



## OROVILLE PLANNING COMMISSION

Council Chambers  
1735 Montgomery Street  
Oroville, CA. 95965

**Thursday, November 15, 2018**  
**REGULAR MEETING**  
**OPEN SESSION 7:00 PM**  
**AGENDA**

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# City of Oroville PLANNING COMMISSION

CHAIR: Damon Robison  
VICE-CHAIR: Carl Durling  
MEMBERS: Adonna Brand; Randy Chapman; Wyatt Jenkins; Michael Britton

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### **ALL MEETINGS ARE RECORDED AND BROADCAST LIVE**

*This meeting may be broadcast remotely via audio and/or video conference at the following address:  
Cota Cole, LLP, 2261 Lava Ridge Court, Roseville, California 95661.  
Meeting is streamed live at [cityoforoville.org](http://cityoforoville.org) and on YouTube*

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### **CALL TO ORDER**

### **ROLL CALL**

Commissioners Adonna Brand, Michael Britton, Randy Chapman, Wyatt Jenkins, Vice Chairperson Carl Durling, Chairperson Damon Robison

### **PLEDGE OF ALLEGIANCE**

### **INSTRUCTIONS TO INDIVIDUALS WHO WISH TO SPEAK**

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

### **PUBLIC COMMENTS**

This is an opportunity for members of the public to address the Planning Commission on any subject not on the agenda related to the Planning Commission.

## **CORRESPONDENCE**

None.

## **APPROVAL OF MINUTES**

1. **MINUTES** - Approve the minutes of the October 25, 2018 Planning Commission meetings.

## **PUBLIC HEARINGS**

**The Public Hearing Procedure is as follows:**

- Chairperson opens the public hearing.
  - Staff and Property Owner introduce item and take questions from the Commissioners
  - Speakers are requested to provide a speaker card to the City Clerk. Hearing is opened for public comment limited to three (3) minutes. Under Government Code 54954.3. the time for each presentation may be limited.
  - Public comment session is closed
  - Commissioners, discuss, debate and action.
2. **Use Permit (UP 18-08)** – The Oroville Planning Commission will conduct a public hearing to consider approving a Cabinet Shop for the property located at 2014 Lincoln Street, Oroville Ca. 95965 Accessors Parcel Number 012-212-039.

### **RECOMMENDATION**

Adopt the Class 1 Categorical Exemption – Existing Facilities; CCR, Title 14, §15301 as the appropriate level of environmental review in accordance with the California Environmental Quality Act (CEQA) Statute and Guidelines (**Attachment A**); and

Adopt the recommended Findings for Use Permit No. UP 18-08 (**Attachment B**); and

Approve the recommended Conditions of Approval for Use Permit No. UP 18-08 (**Attachment C**); and

Adopt Resolution No. P2018-12 (**Attachments D**).

3. **17.08.140 Cessation of land uses activities (ZC 18-02)** – The Oroville Planning Commission will conduct a public hearing to consider revising section 17.08.140 of the City of Oroville Municipal Code.

### **RECOMMENDATION**

Approve the recommended Findings for Zoning Change No. ZC – 18-02; and

Adopt Resolution No. P2018-13 Zoning Change No. ZC – 18-02.

## **REGULAR BUSINESS**

None

## **DISCUSSION ITEMS**

None

**DIRECTOR'S REPORT**

The Director may report on information pertinent to the Planning Commission.

**COMMISSION REPORTS**

Reports by commission members on information pertinent to the Planning Commission

**ADJOURNMENT**

Adjourn to Thursday, December 13, 2018 at 7:00 P.M. in the Oroville City Council Chambers.

**\*\*\* NOTICE \*\*\***

*Accommodating Those Individuals with Special Needs* – In compliance with the Americans with Disabilities Act, the City of Oroville encourages those with disabilities to participate fully in the public meeting process. If you have a special need in order to allow you to attend or participate in our public meetings, please contact the City Clerk at (530) 538-2535, well in advance of the regular meeting you wish to attend, so that we may make every reasonable effort to accommodate you. Documents distributed for public session items, less than 72 hours prior to meeting, are available for public inspection at City Hall, 1735 Montgomery Street, Oroville, California.

**\*\*\* NOTICE \*\*\***

*Any person who is dissatisfied with the decisions of this Planning Commission may appeal to the City Council by filing with the Zoning Administrator within fifteen days from the date of the action. A written notice of appeal specifying the grounds and an appeal fee immediately payable to the City of Oroville must be submitted at the time of filing. The Oroville City Council may sustain, modify or overrule this decision.*



## OROVILLE PLANNING COMMISSION

Council Chambers  
1735 Montgomery Street  
Oroville, CA. 95965

**Thursday, October 25, 2018**  
**Minutes**

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This meeting was broadcast live and a recording can be viewed at [cityoforoville.org](http://cityoforoville.org) or on YouTube. The agenda for this meeting was posted on October 22, 2018 at 4:20pm.

### **CALL TO ORDER -**

### **ROLL CALL**

PRESENT: Commissioners Adonna Brand, Randy Chapman, Wyatt Jenkins, Vice Chairperson Carl Durling, Chairperson Damon Robison

ABSENT: Commissioner Michael Britton

STAFF: Chief Building Official Gary Layman, Staff Assistant Cecilia Carmona, Assistant City Clerk Jackie Glover, Assistant City Administrator/Chief of Public Safety Bill LaGrone

### **PLEDGE OF ALLEGIANCE**

Led by Chairperson Robison

### **PUBLIC COMMENTS**

None

### **CORRESPONDENCE**

None

### **APPROVAL OF MINUTES**

1. Motion by Commissioner Durling and second by Commissioner Chapman to approve the minutes of the September 27, 2018 and October 4, 2018 Planning Commission meetings.

AYES: Commissioner Chapman, Durling, Brand, Jenkins, and Robison

NOES: None

ABSTAIN: None

ABSENT: Commissioner Britton

### **PUBLIC HEARINGS**

2. **ADOPTION OF MITIGATED NEGATIVE DECLARATION – OROVILLE HOSPITAL**

Staff presented the Mitigated Negative Declaration, the chair opened the hearing for public comment, a member of the public Susan Sears spoke, public hearing was closed. Commissioners asked questions and discussed. Commissioner Chapman suggested a right hand turn lane be added to Oro Dam Blvd at Gilmore Lane.

**Motion by Commissioner Chapman and second by Commissioner Brand to recommend the Mitigated Negative Declaration of Oroville Hospital to the Council for approval with amendments to Page 53 regarding the helicopter.**

AYES: Commissioner Chapman, Durling, Brand, Jenkins, and Robison  
NOES: None  
ABSTAIN: None  
ABSENT: Commissioner Britton

**REGULAR BUSINESS**

None

**DISCUSSION ITEMS**

None

**DIRECTOR'S REPORT**

- Updating the zoning ordinances and will be bringing it to the commission for approval soon.
- Motorcycle shop coming in on Veatch.
- DR Horton coming to town in about a month
- Update on Gateway Project
- Update on Businesses coming to town

**COMMISSION REPORTS**

None

**ADJOURNMENT**

Meeting was adjourned at 8:25pm by Chairperson Robison



# City of Oroville

## COMMUNITY DEVELOPMENT DEPARTMENT

1735 Montgomery Street  
Oroville, CA 95965-4897  
(530) 538-2430 FAX (530) 538-2426  
[www.cityoforoville.org](http://www.cityoforoville.org)

### PLANNING COMMISSION STAFF REPORT

November 15, 2018

**UP 18-08: CABINET SHOP** - The Oroville Planning Commission will review and consider approving Use Permit No. UP 18-08 for the operation of a Cabinet Shop at 2014 Lincoln Street (APN: 012-212-039). The subject property has a zoning designation of Corridor Mixed-Use (MXC) and a General Plan land use designation of Mixed Use. Per the City of Oroville Municipal Code, the proposed Cabinet Shop is a use permitted by right, subject to a Planning Commission approval of a conditional use permit in an MXC zone.

**APPLICANTS:** Ben Miller  
17 Adelaide Way  
Oroville, CA 95966  
(530) 693-0370

**LOCATION:** 2014 Lincoln Street  
Oroville, CA 95965  
APN: 012-212-039

**GENERAL PLAN:** Mixed Use  
**ZONING:** Corridor Mixed-Use (MXC)  
**FLOOD ZONE:** ZONE X: Areas determined to be outside the 0.2% annual chance floodplain.

### ENVIRONMENTAL DETERMINATION:

This action has been determined to be Categorically Exempt from the California Environmental Quality Act (CEQA) review pursuant to Title 14, California Code of Regulations, Section 15301 "Existing Facilities".

### REPORT PREPARED BY:

\_\_\_\_\_  
Gary D. Layman, Acting Director  
Community Development Department

### REVIEWED BY:

\_\_\_\_\_  
Bill Lagrone,  
Assistant City Administrator

### RECOMMENDED ACTIONS:

City staff recommends that the Planning Commission take the following actions:

1. **ADOPT** the Class 1 Categorical Exemption – Existing Facilities; CCR, Title 14, §15301 as the appropriate level of environmental review in accordance with the California Environmental Quality Act (CEQA) Statute and Guidelines (**Attachment A**); and
2. **ADOPT** the recommended Findings for Use Permit No. UP 18-08 (**Attachment B**); and
3. **APPROVE** the recommended Conditions of Approval for Use Permit No. UP 18-08 (**Attachment C**); and
4. **ADOPT** Resolution No. UP 18-08 (**Attachments D**).

## **SUMMARY**

The Oroville Planning Commission will review and consider approving Use Permit No. UP 18-08 for the operation of a Cabinet Shop at 2014 Lincoln Street (APN: 012-212-039). The subject property has a zoning designation of Corridor Mixed-Use (MXC) and a General Plan land use designation of Mixed Use. Per the City of Oroville Municipal Code, the proposed Cabinet Shop is a use permitted by right, subject to a Planning Commission approval of a conditional use permit in an MXC zone.

## **DISCUSSION**

This property has previously been used for motor cycle repair. The new property owner intends to renovate the building into a cabinet shop. The property has recently been rezoned to MXC, which permits manufacturing of less than 10,000 square feet by right with approval by the Planning Commission by a Use Permit. This property is located at the Southwestern edge of what is considered the City's downtown commercial district, on the West side of the V at Lincoln Street and Huntoon Street and across from the Oroville Fire and Police Department.

The property has an existing building of approximately 5,000 square feet, with no proposed additions.

## **ENVIRONMENTAL REVIEW**

This action has been determined to be Categorically Exempt from the California Environmental Quality Act (CEQA) review pursuant to Title 14, California Code of Regulations, Section 15301 "Existing Facilities" (**Attachment A**)

## FISCAL IMPACT

The total fees associated with this use permit request are as follows:

Item	Price	Tech Fee	Total	Paid
Use Permit	\$2,889.98	\$173.40	\$3,063.38	Yes
<b>Total</b>	<b>\$2,889.98</b>	<b>\$173.40</b>	<b>\$3,063.38</b>	<b>Yes</b>

Pursuant to Public Resources Code Section 21089, and as defined by the Fish and Wildlife Code Section 711.4, fees (\$50) are payable by the project applicant to file the Notice of Exemption with Butte County by the City of Oroville – Community Development Department within five working days of approval of this project. These fees will be paid for through the funds deposited.

## PUBLIC NOTICE

A request for comments was prepared and circulated to the local agencies and surrounding property owners within 300 feet of the property (**Attachment E**). Additionally, the meeting date, time, and project description were published in the Oroville Mercury Register (**Attachment F**) and posted at City Hall.

## ATTACHMENTS

- A – Notice of Exemption
- B – Findings
- C – Conditions of Approval
- D – Resolution No. P 2018-12
- E – Property Owner Notice
- F – Newspaper Notice





# City of Oroville

## COMMUNITY DEVELOPMENT DEPARTMENT

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1735 Montgomery Street  
Oroville, CA 95965-4897  
(530) 538-2430 FAX (530) 538-2426  
[www.cityoforoville.org](http://www.cityoforoville.org)

### NOTICE OF EXEMPTION

**TO:** Butte County Clerk  
25 County Center Drive  
Oroville CA, 95965

**FROM:** City of Oroville  
1735 Montgomery Street  
Oroville, CA, 95965

Project Title: UP 18-08: CABINET SHOP

Project Location – Specific: 2014 Lincoln Street (APN: 012-212-039)

Project Location – City: City of Oroville

Project Location – County: Butte

Description of Nature, Purpose, and beneficiaries of project: The project applicant, - Use Permit No. UP 18-08 for the operation of a Cabinet Shop at 2014 Lincoln Street (APN: 012-212-039). The subject property has a zoning designation of Corridor Mixed-Use (MXC) and a General Plan land use designation of Mixed Use. Per the City of Oroville Municipal Code, the proposed Cabinet Shop is a use permitted by right, subject to a Planning Commission approval of a conditional use permit in an MXC zone

Name of Public Agency Approving Project: City of Oroville – Community Development Department

Name of Person or Agency Carrying out Project: Ben Miller

Exempt Status (Check One):

- Ministerial (Sec. 21080(b)(1); 15268)
- Declared Emergency (Sec. 21080(b)(3); 15269(a))
- Emergency Project (Sec. 21080(b)(4); 15269(b)(c))
- Categorical Exemption: State type & section number:
- Existing Facilities; Title 14, CCR, §15301
  - New Construction or Conversion of Small Structures; Title 14, CCR, §15303
- Statutory Exemption: State code number:

Reasons why project is exempt: This action has been determined to be Categorically Exempt from the California Environmental Quality Act (CEQA) review pursuant to Title 14, California Code of Regulations, Section 15301 "Existing Facilities" Class 1 consists of the operation, repair, maintenance, permitting, leasing, licensing, or minor alteration of existing public or private structures, facilities, mechanical equipment, or topographical features, involving negligible or no expansion of use beyond that existing at the time of the lead agency's determination.

The area of the existing structure will not result in an increase of the existing floor area and is less than 10,000 square feet in size. The property has an existing building of approximately 5,000 square feet, with no proposed addition of square feet, is in an area where all public services and facilities are available to allow for maximum development permissible in the General Plan and the area is not environmentally sensitive. Changes will be made to the exterior of the building and the roof, eight parking spaces for employees and public will be provided, a new trash enclosure will be built, and the dust control will meet the requirements of the Butte County Air Quality Control.

If filed by applicant:

1. Attach certified document of exemption finding.
2. Has a notice of exemption been filed by the public agency approving the project?  Yes  No

Lead Agency Contact Person: Gary Layman

Telephone: (530) 538-2428

Signature: \_\_\_\_\_

Date: \_\_\_\_\_

- Signed by Lead Agency
- Signed by Applicant

# FINDINGS

## Use Permit No. UP 18-08: CABINET SHOP

### A. INTRODUCTION

The project applicant, has applied for a Use Permit No. UP 18-08 for the operation of a Cabinet Shop at 2014 Lincoln Street (APN: 012-212-039). The subject property has a zoning designation of Corridor Mixed-Use (MXC) and a General Plan land use designation of Mixed Use. Per the City of Oroville Municipal Code, the proposed Cabinet Shop is a use permitted by right, subject to a Planning Commission approval of a conditional use permit in an MXC zone.

### B. CATEGORICAL EXEMPTION

This action has been determined to be Categorically Exempt from the California Environmental Quality Act (CEQA) review pursuant to Title 14, California Code of Regulations, Section 15301 "Existing Facilities".

### C. USE PERMIT FINDINGS

Pursuant to Section 17.48.010(E)(4) of the Oroville Municipal Code, the Planning Commission may grant a use permit only upon making all of the following findings, based on substantial evidence:

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

*Per City Code 17.48.010, the intent of use permits is to provide an opportunity to review the location, site development or conduct of certain land uses, activities and structural features that generally have a distinct impact on the area in which they are located or are capable of creating special problems for bordering properties unless given careful attention. For this reason, such uses are permitted through discretionary review and the powers granted to the Planning Commission include attaching any conditions to the use permit that are deemed necessary to achieve the purpose of the Zoning Code, and also promote the general health, safety, and public welfare of the City.*

*After a thorough review of the project, the approval of this use permit has been conditioned to ensure that under no circumstance will the project be incompatible with or detrimental to the general health, safety or public welfare of the surrounding area or of the City as a whole without there being an appropriate course of action to remedy any potential issues or revoke the permit in accordance with section 17.48.010 of the City Code. Conditions of approval include, but are not limited to, compliance with all Butte County Environmental Health for the permitting and inspection of retail food facilities. Additionally, this*

*project will be required to comply with all City zoning, engineering, building, landscaping, and public work standards in addition to any other federal, State, or local regulations that may be applicable.*

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

*The proposed project is located at the Southwestern edge of what is considered the City's downtown commercial district, on the West side of the V at Lincoln Street and Huntoon Street and across from the Oroville Fire and Police Department. This proposed cabinet shop supports the development/redevelopment of underutilized properties and structures in support of the City's economic development efforts to revitalize the downtown into a retail destination. The proposed cabinet shop follows sound principles of land use by having a suitable location relative to the community as a whole, as well as to transportation facilities, public services and other land uses in the vicinity.*

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

*The sewer provider for the project site is the City of Oroville who owns the collection system. The agency that treats all wastewater is the Sewerage Commission – Oroville Region (SCOR). Power is provided by PG&E, telephone by AT&T, cable by Comcast, and water by the California Water Service Company (Cal Water). The proposed development will be required to pay all applicable development impact fees and be constructed according to current engineering, development and building code standards. Prior to the issuance of final building occupancy, the Building Division will inspect all on-site improvements and the Engineering Division will inspect all off-site improvements to ensure improvements were completed as identified on the City approved plans for issuance of building permits and other development related permits as applicable. If at the time of inspection any inadequacies in water, sanitation or utilities that are required to be supplied to the site are found, the applicant will be required to make the site adequate prior to the issuance of the certificate of occupancy.*

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

*The proposed project is surrounded by a mix of existing urban properties with most zoned Corridor Mixed-Use (MXC). The City requires a use permit for all manufacturing establishments on properties 10,000 square feet or less with an*

*MXC zoning designation. The majority of surrounding properties are zoned to permit the same use.*

*In the event the project results in any unforeseen adverse effects, pursuant to section 17.48.010(F) of the Zoning Code, the Planning Commission may take action to revoke a use permit if any of the following occur: any of the conditions of approval have not been satisfied within 1 year after it was granted; any of the terms or conditions of the permit have been violated; a law, including any requirement in the Zoning Code, has been violated in connection with the permit; and finally, if the permit was obtained by fraud.*

*Thus, it has been determined that the location, size, design and operating characteristics of the proposed use will be harmonious and compatible with the surrounding neighborhood and will not adversely affect abutting properties.*

- e. The subject site is physically suitable for the type and intensity of land use being proposed.

*The applicant has submitted a set of drawings demonstrating that, as proposed, the subject site is physically suitable for the type and intensity of land use being proposed.*

- f. The size, intensity, and location of the proposed use will provide services that are necessary or desirable for the neighborhood and community as a whole.

*Per the "Oroville Taxable Retail Potential Analysis" completed by the Center for Economic Development from the California State of University, Chico in June of 2007, there is an approximate taxable sales leakage from restaurants (with no sale of alcohol) in the Oroville market area of \$20,732,718 (Table 4; Page 9). The project is believed to be a benefit to the City as it will improve an underutilized area at the fringes of the City's Historic Downtown commercial area, benefit the local economy by providing new jobs, provide a new source of sales tax revenue to capture existing taxable sales leakage to other areas, and provide more restaurant options for local residents and visitors. The location and local economic benefits of the proposed project support the goals of the City's General Plan and the size, intensity, and location of the proposed use will provide retail food options that are desirable for the neighborhood and community as a whole.*

- g. The permit complies with all applicable laws and regulations, including the requirements of the General Plan, Zoning Code, and of the City's Municipal Code.

*The permit application has been reviewed by staff and the proposed project has been found to comply with all applicable laws and regulations, including the applicable requirements of the City's 2030 General Plan, Zoning Code, and other applicable portions of the City's Municipal Code. As a condition of this permit, the applicants shall be required to ascertain and comply with the requirements of all*

*Federal, State, County, City and other local agencies as applicable to the proposed use and project site, including, but not limited to, compliance with all requirements of the Butte County Environmental Health for the permitting and inspection of retail food facilities. In addition, section 17.48.010(F) of the City Code provides guidelines for modifying or revoking use permits that have been granted if it can be proven, upon substantial evidence, that any of the conditions of the permit have not been satisfied within 1 year after it was granted, any of the terms or conditions of the permit have been violated, a law has been violated in connection with the permit, or if the permit was obtained by fraud.*

# CONDITIONS OF APPROVAL

## UP 18-08: CABINET SHOP

**Approved project:** The project applicant, Use Permit No. UP 18-08 for the operation of a Cabinet Shop at 2014 Lincoln Street (APN: 012-212-039). The subject property has a zoning designation of Corridor Mixed-Use (MXC) and a General Plan land use designation of Mixed Use. Per the City of Oroville Municipal Code, the proposed Cabinet Shop is a use permitted by right, subject to a Planning Commission approval of a conditional use permit in an MXC zone. The Planning Commission hereby approves UP 18-08, subject to the following:

1. The applicant shall hold harmless the City, its Council members, Planning Commissioners, officers, agents, employees, and representatives from liability for any award, damages, costs, and/or fees incurred by the City and/or awarded to any plaintiff in an action challenging the validity of this permit or any environmental or other documentation related to approval of this permit. Applicant further agrees to provide a defense for the City in any such action.
2. The project shall remain in substantial conformance with the Conditions of Approval, as adopted by the Oroville Planning Commission. Any subsequent minor changes in the project (as determined by the Zoning Administrator) may only occur subject to appropriate City review and approval. Any subsequent substantive changes in the project (as determined by the Zoning Administrator) may only occur subject to discretionary review by the Oroville Planning Commission.
3. The applicants shall have a current City of Oroville business license and any other applicable permit/license that may be required as part of their operations.
4. Pursuant to Section 17.12.010, the proposed use of the site shall conform to the performance standards of the Oroville Municipal Code to minimize any potential negative effects that the building, structure or use could have on its surroundings, and to promote compatibility with surrounding uses and areas.
5. Applicable construction plans, calculations, specifications, applications, forms, etc. shall be submitted to the Building Division for review prior to start of any tenant improvements / construction activities requiring a building permit. All applicable plan review fees shall be paid at time of submittal.
6. The applicant shall ascertain and comply with all requirements of the Butte County Environmental Health.
7. A sawdust control and containment system and approved electrical that complies with explosion proof requirements shall be installed with proper permits and plan reviews.

8. The applicant shall ascertain and comply with the requirements of all City, County, State, Federal, and other local agencies as applicable to the proposed project.
9. Under no circumstance shall saw dust on the project site spillback onto the public right-of-way or effect neighboring occupants.
10. New Masonry trash enclosure shall be installed that complies with the City of Oroville Public Works design standards.
11. Pursuant to Section 17.48.010(F) of the City Code, the Planning Commission, upon its own motion, may modify or revoke any use permit that has been granted pursuant to the provisions of this section upon finding any of the following, based on substantial evidence:
  - a. Any of the conditions of the permit have not been satisfied within 1 year after it was granted.
  - b. Any of the terms or conditions of the permit have been violated.
  - c. A law, including any requirement in the Municipal Code Chapter 26, has been violated in connection with the permit.
  - d. The permit was obtained by fraud.
12. Applicant hereby certifies that any and all statements and information provided as part of the application are true and correct to the best of their knowledge and belief. Any misinformation provided, whether intentional or unintentional, that was considered in the issuance of this permit may be grounds for revocation.

**--- End of Conditions ---**



## RESOLUTION NO. UP18-08

### A RESOLUTION OF THE OROVILLE CITY PLANNING COMMISSION MAKING FINDINGS AND CONDITIONALLY APPROVING USE PERMIT NO. 18-08 PERMITTING A CABINET SHOP AT 2014 LINCOLN STREET (APN: 012-212-039)

**WHEREAS**, the City of Oroville has received a use permit application for the operation of a cabinet shop at 2014 Lincoln Street (APN: 012-212-039); and

**WHEREAS**, the subject property has a zoning designation of Corridor Mixed-Use (MXC) and a General Plan land use designation of Mixed Use; and

**WHEREAS**, per the City of Oroville Municipal Code, the proposed cabinet shop is a use permitted by right, subject to a zoning clearance by a use permit; and

**WHEREAS**, pursuant to Section 17.48.010(E)(4) of the Oroville Municipal Code, the Planning Commission may grant a use permit only upon making all of the following findings, based on substantial evidence:

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

*Per City Code 17.48.010, the intent of use permits is to provide an opportunity to review the location, site development or conduct of certain land uses, activities and structural features that generally have a distinct impact on the area in which they are located or are capable of creating special problems for bordering properties unless given careful attention. For this reason, such uses are permitted through discretionary review and the powers granted to the Planning Commission include attaching any conditions to the use permit that are deemed necessary to achieve the purpose of the Zoning Code, and also promote the general health, safety, and public welfare of the City.*

*After a thorough review of the project, the approval of this use permit has been conditioned to ensure that under no circumstance will the project be incompatible with or detrimental to the general health, safety or public welfare of the surrounding area or of the City as a whole without there being an appropriate course of action to remedy any potential issues or revoke the permit in accordance with section 17.48.010 of the City Code. Conditions of approval include, but are not limited to, compliance with all Butte County Environmental Health for the permitting and inspection of retail food facilities. Additionally, this project will be required to comply with all City zoning, engineering, building, landscaping, and public work standards in addition to any other federal, State, or local regulations that may be applicable.*

- b. The proposed use follows sound principles of land use by having a suitable

location relative to the community as a whole, as well as to transportation facilities, public services and other land uses in the vicinity.

*The proposed project is located at the Southwestern edge of what is considered the City's downtown commercial district, on the West side of the V at Lincoln Street and Huntoon Street and across from the Oroville Fire and Police Department. This proposed cabinet shop supports the development/redevelopment of underutilized properties and structures in support of the City's economic development efforts to revitalize the downtown into a retail destination. The proposed cabinet shop follows sound principles of land use by having a suitable location relative to the community as a whole, as well as to transportation facilities, public services and other land uses in the vicinity.*

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

*The sewer provider for the project site is the City of Oroville who owns the collection system. The agency that treats all wastewater is the Sewerage Commission – Oroville Region (SCOR). Power is provided by PG&E, telephone by AT&T, cable by Comcast, and water by the California Water Service Company (Cal Water). The proposed development will be required to pay all applicable development impact fees and be constructed according to current engineering, development and building code standards. Prior to the issuance of final building occupancy, the Building Division will inspect all on-site improvements and the Engineering Division will inspect all off-site improvements to ensure improvements were completed as identified on the City approved plans for issuance of building permits and other development related permits as applicable. If at the time of inspection any inadequacies in water, sanitation or utilities that are required to be supplied to the site are found, the applicant will be required to make the site adequate prior to the issuance of the certificate of occupancy.*

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

*The proposed project is surrounded by a mix of existing urban properties with most zoned Corridor Mixed-Use (MXC). The City requires a use permit for all manufacturing establishments on properties with an MXC zoning designation.*

*In the event the project results in any unforeseen adverse effects, pursuant to section 17.48.010(F) of the Zoning Code, the Planning Commission may take action to revoke a use permit if any of the following occur: any of the conditions of approval have not been satisfied within 1 year after it was granted; any of the terms or conditions of the permit have been violated; a law, including any*

*requirement in the Zoning Code, has been violated in connection with the permit; and finally, if the permit was obtained by fraud.*

*Thus, it has been determined that the location, size, design and operating characteristics of the proposed use will be harmonious and compatible with the surrounding neighborhood and will not adversely affect abutting properties.*

- e. The subject site is physically suitable for the type and intensity of land use being proposed.

*The applicant has submitted a set of drawings demonstrating that, as proposed, the subject site is physically suitable for the type and intensity of land use being proposed.*

- f. The size, intensity, and location of the proposed use will provide services that are necessary or desirable for the neighborhood and community as a whole.

*Per the "Oroville Taxable Retail Potential Analysis" completed by the Center for Economic Development from the California State of University, Chico in June of 2007, there is an approximate taxable sales leakage from restaurants (with no sale of alcohol) in the Oroville market area of \$20,732,718 (Table 4; Page 9). The project is believed to be a benefit to the City as it will improve an underutilized area at the fringes of the City's Historic Downtown commercial area, benefit the local economy by providing new jobs, provide a new source of sales tax revenue to capture existing taxable sales leakage to other areas, and provide more restaurant options for local residents and visitors. The location and local economic benefits of the proposed project support the goals of the City's General Plan and the size, intensity, and location of the proposed use will provide retail food options that are desirable for the neighborhood and community as a whole.*

- g. The permit complies with all applicable laws and regulations, including the requirements of the General Plan, Zoning Code, and of the City's Municipal Code.

*The permit application has been reviewed by staff and the proposed project has been found to comply with all applicable laws and regulations, including the applicable requirements of the City's 2030 General Plan, Zoning Code, and other applicable portions of the City's Municipal Code. As a condition of this permit, the applicants shall be required to ascertain and comply with the requirements of all Federal, State, County, City and other local agencies as applicable to the proposed use and project site, including, but not limited to, compliance with all requirements of the Butte County Environmental Health for the permitting and inspection of retail food facilities. In addition, section 17.48.010(F) of the City Code provides guidelines for modifying or revoking use permits that have been granted if it can be proven, upon substantial evidence, that any of the conditions of the permit have not been satisfied within 1 year after it was granted, any of the*

*terms or conditions of the permit have been violated, a law has been violated in connection with the permit, or if the permit was obtained by fraud; and*

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

**NOW, THEREFORE, BE IT RESOLVED BY THE PLANNING COMMISSION** as follows:

1. The Planning Commission finds that this action has been determined to be Categorically Exempt from the California Environmental Quality Act (CEQA) review pursuant to Title 14, California Code of Regulations, Section 15301 "Existing Facilities".
2. The Planning Commission adopts the findings required by Section 17.48.010(E)(4) of the Oroville City Code, as those findings are described in this Resolution.
3. The following conditions of approval have been deemed necessary to achieve the purpose of the Zoning Code, promote the general health, safety and public welfare of the City.

## **CONDITIONS OF APPROVAL**

### **UP 18-08: CABINET SHOP**

**Approved project:** The project applicant, Use Permit No. UP 18-08 for the operation of a Cabinet Shop at 2014 Lincoln Street (APN: 012-212-039). The subject property has a zoning designation of Corridor Mixed-Use (MXC) and a General Plan land use designation of Mixed Use. Per the City of Oroville Municipal Code, the proposed Cabinet Shop is a use permitted by right, subject to a Planning Commission approval of a conditional use permit in an MXC zone. The Planning Commission hereby approves UP 18-08, subject to the following:

1. The applicant shall hold harmless the City, its Council members, Planning Commissioners, officers, agents, employees, and representatives from liability for any award, damages, costs, and/or fees incurred by the City and/or awarded to any plaintiff in an action challenging the validity of this permit or any environmental or other documentation related to approval of this permit. Applicant further agrees to provide a defense for the City in any such action.
2. The project shall remain in substantial conformance with the Conditions of Approval, as adopted by the Oroville Planning Commission. Any subsequent minor changes in the project (as determined by the Zoning Administrator) may only occur subject to appropriate City review and approval. Any subsequent substantive

changes in the project (as determined by the Zoning Administrator) may only occur subject to discretionary review by the Oroville Planning Commission.

3. The applicants shall have a current City of Oroville business license and any other applicable permit/license that may be required as part of their operations.
4. Pursuant to Section 17.12.010, the proposed use of the site shall conform to the performance standards of the Oroville Municipal Code to minimize any potential negative effects that the building, structure or use could have on its surroundings, and to promote compatibility with surrounding uses and areas.
5. Applicable construction plans, calculations, specifications, applications, forms, etc. shall be submitted to the Building Division for review prior to start of any tenant improvements / construction activities requiring a building permit. All applicable plan review fees shall be paid at time of submittal.
6. The applicant shall ascertain and comply with all requirements of the Butte County Environmental Health.
7. A sawdust control and containment system and approved electrical that complies with explosion proof requirements shall be installed with proper permits and plan reviews.
8. The applicant shall ascertain and comply with the requirements of all City, County, State, Federal, and other local agencies as applicable to the proposed project.
9. Under no circumstance shall saw dust on the project site spillback onto the public right-of-way or effect neighboring occupants.
10. New Masonry trash enclosure shall be installed that complies with the City of Oroville Public Works design standards.
11. Pursuant to Section 17.48.010(F) of the City Code, the Planning Commission, upon its own motion, may modify or revoke any use permit that has been granted pursuant to the provisions of this section upon finding any of the following, based on substantial evidence:
  - a. Any of the conditions of the permit have not been satisfied within 1 year after it was granted.
  - b. Any of the terms or conditions of the permit have been violated.
  - c. A law, including any requirement in the Municipal Code Chapter 26, has been violated in connection with the permit.
  - d. The permit was obtained by fraud.
12. Applicant hereby certifies that any and all statements and information provided as part of the application are true and correct to the best of their knowledge and

belief. Any misinformation provided, whether intentional or unintentional, that was considered in the issuance of this permit may be grounds for revocation.

**--- End of Conditions ---**

**I HEREBY CERTIFY** that the foregoing resolution was duly introduced and passed at a special meeting of the Planning Commission of the City of Oroville held on the 15<sup>th</sup> of November 2018, by the following vote:

AYES:

NOES:

ABSTAIN:

ABSENT:

ATTEST:

APPROVE:

\_\_\_\_\_  
JACKIE GROVER, ASSISTANT CITY CLERK

\_\_\_\_\_  
CARL DURLING, CHAIRPERSON



# City of Oroville

**Gary Layman**  
ACTING DIRECTOR

## PLANNING AND DEVELOPMENT SERVICES

1735 Montgomery Street  
Oroville, CA 95965-4897  
(530) 538-2430 FAX (530) 538-2426  
[www.cityoforoville.org](http://www.cityoforoville.org)

### NOTICE OF PUBLIC HEARING BEFORE THE CITY OF OROVILLE PLANNING COMMISSION

NOTICE IS HEREBY GIVEN that the City of Oroville Planning Commission will hold a public hearing on the projects described below. Said hearing will be held at **7:00 pm on Thursday, November 15, 2018**, in the City Council Chambers, 1735 Montgomery Street, Oroville, CA. All interested persons are invited to attend or submit comments in writing.

1. **PL1810-002: Conditional Use Permit** – The Oroville Planning Commission will conduct a public hearing to consider approving a Cabinet Shop for the property located at 2014 Lincoln Street, Oroville Ca. 95965 Accessors Parcel Number 012-212-039.
2. **Zoning Change** – The Oroville Planning Commission will conduct a public hearing to consider approving a Zoning Change for the properties located on Veatch Street, Oroville Ca. 95965 Accessors Parcel Numbers 035-450-003-035-450-009.
3. **17.08.140 Cessation of land uses activities** – The Oroville Planning Commission will conduct a public hearing to consider revising section 17.08.140 of the City of Oroville Municipal Code.

Additional information regarding the projects described in this notice can be obtained from the Oroville Planning Department at 1735 Montgomery Street, Oroville, CA. Anyone desiring to submit information, opinions or objections is requested to submit them in writing to the Planning Department prior to the hearing. In accordance with Government Code Section 65009, if you challenge action on these projects in court, you may be limited to raising only those issues you or someone else raised at the public meeting described in this notice, or in written correspondence delivered to the Planning Commission at, or prior to, the public meetings.

Publish Date: November 5, 2018  
By: Jackie Glover, Assistant City Clerk



# City of Oroville

## COMMUNITY DEVELOPMENT DEPARTMENT

1735 Montgomery Street  
Oroville, CA 95965-4897  
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### PLANNING COMMISSION STAFF REPORT

November 15, 2018

**ZC – 18-02 CESSATION OF LAND USE ACTIVITIES** - The Oroville Planning Commission will review and consider approving Zoning Change No. ZC – 18-02 for the minor change to the Oroville Municipal Code Zoning Title 17.08.140 A, to eliminate “for a continuous time period” B and C to make the change in Subsection A B “ceased for a period of 24 months or more.” “to has been changed to another use or uses.” And Subsection C “ceased for a period of 12 months or more.” “to has been changed to another use or uses.”

#### ENVIRONMENTAL DETERMINATION:

This action has been determined to be Categorically Exempt from the California Environmental Quality Act (CEQA) review pursuant to Title 14, California Code of Regulations, Section 15301 “Existing Facilities”.

#### REPORT PREPARED BY:

\_\_\_\_\_  
Gary D. Layman, Acting Director  
Community Development Department

#### REVIEWED BY:

\_\_\_\_\_  
Bill Lagrone,  
Assistant City Administrator

#### RECOMMENDED ACTIONS:

City staff recommends that the Planning Commission take the following actions:

1. **APPROVE** the recommended Findings for Zoning Change No. ZC – 18-02; and
2. **APPROVE** Resolution No. P2018-13 Zoning Change No. ZC – 18-02.

#### SUMMARY

The existing Municipal code as written effects the ability to occupy existing buildings that have been vacated for a length of time without a consideration of the effects that this would have on businesses and building owners in occupying buildings when they become vacant.



However, a minor change to the Oroville Municipal code would allow the ability to utilize these existing buildings despite the term of vacancy.

## DISCUSSION

This cessation as written effects the usability and ability to occupy buildings and structures for uses in which they were originally designed. The new proposed change to the Oroville Municipal Code will allow buildings who's use has not changed to be occupied for the use originally or previously designed for. The minor change to the Oroville Municipal Code Title 17.08.140 A, B and C to make the change in Subsection A to eliminate "for a continuous time period", Subsection B "ceased for a period of 24 months or more." "to has been changed to another use or uses." And Subsection C "ceased for a period of 12 months or more." "to has been changed to another use or uses."

### 17.08.140 Cessation of land uses activities.

A. Cessation of Uses. For the purposes of this section, a use shall be deemed to have ceased when it has been discontinued, either temporarily or permanently, whether with the intent to abandon such use or not, **for a continuous time period** as set forth in this section.

B. Cessation of Uses of Buildings Designed for Nonconforming Uses. A building or structure which was designed for a use which does not conform with the provisions of this title and which is occupied by a nonconforming use shall not again be used for nonconforming purposes when such use has **ceased for a period of 24 months or more.**

C. Cessation of Uses of Buildings Designed for Conforming Uses. A building or structure which was designed for a use which conforms with the provisions of this title but which is occupied by a nonconforming use shall not again be used for nonconforming purposes when such use has **ceased for a period of 12 months or more.**

D. Cessation of Nonconforming Uses of Land. Land on which there is a nonconforming use not involving any building or structure, except minor structures, including buildings containing less than 300 square feet of gross floor area, fences, and signs, where such use has ceased for one month or more shall not again be used for nonconforming purposes, and such nonconforming use of land shall be discontinued, and the nonconforming buildings or structures shall be removed from the premises within 6 months after the first date of nonconformity.

E. Cessation of Nonconforming Junk Yards. Regardless of any other provision of this title, no junk yard which exists as a nonconforming use in any zone shall continue as provided in this section for nonconforming uses unless such junk yard, within one year after the junk yard has become a nonconforming use, shall be completely enclosed within an existing building or otherwise within a continuous solid fence not less than 8 feet nor more than 12 feet in height or equivalent continuous hedgerow screening. The operation shall be conducted in such a manner as to be substantially screened at all times by the building, fence, or hedgerow. Plans for the required fence or hedgerow shall meet the approval of the planning director. All other provisions of this section shall apply to any nonconforming junk yard. (Ord. 1783 § 1)

## **ENVIRONMENTAL REVIEW**

This action has been determined to be Categorical Exempt from the California Environmental Quality Act (CEQA) review pursuant to Title 14, California Code of Regulations, Section 15301 "Existing Facilities"

## **FISCAL IMPACT**

NONE.

## **NEWSPAPER NOTICE**

## **ATTACHMENTS**

Will be provided separately