and Willows had the same proposed service.

Interim City Manager responded that there are some similarities. They've taken the current contract and rolled it into the RFP. Willows has a few different things and Orland is a bit unique as well. There are new state laws that will be coming into effect that is a part of our fee process.

Council Member Domenighini then asked about the new laws and what they pertained to.

Public Works Director Dr. Q, gave a brief explanation of the new laws. The one that most are interested in is the 1383, which has to do with organic recycling by commercial business'.

Mayor Hansen asked Dr. Q if the County was exempt until 2025 because of the population.

Dr. Q responded yes, all the counties that are under 50,000 will be exempt as low population, rural counties.

Council member Mello made a comment that he agreed with Option 1.

Dr. Q mentioned that they are to receive the final bids by the 4th and they received an official request to extend the deadline. The County has three interested parties, which include Green Waste, Recology and Waste Management.

Action:

Motion: Council Member Mello /Second: Council Member Domenighini
Approve by motion, the published RFP documents for solid waste collection and recycling services for Option 1.

The motion passed unanimously 5/0 carried by the following voice vote:

AYES: Flesher, Domenighini, Mello, Vice Mayor Warren, Mayor Hansen
NOES:
ABSENT:
ABSTAIN:

Domenighini commented that he was glad to see that Willows and Orland are on the same page.

Dr. Q wanted to give clarification on Options 1 and Option 2 of the RFP. The primary different between the two options are the legal documents between the City and the franchise provider.

Both Council Member Domenighini and Mayor Hansen agree that Option 1 would be a better choice.

b. By consensus, establish a date and time for the 2018-2019 Mid-Year Budget Review.

Administrative Services Director Sailsbery asked council for a suggestion for a date to schedule the 2018-2019 Mid-Year Budget meeting.

Discussion was made between City Staff and Council Members.

By Consensus, the 2018-2019 Mid-Year Budget Review Meeting will be on Wednesday, February 20, 2019, at 1:30 p.m.

c. Approve by motion, the composition and selection process for a standing Groundwater Technical Advisory Committee and appoint a representative.

Interim City Manager-This item has been requested by Groundwater board member Gary Hansen. They are requesting that this become more of a standing committee rather than an Ad Hoc. They've requested David Kehn, a Cal Water employee, as the representative for the city.

Mayor Hansen gave a brief overview of the Groundwater meeting held on January 14th regarding this item.

Action:

Motion: Council Member Domenighini /Second: Council Member Flesher
Approve by motion, to appoint David Kehn as the City of Willows Technical Representative for Groundwater Technical Advisory Committee.

The motion passed unanimously 5/0 carried by the following voice vote:

AYES: Flesher, Domenighini, Mello, Vice Mayor Warren, Mayor Hansen
NOES:
ABSENT:
ABSTAIN:

d. Approve by motion, to accept the resignation of Walter Michael, and to approve the timeline for publication, interview, and recommendation of appointment; and by consensus nominate two Councilmembers to serve as the Ad Hoc Selection Committee to fill the Planning Commission Vacancy.

Administrative Services Director requested council to appoint two members to serve as a Selection Committee to fill the Planning Commission vacancy. It was pointed out there is a correction to the time line for February 26, 2019, that there will only be "one" applicant to be appointed to the Planning Commission.

Action:

Motion: Council Member Domenighini/Second: Vice Mayor Warren
Approve by motion, to accept the resignation of Walter Michael, and to approve the timeline for publication, interview, and recommendation of appointment.

The motion passed unanimously 5/0 carried by the following roll call vote:

AYES: Flesher, Domenighini, Mello, Vice Mayor Warren, Mayor Hansen

NOES:

ABSENT:

ABSTAIN:

Vice Mayor Warren and Council Member Domenighini agreed to serve as the Ad Hoc Selection Committee.

e. Discuss and consider entering into engagement agreement to retain Cole Huber, LLP to advise and represent the City in code enforcement action(s).

City Attorney Robert Hunt is aware that there have been a number of citizen complaints regarding the 249 N. Humboldt Avenue property, with it being one of the entry ways into the City of Willows. Mr. Hunt suggested we consider hiring Cole Huber LLP, due to it being a challenge and above his knowledge. Cole Huber specializes in representing municipalities and complex code enforcement matters.

Mr. Hunt recommends by motion, consider and approve, retaining the law firm Cole Huber to represent the City of Willows in regards to enforcement matters and public nuisance properties within the City.

Council all agreed that this was the right thing to do and we need to move forward.

Mayor Hansen asked Interim City Manager how long it's been since the fire.

Interim City Manager responded that it's been 2 years in July, but have been working on this for almost 3 years.

Action:

Motion: Council Member Domenighini/Second: Council Member Flesher

Move by motion, that we enter in to an agreement to retain Cole Huber, LLP to advise and represent the City in code enforcement actions(s).

The motion passed unanimously 5/0 carried by the following voice vote:

AYES: Flesher, Domenighini, Mello, Vice Mayor Warren, Mayor Hansen

NOES:

ABSENT:

ABSTAIN:

City Attorney Hunt wanted to add that he was hoping someone from Cole Huber, LLP would be willing to step into his shoes and that he has some self interest in finding a good firm for the City.

Vince Holvik was an attendance and approached the podium and asked if there were any activities that are taking place for all the other commercial/residence that need code enforcement in the City. He and his wife are wanting to follow this through to better our community. He hopes that this is the first step in bettering our community and appreciates the city and staff.

Council/Staff Reports/Comments:

a. Staff Reports/Comments:

- City Manager reported he was gone most of last week between Economic Development meetings and also the meeting in Sacramento. The Public Works and Fire Department did a great job in maintaining the streets and keeping the water flowing. As a reminder, as the water comes up and down, please stay out of the water.

b. City Council Reports/Comments:

Mayor Hansen:

- January 11th hosted a "Roadshow" with Brian Witherell down at the Willows Museum.
- January 14th attended the Glenn County Groundwater Authority meeting.
- January 18th attended the AB1234 Ethics training.
- January 19th attended the Willows Fireman Installation Dinner. Wanted to say thank you to Chief Peabody and it was an honor for serving as the Master of Ceremonies. The food was fantastic. Wanted to congratulate Mr. Parisio and Chief Peabody on putting on a great dinner.

Vice Mayor Warren:

- Was recently appointed to the Environmental Quality Committee for the California League of Cities. Attended her first meeting on January 17th.

Council Member Flesher:

- January 16th, 17th, and 18th attended the League of Cities, New Mayor's and Council Members Academy.

Council Member Mello:

- Wanted to say that Mr. Michael has been an asset to the City and hopes to see him down the road in the future.
- Wanted to say that he agrees with Mr. Holvik
- Pointed out that the County of Glenn is 113 square miles larger than the State of Rhode Island.

City Attorney wanted to make a comment on Council Member Mello's comment to Walter Michael. Mr. Michael had been in contact prior to resigning. He had recently accepted a position on the Glenn County Board of Education, and in doing so, it invoked the doctrine of incompatible offices and was no longer able to serve on the Planning Commission.

Adjournment:

The Meeting was adjourned at 8:26 p.m.

Dated: January 29, 2019



Tara Rustenhoven, City Clerk



ORDINANCES

AGENDA ITEM

TO: Honorable Mayor Gary Hansen and City Council Members

FROM: Robert W. Hunt, City Attorney

SUBJECT: Introduction of Ordinance 2019-_____, “An Ordinance of the City of Willows Amending Chapter 8.10.170 of Title 8 of the Willows Municipal Code Pertaining to Alternative Remedies for the Abatement of Public Nuisances.”

RECOMMENDATION

Introduce and waive the first reading of Ordinance 2019-_____, “An Ordinance of the City of Willows Amending Chapter 8.10.170 of Title 8 of the Willows Municipal Code Pertaining to Alternative Remedies for the Abatement of Public Nuisances,” providing the City of Willows with alternative remedies when abating public nuisances, including but not limited to providing addition recoupment of expenses incurred in dealing with such public nuisances.

BACKGROUND

It is the responsibility of the City to remedy code violations within the City of Willows that result in nuisances adversely affecting the health, safety and welfare of the City's residents.

The Willows Municipal Code, Title 8, Chapter 8.10 defines “nuisances,” provides procedures to be used to abate such nuisances, including due process rights and associated hearings and appeals. Chapters 8.10.130 - 8.10.150, inclusive, authorize the City to abate such nuisances that are not abated by the property owner, and to notice and collect, via special assessment, the “expenses” the City incurs in performing such abatement. However, although the Municipal Code authorizes the City Council to direct the City Attorney to institute legal action to force a property owner to abate a nuisance (Chap. 8.10.170), there appears to be no mechanism in the Municipal Code for the City to recoup attorney's fees and costs incurred in any such legal action.

THE PROPOSED ORDINANCE:

The proposed Ordinance fills this gap. It authorizes the award of attorney's fees and expenses to the prevailing party in an action to enforce the abatement of public nuisances, and specifically incorporates the provisions of Government Code § 38773.5 which explicitly authorizes an award of attorney's fees and expenses in any such legal action brought pursuant to the Willows Municipal Code, or any Penal or Civil provision

of State Law. It further permits recoument of such fees and expenses, in the event the liable property owner does not pay within 90 days, via lien or special assessment against the subject property.

FINANCIAL CONSIDERATIONS:

Undetermined. However, the proposed Ordinance may reimburse or offset costs incurred by the City in pursuing the abatement of public nuisances within the City of Willows.

ALTERNATE ACTIONS

1. Direct changes or modifications to the terms of the proposed ordinance as directed.
2. Request additional information from staff.
3. Reject ordinance, permit current WMC provisions to remain unchanged.

RECOMMENDATION

Introduce and waive the first reading of Ordinance 2019-____, "An Ordinance of the City of Willows Amending Chapter 8.10.170 of Title 8 of the Willows Municipal Code Pertaining to Alternative Remedies for the Abatement of Public Nuisances," and plan final adoption of the Ordinance at the next regularly scheduled City Council meeting on February 26, 2019.

Respectfully submitted,

Robert W. Hunt
City Attorney

ORDINANCE NO. 2019-__

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF WILLOWS
AMENDING CHAPTER 8.10.170 OF TITLE 8 OF THE WILLOWS
MUNICIPAL CODE PERTAINING TO ALTERNATIVE REMEDIES FOR
THE ABATEMENT OF PUBLIC NUISANCES.**

Adopted by the City Council of the

CITY OF WILLOWS

on Date of _____, 2019

WHEREAS, several properties in the City of Willows are in violation of City Municipal Code; and

WHEREAS, many such code violations result in blight and public nuisances adversely affecting the health, safety and welfare of the City, its businesses and residents; and

WHEREAS, the City Council of the City of Willows wishes to avail itself of all possible remedies to abate such public nuisances and code violations; and

WHEREAS, the City Council wishes to recoup to the extent possible all costs and expenses incurred by the City in the abatement of such public nuisances,

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF WILLOWS DOES ORDAIN as follows:

1. The above recitals are true and correct, and incorporated herein.
2. Chapter 8.10.170 of Title 8 of the Willows Municipal Code is hereby amended in its entirety to read as follows:

8.10.170 Alternative remedies.

(1) Nothing in this chapter shall be deemed to prevent the city council from ordering the city attorney to commence a civil or criminal proceeding to abate a public nuisance under applicable Civil or Penal Code provisions as an alternative to the proceedings set forth herein. Nothing herein shall prevent the city from abating a nuisance pursuant to any other procedure established by city ordinance or state law. The penalties and remedies under this chapter may be cumulative and in addition to other administrative, civil or criminal remedies.

(2) Pursuant to Section 38773.5 of the Government Code, in any action, proceeding, or special proceeding to abate a nuisance brought pursuant to this chapter or under applicable Civil or Penal Code provisions, the prevailing party may recover attorneys' fees and costs. The recovery of attorneys' fees and costs

CITY OF WILLOWS
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by the prevailing party is limited to those individual actions or proceedings in which the city elects, at the initiation of that individual action or proceeding, to seek recovery of its own attorneys' fees and costs. In no action, administrative proceeding, or special proceeding shall an award of attorneys' fees and costs to a prevailing party exceed the amount of reasonable attorneys' fees and costs incurred by the city in the action or proceeding.

(3) Upon a determination by the city manager or their designee that any amount owing to the city under subsection (2) above has not been satisfied within ninety (90) days of the date it was imposed, the city may collect such amounts by lien or special assessment in the same manner as provided by Sections 8.10.140-160 of this code.

This ordinance was introduced at a regular meeting of the City Council of the City of Willows, held on February 12, 2019, and adopted at a regular meeting of the City Council of Willows, held on the February 26, 2019, by the following vote, to wit:

AYES, COUNCILMEMBERS _____

NOES, COUNCILMEMBERS _____

ABSENT COUNCILMEMBERS _____

GARY HANSEN, MAYOR

APPROVED AS TO FORM:

THE CITY ATTORNEY'S OFFICE

ROBERT HUNT, CITY ATTORNEY

**CITY OF WILLOWS
ORDINANCE ____ 2019**

ATTEST:

TARA RUSTENHOVEN, CITY CLERK

February 12, 2019

AGENDA ITEM

TO: Honorable Mayor Hansen and Members of City Council

FROM: Karen Mantele, Principal Planner

SUBJECT: Zoning Text Amendments to the City's Municipal Code/Zoning Ordinance, (file# ZTA-19-01) Add text to the Municipal Code to Sections 18.110.090(9) (*Non-Conforming uses*); and 18.50.030(8) (*Entryway District*)

RECOMMENDATION

Conduct a Public Hearing and upon conclusion, 1) Consider reading by title only and passage of the first reading of the attached two Ordinances **AMENDING TWO SECTIONS OF CHAPTER EIGHTEEN OF THE ZONING ORDINANCE OF THE CITY OF WILLOWS** and directing return for second reading and adoption at the appropriate future meeting.

Project Description

Staff is bringing forth a request from Belter Land Company LLC, to make text amendments to the City's Municipal Code/Zoning Ordinance; Chapter 18. The Planning Commission at their regular January 16, 2019 meeting reviewed and discussed the proposed text amendments and have recommended to the City Council adoption of the changes. All proposed Ordinance Text Amendments are in **bold and yellow highlighted**.

Project Summary

Staff has received an application to amend the City's Municipal Code/Zoning Ordinance; specifically adding text to Section 18.50.030 E (*Entryway District*); and Section 18.110.090 (*Non-Conforming*). The changes to these sections would add an exception to the code that would allow existing structures, built as single or multiple residential dwelling units, who have lost their original use, to be allowed to re-gain that residential use via an approved use permit from the Planning Commission. The caveat is that no new residential uses are permitted; only an existing structure built for a residential use as of the date of code adoption.

The Entryway District was established in June of 2000 via an ordinance added to the Municipal Code adopted by the City Council. At that time most of the properties along Wood Street were rezoned to Entryway zoning, which removed the underlying zoning districts. Prior to the 2000 zoning amendment, zoning had changed a couple of times from its original R-4 zoning, which allowed the residential dwellings to be built.

There are numerous existing structures within the Entryway zoning district which were built as residential uses and may or may not be used as residences. The applicant owns a structure within this district; however, it lost its use as a residence when it was permitted to be used as an office via a use permit in 1986.

Zoning Text Amendments to include:

- Adding a *residential use exemption* for existing structures located within the E (Entryway District) to the Nonconforming Uses; by adding Section 18.110.090(9).
- Adding a cross reference of the *residential use exemption* by adding wording to the code within the Entryway District code section 18.50.030(8)

Environmental Review

Staff has determined that the project, Text Amendments to the Zoning Ordinance, is exempt from CEQA per Section 15061(3). A Notice of Exemption will be filed upon City Council review and approval of text amendments.

NOTIFICATION

A general notice in the newspaper of local record regarding the hearing of the zoning text amendments was published on February 2, 2019 in accordance with Section 18.20.030(1).

ALTERNATE ACTION

None are recommended for consideration by the City Council.

STAFF RECOMMENDATION

Conduct a Public Hearing and upon conclusion, 1) Consider reading by title only and passage of the first reading of the attached two Ordinances **AMENDING SECTIONS OF CHAPTER EIGHTEEN OF THE ZONING ORDINANCE OF THE CITY OF WILLOWS** and directing return for second reading and adoption at the appropriate future meeting.

Respectfully submitted,



Karen Mantele
Principal Planner

Approved by



Wayne Peabody
Interim City Manager

Attachments:

- 1) Planning Commission Resolution recommending the City Council introduce ordinances amending certain sections of the text of the Municipal Code/Zoning Ordinance.
- 2) Ordinances Exhibits A-1 through A-2

**PC RESOLUTION
PC RESOLUTION NO. 01-2019**

**A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF WILLOWS
RECOMMENDING THE CITY COUNCIL APPROVE ZONING TEXT AMENDMENTS TO THE
MUNICIPAL CODE/ZONING ORDINANCE AS LISTED ON EXHIBIT A WITH OTHER TEXT
REMAINING UNCHANGED**

WHEREAS, the Belter Land Company, LLC has initiated zoning text amendments to the City’s Municipal Code/Zoning Ordinance, specifically to Sections 18.50.030 E (*Entryway District*); and Section 18.110.090 (*Non-Conforming*) which will allow for existing structures built as single or multi residential uses who have lost this use be allowed to regain that use via approval from the Planning Commission.; and,

WHEREAS, notices of the Planning Commission meeting held on January 16, 2019, were published in a newspaper of general circulation in the City in accordance with Section 18.20.030, and,

WHEREAS, the Planning Commission did, on January 16, 2019, hold a public hearing review and consider all public oral and written comments, letters and documents, staff reports, and all other supporting documents, City codes and regulations which are a part of the Record; and,

WHEREAS, the Planning Commission finds that the Amendments to the Municipal Code/Zoning Ordinance, as proposed in attached Exhibit A are consistent with the General Plan as the Entryway Land Use Designation 6.2 provides for a mixture of commercial, office and residential uses; and

WHEREAS, the Planning Commission finds that the text amendment proposal is considered exempt from the California Environmental Quality Act (CEQA) pursuant to Section 15061(b)(3).

NOW THEREFORE, THE PLANNING COMMISSION OF THE CITY OF WILLOWS RESOLVES AS FOLLOWS:

1. The above recitals are true and correct and constitute a part of the findings made by the Planning Commission in approving this Resolution.
2. The project (amendments to the Municipal Code/Zoning Ordinance) will not have a significant effect on the environment.
3. The Planning Commission finds that the project is exempt from the California Environmental Quality Act per Section 15061(b)(3).

IT IS HEREBY CERTIFIED that the foregoing Resolution was duly adopted at a regular meeting of the Planning Commission of the City of Willows on Wednesday, the 16th day of January 2019, by the following vote, to wit:

AYES: White, Wood, Hansen, Griffith
 NOES: 0
 ABSTAIN: 0
 ABSENT: 0

APPROVED: _____
Robert Griffith, Chairperson

ATTEST: _____
Maria Ehorn, Recording Secretary

EXHIBIT A

PROPOSED ZONING TEXT AMENDMENTS

Request to Amend/Add the following sections to the Municipal Code. (text is bold and in yellow highlight)

ADD THE FOLLOWING:

- 1. 18.50.030 (Entryway) Uses permitted with a conditional use permit:
(8) Residential uses as authorized under WMC 18.110.090(9)**

- 2. 18.110.090 Nonconforming Uses
(9) Residential Use Exemption for Existing Structure(s). Existing structure(s) constructed for single or multiple residential use prior to current code and located within the Entryway zoning district may be allowed for use as a residential unit(s) by way of a conditional use permit. Enlargement, extension, reconstruction, or structural alteration may be permitted to the structure in accordance with 18.110.090(7) and 18.50.050. The Planning Commission is authorized to approve, conditionally approve or deny a request subject to appeal provisions of WMC 18.135.060**

ORDINANCE NO. _____ - 2019

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF WILLOWS AMENDING CHAPTER 18.110 GENERAL PROVISIONS AND EXCEPTIONS OF THE WILLOWS MUNICIPAL CODE OF THE CITY OF WILLOWS SPECIFICALLY SECTION 18.110.090 ADDING TEXT TO NONCONFORMING USES ALLOWING AN EXCEPTION TO THE CODE WITH ALL OTHER TEXT TO REMAIN UNCHANGED

THE CITY COUNCIL OF THE CITY OF WILLOWS DOES ORDAIN AS FOLLOWS:

SECTION 1. The City Council does hereby amend Chapter 18.110 of the Willows Municipal Code, adding a section to 18.110.090(9) of the Municipal Code, City of Willows, California, is hereby amended to read as follows:

**Chapter 18.110
GENERAL PROVISIONS AND EXCEPTIONS**

Sections:

- 18.110.010 Scope.
- 18.110.020 Accessory buildings.
- 18.110.030 Accessory uses.
- 18.110.040 Bed and breakfast.
- 18.110.050 Fences.
- 18.110.060 Height exceptions.
- 18.110.070 Home occupations.
- 18.110.080 Temporary use.
- 18.110.090 Nonconforming uses.
- 18.110.100 Yards.
- 18.110.110 Storage containers.
- 18.110.111 Emergency shelter development and managerial standards.
- 18.110.112 Second dwelling units.
- 18.110.113 Reasonable accommodation request under the Fair Housing Acts.
- 18.110.114 Density bonus.

18.110.010 Scope.

Each and every district shall be subject to the provisions of this chapter in addition to the requirements and regulations set out in each of the district regulations. [Ord. 734-17 § 1, 11-14-17; Ord. 703-11 § 1, 7-12-11; Ord. 680-08 § 1(7.01), 3-11-08; Ord. 632-91 § 7.01, 10-22-91].

18.110.020 Accessory buildings.

Accessory buildings conforming to the building code of the city of Willows shall be permitted as follows:

(1) Attached Accessory Building. An accessory structure may be attached to the main building; provided, that it shall be made structurally a part of and have a common wall with the main building and it shall comply with all other requirements, including setbacks, for main buildings.

(2) Detached Accessory Buildings. Detached accessory buildings shall be located as follows:

(a) To comply with side and front yard requirements for main buildings.

(b) Three feet from the rear property line, unless the property abuts an alley. If abutting an alley, no rear setback is required.

(c) Ten feet from any property line abutting a public street.

(3) Accessory building(s) shall not be erected in any R district, unless and until the main building is erected and occupied or until a use permit is first secured. [Ord. 734-17 § 1, 11-14-17; Ord. 703-11 § 1, 7-12-11; Ord. 680-08 § 1(7.02), 3-11-08; Ord. 632-91 § 7.02, 10-22-91].

18.110.030 Accessory uses.

Accessory uses as defined in WMC 18.25.010 shall be permitted as appurtenant to any permitted use without the necessity of securing an administrative use permit or use permit, unless particularly provided in this chapter. [Ord. 734-17 § 1, 11-14-17; Ord. 703-11 § 1, 7-12-11; Ord. 680-08 § 1(7.03), 3-11-08; Ord. 632-91 § 7.03, 10-22-91].

18.110.040 Bed and breakfast.

These regulations shall apply wherever the bed and breakfast use is permitted.

(1) A maximum of five guest bedrooms or 10 guests at one time shall be provided by a bed and breakfast establishment.

(2) The owner/operator shall reside on the property.

(3) Meals shall not be provided to other than guests of the establishment.

(4) All facilities shall meet with the health and safety regulations of the Glenn County health department. [Ord. 734-17 § 1, 11-14-17; Ord. 703-11 § 1, 7-12-11; Ord. 680-08 § 1(7.04), 3-11-08; Ord. 632-91 § 7.04, 10-22-91].

18.110.050 Fences.

(1) Fences shall not be placed or erected on public property unless an encroachment permit has been first obtained from the director of public works.

(2) In R districts, fences in side and rear yards may not exceed six feet in height and may not exceed three and one-half feet in height inside the 25-foot front yard setback. [Ord. 734-17 § 1, 11-14-17; Ord. 703-11 § 1, 7-12-11; Ord. 680-08 § 1(7.05), 3-11-08; Ord. 632-91 § 7.05, 10-22-91].

18.110.060 Height exceptions.

Towers, spires, chimneys, machinery penthouses, scenery lofts, cupolas, water tanks, radio aerials, television antennas and similar architectural and utility structures and necessary mechanical appurtenances may be built and used to a height not more than 10 feet above the height limit established for the district in which the structures are located; provided, however, no such architectural or utility structure in excess of the allowable building height shall be used for sleeping or eating quarters or for any commercial advertising purposes. Additional heights for public utility structures may be permitted upon the approval of the planning commission. [Ord. 734-17 § 1, 11-14-17; Ord. 703-11 § 1, 7-12-11; Ord. 680-08 § 1(7.06), 3-11-08; Ord. 632-91 § 7.06, 10-22-91].

18.110.070 Home occupations.

A home occupation as defined in WMC 18.25.080 shall be permitted in any residence upon first securing a use permit only if all the following regulations can be met:

- (1) Is confined completely within a legal structure and occupies not more than 25 percent of the floor space of a dwelling or 50 percent of that of an accessory building.
- (2) Involves no sales of merchandise other than that produced on the premises or directly related to and incidental to the services offered.
- (3) Is carried on by the member of the family occupying the dwelling with no other persons employed.
- (4) Produces no evidence of its existence upon or beyond the premises such as external alteration creating nonresidential or unsightly appearance of a structure, noise, smoke, odors, vibrations, etc., except one sign not to exceed two square feet in area and pertaining directly to the particular home occupation. The sign must be approved by the planning commission with regard to design and placement.
- (5) Does not generate pedestrian or vehicular traffic beyond that normal in the neighborhood in which such use is located.
- (6) Meets the requirements of the chief building inspector and fire district of the jurisdiction. [Ord. 734-17 § 1, 11-14-17; Ord. 703-11 § 1, 7-12-11; Ord. 680-08 § 1(7.07), 3-11-08; Ord. 632-91 § 7.07, 10-22-91].

18.110.080 Temporary use.

Notwithstanding any of the provisions of this title to the contrary, the following uses shall be permitted in any zoning district of the city upon the issuance of an administrative use permit in the manner hereinafter provided by Chapter 18.130 WMC:

- (1) Circuses, carnivals, and amusement parks.
- (2) Temporary use of trailer, mobile homes, manufactured housing, or modular units for temporary office or caretaker quarters.
- (3) Temporary uses not specifically identified in this section and not normally associated with or accessory to uses permitted in the zoning districts. [Ord. 734-17 § 1, 11-14-17; Ord. 703-11 § 1, 7-12-11; Ord. 680-08 § 1(7.08), 3-11-08; Ord. 632-91 § 7.08, 10-22-91].

18.110.090 Nonconforming uses.

(1) Continuation.

(a) The lawful use of land existing at the time of the passage of the ordinance codified in this title, although such use does not conform to the provisions hereof, may be continued. However, nonconforming commercial and industrial uses operated on open land not accessory to a permanent building on the site may be continued for a period not longer than five years after such uses become nonconforming.

(b) If any nonconforming use is abandoned or discontinued for any reason, subsequent use of such land shall be in conformity with the provisions of this title. The discontinuance of a nonconforming use for a period of six months or more is, in itself, prima facie evidence of abandonment.

(2) Changing to Another Such Use. If no structural alterations are made, a nonconforming use of a building may be changed to another nonconforming use of the same or more restricted classification.

(3) Alterations of Buildings. No existing building designed, arranged or intended for or devoted to a use not permitted under the regulations of this title for the district in which such building or premises is located shall be enlarged, extended, reconstructed, or structurally altered, unless such use is changed to a use permitted under the regulations specified by this title for such district in which said building is located. However, authorized maintenance shall be permitted not exceeding a total amount (during a period of five years) of 50 percent of the assessed value of the building according to the assessments thereof by the assessor of the county.

Notwithstanding the above, an owner of a nonconforming building intended for residential use may apply for a conditional use permit to allow maintenance of the building in excess of the amount specified.

(4) Destruction of Building. If at any time any building in existence or maintained at the time of the adoption of the ordinance codified in this title or amendments thereto which does not conform to the regulations for the district in which it is located shall be destroyed by fire, explosion, act of God, or act of the public enemy, to the extent of more than 50 percent of the value thereof, then and without further action by the city council, said building and the land on which said building was located or maintained shall from and after the date of such destruction be subject to all the regulations of the district in which such land and/or building is located. For the purposes of this title, the value of any building shall be the estimated cost of the replacement of the building in kind, as determined by the building official.

Notwithstanding the above, nonconforming residential structures solely for residential use located in an office, commercial or industrial zone may be continued as a residential use; provided, that there shall be no increase in the number of dwelling units or total floor area of the former structure. An owner of a nonconforming building intended for residential use may at any time apply to the city manager or his/her designee for a zoning clearance letter to allow the continued use, maintenance and improvement of the nonconforming structure including its reconstruction in the event it is destroyed more than 50 percent by any of the enumerated acts; provided, that the following conditions are met:

(a) A building permit for reconstruction is issued within six months of destruction.

(b) Reconstruction conforms to the current development standards regarding parking, height, setback, and other provisions of this code.

(5) Applicability of Chapter to New or Changed Districts. The foregoing provision shall also apply to nonconforming uses in districts hereafter changed or established, and any time limit for the suspension of a nonconforming use of the land shall date from the date of the enactment of the ordinance codified in this title or any amendment of district boundaries which first creates a nonconforming use or uses.

(6) Certificate of Use and Occupancy. The owner or occupant of any land or building classified as a nonconforming use under provisions of this title shall, upon notification by the planning commission, make application for a certificate of use and occupancy and shall, on a schedule established by the planning commission, thereafter apply for renewal of said certificate. The planning commission may waive the requirement for initial application for a certificate of use and occupancy and/or periodic renewal, either on a case-by-case basis or categorically for a class or classes of nonconforming properties.

(7) Enlargement of Nonconforming Use. Any nonconforming use or building may be permitted to be enlarged, extended, reconstructed, or structurally altered in cases where an application for a use permit is first approved, as provided in Chapter 18.135 WMC, Use Permits. The regulations of this chapter are subject to this section.

(8) Residential Use Exemption for Existing Structure(s). Existing single-story structure(s) located within the CC (central commercial) or CG (general commercial) zoning districts may be allowed for use as a residential unit(s) by way of a

conditional use permit. No enlargement, extension, reconstruction, or structural alteration may be permitted to the structure. The planning commission is authorized to approve, conditionally approve or deny a request subject to appeal provisions of WMC 18.135.060. [Ord. 734-17 § 1, 11-14-17; Ord. 703-11 § 1, 7-12-11; Ord. 680-08 § 1(7.09), 3-11-08; Ord. 664-00 § 7.09, 6-27-00; Ord. 632-91 § 7.09, 10-22-91].

(9) Residential Use Exemption for Existing Structure(s). Existing structure(s) constructed for single or multiple residential use prior to current code and located within the Entryway zoning district may be allowed for use as a residential unit(s) by way of a conditional use permit. Enlargement, extension, reconstruction, or structural alteration may be permitted to the structure in accordance with 18.110.090(7) and 18.50.050. The Planning Commission is authorized to approve, conditionally approve or deny a request subject to appeal provisions of WMC 18.135.060.

18.110.100 Yards.

- (1) No yard or other open space provided about any building for the purpose of complying with the regulations of this title shall be considered as providing a yard or open space for any other building or structure.
- (2) In any case where a setback line, building line or official plan line has been established, the required yards on the street frontage of lots shall be measured in accordance with such lines and in no case shall the provisions of this title be construed as permitting any structure to extend beyond such lines.
- (3) Garages, carports and other accessory buildings may be attached to and have a common wall with the main building or, when located as required by this title, may be connected thereto by a breezeway.
- (4) Cornices, eaves, canopies, fireplaces, and similar architectural features, but not including any flat wall or window surface, may extend into any required yard a distance not to exceed two feet.
- (5) Uncovered porches or stairways, fire escapes or landing places may extend into any required front or rear yard a distance not to exceed six feet and into any required side yard a distance not to exceed one-half of the width of the side yard required for the lot.
- (6) In any R district where 50 percent or more of the building sites in any one block or portion thereof in the same district have been improved with buildings, the required front yard shall be a depth equal to the average of the front yards of the improved building sites, to a minimum requirement of that specified for the district, but in no case less than 16 feet.
- (7) In any full block frontage lots, the front yards may be varied so that the required yard depth is not reduced more than five feet, the average of all lots equals the required yard depth and corner lot yards are not reduced.
- (8) No yard may be used or allowed to be used for the storage, accumulation or placement of junk, automobiles or other motor vehicles, machinery, or building materials except:

(a) Automobiles regularly in use which are parked within the off-street parking space provided for on said property.

(b) Building materials as may necessarily be required for construction upon the lot wherein said yard is located immediately prior to and during such construction.

(c) As may be allowed by the specific regulations applicable to the district wherein said yard lies. [Ord. 734-17 § 1, 11-14-17; Ord. 703-11 § 1, 7-12-11; Ord. 680-08 § 1(7.10), 3-11-08; Ord. 632-91 § 7.10, 10-22-91].

18.110.110 Storage containers.

Storage container units shall be permitted subject to the following:

(1) Storage containers shall be permitted within all residential zones (R-1, R-2, R-3 and R-P), subject to the following:

(a) An administrative use permit, pursuant to provisions of Chapter 18.130 WMC, must be obtained prior to placement of a storage container on a property.

(b) Containers may not be located in front, side, or rear yard setbacks, or be located forward of the principal residence on the lot. Storage containers may not be located within utility line easements and are subject to applicable city fire code compliance, including maintaining defensible space around the container and separation from other buildings.

(c) The maximum height of a storage container is limited to eight feet above finished grade.

(d) Containers cannot be located on a property prior to placement of the principal residence.

(e) Containers require issuance of a building permit, and must meet design criteria and foundation criteria noted herein.

(f) Containers cannot be placed in any city-designated entryway locations.

(g) No more than one storage container may be allowed per lot.

(2) Storage containers may be permitted in the following commercial and industrial zones (CG, CH, ML and MH), subject to the following:

(a) The placement of storage containers shall be subject to a use permit, pursuant to the provisions of Chapter 18.135 WMC, before the planning commission.

(b) Containers may not be located in front, side, or rear yard setbacks.

(i) In zones where no setback is otherwise required, a minimum setback shall be established through the use permit process, taking into account existing and planned land uses on adjoining properties.

(ii) Storage containers may not be located within utility line easements and are subject to applicable city fire code compliance, including maintaining defensible space around the container and separation from other buildings.

(c) Containers require the issuance of a building permit, and must meet design criteria and foundation criteria noted herein.

(d) Containers cannot be placed in any city-designated entryway locations.

(e) The maximum height of a storage container is limited to 10 feet above finished grade.

(3) The following design criteria shall apply to placement of a storage container:

(a) The container shall be maintained in quality condition, free of rust or other signs of deterioration.

(b) The container shall be painted (colors consistent with city design criteria as noted in Chapter 2.45 WMC).

(c) Screening shall be utilized as necessary to reduce visibility from public vantage points, and may include use of solid fencing or fencing with screening slats, landscaping and similar measures.

(4) The following foundation and building criteria shall apply to the placement of a storage container:

(a) Use of a foundation or other system which, in the opinion of the building official, provides necessary support for the storage container. The foundation may include, but not be limited to, use of a concrete pad or similar durable surface able to adequately support the structure.

(b) Storage containers shall be outfitted with a safely locking door mechanism.

(c) No electrical power may be provided to a storage container.

(5) No advertising is allowed on storage containers.

(6) The temporary use of a storage container shall be allowed in any residential, commercial or industrial zone pursuant to the following:

(a) A temporary use permit shall be obtained, pursuant to provisions of Chapter 18.130 WMC.

(b) The permit shall be granted for a period not to exceed 12 months.

(c) The permit shall expire when the project receives a certificate of occupancy or the building permit expires, whichever occurs first.

(d) Depending upon the term of the use and location of the proposed temporary storage container, temporary screening requirements and other design considerations may apply.

(e) Zoning district setbacks shall apply to the placement and location of the storage container.

(f) Storage containers shall not be used for any type of advertising.

(7) Nonconforming Storage Container(s). All storage container(s) lawfully existing prior to the adoption of the ordinance codified in this section may continue in use, subject to the provisions of this section, even when later amendments or prior amendments to any provision of this title have caused such lawfully existing storage container(s) to become nonconforming under the terms of this chapter. Storage container(s) not lawfully existing prior to the adoption of the ordinance codified in this section must be brought into conformance or removed.

(a) Nonconforming Storage Container(s). The owner of a nonconforming container shall within six months of notification of nonconformity either:

(i) Remove the container; or

(ii) Obtain a new permit, with variances to allow the nonconforming aspect; or

(iii) Obtain a new permit subject to modification or relocation of the container to achieve conformity with this division; or

(iv) Obtain an extension of time within which the container must be moved under the amortization provisions of subsection (7)(b) of this section; or

(v) Apply for a permit to allow a nonconforming storage container to remain on the property as described under subsection (7)(e) of this section.

(b) Amortization.

(i) An owner of a nonconforming container(s) may delay removal, modification, or relocation of the container(s) for a reasonable period in order to recover the original costs where, at the time specified for removal, the costs were not yet fully amortized. The amortization period shall be proportionate with the investment involved.

(ii) The owner of a nonconforming container(s) may apply to the city manager for an extension of time within which the container(s) must be removed. The application shall contain the following information:

(A) Address and detailed location of the container(s);

(B) The date the container(s) was placed;

(C) Whether and when a permit was issued;

(D) The cost of container placement;

(E) The remaining term of the container(s) owner's lease of the real property, if applicable; and

(F) The present value of the container(s).

(iii) The city manager shall consider the information presented on the application in acting on the request for extension. If the city manager finds that the circumstances warrant granting an extension of time for amortization of the container, the city manager may grant the extension for a reasonable time not to exceed three years.

(c) Use Permit or Planned Development Permit. Nonconforming storage container(s) that were permitted and installed pursuant to a conditional use permit or planned development permit, prior to the adoption of the ordinance codified in this section, may continue in use until changes, expansions, or alterations other than normal maintenance and upkeep are proposed for or made to such container(s). At the time of such change, any such container(s) must be brought into conformance with the provisions of this chapter.

(d) Alterations to Existing Development. When structural alterations, additions or remodeling with a value, as determined by the building official, of 25 percent or more of the full value of the improvements as shown on the last equalized assessment roll or \$15,000, whichever is greater, are made to the exterior of a building or to a site containing a nonconforming container(s), any and all such nonconforming storage container(s) must be brought into conformance with the provisions of this chapter whether or not changes or alterations are proposed for or made to the container(s), or such storage container(s) must be removed.

(e) Retention of Nonconforming Storage Containers. Any owner or user of such nonconforming storage container(s) wishing to maintain such a container(s) in its existing condition may apply to the city manager for a permit to allow continued maintenance and use of the container(s). Application shall be made within 30 days of the container's owner or user being notified of the need to bring such container(s) into conformance. Such permit, if granted, shall establish a specific period of time for continued use and

maintenance, based upon an individual assessment of the facts and circumstances relating to the particular container(s). Factors to be considered in approving or denying such a permit shall be the initial container's cost, the container's age, the value of any proposed structural alterations to the existing storage container, existing placement of the container on the subject property, its overall condition and appearance, and similar facts and circumstances. However, the intent of the city is to ensure compliance with the provisions of this chapter and the keeping of storage containers on private properties, and in no instance shall a nonconforming storage container be approved by city permit for a period of more than three years. Failure to apply for a permit within the 30 days specified herein shall constitute a waiver of the right to request any longer period for maintenance or use of an existing nonconforming container(s).

(f) Annexation – Change of Zone. Any container(s) that becomes nonconforming after the adoption of the ordinance codified in this section because of annexation, zone change, or other city action shall be subject to the provisions of this section. [Ord. 734-17 § 1, 11-14-17; Ord. 703-11 § 1, 7-12-11; Ord. 685-09 § 2, 8-11-09].

18.110.111 Emergency shelter development and managerial standards.

An emergency shelter shall comply with the requirements of this section, where allowed by WMC 18.60.020(8) and 18.60.030(10).

(1) Purpose. The provisions of this section are intended to provide opportunities for the development of permanent emergency shelters to provide temporary housing, with minimal supportive services for homeless persons, and to establish standards for these shelters.

(2) Location. An emergency shelter shall be proposed in the CG general commercial zoning district, subject to the permit requirements of WMC 18.60.020(8); provided, that a minimum distance of 300 feet shall be maintained from any other emergency shelter, as measured from the property line.

(3) Project Review and Approval.

(a) Emergency shelters with up to 50 beds are principally permitted in the CG zoning district; provided, that, during seasonal or emergency events of flooding, extreme temperature, or natural disaster, such shelters shall not be limited with regard to the number of persons served, subject to occupancy limits of the fire department and the California Building Code, so long as the operating conditions set forth in this section are met.

(b) Emergency shelters with greater than 50 beds in the CG zoning district shall require approval of a conditional use permit in compliance with WMC 18.60.030(10).

(c) An emergency shelter with 50 beds or less in the CG zoning district is exempt from design review. An emergency shelter with greater than 50 beds in any zoning district, including the CG zoning district, shall require design review in compliance with WMC 2.45.010.

(4) Development Standards.

(a) Maximum Number of Beds. As determined by CUP, except that a maximum of 50 beds shall be permitted, by right, in the CG zoning district.

(b) Length of Stay. Temporary shelter shall be available to residents for no more than 180 days in any 12-month period.

(c) Intake/Waiting Area. A client intake/waiting area shall be provided at a minimum of 10 square feet per bed provided at the facility, with a minimum of 100 square feet. Said intake/waiting area shall be in a location not adjacent to the public right-of-way. If located at the exterior of a building, the intake/waiting area shall be visually separated from public view by a minimum of six-foot-tall visually screening mature landscaping or a minimum six-foot-tall decorative masonry wall, and shall provide consideration for shade/rain provisions.

(d) Lighting. Adequate external lighting shall be provided for security purposes.

(e) Security. Security personnel shall be provided during the hours that the emergency shelter is in operation.

(f) On-Site Management. At least one facility manager shall be on site at all hours that the facility is open. Additional support staff shall be provided, as necessary, to ensure that at least one staff member is provided in all segregated sleeping areas, as appropriate. [Ord. 734-17 § 1, 11-14-17; Ord. 703-11 § 1, 7-12-11].

18.110.112 Second dwelling units.

(1) Purpose. The provisions of this section are intended to provide opportunities for the development of second dwelling units which provide complete independent living facilities for one or more persons.

(2) Requirements. The requirements of this section apply to the development and construction of secondary dwelling units. This section establishes development standards in compliance with Government Code Section 65852.1. Second dwelling units, as permitted by this title, are subject to the following requirements or conditions:

- (a) May be constructed in any R-1 or R-2 zone if the subject property contains one legal single-family dwelling; provided, that the second unit does not exceed the allowable density for the lot upon which the second unit shall be located.
- (b) The second unit is either attached to the existing dwelling, or detached from the existing dwelling and located on the same lot as the existing dwelling.
- (c) No more than one second dwelling unit shall be allowed on any parcel.
- (d) The design of the second dwelling unit is compatible with the design of the primary dwelling unit and the surrounding neighborhood in terms of exterior treatment and scale.
- (e) The total floor area of an attached second unit shall not exceed 30 percent of the existing living space.
- (f) The total floor space for a detached second dwelling unit shall not exceed 1,200 square feet and may not have more than one bedroom.
- (g) New construction for second dwelling units shall conform to all requirements of this title and all provisions of the current California Building Code.
- (h) Payment of all costs attendant thereto, for providing additional city services.
- (i) Shall comply with the setback and height requirements of the applicable residential zoning district for the primary dwelling.
- (j) The second dwelling unit shall provide for utilities separate from the primary residential dwelling.
- (k) The second dwelling unit shall comply with the lot coverage of the applicable zoning district.
- (l) The second dwelling unit shall be required to provide one off-street uncovered parking space.
- (m) Deed Restrictions. One unit on the property shall be owner-occupied and shall be the primary residence of the property owner, the other may be rented. Prior to issuance of any permit pursuant to this chapter, or occupancy of the second dwelling unit, an affidavit of owner occupancy and declaration or agreement of restrictions, in a form acceptable to the city attorney, shall be executed by the property owner(s) and recorded in the office of the recorder of Glenn County, stating that:
 - (i) The second dwelling unit shall not be sold separately;
 - (ii) The second dwelling unit is considered legal only so long as either the primary residence or the second dwelling unit is occupied by the owner of record of the property;

(iii) The restrictions shall be binding upon any successor in ownership of the property and lack of compliance shall void the approval of the unit and may result in legal action against the property owner.

(3) The developer of a subdivision that includes second dwelling units shall record a declaration of owner occupancy prior to the recordation of the final map or parcel map. Each lot with a second dwelling unit shall remain unoccupied until the property transfers ownership, allowing for compliance with the recorded owner occupancy restriction.

(4) Environmental Determination. The council finds that the adoption and implementation of the ordinance codified in this section are exempt from the provisions of the California Environmental Quality Act in that the council finds there is no possibility that the implementation of this section may have significant effects on the environment. [Ord. 734-17 § 1, 11-14-17; Ord. 703-11 § 1, 7-12-11].

18.110.113 Reasonable accommodation request under the Fair Housing Acts.

(1) Purpose. The purpose of this section is to establish a formal procedure for persons with disabilities seeking equal access to housing under the Federal Fair Housing Act and the California Fair Employment and Housing Act (the Acts) in the application of zoning laws and other land use regulations, policies and procedures.

(2) Findings. The council of the city of Willows finds as follows:

(a) Housing that is accessible to people with disabilities has been identified as a special housing need in the housing element of the city's current general plan.

(b) Policy RC-1.3.2 of the 2009-2014 Housing Element calls for amendment of the municipal code to provide a formal process for a person with disabilities to make a reasonable accommodation request seeking equal access to housing and reasonable accommodation in the application of the city's zoning laws.

(c) Both the Federal Fair Housing Act and the California Fair Employment and Housing Act impose an affirmative duty on local governments to make reasonable accommodation (modifications or exceptions) in their land use regulations and practices when such accommodation may be necessary to afford disabled persons an equal opportunity to housing.

(d) The city of Willows has historically provided for reasonable accommodation through the use of existing regulatory procedures not specifically designed for people with disabilities.

(e) Codification of a formal process for persons with disabilities seeking equal access to housing to request reasonable accommodation in the application of the city's land use regulations and establishment

of relevant criteria to be used when considering such requests will ensure prompt, fair and efficient handling of such requests in accordance with the fair housing laws' reasonable accommodation mandate.

(3) **Applicability.** A request for reasonable accommodation may be made by any person with a disability, their representative or any entity, when the application of a zoning law or other land use regulation, policy or practice acts as a barrier to fair housing opportunities. A person with a disability is a person who has a physical or mental impairment that limits or substantially limits one or more major life activities, anyone who is regarded as having such impairment or anyone who has a record of such impairment. This section is intended to apply to those persons who are defined as disabled under the Acts.

A request for reasonable accommodation may include a modification or exception to the rules, standards and practices for the siting, development and use of housing or housing-related facilities that would eliminate regulatory barriers and provide a person with a disability equal opportunity to housing of their choice. Requests for reasonable accommodation shall be made in the manner prescribed by subsection (4) of this section.

(4) **Application Requirements.**

(a) **Application.** Requests for reasonable accommodation shall be submitted on an application form provided by the planning department, or in the form of a letter, to the city manager and shall contain the following information:

(i) The applicant's name, address and telephone number.

(ii) Address of the property for which the request is being made.

(iii) The current actual use of the property.

(iv) The basis for the claim that the individual is considered disabled under the Acts.

(v) The zoning code provision, regulation or policy from which reasonable accommodation is being requested.

(vi) Why the reasonable accommodation is necessary to make the specific property accessible to the individual.

(b) **Review with Other Land Use Applications.** If the project for which the request for reasonable accommodation is being made also requires some other discretionary approval (including but not limited to conditional use permit, design review, general plan amendment, zone change, annexation, etc.), then the applicant shall file the information required by subsection (4)(a) of this section together for concurrent review with the application for discretionary approval.

(5) Review Authority.

(a) The City Manager. Requests for reasonable accommodation shall be reviewed by the city manager or his/her designee if no approval is sought other than the request for reasonable accommodation.

(b) Other Review Authority. Requests for reasonable accommodation submitted for concurrent review with another discretionary land use application shall be reviewed by the authority reviewing the discretionary land use application.

(6) Review Procedure.

(a) City Manager Review. The city manager, or his/her designee, shall make a written determination within 45 days and either grant, grant with modifications, or deny a request for reasonable accommodation in accordance with subsection (7) of this section (Findings and Decision).

(b) Other Reviewing Authority. The written determination on whether to grant or deny the request for reasonable accommodation shall be made by the authority responsible for reviewing the discretionary land use application in compliance with the applicable review procedure for the discretionary review. The written determination to grant or deny the request for reasonable accommodation shall be made in accordance with subsection (7) of this section (Findings and Decision).

(7) Findings and Decision.

(a) Findings. The written decision to grant or deny a request for reasonable accommodation will be consistent with the Acts and shall be based on consideration of the following factors:

(i) Whether the housing which is the subject of the request will be used by an individual disabled under the Acts.

(ii) Whether the request for reasonable accommodation is necessary to make specific housing available to an individual with a disability under the Acts.

(iii) Whether the requested reasonable accommodation would impose an undue financial or administrative burden on the city.

(iv) Whether the requested reasonable accommodation would require a fundamental alteration in the nature of a city program or law, including but not limited to land use and zoning.

(v) Potential impact on surrounding uses.

(vi) Physical attributes of the property and structures.

(vii) Alternative reasonable accommodations which may provide an equivalent level of benefit.

(b) Conditions of Approval. In granting a request for reasonable accommodation, the reviewing authority may impose any conditions of approval deemed reasonable and necessary to ensure that the reasonable accommodation would comply with the findings required by subsection (7)(a) of this section.

(8) Appeal of Determination. A determination by the reviewing authority to grant or deny a request for reasonable accommodation may be appealed to the planning commission in compliance with WMC 18.130.060. [Ord. 734-17 § 1, 11-14-17; Ord. 703-11 § 1, 7-12-11].

18.110.114 Density bonus.

(1) Purpose. The purpose of this section is to implement Government Code Section 65915. If any provision of this section should conflict with a provision of such statute, the statutory provision shall prevail.

(2) Definitions. Terms defined in Government Code Section 65915 shall have the same meaning in this section.

(3) Eligibility.

(a) The city shall grant a density bonus, the amount of which shall be as specified in Government Code Section 65915(f), and incentives or concessions, the amount of which shall be as specified in Government Code Section 65915(d)(2), when a housing development applicant seeks and agrees to construct a housing development, excluding any units permitted by the density bonus, that will contain at least any one of the following:

(i) Ten percent of the total units for lower income households, as defined in Health and Safety Code Section 50079.5.

(ii) Five percent of the total units for very low income households, as defined in Health and Safety Code Section 50105.

(iii) A senior citizen housing development, as defined in Civil Code Sections 51.3 and 51.12, or a mobile home park that limits residency based on age requirements for housing for older persons pursuant to Civil Code Section 798.76 or 799.5.

(iv) Ten percent of the total dwelling units in a common interest development as defined in Civil Code Section 1351 for persons and families of moderate income, as defined in Health and Safety

Code Section 50093; provided, that all units in the development are offered to the public for purchase.

(b) The city shall grant the concession or incentive requested by the applicant unless the city council makes a written finding, based upon substantial evidence, of any of the following:

(i) The concession or incentive is not required in order to provide for affordable housing costs, as defined in Health and Safety Code Section 50052.5, or for rents for the targeted units to be set as specified in Government Code Section 65915(c).

(ii) The concession or incentive would have a specific adverse impact, as defined in Government Code Section 65589.5(d)(2), upon public health and safety or the physical environment or on any real property that is listed in the California Register of Historical Resources and for which there is no feasible method to satisfactorily mitigate or avoid the specific adverse impact without rendering the development unaffordable to low- and moderate-income households.

(iii) The concession or incentive would be contrary to state or federal law.

(4) Continued Affordability.

(a) A housing development applicant shall agree to continued affordability of all low- and very-low-income units that qualified the applicant for the award of the density bonus for 30 years or a longer period of time if required by the construction or mortgage financing assistance program, mortgage insurance program, or rental subsidy program. Rents for the lower-income density bonus units shall be set at an affordable rent as defined in Health and Safety Code Section 50053. Owner-occupied units shall be available at an affordable cost as defined in Health and Safety Code Section 50052.5.

(b) A housing development applicant shall agree that the initial occupant of the moderate-income units that are directly related to the receipt of the density bonus in the common interest development, as defined in Civil Code Section 1351, are persons and families of moderate income as defined in Health and Safety Code Section 50093, and that the units are offered at an affordable cost as defined in Health and Safety Code Section 50052.5. The city shall enforce an equity sharing agreement consistent with Government Code Section 65915(c) unless it is in conflict with the requirements of another public funding source or law.

(5) Projects with a Child Care Facility.

(a) When an applicant proposes to construct a housing development that conforms to the requirements of subsection (3)(a) of this section and includes a child care facility that will be located on the premises of, as part of, or adjacent to the project, the city shall grant either of the following:

(i) An additional density bonus that is an amount of square feet of residential space that is equal to or greater than the amount of square feet in the child care facility.

(ii) An additional concession or incentive that contributes significantly to the economic feasibility of the construction of the child care facility.

(b) The city shall require, as a condition of approval of the housing development, that all of the following occur:

(i) The child care facility shall remain in operation for a period of time that is as long as or longer than the period of time during which the density bonus units are required to remain affordable.

(ii) Of the children who attend the child care facility, the children of very-low-income households, lower-income households or families of moderate income shall equal a percentage that is equal to or greater than the percentage of dwelling units that are required for very-low-income households, lower-income households, or families of moderate income pursuant to subsection (3)(a) of this section.

(c) Notwithstanding any other provision of this section, the city shall not be required to provide a density bonus or concession or incentive for a child care facility if it finds, based upon substantial evidence, that the community has adequate child care facilities. [Ord. 734-17 § 1, 11-14-17; Ord. 709-14 § 1, 4-22-14].

SECTION 2: The City Council of the City of Willows finds that the foregoing amendment and adoption of Ordinance No. ____ is consistent with the General Plan, all applicable specific plans and the City of Willows Zoning Ordinance.

SECTION 3: The City Council of the City of Willows further finds that the project is exempt from the California Environmental Quality Act pursuant to Section 15061(3) and Resolution No.01-2019 passed by the Planning Commission prior to the adoption of this amendment.

SECTION 4. Severability. Should any provision of this ordinance, or its application to any person or circumstance, be determined by a court of competent jurisdiction to be unlawful, unenforceable or otherwise void, that determination shall have no effect on any other provision of this ordinance or the application of this ordinance to any other person or circumstance and, to that end, the provisions hereof are severable.

SECTION 5. Judicial Review. The time within which judicial review must be sought is governed by California Code of Civil Procedure Section 1094.6.

SECTION 6. Effective Date. This ordinance shall take effect and be in force thirty (30) days after its adoption as provided by Government Code Section 36937.

SECTION 7. Posting. The City Clerk shall cause this Ordinance to be published and/or posted within fifteen days after its adoption.

INTRODUCED for first reading on the ____ day of ____ 2019.

PASSED AND ADOPTED at a public meeting of the City Council of the City of Willows on the ____ day of ____ 2019, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

APPROVED:

ATTESTED:

Gary Hansen, Mayor

Tara Rustenhoven, City Clerk

ORDINANCE NO. _____ - 2019

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF WILLOWS AMENDING CHAPTER 18.50 ENTRYWAY DISTRICT OF THE WILLOWS MUNICIPAL CODE OF THE CITY OF WILLOWS SPECIFICALLY SECTION 18.50.030(8) ADDING AN EXCEPTION TO THE CODE TO ALLOW RESIDENTIAL USE WITH ALL OTHER TEXT TO REMAIN UNCHANGED

THE CITY COUNCIL OF THE CITY OF WILLOWS DOES ORDAIN AS FOLLOWS:

SECTION 1. The City Council does hereby amend Chapter 18.50.030 Entryway District of the Willows Municipal Code adding an exception to the code allowing residential uses within existing structures built as single or multiple residential use with a conditional use permit, that section 18.50.030(8) of the Municipal Code, City of Willows, California, is hereby amended to read as follows:

**Chapter 18.50
E ENTRYWAY DISTRICT**

Sections:

- 18.50.010 Purpose.
- 18.50.020 Permitted uses.
- 18.50.030 Uses permitted with a conditional use permit.
- 18.50.040 Prohibited uses.
- 18.50.050 Other regulations.

18.50.010 Purpose.

The entryway or E district is intended to apply to arterial streets leading into downtown, where a mix of commercial, office, and residential uses is appropriate in an aesthetically appealing corridor, in which new developments and modifications to existing developments shall occur in accordance with design guidelines. Permitted uses and uses permitted with a conditional use permit are intended to be compatible with residential uses within and adjacent to the E district. [Ord. 664-00 § 14B.01, 6-27-00; Ord. 632-91 § 14B.01, 10-22-91].

18.50.020 Permitted uses.

The following uses and structures are permitted in the E district:

- (1) Offices occupied by accountants, architects, dentists, physicians, engineers, attorneys, counselors, drugless practitioners, electrologists, geologists, optometrists, psychologists, and other occupations and enterprises.

(2) Retail stores and businesses or service enterprises, including the following:

(a) Banks and business offices.

(b) Food, hardware, variety, drug, and clothing stores not to exceed 2,500 square feet of retail sales floor area. All on-site storage related to such uses shall be within an enclosed building and shall be clearly incidental to and integral to the operation of the primary business.

(c) Music and dance studios.

(d) Blueprint shops and photographic stores.

(e) Cafes, restaurants, and catering shops.

(f) Art and antique shops.

(g) Florists.

(h) Barber shops and beauty parlors.

(i) Bakeries, including only retail sales on the premises and baking to supply not more than three retail outlets.

(3) Other uses, which, in the opinion of the planning commission, are similar to those uses listed above; and

(4) Outdoor advertising signs and structures pertaining to the use or operation of the site, subject to the following:

(a) Signs shall not exceed one and one-half square feet for each lineal foot of building frontage. The total surface area of all incidental signs, including services, trading stamps, prices, credit cards, or product advertising shall not exceed 40 square feet.

(b) Signs shall be no higher than 30 feet above grade. Freestanding signs in excess of 10 feet in height are prohibited.

(c) The above restrictions shall not apply to "directional signs" and "exempt signs" as defined in Chapter 18.125 WMC. [Ord. 664-00 § 14B.02, 6-27-00; Ord. 632-91 § 14B.02, 10-22-91].

18.50.030 Uses permitted with a conditional use permit.

The following uses and structures are permitted in the E district only if a conditional use permit has first been secured. Uses and structures which, in the opinion of the planning commission, are similar to the following may be permitted if a conditional use permit has first been secured:

- (1) Permitted uses in the R-2 district, as set forth in WMC 18.35.030.
- (2) Pet shops and veterinary offices.
- (3) Mortuaries and funeral parlors.
- (4) Private schools.
- (5) Bed and breakfast establishments with five or fewer guest quarters.
- (6) Martial arts or exercise studios.
- (7) Health clubs. [Ord. 664-00 § 14B.03, 6-27-00; Ord. 632-91 § 14B.03, 10-22-91].

(8) Residential uses as authorized under WMC 18.110.090(9)

18.50.040 Prohibited uses.

- (1) Uses permitted in the ML district, as set forth in WMC 18.70.020(2) et seq.
- (2) Uses permitted in the MH district, as set forth in WMC 18.75.020(2) et seq.
- (3) Automobile service stations and mini-markets with gasoline sales.
- (4) Outside sales and transient or mobile business operations.
- (5) Bars and cocktail lounges, except as incidental to and contained within an otherwise permitted restaurant or cafe.
- (6) Adult entertainment businesses subject to Chapter 18.115 WMC.
- (7) Uses and structures with drive-through windows.
- (8) Uses not expressly listed or determined by the planning commission to be similar to uses in WMC 18.50.020 or 18.50.030. [Ord. 664-00 § 14B.04, 6-27-00; Ord. 632-91 § 14B.04, 10-22-91].

18.50.050 Other regulations.

(1) Residential Uses. Minimum lot area, front, side, and rear setbacks, maximum building height, maximum lot coverage and parking requirements for residential uses shall be subject to the regulations of the residential zone(s) in which the use is considered a principally permitted use.

(2) Nonresidential Uses.

(a) Minimum lot area: 5,000 square feet.

(b) Maximum lot coverage by structures: 50 percent.

(c) Minimum Yard Requirements.

(i) Front: 12 feet from the inner edge of the sidewalk or, in the absence of a sidewalk, 18 feet from the outer edge of the curb.

(ii) Side: six feet from the inner edge of the sidewalk or, in the absence of a sidewalk, 12 feet from the outer edge of the curb.

(iii) Rear: 12 feet where accessible from street or alley for loading purposes. Buildings may project over the rear yard, providing 14 feet clear vertical distance from ground level is maintained. Building code and other regulations shall apply. Signs may be located in required yard areas, subject to design review.

(d) Maximum building height: 30 feet.

(e) Loading Space. Private off-street space for handling all materials and equipment shall be provided.

(f) Minimum Parking. Off-street parking shall be provided in an amount in accordance with the regulations of Chapter 18.120 WMC. No off-street parking shall be provided in the front of any structure.

(g) When applying the regulations contained in the E district to parcels adjoining Wood Street, the Wood Street frontage shall always be considered the front yard.

The city of Willows zoning map is hereby amended by designating the areas shaded on the following map as entryway E zoning district.¹ [Ord. 664-00 § 14B.05, 6-27-00; Ord. 632-91 § 14B.05, 10-22-91].

SECTION 2: The City Council of the City of Willows finds that the foregoing amendment and adoption of Ordinance No. ____ is consistent with the General Plan, all applicable specific plans and the City of Willows Zoning Ordinance.

SECTION 3: The City Council of the City of Willows further finds that the project is exempt from the California Environmental Quality Act pursuant to Section 15061(3) and Resolution No.01-2019 passed by the Planning Commission prior to the adoption of this amendment.

SECTION 4. Severability. Should any provision of this ordinance, or its application to any person or circumstance, be determined by a court of competent jurisdiction to be unlawful, unenforceable or otherwise void, that determination shall have no effect on any other provision of this ordinance or the application of this ordinance to any other person or circumstance and, to that end, the provisions hereof are severable.

SECTION 5. Judicial Review. The time within which judicial review must be sought is governed by California Code of Civil Procedure Section 1094.6.

SECTION 6. Effective Date. This ordinance shall take effect and be in force thirty (30) days after its adoption as provided by Government Code Section 36937.

SECTION 7. Posting. The City Clerk shall cause this Ordinance to be published and/or posted within fifteen days after its adoption.

INTRODUCED for first reading on the ____ day of ____ 2019.

PASSED AND ADOPTED at a public meeting of the City Council of the City of Willows on the ____ day of ____ 2019, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

APPROVED:

ATTESTED:

Gary Hansen, Mayor

Tara Rustenhoven, City Clerk



REGULAR BUSINESS

AGENDA ITEM

TO: Wayne Peabody, Interim City Manager
FROM: Tim Sailsbery, Administrative Services Director
SUBJECT: Annual Audit of City of Willows' Financial Statements

RECOMMENDATION

Accept, by motion, the audited financial statements of the City of Willows as of and for the fiscal year ending June 30, 2018

SITUATION (or BACKGROUND):

Roy R. Seiler, CPA, has completed the annual audit of the financial statement for the City of Willows. As a summary of City performance and activity, please refer to the Management Discussion and Analysis section of the City of Willows financial statements.

In the interest of space and paper usage, the audited financial statements may be viewed at the City of Willows website at:

https://www.cityofwillows.org/vertical/sites/%7B7D6DB31A-99CB-469D-88CF-327433878F6D%7D/uploads/2019Financial_Statements.pdf

FINANCIAL CONSIDERATIONS:

N/A

NOTIFICATION

Upon acceptance of the audit

California State Controller
United States Department of Agriculture
United States Federal Audit Clearinghouse (If Applicable)

ALTERNATE ACTIONS

1. Accept by motion

2. Request additional information from staff
3. Reject staff recommendation and/or direct item to be returned at later date.

RECOMMENDATION

Accept, by motion, the audited financial statements of the City of Willows as of and for the fiscal year ending June 30, 2018

Respectfully submitted,

/s/ Tim Sailsbery

Tim Sailsbery
Administrative Services Director

Item Available for Review at www.cityofwillows.org:

City of Willows Financial Statements

AGENDA ITEM

February 12, 2019

TO: Honorable Mayor Hansen and Members of City Council

FROM: Karen Mantele, Principal Planner

SUBJECT: Façade Improvement Program Grant Funding Request from Hilgard Muller, 201 W Sycamore Street, APN: 002-162-011

RECOMMENDATION

Adopt the attached resolution approving grant funds from the Downtown Façade Improvement Funds for an existing commercial building located at 201 W. Sycamore Street

Program Summary:

In June of 2008 the City Council adopted Resolution #31-2008 which provided Façade Improvement funding assistance to property and business owners in the Central Commercial (CC) Zoning District. This resolution and funding will implement a community goal of the 2000 Community Vision and Action Plan which was to establish a Downtown Façade Improvement Program (PROGRAM) to support downtown reviatlization efforts. The program was seeded by the Wal-Mart project conditions of approval, and funds were committed and deposited with the City to which a portion has been set aside for this PROGRAM.

Proposed Project:

Hilgard Muller, new owner of the commercial building at 201 W. Sycamore Street, has made an application request to the City for grant funding under the Downtown Façade Improvement Program. This existing commercial building, which sits on the corner or Sycamore and Butte and is highly visible and gets a lot of traffice because of its location. The building has been empty for many years and Mr. Muller's intentions are to bring life back into the building with exterior and interior changes by updating the façade with both functional and aesthetic and design improvements while keeping a classy timeless look. To the exterior, Mr. Muller proposes to paint the building, install a new awning, install new front doors, windows, and stamp the concrete. Additionally his plans include to add landscpae planters, wall sconces and trellis to the side to enhance the aesthetic appeal to te building.

The total cost estimate of the project is approximately \$28,710. Per the updated PROGRAM guidelines, an applicant may request grant funding assistance of up to \$15,000 maximum, for the funding of well-designed improvements that will coordinate all the important features of the storefront into a more attractive image while creating, if necessary, an accessible entrance for the public. According to the Finance Department, there is approximately \$19,000 left within the Façade Improvement program. Per the Program guidelines, GWIL (*Greater Willows Improvement League*) has design oversight with any projects requesting funding. GWIL has reviewed this application, along with the proposed design concepts for the façade changes, and recommends grant funding approval for up to \$10,000 (*See attached letter*).

The request complies with the PROGRAM guidelines with respect to the use of funds as all of the façade changes are acceptable use of PROGRAM funds.

FINANCIAL CONSIDERATIONS

The approval of the attached resolution commits the City to \$10,000 in Downtown Façade Improvement matching funds. The source of funding is available through partial allocation of the Wal-Mart Economic Impacts contribution.

NOTIFICATION

Hilgard Muller has been notified.

ALTERNATE ACTIONS

No alternatives are recommended.

RECOMMENDATION

Staff recommends the Council consider the project and if approved, adopt the attached resolution approving the use of Façade Improvement Funds to reimburse/assist Hilgard Muller with improvements to his commercial business, not to exceed a total of \$10,000.

Respectfully submitted,



Karen Mantele
Principal Planner

Approved by:



Wayne Peabody
Interim City Manager

Attachments:

- 1) Draft Resolution
- 2) GWIL approval letter
- 3) Project elevations

RESOLUTION No. ____-2019

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF WILLOWS APPROVING THE USE OF DOWNTOWN FAÇADE IMPROVEMENT FUNDS TO HILGARD MULLER TO INSTALL NEW EXTERIOR ELEMENTS TO AN EXISTING COMMERCIAL BUILDING LOCATED AT 201 W SYCAMORE STREET, ASSESSORS PARCEL NUMBER 002-162-011

WHEREAS, on June 13, 2000, the City Council of the City of Willows adopted the Community Vision and Action Plan per Resolution No. 16-2000 which recommended a Community Goal to establish a Façade Improvement Program (PROGRAM), and

WHEREAS, on June 24, 2008 the City Council of the City of Willows adopted Resolution No. 31-2008 implementing a Downtown Façade Improvement Program, and,

WHEREAS, funding is available for the PROGRAM through partial allocation of the Wal-Mart Economic Impacts contribution, and

WHEREAS, Hilgard Muller has requested the use of PROGRAM grant funds for a façade improvement project for work at property located at 201 W. Sycamore Street, within the Central Commercial Zoning district, not to exceed \$10,000, and

WHEREAS, doors, windows, paint, and other proposed exterior elements are eligible items under the PROGRAM, and

WHEREAS, in an effort to further the goal of providing assistance to businesses within the Central Commercial Zoning District for downtown revitalization, it is recommended that the Council consider approving the use of PROGRAM funds for this project.

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Willows does hereby resolve as follows:

1. That the proposed façade improvement changes are project elements that qualify as eligible use of PROGRAM funds.
2. That the City Council hereby commits \$10,000 of the PROGRAM funds to Hilgard Muller for the proposed façade improvement project.

PASSED, APPROVED AND ADOPTED at a regular meeting of the City Council on this 12th day of February, 2019, by the following vote:

AYES in favor of:

NOES:

ABSENT:

ABSTAIN:

APPROVED:

ATTESTED:

Mayor Hansen

Tara Rustenhoven, City Clerk

GWIL LETTER

GREATER WILLOWS
IMPROVEMENT LEAGUE

201 N Lassen Street Willows, CA 95988
930-884-704



January 22, 2019

Dear Sirs:

The GWIL Committee has reviewed the Façade Improvement Program Packet submitted by applicant Hilgard Muller for his building located at 201 W. Sycamore Street.

We believe that his project would have a very positive impact in the downtown area and bring new life to a previously neglected building.

This project meets the program guidelines and therefore we would recommend that the applicant receive funding from the Façade Improvement Program in the amount of \$10,000.00.

Thank you,

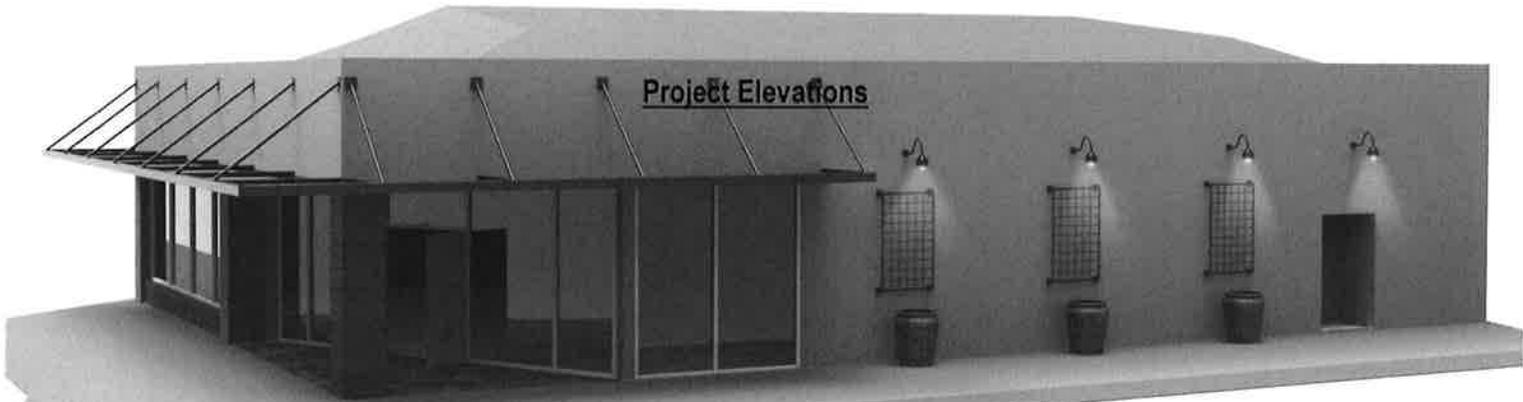
A handwritten signature in cursive script that reads "Dana Owens".

Dana Owens

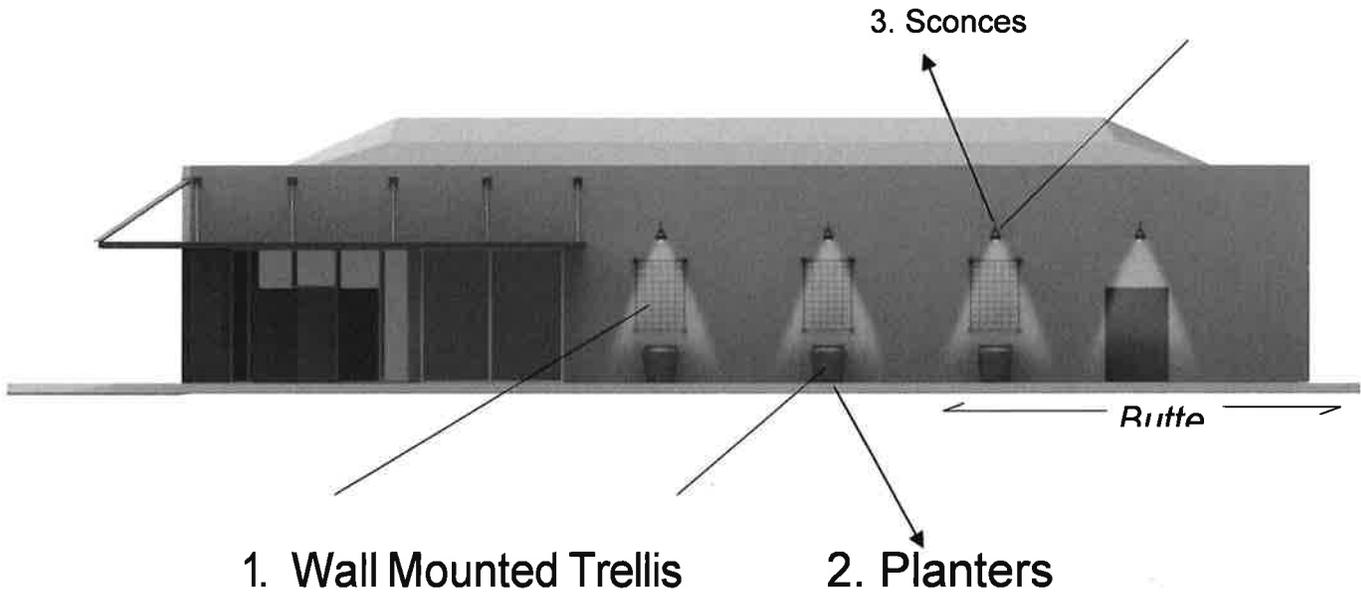
GWIL Committee Member

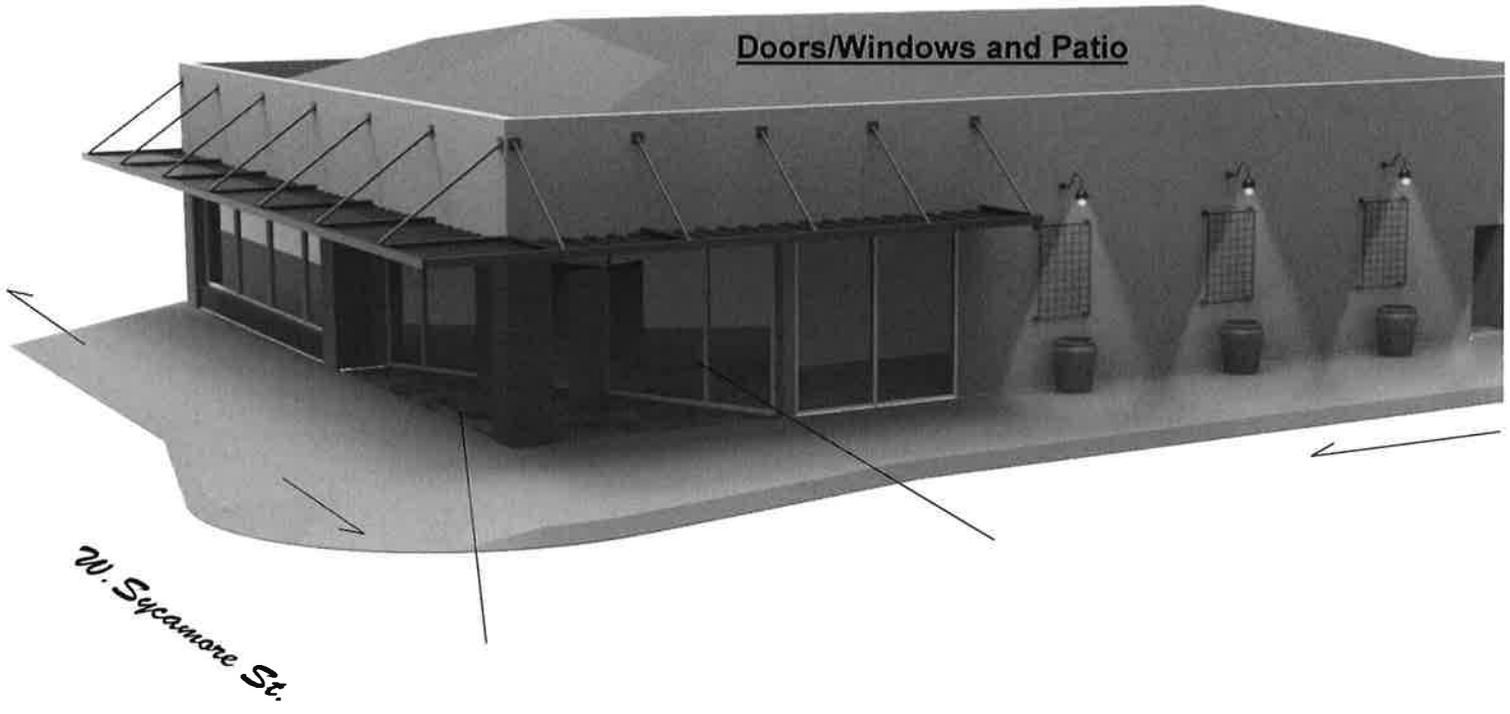


Elevations of project



Planter Box, Trellis and Sconces

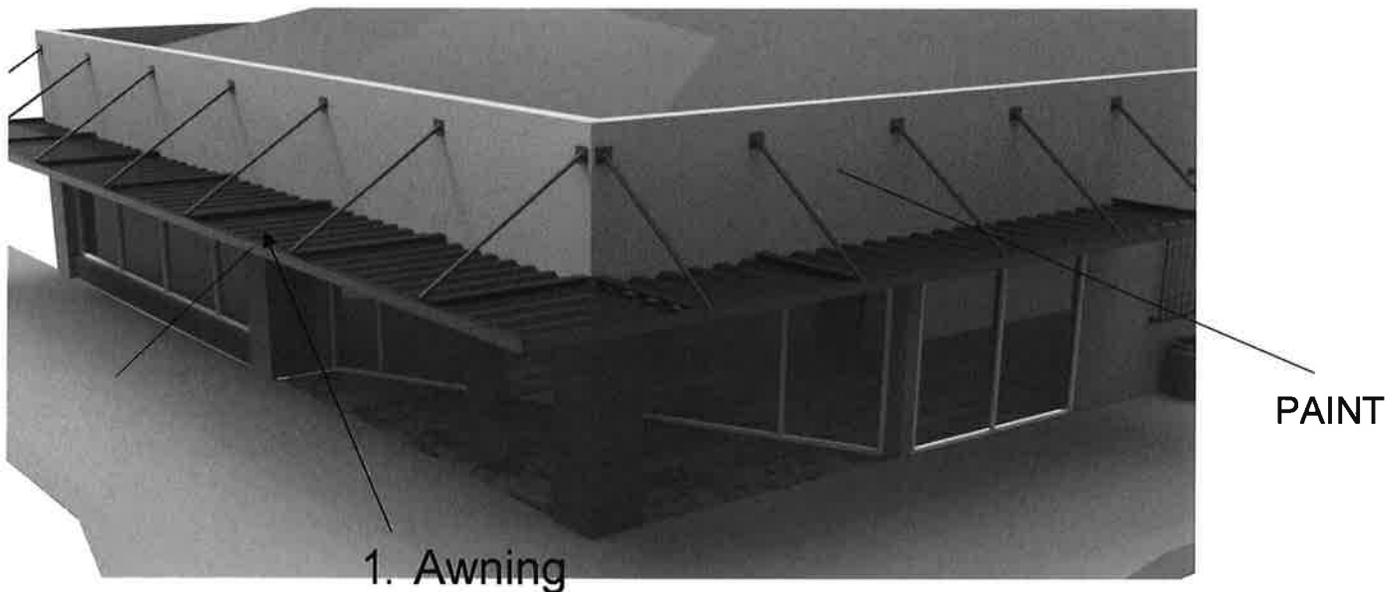




1. New Doors and Windows (replace existing)

2. Stamped Concrete Patio (replace existing)

Awning and Exterior Paint



Summary

All of the facade improvements are intended to replace existing areas of the building that need improvements for both functional and aesthetic reason.

It is our hope and request that we can obtain funds from the City of Willows that will aid in updating the facade for the betterment of the historic downtown Willows. It is also worth noting that we will be using local vendors for the improvements.

The total cost of the improvements listed are - \$28,710