



OROVILLE PLANNING COMMISSION

Council Chambers
1735 Montgomery Street
Oroville, CA. 95965

**March 28, 2019
REGULAR MEETING
OPEN SESSION 7:00 PM
AGENDA**

CITY OF OROVILLE PLANNING COMMISSION

CHAIR: Damon Robinson
VICE-CHAIR: Carl Durling
MEMBERS: Randy Chapman; Wyatt Jenkins; Michael Britton, Susan Sears, Tammy Flicker

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 and on YouTube*

CALL TO ORDER

ROLL CALL

Commissioners: Susan Sears, Michael Britton, Randy Chapman, Wyatt Jenkins, Tammy Flicker, 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 Mayor or presiding chair in conducting an orderly meeting. Providing personal information on the form is voluntary. For scheduled agenda items, please submit the form prior to the conclusion of the staff presentation for that item. Council has established time limitations of three (3) minutes per speaker on all items and an overall time limit of thirty minutes for non-agenda items. If more than 10 speaker cards are submitted for 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 Council 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

[The](#) Planning Commission will consider approving the minutes of the meeting on February 28, 2019

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
- Public Speakers: 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.

1. EMERGENCY SHELTER CONDITIONAL USE PERMIT (PL 1903-003)

The Oroville Planning Commission will conduct a public hearing to consider approving a Emergency Shelter in a vacant commercial building located at 3010 Meyers Street, Oroville, CA.

RECOMMENDATION

Consider approving an Emergency Shelter at 3010 Meyers Street, Oroville, CA

2. TENTATIVE PARCEL MAP (PW1902-001) - 2134 2ND STREET

The Oroville Planning Commission will conduct a public hearing to consider approving a tentative parcel map for an existing 1.89-acre lot located at 2134 2nd Street, Oroville, CA into (15) total lots to provide two story affordable housing on each lot.

RECOMMENDATION

Consider approving Tentative Parcel Map (PW1902-001) 19-02

3. ZONING ORDINANCE CHANGE - 16.12.020 TENTATIVE SUBDIVISION MAP EXTENSIONS

The Oroville Planning Commission will conduct a public hearing to consider approving a Zoning Ordinance Change to Section 16.12.020 Tentative subdivision map extension approvals by zoning administrator.

RECOMMENDATION

APPROVE the recommended Findings for Zoning/Subdivision Change No. ZC – 19-04; and

APPROVE Resolution No. P2019-05 A RESOLUTION OF THE OROVILLE CITY PLANNING COMMISSION MAKING FINDINGS AND CONDITIONALLY APPROVING ZONING/SUBDIVISION CHANGE NO. 19-04 PERMITTING A CHANGE TO THE ZONING/SUBDIVISION CODE TITLE 16.12.020(H.1) AMENDMENTS AND REZONING.

4. ZONING ORDINANCE CHANGE - 16.12.050 TENTATIVE PARCEL MAP EXTENSIONS

The Oroville Planning Commission will conduct a public hearing to consider approving a Zoning Ordinance Change to Section 16.12.050 Tentative Parcel map extension approvals by zoning administrator.

RECOMMENDATION

APPROVE the recommended Findings for Zoning/Subdivision Change No. ZC – 19-03; and

APPROVE Resolution No. P2019-04 A RESOLUTION OF THE OROVILLE CITY PLANNING COMMISSION MAKING FINDINGS AND CONDITIONALLY APPROVING ZONING/SUBDIVISION CHANGE NO. XXX PERMITTING A CHANGE TO THE ZONING/SUBDIVISION CODE TITLE 16.12.050 TENTATIVE PARCEL MAPS

5. TENTATIVE PARCEL MAP EXTENSION - NELSON 56 ON NELSON AVE

The Oroville Planning Commission will conduct a public hearing to consider approving a Tentative Parcel map extension for Nelson 56 on Nelson Ave. near 12th Street.

RECOMMENDATION

Consider approving Tentative Parcel Map

6. TENTATIVE PARCEL MAP (PW1810-004) - WEST SIDE OF 7TH AVE BETWEEN ORO DAM BLVD AND OAK ST

The Oroville Planning Commission will conduct a public hearing to consider approving a Tentative Parcel map located on the West side of 7th between Oroville dam Blvd and Oak streets creating two lots one 6.0 acres and one 2.4 acres

RECOMMENDATIONS

APPROVE the recommended Findings for Tentative Parcel Map No. 19-01; and

APPROVE Resolution No. P2019-07 A RESOLUTION OF THE OROVILLE CITY PLANNING COMMISSION MAKING FINDINGS AND CONDITIONALLY APPROVING A TENTATIVE PARCEL MAP LOCATED AT 2430 SOUTH 7TH STREET, OROVILLE, CA

7. APPROVAL OF CHIPOTLE DRIVE THRU RESTAURANT (PL 1901-007) - 355 ORO DAM BLVD- PAD 2

The Oroville Planning Commission will conduct a public hearing to consider approving a Chipotle Drive Thru restaurant on Pad 2 location at 355 Oro Dam Blvd, on the Feather River Crossing on the corner of Feather River Blvd and Oroville Dam Blvd.

RECOMMENDATION

APPROVE the recommended Findings for Use Permit No. 19-02; and

APPROVE Resolution No. P2019-06 A RESOLUTION OF THE OROVILLE CITY PLANNING COMMISSION MAKING FINDINGS AND CONDITIONALLY APPROVING USE PERMIT # 19-02 FOR A DRIVE THROUGH RESTAURANT

REGULAR BUSINESS

None

DISCUSSION ITEMS

None

DIRECTOR'S REPORT

The Director shall 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, April 25, 2019 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

**February 28, 2019
MEETING MINUTES**

CITY OF OROVILLE PLANNING COMMISSION

CHAIR: Damon Robinson
VICE-CHAIR: Carl Durling
MEMBERS: Randy Chapman; Wyatt Jenkins; Michael Britton, Tammy Flicker, Susan Sears

ALL MEETINGS ARE RECORDED AND BROADCAST LIVE

CALL TO ORDER – Meeting called to order by Chairperson Robison at 7pm

ROLL CALL

PRESENT: Commissioners: Susan Sears, Michael Britton, Randy Chapman, Wyatt Jenkins, Tammy Flicker, Vice Chairperson Carl Durling, Chairperson Damon Robison

ABSENT: None

STAFF PRESENT: Chief Building Official Gary Layman, Assistant City Clerk Jackie Glover

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 Mayor or presiding chair in conducting an orderly meeting. Providing personal information on the form is voluntary. For scheduled agenda items, please submit the form prior to the conclusion of the staff presentation for that item. Council has established time limitations of three (3) minutes per speaker on all items and an overall time limit of thirty minutes for non-agenda items. If more than 10 speaker cards are submitted for 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 Council or staff to statements or questions relating to a non-agenda item.

OATH OF OFFICE

Assistant City Clerk Jackie Glover administered the Oath of office to newly appointed and re-appointed Commissioners Tammy Flicker, Susan Sears, Wyatt Jenkins, and Carl Durling will take the oath of office.

PLEDGE OF ALLEGIANCE – Led by Chairperson Robison

PUBLIC COMMENTS

Individuals who spoke on non-agenda items – Dave Quintel

CORRESPONDENCE - None

APPROVAL OF MINUTES

The Planning Commission approved the minutes from January 10, 2019 Planning Commission Meeting.

PUBLIC HEARINGS

1. ZONING CODE CHANGE - PARCEL MAPS - LANGUAGE CHANGE TO REMOVE PLANNING COMMISSION AND ADD ZONING ADMINISTRATOR FOR REVIEWS AND APPROVAL

The Oroville Planning Commission reviewed and considered approving Zoning/Subdivision Change No. ZC – 19-02 to the Oroville Municipal Code (OMC) Subdivision Title 16.12.040 Parcel maps Amendments and approvals, to replace Planning Commission with Zoning Administrator for review the and approval process.

Motion by Commissioner Durling and second by Commissioner Chapman to deny the recommended zoning change. Passed unanimously.

AYES: Commissioners: Susan Sears, Michael Britton, Randy Chapman, Wyatt Jenkins, Tammy Flicker, Vice Chairperson Carl Durling, Chairperson Damon Robison

NOES: None

ABSENT: None

ABSTAIN: None

2. ZONING CODE CHANGE - TENTATIVE MAPS - CHANGE LANGUAGE FOR REVIEW AND APPROVAL FROM PLANNING COMMISSION TO ZONING ADMINISTRATOR

The Oroville Planning Commission reviewed and considered approving Zoning/Subdivision Change No. ZC – 19-01 changing the Oroville Municipal Code (OMC) Subdivision Title 16.12.020 Tentative maps, to replace Planning Commission to Zoning Administrator for review and approval. This change will also include a change to extension of approval of tentative maps and replace 2 years with 6 years.

Motion by Commissioner Durling and second by Commissioner Britton to deny the recommended zoning change. Passed unanimously.

AYES: Commissioners: Susan Sears, Michael Britton, Randy Chapman, Wyatt Jenkins, Tammy Flicker, Vice Chairperson Carl Durling, Chairperson Damon Robison

NOES: None

ABSENT: None

ABSTAIN: None

REGULAR BUSINESS

None

DISCUSSION ITEMS

None

DIRECTOR’S REPORT

- Chief Building Official Gary Layman updated the Commission on the following
 - o Chipotle has not submitted plans yet.
 - o Feather River Blvd Closed for Gas Valve Repair – PG&E
 - o Owner of Corner of Feather River and Oro Dam Blvd to Applebee’s is still in negotiations with businesses. Working on CEQA and Traffic Studies
 - o Base Camp is moving forward as a multi-family housing unit.
 - o Commissioners asked about garbage can regulations and Gary informed them that they are covered in the Municipal Code

COMMISSION REPORTS

None

ADJOURNMENT

Chairperson Robison ended the meeting at 8:27pm. The next meeting is Thursday, March 28, 2019 at 7:00 P.M. in the Oroville City Council Chambers

APPROVED BY:

ATTESTED BY:

Damon Robison, Chair

Jackie Glover, Assistant City Clerk



City of Oroville

COMMUNITY DEVELOPMENT DEPARTMENT

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Oroville, CA 95965-4897
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PLANNING COMMISSION STAFF REPORT

March 28, 2019

ZC – 19-04 Tentative Maps - The Oroville Planning Commission will review and consider approving Zoning/Subdivision Change No. ZC – 19-04 for the minor change to the Oroville Municipal Code (OMC) Subdivision Title 16.12.020 Tentative maps, to replace (Planning Commission and add Zoning Administrator) for review and approval. General. In section H. 1 where the OMC references approval by the planning Commission and replace with the zoning administrator and Extension of Approval of Tentative Map to (replace 2 years with 6 years).

ENVIRONMENTAL DETERMINATION:

This action has been determined to be Categorical Exempt from the California Environmental Quality Act (CEQA) review pursuant to Title 14, Division 6, Chapter 3 of the California Code of Regulations, Article 19 Categorical Exemptions, Section 15300.1 "Relations to Ministerial Projects"

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/Subdivision Change No. ZC – 19-04; and
2. **APPROVE Resolution No. P2019-05** A RESOLUTION OF THE OROVILLE CITY PLANNING COMMISSION MAKING FINDINGS AND CONDITIONALLY APPROVING ZONING/SUBDIVISION CHANGE NO. 19-04 PERMITTING A CHANGE TO THE ZONING/SUBDIVISION CODE TITLE 16.12.020(H.1) AMENDMENTS AND REZONING.

SUMMARY

The existing Municipal code as written effects the ability for city staff to make decisions on extending an already approved tentative Parcel map without full review and approval of the Oroville Planning Commission. However, a minor change to the Oroville Municipal code would allow city staff the ability to make rational decisions to assist in expediting the process, as well as, eliminate the extra expense and delays on the developer, businesses and or owners in the permit process.

DISCUSSION

The new proposed change to the Oroville Municipal Code will allow staff to make administrative decisions and eliminate the extra expense and delays in the permit process as well as the allotted time extension of a tentative map. The minor change to the Oroville Municipal Code Title 16.12.020(H.1) Tentative maps Amendments and approvals, to replace (Planning Commission and add Zoning Administrator) for review and approval of Tentative Map to (replace 2 years with 6 years). The extension time period of six years would be consistent with the subdivision map act Article 5 section 66463.5(c). these changes would demonstrate a most business-friendly environment and provide the ability for a more timely approval process.

ENVIRONMENTAL REVIEW

This action has been determined to be Categorical Exempt from the California Environmental Quality Act (CEQA) review pursuant to Title 14, Division 6, Chapter 3 of the California Code of Regulations, Article 19 Categorical Exemptions, Section 15300.1 "Relations to Ministerial Projects"

FISCAL IMPACT

NONE.

NEWSPAPER NOTICE

ATTACHMENTS

Will be provided separately

FINDINGS

No. ZC 19-04: ZONING CHANGE TITLE 16.12.020 TENTATIVE MAPS

A. INTRODUCTION

The Oroville Planning Staff recommends the Planning Commission review and consider approving Zoning Change ZC – 19-04 Tentative Maps - The Oroville Planning Commission will review and consider a minor change to the Oroville Municipal Code (OMC) Zoning Title 16.12.020 Tentative maps, to replace (Planning Commission and add Zoning Administrator) for review and approval. General. In the entire section where the OMC references approval by the planning Commission and replace with the zoning administrator and in section H.1 Extension of Approval of Tentative Map to (replace 2 years with 6 years).

The existing Municipal code as written effects the ability for city staff to make decisions on extending an already approved tentative Parcel map without full review and approval of the Oroville Planning Commission. However, a minor change to the Oroville Municipal code would allow city staff the ability to make rational decisions to assist in expediting the process, as well as, eliminate the extra expense and delays on the developer, businesses and or owners in the permit process.

B. CATEGORICAL EXEMPTION

This action has been determined to be Categorically Exempt from the California Environmental Quality Act (CEQA) review pursuant to Title 14, Division 6, Chapter 3 of the California Code of Regulations, Article 19 Categorical Exemptions, Section 15300.1 “Relations To Ministerial Projects”

C. FINDINGS

The new proposed change to the Oroville Municipal Code will allow staff to make administrative decisions and eliminate the extra expense and delays in the permit process as well as the allotted time extension of a tentative map. The minor change to the Oroville Municipal Code Title 16.12.020(H.1) Tentative maps Amendments and approvals, to replace (Planning Commission and add Zoning Administrator) for review and approval of Tentative Map to (replace 2 years with 6 years). The extension time period of six years would be consistent with the subdivision map act Article 5 section 66463.5(c). these changes would demonstrate a most business-friendly environment and provide the ability for a more timely approval process.

RESOLUTION NO. P2019-05

A RESOLUTION OF THE OROVILLE CITY PLANNING COMMISSION MAKING FINDINGS AND CONDITIONALLY APPROVING ZONING/SUBDIVISION CHANGE NO. 19-04 PERMITTING A CHANGE TO THE ZONING/SUBDIVISION CODE TITLE 16.12.020 TENTATIVE MAPS.

WHEREAS, the City of Oroville staff recommends a change to 16.12.020(H.1); and

WHEREAS, per the City of Oroville Municipal Code, the Oroville Municipal Code (OMC) Subdivision Title 16.12.020 Tentative maps, to replace (Planning Commission and add Zoning Administrator) for review and approval. General. In section H. 1 where the OMC references approval by the planning Commission and replace with the zoning administrator and Extension of Approval of Tentative Map to (replace 2 years with 6 years).; and

WHEREAS, pursuant to Section 16.12.020(H.1) Tentative maps of the Oroville Municipal Code, the Zoning Administrator with notification to the City Administrator, Planning Commission and City Council may by ordinance amend and when determined by the Zoning Administrator the planning commission shall hold public hearings as required by law on any proposed tentative maps or maps extensions; 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 change.

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

1. This action has been determined to be Categorically Exempt from the California Environmental Quality Act (CEQA) review pursuant to Title 14, Division 6, Chapter 3 of the California Code of Regulations, Article 19 Categorical Exemptions, Section 15300.1 "Relations to Ministerial Projects".
2. The Planning Commission approves the findings required by Section/Title 16.12.020 of the Oroville City Code, as those findings are described in this Resolution to move forward to the Oroville City Council for final review and approval.

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 28th of March 2019, by the following vote:

AYES:

NOES:

ABSTAIN:

ABSENT:

ATTEST:

APPROVE:

JACKIE GLOVER, ASSISTANT CITY CLERK

DAMON ROBISON, CHAIRPERSON



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PLANNING COMMISSION STAFF REPORT

March 28, 2019

ZC – XXX Tentative Parcel maps - The Oroville Planning Commission will review and consider approving Zoning/Subdivision Change No. ZC – 19-03 for the minor change to the Oroville Municipal Code (OMC) Subdivision Title 16.12.050 Parcel maps Amendments and approvals, to replace (Planning Commission and add Zoning Administrator) for review and approval. In section Title 16.12.050 (F) where the OMC references “The planning commission” and replace with the zoning administrator may extend its approval for an additional period of time not to exceed 2 years and replace (2 with 6) years.

ENVIRONMENTAL DETERMINATION:

This action has been determined to be Categorical Exempt from the California Environmental Quality Act (CEQA) review pursuant to Title 14, Division 6, Chapter 3 of the California Code of Regulations, Article 19 Categorical Exemptions, Section 15300.1 “Relations to Ministerial Projects”

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/Subdivision Change No. ZC – 19-03; and
2. **APPROVE** Resolution No. P2019-04 A RESOLUTION OF THE OROVILLE CITY PLANNING COMMISSION MAKING FINDINGS AND CONDITIONALLY APPROVING ZONING/SUBDIVISION CHANGE NO. XXX PERMITTING A CHANGE TO THE ZONING/SUBDIVISION CODE TITLE 16.12.050 TENTATIVE PARCEL MAPS

SUMMARY

The existing Municipal code as written effects the ability for city staff to make decisions on extending an already approved tentative Parcel map without full review and approval of the Oroville Planning Commission. However, a minor change to the Oroville Municipal code would allow city staff the ability to make rational decisions to assist in expediting the process, as well as, eliminate the extra expense and delays on the developer, businesses and or owners in the permit process.

DISCUSSION

The new proposed change to the Oroville Municipal Code will allow staff to make administrative decisions and eliminate the extra expense and delays in the permit process as well as the allotted time extension of a tentative map. The minor change to the Oroville Municipal Code Title 16.12.050(F) Tentative Parcel maps Amendments and approvals, to replace (Planning Commission and add Zoning Administrator) for review and approval. General. In the entire section where the OMC references approval by the planning Commission and replace with the zoning administrator and in section H. Extension of Approval of Tentative Map to (replace 2 years with 6 years). The extension time period of six years would be consistent with the subdivision map act Article 5 section 66463.5(c). these changes would demonstrate a most business-friendly environment and provide the ability for a more timely approval process.

ENVIRONMENTAL REVIEW

This action has been determined to be Categorically Exempt from the California Environmental Quality Act (CEQA) review pursuant to Title 14, Division 6, Chapter 3 of the California Code of Regulations, Article 19 Categorical Exemptions, Section 15300.1 "Relations to Ministerial Projects"

FISCAL IMPACT

NONE.

NEWSPAPER NOTICE

ATTACHMENTS

Proposed Ordinance

FINDINGS

No. 19-03: SUBDIVISIONS CHANGE TITLE 16.12.050 TENTATIVE PARCEL MAPS

A. INTRODUCTION

The Oroville Planning Staff recommends the Planning Commission review and consider approving Zoning/Subdivision Change No. ZC – 19-03 for the minor change to the Oroville Municipal Code (OMC) Subdivision Title 16.12.050 Parcel maps Amendments and approvals, to replace (Planning Commission and add Zoning Administrator) for review and approval. In section Title 16.12.050 (F) where the OMC references “The planning commission” and replace with the zoning administrator may extend its approval for an additional period of time not to exceed 2 years and replace (2 with 6) years.

The existing Municipal code as written effects the ability for city staff to make decisions on extending an already approved tentative Parcel map without full review and approval of the Oroville Planning Commission. However, a minor change to the Oroville Municipal code would allow city staff the ability to make rational decisions to assist in expediting the process, as well as, eliminate the extra expense and delays on the developer, businesses and or owners in the permit process.

B. CATEGORICAL EXEMPTION

This action has been determined to be Categorically Exempt from the California Environmental Quality Act (CEQA) review pursuant to Title 14, Division 6, Chapter 3 of the California Code of Regulations, Article 19 Categorical Exemptions, Section 15300.1 “Relations to Ministerial Projects”

C. FINDINGS

Tentative parcel maps have already been through the process for approval by the city staff, public, planning commission and city council with specific conditions of approval. If there have been no changes to the conditions of approval or tentative parcel map then this minor change to the Oroville Municipal Code Title 16.12.050 Tentative maps, to replace (Planning Commission and add Zoning Administrator) for review and approval would expedite and eliminate delay in the extension of a tentative parcel map. However, if there are any changes to the tentative parcel map or the conditions of approval the changes and extension shall be required to go through the approval process along with paying any fees associated with the process for review and approval by the planning commission.

F. Expiration and Extension of Tentative Parcel Map. An approved or conditionally approved tentative parcel map shall expire 36 months after its approval or conditional approval. The ~~planning commission~~ **zoning administrator** may extend its approval for an additional period of time not to exceed ~~2~~ **6** years. (Ord. 1749 § 3)

RESOLUTION NO. P2019-04

A RESOLUTION OF THE OROVILLE CITY PLANNING COMMISSION MAKING FINDINGS AND CONDITIONALLY APPROVING ZONING/SUBDIVISION CHANGE NO. 19-03 PERMITTING A CHANGE TO THE ZONING/SUBDIVISION CODE TITLE 16.12.050 (F) TENTATIVE PARCEL MAPS.

WHEREAS, the City of Oroville staff recommends a change to 16.12.050 (F);
and

WHEREAS, pursuant to Section 16.12.050 Tentative Parcel maps of the Oroville Municipal Code, the Zoning Administrator with notification to the City Administrator, Planning Commission and City Council by ordinance amendment to replace (Planning Commission and add Zoning Administrator) for review and approval. In section Title 16.12.050 (F) where the OMC references "The planning commission" and replace with the zoning administrator may extend its approval for an additional period of time not to exceed 2 years and replace (2 with 6) years. 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 proposed change.

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

1. This action has been determined to be Categorical Exempt from the California Environmental Quality Act (CEQA) review pursuant to Title 14, Division 6, Chapter 3 of the California Code of Regulations, Article 19 Categorical Exemptions, Section 15300.1 "Relations to Ministerial Projects".
2. The Planning Commission approves the findings required by Section/Title 16.12.050 (F) of the Oroville City Code, as those findings are described in this Resolution to move forward to the Oroville City Council for final review and approval.

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 28th of March 2019, by the following vote:

AYES:

NOES:

ABSTAIN:

ABSENT:

ATTEST:

APPROVE:

JACKIE GLOVER, ASSISTANT CITY CLERK

DAMON ROBISON, CHAIRPERSON



City of Oroville

COMMUNITY DEVELOPMENT DEPARTMENT

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PLANNING COMMISSION STAFF REPORT

March 28, 2019

Tentative Parcel Map – 19-01: 2430 South 7th Ave The Planning Commission will conduct a public hearing to consider approving Tentative Parcel Map No. 19-01 to separate an 8.4-acre lot into two parcels.

ENVIRONMENTAL DETERMINATION:

This action has been determined to be Categorical Exempt from the California Environmental Quality Act (CEQA) review pursuant to Title 14, Division 6, Chapter 3 of the California Code of Regulations, Article 19 Categorical Exemptions, Section 15332 "IN-FILL DEVELOPMENT PROJECTS"

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 Tentative Parcel Map No. 19-01; and
2. **APPROVE Resolution No. P2019-07** A RESOLUTION OF THE OROVILLE CITY PLANNING COMMISSION MAKING FINDINGS AND CONDITIONALLY APPROVING A TENTATIVE PARCEL MAP LOCATED AT 2430 SOUTH 7TH STREET, OROVILLE, CA.

SUMMARY

The applicants Gage & Christina Chrysler Trust & The James E. O'Bannon & Susie C. O'Bannon Revocable Trust, 1405 Rim Rock, Chico, CA 95928 have applied for a tentative parcel map to split an existing 8.4-acre site into two separate parcels.

DISCUSSION

The request is to separate the existing 8.4-acre parcel into two separate parcels to create an individual lot for each zoning area. Parcel 1 will be 6 acres and zoned CLM and parcel 2 will be 2.4 acres zoned MXC. This lot split will provide even lot lines and separate for zoning to be consistent with the surrounding sites. There are no proposed construction plans submitted for these sites at this time.

ENVIRONMENTAL REVIEW

This action has been determined to be Categorically Exempt from the California Environmental Quality Act (CEQA) review pursuant to Title 14, Division 6, Chapter 3 of the California Code of Regulations, Article 19 Categorical Exemptions, Section 15332 "IN-FILL DEVELOPMENT PROJECTS"

FISCAL IMPACT

The total fees associated with this project are as follows:

Item	Price	Tech Fee	Total	Paid
Tentative Parcel Map	\$3,500.34	\$210.02	\$3,710.36	Yes
Total	\$3,500.34	\$210.02	\$3,710.36	Yes

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.

NEWSPAPER NOTICE

ATTACHMENTS

- A – Vicinity Map
- B – Findings
- C – Resolution No. P2019-07
- D – Conditions of Approval
- E- Declaration of Fees Due

FINDINGS

TPM 19-01: Tentative Parcel Map

A. INTRODUCTION

The Oroville Planning Staff recommends the Planning Commission review and consider approving Tentative Parcel Map TPM – 19-01 - 2430 South 7th Ave The Planning Commission will conduct a public hearing to consider approving Tentative Parcel Map No. 18-03 to separate an 8.4-acre lot into two parcels.

The applicants Gage & Christina Chrysler Trust & The James E. O'Bannon & Susie C. O'Bannon Revocable Trust, 1405 Rim Rock, Chico, CA 95928 have applied for a tentative parcel map to slit an existing 8.4-acre site into two separate parcels.

B. CATEGORICAL EXEMPTION

This action has been determined to be Categorically Exempt from the California Environmental Quality Act (CEQA) review pursuant to Title 14, Division 6, Chapter 3 of the California Code of Regulations, Article 19 Categorical Exemptions, Section 15332 "IN-FILL DEVELOPMENT PROJECTS"

C. FINDINGS

The request is to separate the existing 8.4-acre parcel into two separate parcels to create an individual lot for each zoning area. Parcel 1 will be 6 acres and zoned CLM and parcel 2 will be 2.4 acres zoned MXC. This lot split will provide even lot lines and separate for zoning to be consistent with the surrounding sites. There are no proposed construction plans submitted for these sites at this time.

RESOLUTION NO. P2019-07

A RESOLUTION OF THE OROVILLE CITY PLANNING COMMISSION MAKING FINDINGS AND CONDITIONALLY APPROVING TENTATIVE PARCEL MAP NO. 19-01 PERMITTING A TENTATIVE PARCEL MAP.

WHEREAS, the City of Oroville staff recommends a tentative parcel map; and

WHEREAS, the tentative parcel map to separate the existing 8.4-acre parcel into two separate parcels to create an individual lot for each zoning area. Parcel 1 will be 6 acres and zoned CLM and parcel 2 will be 2.4 acres zoned MXC. This lot split will provide even lot lines and separate for zoning to be consistent with the surrounding sites. There are no proposed construction plans submitted for these sites at this time; and

WHEREAS, the conditions of approval shall be incorporated into the final map; 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 change.

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

1. This action has been determined to be Categorical Exempt from the California Environmental Quality Act (CEQA) review pursuant to Title 14, Division 6, Chapter 3 of the California Code of Regulations, Article 19 Categorical Exemptions, Section 15332 "IN-FILL DEVELOPMENT PROJECTS"
2. The Planning Commission approves the findings provided for the tentative parcel map to separate the existing 8.4-acre parcel into two separate parcels to create an individual lot for each zoning area. Parcel 1 will be 6 acres and zoned CLM and parcel 2 will be 2.4 acres zoned MXC.

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 28th of March 2019, by the following vote:

AYES:

NOES:

ABSTAIN:

ABSENT:

ATTEST:

APPROVE:

JACKIE GLOVER, ASSISTANT CITY CLERK

DAMON ROBISON, CHAIRPERSON

CONDITIONS OF APPROVAL

TPM 19-01: 2430 South 7th Avenue

Approved Project: The project applicants Gage & Christina Chrysler Trust & The James E. O'Bannon & Susie C. O'Bannon Revocable Trust, 1405 Rim Rock, Chico, CA 95928 have applied for a tentative parcel map to split an existing 8.4-acre site into two separate parcels. Parcel Map (TPM XXX) to separate the existing 8.4-acre parcel into two separate parcels to create an individual lot for each zoning area. Parcel 1 will be 6 acres and zoned CLM and parcel 2 will be 2.4 acres zoned MXC. This lot split will provide even lot lines and separate for zoning to be consistent with the surrounding sites. There are no proposed construction plans submitted for these sites at this time:

1. These conditions of approval are to permit the land division of Tentative Parcel Map No. 19-01 (TPM 19-01) as generally described above.
2. This Tentative Parcel Map conditional approval shall become null and void unless all conditions have been complied with for recordation of the Final Parcel Map within twenty-four (24) months after the approval of said Tentative Parcel Map. Where circumstances beyond the control of the applicant cause delays, which do not permit compliance with the time limitation referenced herein, the Planning Commission may grant an extension of time for an additional period of time not to exceed an additional twelve (12) months. Applications for such extension of time must set forth in writing the reasons for the extension and shall be filed together with a fee, as established by the City Council, thirty (30) calendar days before the expiration of the Tentative Parcel Map. The applicant will be responsible for initiating any extension request.
3. The Planning Commission approval date of this Tentative Parcel Map No. XXX occurred on Mach 28, 2019. All determinations of whether the land division is eligible for an extension of time shall be based on this original approval date.
4. The applicant shall dedicate a 10-foot wide Public Utility Easement along all lots abutting streets to the parcels.
5. The applicants shall deed to the City of Oroville in fee simple 40 feet of right-of-way from the centerline of 7th Avenue, in accordance with City Code sections 23-88 and 23-91, and General Plan Table 5.20-B, which designates 2nd Street as an arterial street.
6. All easements of record on and immediately adjacent to the property being subdivided -- and all easements created by approval of this subdivision -- must be noted on the Final Map and shown on site plans and improvement plans.
7. The applicant shall ascertain and comply with the State of California Subdivision Map Act and with all requirements of the Oroville Municipal Code, and with all other applicable County, State and Federal requirements.

8. 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 action or any environmental or other documentation related to the approval of this tentative parcel map. Applicant further agrees to provide a defense for the City in any such action
9. 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.
10. This map shall run with the land and be binding upon all successors in interest to the maximum extent permitted by law.
11. Pursuant to Section 17.12.010, the proposed use of the site shall conform to the performance standards of the code of the City of Oroville to minimize any negative impacts that the use may have on the surrounding properties.
12. All private facilities, improvements, infrastructure, systems, equipment, common areas, landscaping, irrigations systems, etc. shall be operated and maintained by the applicant in such a manner, and with such frequency, to ensure the public health, safety, and general welfare.
13. The Planning Commission's action shall be final unless the subdivider or any other interested person appeals the action to the City Council as provided in Section 16.04.060 of the City's Code.
14. Owner shall provide monumentation in conformance with the requirements of the California Subdivision Map Act (Government Code Section 66410 and following).
15. The location, identification and description of known or found monuments on or adjacent to the site, shall be shown and noted on the Parcel Map.
16. All easements of record that affect this property are to be shown on the Parcel Map.
17. Prior to recordation of the Parcel Map, pay in full any and all delinquent, current and estimated taxes and assessments as specified in Article 8 of Chapter 4 of Division 2 of Title 7, of the California Government Code commencing with Section 66492.

18. Any development that occurs in the future will be evaluated for its specific project impacts, undergo the appropriate environmental review in accordance with the CEQA Statute and Guidelines and will be required to comply with all minimum development standards, including the payment of all applicable development impact fees.

--- End of Conditions ---

DECLARATION OF FEES DUE
(California Fish and Game Code Section 711.4)

FOR CLERK USE ONLY

NAME AND ADDRESS OF LEAD AGENCY/APPLICANT

LEAD AGENCY: City of Oroville
1735 Montgomery Street
Oroville, CA 95965
(530) 538-2408

APPLICANT: Gage & Christina Chrysler Trust & The James
E. O'Bannon & Susie C. O'Bannon Revocable Trust
1405 Rim Rock
Chico, CA 95928

Project Title:

TPM XXX: 2430 7th Avenue

FILING NO.

CLASSIFICATION OF ENVIRONMENTAL DOCUMENT:

1. NOTICE OF EXEMPTION/STATEMENT OF EXEMPTION
 - A. Statutorily or Categorically Exempt:
 - Minor Land Divisions; Title 14, CCR, §15315
\$50.00 (Fifty Dollars) Butte County Clerk's Fee
2. NOTICE OF DETERMINATION – FEE REQUIRED
 - A. Negative Declaration/ Mitigated Negative Declaration
 - \$2,216.25 (Two Thousand Two Hundred Sixteen Dollars and Twenty-Five cents) State Filing Fee
 - \$50.00 (Fifty Dollars) Butte County Clerk's Fee
 - B. Environmental Impact Report
 - \$3,078.00 (Three Thousand Seventy-Eight Dollars and Twenty-Five cents) State Filing Fee
 - \$50.00 (Fifty Dollars) Butte County Clerk's Fee
3. OTHER (Specify)
 - \$50.00 (Fifty Dollars) Butte County Clerk's Fee

This form must be completed and submitted with all environmental documents filed with the Butte County Clerk's Office.

All applicable fees must be paid at the time of filing any environmental documents with the Butte County Clerk's Office.

One original and two (2) copies of all necessary documents are required for filing purposes.

The \$50.00 (Fifty Dollars) handling fee is required per filing in addition to the filing fee specified in Fish and Game Code Section 711.4 (d).

Make checks payable to Butte County Clerk-Recorder.



City of Oroville

COMMUNITY DEVELOPMENT DEPARTMENT

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

PLANNING COMMISSION STAFF REPORT

March 28, 2019

UP – 19-02 The City of Oroville Planning Commission will conduct a public hearing to consider approving a Use Permit request for the construction of a new drive-through restaurant on the existing developed lot identified as APN: 035-030-080 on the south side of State Route 162. The property has a zoning land use designation of Intensive Commercial - Use (C-2). The proposed location of a new drive-through restaurant; Pad 2 - 0.566 acres. The proposed restaurant use is permitted by right in a C-2 district. However, any drive-through except pharmacies in a C-2 district requires a use permit.

ENVIRONMENTAL DETERMINATION:

This action has been determined to be exempt from the California Environmental Quality Act (CEQA) review pursuant to Title 14, California Code of Regulations, Section 15332 "In-Fill Development Projects."

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 Use Permit No. 19-02; and
2. **APPROVE Resolution No. P2019-06** A RESOLUTION OF THE OROVILLE CITY PLANNING COMMISSION MAKING FINDINGS AND CONDITIONALLY APPROVING USE PERMIT # 19-02 FOR A DRIVE THROUGH RESTAURANT.

SUMMARY

The applicant has submitted application for the construction of a new drive-through restaurant on the existing developed lot identified as APN: 035-030-080 on the south side of State Route 162. The property has a zoning land use designation of Intensive

Commercial - Use (C-2). The proposed location of a new drive-through restaurant; Pad 2 - 0.566 acres. The proposed restaurant use is permitted by right in a C-2 district. However, any drive-through except pharmacies in a C-2 district requires a use permit.

DISCUSSION

The subject property has a zoning designation of Intensive Commercial - Use (C-2) and a General Plan land use designation of Intensive Commercial - Use. The City of Oroville Municipal Code (OMC) Table 17.32.010-1 specifies that a restaurant or café is a use that is permitted by right, subject to a zoning clearance, in all mixed-use districts. However, all drive-through establishments except pharmacies in a C-2 zone require a use permit. As a condition of approval, the applicant will be required to comply with all requirements of the City's Zoning Code as found in the OMC Chapter 17, including, but not limited to, development standards, permit requirements and development review.

The General Plan land use designation allows but does not require mixed uses to be incorporated into the project. The Economic Development Element of the City's 2030 General Plan identifies this area as a Commercial Core Focus Area. Goal LU-4 of the General Plan specifies that it is a goal of the City to provide adequate land for and promote the development of attractive commercial areas and uses that provide goods and services to Oroville residents, employees and visitors. This goal reflects a Guiding Principle of the General Plan to create a vibrant local economy by creating a sustainable economy that serves all segments of the population, engage in economic development to encourage and retain businesses that provide a variety of job opportunities, quality goods and services, and a dependable tax base.

The applicant has indicated that the proposed restaurant will require 20 employees in total. In addition, the proposed project will benefit the residence of the City of Oroville by attracting more people into the City as business patrons for the proposed project and surrounding businesses. Thus, the location and economic benefits of the proposed project support the goals of the City's General Plan. This project is consistent with the applicable General Plan land use designation and all applicable General Plan policies as well as with applicable zoning designation and regulations.

ENVIRONMENTAL REVIEW

This action has been determined to be exempt from the California Environmental Quality Act (CEQA) review pursuant to Title 14, California Code of Regulations, Section 15332 "In-Fill Development Projects."

FISCAL IMPACT

NONE.

NEWSPAPER NOTICE

ATTACHMENTS

Will be provided separately

FINDINGS

No. 19-02: DRIVE THROUGH RESTAURANT

A. INTRODUCTION

a Use Permit request for the construction of a new drive-through restaurant on the existing developed lot identified as APN: 035-030-080 on the south side of State Route 162. The property has a zoning land use designation of Intensive Commercial - Use (C-2). The proposed location of a new drive-through restaurant; Pad 2 - 0.566 acres. The proposed restaurant use is permitted by right in a C-2 district. However, any drive-through except pharmacies in a C-2 district requires a use permit.

B. CATEGORICAL EXEMPTION

This action has been determined to be exempt from the California Environmental Quality Act (CEQA) review pursuant to Title 14, California Code of Regulations, Section 15332 "In-Fill Development Projects."

C. FINDINGS

The subject property has a zoning designation of Intensive Commercial - Use (C-2) and a General Plan land use designation of Intensive Commercial - Use. The City of Oroville Municipal Code (OMC) Table 17.32.010-1 specifies that a restaurant or café is a use that is permitted by right, subject to a zoning clearance, in all mixed-use districts. However, all drive-through establishments except pharmacies in a C-2 zone require a use permit. As a condition of approval, the applicant will be required to comply with all requirements of the City's Zoning Code as found in the OMC Chapter 17, including, but not limited to, development standards, permit requirements and development review.

The General Plan land use designation allows but does not require mixed uses to be incorporated into the project. The Economic Development Element of the City's 2030 General Plan identifies this area as a Commercial Core Focus Area. Goal LU-4 of the General Plan specifies that it is a goal of the City to provide adequate land for and promote the development of attractive commercial areas and uses that provide goods and services to Oroville residents, employees and visitors. This goal reflects a Guiding Principle of the General Plan to create a vibrant local economy by creating a sustainable economy that serves all segments of the population, engage in economic development to encourage and retain businesses that provide a variety of job opportunities, quality goods and services, and a dependable tax base.

The applicant has indicated that the proposed restaurant will require 20 employees in total. In addition, the proposed project will benefit the residence of the City of Oroville by attracting more people into the City as business patrons for the proposed project and surrounding businesses. Thus, the location and economic benefits of the proposed project support the goals of the City's General Plan. This project is consistent with the applicable General Plan land use designation and all applicable General Plan policies as well as with applicable zoning designation and regulations.

RESOLUTION NO. P2019-06

A RESOLUTION OF THE OROVILLE CITY PLANNING COMMISSION MAKING FINDINGS AND CONDITIONALLY APPROVING USE PERMIT NO. 19-02 PERMITTING A NEW DRIVE THROUGH RESTAURANT.

WHEREAS, the City of Oroville staff recommends approving a new drive through Chipotle Restaurant; and

WHEREAS, per the City of Oroville Municipal Code, the Oroville Municipal Code (OMC) The property has a zoning land use designation of Intensive Commercial - Use (C-2). The proposed location of a new drive-through restaurant; and

WHEREAS, pursuant to Section The City of Oroville Municipal Code (OMC) Table 17.32.010-1 specifies that a restaurant or café is a use that is permitted by right, subject to a zoning clearance, in all mixed-use districts. However, all drive-through establishments except pharmacies in a C-2 zone require a use permit. As a condition of approval, the applicant will be required to comply with all requirements of the City's Zoning Code as found in the OMC Chapter 17, including, but not limited to, development standards, permit requirements and development review; 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 change.

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

1. This action has been determined to be exempt from the California Environmental Quality Act (CEQA) review pursuant to Title 14, California Code of Regulations, Section 15332 "In-Fill Development Projects."
2. The Planning Commission approves the findings required by Table 17.32.010-1 of the Oroville City Code, as those findings are described in this Resolution to move forward to the Oroville City Council for final review and approval.

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 28th of March 2019, by the following vote:

AYES:

NOES:

ABSTAIN:

ABSENT:

ATTEST:

APPROVE:

JACKIE GLOVER, ASSISTANT CITY CLERK

DAMON ROBISON, CHAIRPERSON

DECLARATION OF FEES DUE
(California Fish and Game Code Section 711.4)

FOR CLERK USE ONLY

NAME AND ADDRESS OF LEAD AGENCY/APPLICANT

LEAD AGENCY: City of Oroville
1735 Montgomery Street
Oroville, CA 95965
(530) 538-2401

APPLICANT: Feather River Crossing Inc.
101 East Vinyard Ave.
Livermore, CA 94550
(209) 581-8445

Project Title:

PL 1901-007: New Drive-Through Restaurant

FILING NO.

CLASSIFICATION OF ENVIRONMENTAL DOCUMENT:

1. NOTICE OF EXEMPTION/STATEMENT OF EXEMPTION
 A. Statutorily or Categorically Exempt
 - In-Fill Development Projects; Title 14, CCR, §15332
\$50.00 (Fifty Dollars) Butte County Clerk's Fee
2. NOTICE OF DETERMINATION – FEE REQUIRED
 A. Negative Declaration/ Mitigated Negative Declaration
\$2,156.25 (Two Thousand One Hundred Fifty-six Dollars and Twenty Five Cents) State Filing Fee
\$50.00 (Fifty Dollars) Butte County Clerk's Fee
 B. Environmental Impact Report
\$2,995.25 (Two Thousand Nine Hundred Ninety-five Dollars and Twenty-five cents) State Filing Fee
\$50.00 (Fifty Dollars) Butte County Clerk's Fee
3. OTHER (Specify)
 \$50.00 (Fifty Dollars) Butte County Clerk's Fee

This form must be completed and submitted with all environmental documents filed with the Butte County Clerk's Office.

All applicable fees must be paid at the time of filing any environmental documents with the Butte County Clerk's Office.

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Make checks payable to Butte County Clerk-Recorder.



City of Oroville

COMMUNITY DEVELOPMENT DEPARTMENT

Gary Layman
ACTING DIRECTOR

1735 Montgomery Street
Oroville, CA 95965-4897
(530) 538-2430 FAX (530) 538-2426
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: New Drive-Through Restaurant

Project Location – Specific: Existing Developed lot previously Walmart Parking area identified as Pad 2 APN: 035-030-080 located at 355 Oro Dam Blvd East, south/west corner of Oro Dam Boulevard East (State Route 162) and Feather River Blvd.

Project Location – City: City of Oroville

Project Location – County: Butte

Description of Nature, Purpose, and beneficiaries of project: The project applicant has applied for a use permits (UP PL19-007) for the construction of a new drive-through restaurant on the existing developed lot identified as APN: 035-030-080 on the south side of State Route 162. The property has a zoning land use designation of Intensive Commercial - Use (C-2). The proposed location of a new drive-through restaurant; Pad 2 - 0.566 acres. The proposed restaurant use is permitted by right in an C-2 district. However, any drive-through except pharmacies in a C-2 district requires a use permit.

Name of Public Agency Approving Project: City of Oroville

Name of Person or Agency Carrying out Project: Feather River Crossing, Inc.

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:
 - In-Fill Development Projects; Title 14, CCR, §15332
- Statutory Exemption: State code number:

Reasons why project is exempt: This action has been determined to be exempt from the California Environmental Quality Act (CEQA) review pursuant to Title 14, California Code of Regulations, Section 15332 "In-Fill Development Projects." Class 32 consists of projects characterized as in-fill development meeting the following conditions:

- (a) The project is consistent with the applicable general plan designation and all applicable general plan policies as well as with applicable zoning designation and regulations.

The subject property has a zoning designation of Intensive Commercial - Use (C-2) and a General Plan land use designation of Intensive Commercial - Use. The City of Oroville Municipal Code (OMC) Table 17.32.010-1 specifies that a restaurant or café is a use that is permitted by right, subject to a zoning clearance, in all mixed-use districts. However, all drive-through establishments except

pharmacies in a C-2 zone require a use permit. As a condition of approval, the applicant will be required to comply with all requirements of the City's Zoning Code as found in the OMC Chapter 17, including, but not limited to, development standards, permit requirements and development review.

The General Plan land use designation allows but does not require mixed uses to be incorporated into the project. The Economic Development Element of the City's 2030 General Plan identifies this area as a Commercial Core Focus Area. Goal LU-4 of the General Plan specifies that it is a goal of the City to provide adequate land for and promote the development of attractive commercial areas and uses that provide goods and services to Oroville residents, employees and visitors. This goal reflects a Guiding Principle of the General Plan to create a vibrant local economy by creating a sustainable economy that serves all segments of the population, engage in economic development to encourage and retain businesses that provide a variety of job opportunities, quality goods and services, and a dependable tax base.

The applicant has indicated that the proposed restaurant will require 20 employees in total. In addition, the proposed project will benefit the residence of the City of Oroville by attracting more people into the City as business patrons for the proposed project and surrounding businesses. Thus, the location and economic benefits of the proposed project support the goals of the City's General Plan. This project is consistent with the applicable General Plan land use designation and all applicable General Plan policies as well as with applicable zoning designation and regulations.

- (b) The proposed development occurs within city limits on a project site of no more than five acres substantially surrounded by urban uses.

The subject property is within the City of Oroville and .566 acres in size. The property is surrounded by a mix of existing urban properties which includes McDonalds, Wendy's, Sonic Drive-In, Straw Hat Pizza, Holiday Inn Express and Suites, and America's Best Value Inn and Suites to the, Feather River Village commercial complex to the east, and Arco to the north and Hwy 70 to the west. The subject property has been determined to be abutting the surrounding urban uses as follows:

The project site is abutting surrounding urban uses. Thus, the project site of the proposed development is substantially surrounded by urban uses.

- (c) The project site has no value as habitat for endangered, rare or threatened species.

There is currently no adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved habitat conservation plan applicable to the project site. There are no local policies or ordinances protecting biological resources affecting the project site, no wildlife movement corridors or nursery sites identified on the project site, no areas of riparian habitat or sensitive natural communities on the project site, and no special-status plants or animals are known to be present on the project site. Additionally, the site is currently a developed parking area. Thus, it has been determined that the project site has no value as habitat for endangered, rare or threatened species.

- (d) Approval of the project would not result in any significant effects relating to traffic, noise, air quality, or water quality.

Traffic: To analyze the impacts of the project on California State Route 162 (Oro Dam Boulevard), the applicant contracted KD Anderson & Associates, Inc. who prepared reviewed an initial circulation study for Oro Dam Boulevard. The analysis assumes that right turns are allowed into the proposed project and prohibited for the driveway across from the proposed project. The report analyzed and discussed the following items:

- Quantification of the trip generation and trip distribution associated with the proposed project, and the resulting impacts on exiting weekday AM and PM peak hour intersection operations.
- Potential circulation issues related to the development of the proposed project along Oro

Dam Boulevard at the study intersections.

An agreement with the owners of the property (Feather River Crossing) of the proposed project has been reached to restrict their entrance and exit driveway to right turns only and add an additional right turn only lane from the Highway 70 offramp to Feather River Blvd. This agreement will reduce conflict points along Oro Dam Boulevard and is required to safely accommodate left turn access into and out of the project site, further reducing conflict points by reducing the number of driveways on Oro Dam Boulevard.

Trip Generation

Due to the nature of the proposed project, a significant portion of the vehicular traffic entering and exiting the site already exists on the adjacent street (Oro Dam Boulevard). The circulation study identified these trips as pass-by trips and are counted as new turning movements at the project driveway, but do not contribute to new traffic at adjacent intersections. These trips are contrast with "primary trips", or "new project trips", which are trips made specifically to visit the site that would not have been made if the proposed project did not exist. The study found that the project is projected to generate 1,791 new daily trips, 92 new AM peak hour trips, and 121 new PM peak hour trips. It is estimated that a significant majority of the project traffic will be directionally consistent with commute patterns and consist largely of pass-by trips en route to or from State Route 70.

Intersection Level of Service (LOS) Analysis

Intersection Level-of-Service (LOS) were calculated for all control types using the methods documented in the Transportation Research Board Publications Highway Capacity Manual, Fifth Edition, 2010. Traffic operations have been quantified through the determination of LOS. LOS determinations are presented on a letter grade scale from "A" to "F", whereby LOS "A" represents free-flow operating conditions and LOS "F" represents over-capacity conditions.

The City of Oroville General Plan Circulation Element contains the following policy pertaining to LOS standards in the City:

- P2.1 Maintain a minimum operating standard of LOS D as defined in the most current edition of the Highway Capacity Manual or subsequent revisions for all arterial, collector streets and intersections, except the following facilities where a LOS E will be acceptable. LOS E operations will be considered acceptable for intersection and roadway segment operations along Oroville Dam Boulevard between Highway 70 and Olive Highway.

Consistent with City policy, the study considered LOS "E" as the standard acceptable threshold for all intersections and roadway segments.

AM and PM peak hour intersection operations were analyzed for the following four intersections for Existing Conditions, and Existing Plus Project conditions:

- 1) Oro Dam Boulevard / Feather River Boulevard
- 2) Oro Dam Boulevard / 7th Avenue
- 3) Oro Dam Boulevard / 5th Avenue
- 4) Oro Dam Boulevard / Project Driveway

Intersection	Control Type	Target LOS	Existing Conditions (Peak Hour)		Existing Plus Project (Peak Hour)	
			AM	PM	AM	PM
Oro Dam Blvd / Feather River Blvd	Signal	E	C	D	C	D
Oro Dam Blvd / 7 th Ave (HCM 2000)	TWSC	E	C	C	C	C
Oro Dam Blvd / 7 th Ave (HCM 2010)	TWSC	E	F	F	F	F
Oro Dam Blvd / 5 th Ave	Signal	E	B	B	B	B
Oro Dam Blvd / Driveways (HCM 2000)	TWSC	E	D	D	E	E
Oro Dam Blvd / Driveways (HCM 2010)	TWSC	E	D	D	E	E

Note: TWSC = Two Way Stop Control

Intersection LOS was calculated using the methods documented in the Transportation Research Board Publications Highway Capacity Manual (HCM), Fifth Edition, 2010. As shown above, the stop-controlled intersection of Oro Dam Boulevard and Feather River Blvd. operates at unacceptable LOS during the AM and PM peak hour and PM peak hour, when using HCM 2010 methodologies.

Conclusions

The conclusions of the circulation study were that full-access at the proposed project driveway can be safely accommodated under the proposed intersection and roadway modifications to add an additional turn lane from the Hwy 70 north bound off-ramp on the south side of Oro Dam bolvd. To Feather River Blvd. The new turn lane will not only allow for safe ingress and egress from the proposed project but will also generally improve safety on Oro Dam Boulevard by reducing conflict points at the driveway.

Noise: Noise data developed for the 2030 General Plan serves as a basis for addressing noise issues, primarily by promoting development patterns that recognize identified sources of noise and by regulation of the location of noise-sensitive uses. The City of Oroville has developed maximum allowable noise exposure levels for interior and exterior spaces for various land use categories. As the City's main commercial corridor, the General Plan identifies Oro Dam Blvd as one of the areas where the greatest increase in noise is expected. The Noise Element's comprehensive framework of goals, policies, and actions address Oroville's noise issues through compatibility, planning and permitting process, and noise source reduction. The Noise Element establishes objectives and implementing policies intended to limit community exposure to excessive noise levels.

Goal NOI-1 of the Noise Element is to minimize exposure to excessive noise by ensuring compatible land uses relative to noise sources. Action 1.1 of this goal is to develop and adopt an appropriate and consistent Community Noise Ordinance to control noise impacts and to ensure that residents are not exposed to excessive noise levels from stationary and mobile sources. This project will be conditioned to comply with the City's current noise ordinance as found in the OMC Section 13A. Per the City Code, no person shall produce, suffer or allow to be produced by any machine or device, or any combination of same, on commercial or industrial property, a noise level more than eight dB above the local ambient at any point outside of the property plane. As the applicant will be required to comply with all City regulations as a condition of approval for the use permits, any violation of the City's noise ordinance may be grounds for revocation of the permit. Additionally, the applicant will be required to comply with Goal NOI-2, Policy 2.4, which requires a list of standard construction noise control measures be included as requirements at construction sites in order to minimize construction noise impacts.

Air Quality: Oroville is located in central Butte County, in the Sacramento Valley Air Basin (SVAB). The SVAB has a Mediterranean climate characterized by hot, dry summers and cool, rainy winters. During summer, the wide, flat expanse of the Sacramento Valley provides an ideal environment for the formation of photochemical smog. Hot, cloudless days of low-velocity winds allow sunlight to combine with photochemically reactive hydrocarbons, or ozone precursors (reactive organic gases [ROG]), along with nitrogen oxides (NOx) produced throughout the Valley, resulting in an increase in ozone, particularly during late afternoons. Winds arising later may help dispel pollutants but may also transfer it to other areas from Sacramento to Oroville.

The SVAB's climate and topography contribute to the formation and transport of photochemical pollutants throughout the region. The region experiences temperature inversions that limit atmospheric mixing and trap pollutants, resulting in high pollutant concentrations near the ground surface. The highest concentrations of photochemical pollutants occur from late spring to early fall, when photochemical reactions are greatest because of more intense sunlight and the lower altitude of daytime inversion layers.

The Open Space, Natural Resources, and Conservation Element of the City's 2030 General Plan has

specified certain goals, policies and actions. Goal OPS-12, Policy 12.3 specifies that all construction projects are required to implement dust control measures to reduce particulate matter emissions due to disturbance of exposed top-soils. Such measures would include watering of active areas where disturbance occurs, covering haul loads, maintaining clean access roads, and cleaning the wheels of construction vehicles accessing disturbed areas of the site. Action 12.2 of this same goal requires all road improvements and parking areas to be built to City standards to reduce dust and particulate matter. Additionally, all grading and paving shall be conducted in compliance with the Butte County Air Quality Management District's Indirect Source Guidelines, in order to prevent degradation of ambient air quality. The project will be conditioned to ensure all these measures are complied with.

Goal OPS-13, Policy 13.3, aims to promote expansion of employment opportunities within Oroville to reduce commuting to areas outside Oroville. With the project providing 20+ new jobs, this project will help in the implementation of this policy.

Water Quality: The State Water Resources Control Board (SWRCB) has jurisdiction over nine Regional Water Quality Control Boards, whose charge it is to identify and implement water quality objectives. The Oroville area falls under the authority of the Central Valley Regional Water Quality Control Board (CVRWQCB), Region 5, and is located within the Sacramento River Basin (Basin SA). There are no identified waterways on or adjacent to the project site. As a condition of approval, all grading, paving, excavation and site clearance, including that which is exempt from obtaining a permit, shall be performed in conformance with the City's Engineering Design Standards; the Municipal Code; the requirements of the State Regional Water Quality Control Board; and any other applicable local, state and federal requirements. This includes, as specified in Goal PUB-8, Policy 8.10, the requirement to install stormwater collection systems concurrently with construction of new roadways to maximize efficiency and minimize disturbance due to construction activity.

(e) The site can be adequately served by all required utilities and public services.

The sewer provider 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). There are no extraordinary circumstances preventing the proposed development from adequate provision of all required utilities and public services. Thus, the site can be adequately served by all required utilities and public services.

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 D. Layman

Telephone: (530) 538-2408

Signature: _____

Date: _____

- Signed by Lead Agency
- Signed by Applicant