



City of Oroville

COMMUNITY DEVELOPMENT DEPARTMENT

Donald Rust
DIRECTOR

1735 Montgomery Street
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(530) 538-2430 FAX (530) 538-2426
www.cityoforoville.org

City of Oroville PLANNING COMMISSION

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

PLANNING COMMISSION MEETING **AGENDA**

Monday, November 24, 2014 at 7:00 p.m.
MEETING AGENDA

OROVILLE CITY HALL
1735 MONTGOMERY STREET, OROVILLE, CA 95965
ALL MEETINGS ARE RECORDED

*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.*

ADMINISTRATIVE AGENDA

1. **CALL TO ORDER**

2. **ROLL CALL**

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

3. **PLEDGE OF ALLEGIANCE**

4. **INSTRUCTIONS TO INDIVIDUALS WHO WISH TO SPEAK ON AGENDA ITEMS**

This is the time the Chairperson will remind persons in the audience who wish to address the Commission on a matter that is on the agenda to fill out one of the cards located in the lobby and hand it to the clerk of the meeting. The

Chairperson will also remind persons in the audience that under Government Code Section 54954.3, the time allotted for each presentation may be limited.

5. **PUBLIC COMMENTS**

This is an opportunity for members of the public to address the Planning Commission on any subject relating to the Planning Commission, but not relative to items on the present agenda. The Planning Commission reserves the right to impose a reasonable limit on time afforded to any individual speaker.

6. **CORRESPONDENCE**

None

7. **APPROVAL OF MINUTES**

Approve the minutes of the October 27, 2014 Planning Commission Meeting.

REGULAR AGENDA

8. **PUBLIC HEARINGS**

- 8.1 **VAR 14-04: Used Car Sales** - The City of Oroville Planning Commission will conduct a public hearing to consider a use permit request from Scott Noland for the development of a used car lot on the vacant property identified as APN: 035-450-004, located on the east side of Veatch Street between Oro Dam Boulevard and Mitchell Avenue. The subject property has a zoning designation of Commercial / Light Manufacturing (CLM) and a General Plan land use designation of Mixed Use. Per the City of Oroville Municipal Code (OMC) Table 26-33.010-1, the sale of used automobiles in a CLM zone requires a use permit.

Staff Report: Luis A. Topete, Associate Planner

Staff Recommendation:

Adopt Resolution No. P2014-19: A RESOLUTION OF THE OROVILLE CITY PLANNING COMMISSION APPROVING CONDITIONAL USE PERMIT NO. 14-04 FOR THE DEVELOPMENT OF A USED CAR LOT ON THE PROPERTY IDENTIFIED AS (APN: 035-450-004)

- 8.2 **VAR 14-07: Boat, RV & Equipment Storage** - The City of Oroville Planning Commission will conduct a public hearing to consider a use permit request from Ted Caldwell for the purpose of using the property identified as APN: 035-050-105 as a boat, RV and equipment storage yard. The subject property has a zoning designation of Commercial / Light Manufacturing (CLM) and Intensive Commercial (M-2), with a General Plan land use designation of Mixed Use. Per the City of Oroville Municipal Code (OMC) Section 26-16.140(B), all outdoor storage areas greater than 500 square feet in size, including storage areas for uses that are customarily conducted outdoors, shall be required to obtain a use permit.

Staff Report: Luis A. Topete, Associate Planner

Staff Recommendation:

Adopt Resolution No. P2014-20: A RESOLUTION OF THE OROVILLE CITY PLANNING COMMISSION APPROVING CONDITIONAL USE PERMIT NO. 14-07 FOR THE DEVELOPMENT OF A BOAT, RV, AND EQUIPMENT STORAGE YARD ON THE PROPERTY IDENTIFIED AS (APN: 035-050-105)

9. DISCUSSION ITEMS

- Speed limit Signs on Oro Dam Boulevard
- Sign Variances processed between 2010 to present

10. DIRECTOR'S REPORT

A verbal report may be given by the Community Development Director.

11. COMMISSION REPORTS

Reports by commission members on information they have received and meetings they have attended which would be of interest to the commission or the public.

12. ADJOURNMENT

Adjourn to Monday, January 26, 2015 at 7:00 P.M. at the Oroville City Council Chambers.

Respectfully submitted by,



Donald Rust, Director
Community Development Department

***** NOTICE *****

If requested, this agenda can be made available in appropriate alternative formats to persons with a disability, as required by Section 202 of the Americans with Disabilities Act of 1990 and the Federal Rules and Regulations adopted in implementation thereof. Persons seeking an alternative format should contact Donald Rust, Director for further information. In addition, a person with a disability who requires a modification or accommodation, including auxiliary aids or services, in order to participate in a public meeting should telephone or otherwise contact Donald Rust, Director as soon as possible and preferably at least 24 hours prior to the meeting. Donald Rust, Director may be reached at 530-538-2433, or at e-mail rustdl@cityoforoville.org, or at the following address: City of Oroville Planning and Development Services Department, 1735 Montgomery Street, Oroville, CA 95965.

***** 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.



**CITY OF OROVILLE
PLANNING COMMISSION MEETING MINUTES
OCTOBER 27, 2014 – 7:00 PM**

These minutes detail the action which was taken related to each particular agenda item and do not reflect any discussion that may have occurred. For information regarding what was discussed related to a particular item, if anything, you can obtain a copy of the audio recording for this meeting by sending an email to cityclerk@cityoforoville.org or by calling the Clerk's office at 530-538-2535.

The agenda for the October 27, 2014 regular meeting of the Oroville Planning Commission was posted on the bulletin board at the front of City Hall on Wednesday, October 22, 2014, at 3:45 p.m.

1. CALL TO ORDER

The October 27, 2014 regular meeting of the Oroville Planning Commission was called to order by Chairperson Robison at 7:15 p.m.

2. ROLL CALL

Present: Commissioners Brand, Britton, Chapman, Jenkins, Vang, Chairperson Robison

Absent: Vice Chairperson Durling (excused)

Staff Present:

Donald Rust, Director of Community Development
Dawn Nevers, Administrative Assistant

Luis Topete, Associate Planner
Rick Walls, Interim City Engineer

3. PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Chairperson Robison.

4. RECOGNITION OF INDIVIDUALS WISHING TO SPEAK ON AGENDA ITEMS - None

5. PUBLIC COMMENT - None

6. CORRESPONDENCE - None

7. **PRESENTATION**

Speed sign placement and Speed Surveys – Rick Walls, Interim City Engineer

8. **APPROVAL OF MINUTES**

A motion was made by Commissioner Jenkins, seconded by Commissioner Vang, to:

Approve the minutes of the September 22, 2014 Regular Planning Commission meeting.

The motion was passed by the following vote:

Ayes: Commissioners Brand, Britton, Jenkins, Vang, Chairperson Robison
Noes: None
Abstain: Commissioner Chapman
Absent: Vice Chairperson Durling

9. **PUBLIC HEARINGS**

9.1 **VAR 14-02: Burger King Signage** - The City of Oroville Planning Commission conducted a public hearing to review and consider approving a variance of the City's sign regulations as found in Section 26-19 of the Oroville Municipal Code. The variance requested is to exceed the maximum allowable total sign area for the existing Burger King restaurant located at 855 Oro Dam Boulevard E (APN: 035-260-056 & 077) by approximately 58.25 square feet. **(Staff Report: Luis A. Topete, Associate Planner)**

Chairperson Robison opened the Public Hearing. Hearing no public comment, Chairperson Robison closed the Public Hearing.

Scott Gibson, of Scott Gibson Architect, Inc, answered Commission questions.

Alex Frantz, Director of Operations for Nor-Cal Fast Foods, spoke in support of the Burger King signage.

Following discussion, a motion was made by Commissioner Chapman, seconded by Commissioner Britton, to:

Adopt Resolution No. P2014-18: A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF OROVILLE MAKING FINDINGS AND CONDITIONALLY APPROVING VARIANCE NO. 14-02 GRANTING THE EXISTING BURGER KING RESTAURANT LOCATED AT 855 ORO DAM BOULEVARD E (APN: 035-260-056 & 077) A VARIANCE FROM THE CITY'S SIGN REGULATIONS TO EXCEED THE MAXIMUM ALLOWABLE TOTAL SIGN AREA BY 58.25 SQUARE FEET

The motion was passed by the following vote:

Ayes: Commissioners Brand, Britton, Chapman, Jenkins, Vang
Noes: Chairperson Robison
Abstain: None
Absent: Vice Chairperson Durling

10. **REGULAR BUSINESS** - None

11. **DISCUSSION ITEMS** - None

12. **DIRECTOR'S REPORT**

Don Rust, Director of Community Development updated the Planning Commission on the following:

- Planning Commissioners Academy to be held March 3-6, 2015 in New Port Beach, CA
- California Environmental Quality Act (CEQA) 101 Workshop
- Status of the Wal-Mart Project

13. **CHAIRPERSON/COMMISSIONERS REPORTS**

- Commissioner Wyatt Jenkins reported that he and Commissioner Britton attended a CEQA workshop on October 25, 2014.

14. **ADJOURNMENT**

The meeting was adjourned at 8:20 p.m. A regular meeting of the Oroville Planning Commission will be held on Monday, November 24, 2014, at 7:00 p.m.

Donald Rust, Secretary

Damon Robison, Chairperson



City of Oroville

Donald Rust
DIRECTOR

COMMUNITY DEVELOPMENT DEPARTMENT

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PLANNING COMMISSION STAFF REPORT

November 24, 2014

UP 14-04: Used Car Sales – The City of Oroville Planning Commission will conduct a public hearing to consider a use permit request from Scott Nolind for the development of a used car lot on the vacant property identified as APN: 035-450-004, located on the east side of Veatch Street between Oro Dam Boulevard and Mitchell Avenue. The subject property has a zoning designation of Commercial / Light Manufacturing (CLM) and a General Plan land use designation of Mixed Use. Per the City of Oroville Municipal Code (OMC) Table 26-33.010-1, the sale of used automobiles in a CLM zone requires a use permit.

APPLICANT: Scott Nolind
150 Tres Ninos Way
Oroville, CA 95966
(530) 712-5211

LOCATION: Vacant lot located on the east side of Veatch Street between Oro Dam Boulevard and Mitchell Avenue (APN: 035-450-004) (**Attachment A**)

GENERAL PLAN: Mixed Use

ZONING: Commercial / Light Manufacturing (CLM)

FLOOD ZONE: ZONE X: Areas determined to be outside the 0.2% annual chance floodplain (500-year floodplain).

ENVIRONMENTAL DETERMINATION:

Class 32 Categorical Exemption – In-Fill Development Projects; Title 14, CCR, §15332

Class 3 Categorical Exemption – New Construction or Conversion of Small Structures; Title 14, CCR, §15303

REPORT PREPARED BY:

Luis A. Topete, Associate Planner
Community Development Department

REVIEWED BY:

Donald Rust, Director
Community Development Department

RECOMMENDED ACTIONS:

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

1. **HOLD** a public hearing and receive testimony on the proposed Use Permit No. 14-04 for the development of a used car lot on the vacant property located on the east side of Veatch Street between Oro Dam Boulevard and Mitchell Avenue identified as APN: 035-450-004; and
2. **ADOPT** the Class 32 Categorical Exemption – In-Fill Development Projects; Title 14, CCR, §15332 and Class 3 Categorical Exemption – New Construction or Conversion of Small Structures; Title 14, CCR, §15303 (**Attachment C**), as the appropriate level of environmental review in accordance with the California Environmental Quality Act (CEQA) Statute and Guidelines; and
3. **ADOPT** the recommended Findings for Use Permit No. 14-04 (**Attachment D**);
4. **ADOPT** Resolution No. P2014-19 (**Attachment E**); and
5. **APPROVE** the Conditions of Approval for Use Permit No. 14-04 (**Attachment F**).

SUMMARY

The City of Oroville Planning Commission will conduct a public hearing to consider a use permit request from Scott Nolind for the development of a used car lot on the vacant property identified as APN: 035-450-004, located on the east side of Veatch Street between Oro Dam Boulevard and Mitchell Avenue. The subject property has a zoning designation of Commercial / Light Manufacturing (CLM) and a General Plan land use designation of Mixed Use.

DISCUSSION

The property is currently vacant and the applicant is proposing the following improvements: 1) installation of curb, gutter, sidewalk, street trees, and perimeter landscaping; 2) paving of the entire lot for the sales area with all required parking spaces; and 3) construction of an approximately 1,200 square foot office building. Utility connections and sign locations are to be determined.

The project site is abutting four identically zoned (CLM) properties and one C-2 zoned property. The surrounding properties include:

- Oro Dam Auto Center to the south zoned CLM
- FoodMaxx to the southwest zoned C-2
- Vacant land to the west zoned CLM
- PG&E Oroville Service Center to the north zoned CLM
- Nolind Business Park to the east zoned CLM

The operating characteristics of the proposed development complement the surrounding neighborhood as Oro Dam Auto Center sells new and used cars and is currently expanding to include Oroville Ford. The proposed development is adjacent to an existing auto center (Oro Dam) and automotive repair business (within Nolind Business Park)

and will be compatible with the existing surrounding land uses. Additionally, 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 a sales leakage from used motor vehicle dealers in the Oroville market area of approximately \$3,966,088 (Table 4; Page 9). Thus, this project will capture taxable retail sales in the City of Oroville which are currently being leaked into surrounding communities.

ISSUES

Per the OMC Table 26-33.010-1, the sale of used automobiles in a CLM zone requires a use permit. Per City Code 26-50.010, 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 which 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.

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” and Section 15303 “New Construction or Conversion of Smalls Structures” (**Attachments C & D**).

FISCAL IMPACT

The total fees associated with Use Permit No. 14-04 are as follows:

Item	Price	Tech Fee	Total	Paid
Use Permit Application (Deposit)	\$2,822.00	\$169.32	\$2,991.32	Yes
Filing of Notice of Exemption				
Butte County Clerks Filing Fee	\$50.00	-	\$50.00	No

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.

As indicated under the discussion section above, there is a sales leakage from used motor vehicle dealers in the Oroville market area of approximately \$3,966,088. Thus, this project will capture taxable retail sales of used cars in the City of Oroville which are currently being leaked into surrounding communities which will result in an increase in sales tax revenues to the General Fund.

PUBLIC NOTICE

A request for comments was prepared and circulated to the local agencies and surrounding property owners within 300 feet of the property on October 30, 2014 (**Attachment I**). Additionally, the meeting date, time, and project description were published in the Oroville Mercury Register on November 14, 2014 and posted at City Hall on November 10, 2014 (**Attachment J**).

ATTACHMENTS

- A – Vicinity Map
- B – Map of Zoning and Surrounding Development
- C – Notice of Exemption
- D – Findings
- E – Resolution No. P2014-19
- F – Conditions of Approval
- G – Site Plan: Existing Conditions
- H – Site Plan: Proposed Improvements
- I – Property Owner Notice
- J – Newspaper Notice



CITY OF OROVILLE PLANNING DIVISION

<i>Applicant:</i> Scott Noland		<i>Project Title:</i> Used Car Sales		 N
<i>Project Location:</i> Vacant lot on Veatch St, between Oro Dam Blvd and Mitchell Ave, identified as APN: 035-450-004-000				
<i>Hearing Date:</i> November 24, 2014	<i>Zoning Designation:</i> Commercial / Light Manufacturing (CLM)	<i>General Plan Land Use Designation:</i> Mixed Use		
<i>TRAKiT #</i> Project#: PL1406-001		<i>Assessor's Parcel #:</i> 035-450-004-000		UP #: 14-04

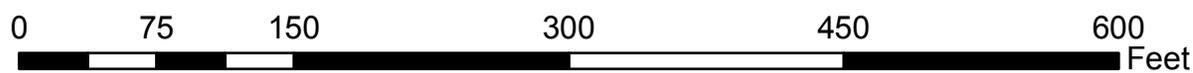
Zoning and Surrounding Development

ATTACHMENT - B



Total Perimeter = 882'
Abutting Urban Uses = 665' (75% of perimeter)
Abutting Vacant Land - 217' (25% of perimeter)

 Project Site



Produced By: City of Oroville
Community Development Department



City of Oroville

COMMUNITY DEVELOPMENT DEPARTMENT

Donald Rust
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
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Project Title: UP 14-04: Used Car Sales

Project Location – Specific: APN: 035-450-004; North of Oro Dam Auto Center, Northeast of FoodMaxx, South of PG&E Oroville Service Center, and West of Nolind Business Park

Project Location – City: City of Oroville

Project Location – County: Butte

Description of Nature, Purpose, and beneficiaries of project: The applicant is proposing to develop the existing vacant parcel as a used car lot. The following improvements to the property are proposed: 1) curb, gutter, sidewalk, street trees, and perimeter landscaping; 2) paving of the entire lot for the sales area with all required parking spaces; and 3) construction of an approximately 1,200 square foot office building.

Name of Public Agency Approving Project: City of Oroville

Name of Person or Agency Carrying out Project: Scott Nolind

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
 - New Construction or Conversion of Smalls Structures; Title 14, CCR, §15303
- 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" and Section 15303 "New Construction or Conversion of Smalls Structures."

Title 14, CCR, Section 15332 "In-Fill Development Projects":

Class 32 consists of projects characterized as in-fill development meeting the conditions described in this section.

- (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 Commercial / Light Manufacturing (CLM) and a General Plan land use designation of Mixed Use. The City of Oroville Municipal Code (OMC)

Table 26-33.010-1 specifies that the sale of used automobiles in a CLM zone requires 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 26.

The General Plan land use designation allows, but does not require mixed uses to be incorporated into the project. 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. 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 used motor vehicle dealers in the Oroville market area of \$3,966,088 (Table 4; Page 9). Thus, this project is consistent with Goal LU-4 and the Guiding Principles of the City's 2030 General Plan.

- (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 approximately 0.96 acres in size with an outer perimeter of 882 lineal feet. The property is surrounded by a mix of existing urban properties which includes Oro Dam Auto Center to the south, FoodMaxx to the southwest, PG&E Oroville Service Center to the north, and the Nolind Business Park to the east. The subject property has been determined to be abutting the surrounding urban uses as follows:

- Oro Dam Auto Center (242 feet)
- FoodMaxx (89 feet)
- PG&E Oroville Service Center (85 feet)
- Nolind Business Park (249 feet)

With an outer perimeter of 882 feet, 665 feet (75%) of 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. Additionally 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. 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: The City's 2012 Transportation Capital Improvement Program (TCIP) and Impact Fee Update Report took into account the vacant land and development potential within the City of Oroville based on the 2030 General Plan. Based on assigned General Plan land use designations, a transportation analysis was conducted to determine the need for traffic facilities, their associated costs, and funding sources for the 2012 TCIP. Table 14, Page 24 of the report identified the intersection at Oroville Dam Boulevard and Veatch Street as operating at an existing Level of Service (LOS) A during AM peak hour traffic volumes and LOS A during PM

peak hour traffic volumes, with the target LOS for this intersection of E. Table 16, Page 29 identified the intersection, at buildout without mitigation, to operate at a LOS B during AM peak hour traffic volumes and LOS B during PM peak hour traffic volumes. The cumulative buildout per the 2030 General Plan, without mitigation, has forecasted the intersection at Oroville Dam Boulevard and Veatch Street to maintain a LOS far above the targeted LOS E. Therefore, the expected traffic generated by this sole project would not result in any significant effect on traffic.

Noise: The project is a used car lot which, as a result of the retail activities, is not expected to generate a noise level exceeding the City's 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 permit, any violation of the City's noise ordinance may grounds for revocation of the permit.

Air Quality: 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.

Water Quality: 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 Butte County Air Quality Management District and State Regional Water Quality Control Board; and any other applicable local, state and federal requirements.

Title 14, CCR, Section 15303 "New Construction or Conversion of Small Structures":

Class 3 consists of construction and location of limited numbers of new, small facilities or structures; installation of small new equipment and facilities in small structures; and the conversion of existing small structures from one use to another where only minor modifications are made in the exterior of the structure. The numbers of structures described in this section are the maximum allowable on any legal parcel. Examples of this exemption include, but are not limited to a store, motel, office, restaurant or similar structure not involving the use of significant amounts of hazardous substances, and not exceeding 2,500 square feet in floor area. The project will include the paving of the entire lot, the construction of an approximately 1,200 square foot building as the office space for the sales lot, and City required off-site improvements (curb/gutter/sidewalk) and landscaping. The project will not involve the use of significant amounts of hazardous substances as the project is a used car sales lot only; no automotive repair proposed.

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: Luis A. Topete

Telephone: (530) 538-2408

Signature: _____

Date: _____

- Signed by Lead Agency
 Signed by Applicant

FINDINGS

UP 14-04: Used Car Sales

A. INTRODUCTION

The project applicant, Scott Nolind, has applied for a use permit for the development of a used car lot on the vacant property identified as APN: 035-450-004, located on the east side of Veatch Street between Oro Dam Boulevard and Mitchell Avenue. The subject property has a zoning designation of Commercial / Light Manufacturing (CLM) and a General Plan land use designation of Mixed Use. Per the City of Oroville Municipal Code (OMC) Table 26-33.010-1, the sale of used automobiles in a CLM zone requires a use permit. The property is currently vacant and the applicant is proposing the following improvements: 1) installation of curb, gutter, sidewalk, street trees, and perimeter landscaping; 2) paving of the entire lot for the sales area with all required parking spaces; and 3) construction of an approximately 1,200 square foot office building.

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" and Section 15303 "New Construction or Conversion of Smalls Structures."

Title 14, CCR, Section 15332 "In-Fill Development Projects":

Class 32 consists of projects characterized as in-fill development meeting the conditions described in this section.

- (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 Commercial / Light Manufacturing (CLM) and a General Plan land use designation of Mixed Use. The City of Oroville Municipal Code (OMC) Table 26-33.010-1 specifies that the sale of used automobiles in a CLM zone requires 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 26.

The General Plan land use designation allows, but does not require mixed uses to be incorporated into the project. 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. 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 used motor vehicle dealers in the Oroville market area of \$3,966,088 (Table 4; Page 9). Thus, this project is consistent with Goal LU-4 and the Guiding Principles of the City's 2030 General Plan.

- (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 approximately 0.96 acres in size with an outer perimeter of 882 lineal feet. The property is surrounded by a mix of existing urban properties which includes Oro Dam Auto Center to the south, FoodMaxx to the southwest, PG&E Oroville Service Center to the north, and the Nolind Business Park to the east. The subject property has been determined to be abutting the surrounding urban uses as follows:

- Oro Dam Auto Center (242 feet)
- FoodMaxx (89 feet)
- PG&E Oroville Service Center (85 feet)
- Nolind Business Park (249 feet)

With an outer perimeter of 882 feet, 665 feet (75%) of 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. Additionally 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. 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: The City's 2012 Transportation Capital Improvement Program (TCIP) and Impact Fee Update Report took into account the vacant land and development

potential within the City of Oroville based on the 2030 General Plan. Based on assigned General Plan land use designations, a transportation analysis was conducted to determine the need for traffic facilities, their associated costs, and funding sources for the 2012 TCIP. Table 14, Page 24 of the report identified the intersection at Oroville Dam Boulevard and Veatch Street as operating at an existing Level of Service (LOS) A during AM peak hour traffic volumes and LOS A during PM peak hour traffic volumes, with the target LOS for this intersection of E. Table 16, Page 29 identified the intersection, at buildout without mitigation, to operate at a LOS B during AM peak hour traffic volumes and LOS B during PM peak hour traffic volumes. The cumulative buildout per the 2030 General Plan, without mitigation, has forecasted the intersection at Oroville Dam Boulevard and Veatch Street to maintain a LOS far above the targeted LOS E. Therefore, the expected traffic generated by this sole project would not result in any significant effect on traffic.

Noise: The project is a used car lot which, as a result of the retail activities, is not expected to generate a noise level exceeding the City's 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 permit, any violation of the City's noise ordinance may grounds for revocation of the permit.

Air Quality: 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.

Water Quality: 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 Butte County Air Quality Management District and State Regional Water Quality Control Board; and any other applicable local, state and federal requirements.

Title 14, CCR, Section 15303 "New Construction or Conversion of Small Structures":

Class 3 consists of construction and location of limited numbers of new, small facilities or structures; installation of small new equipment and facilities in small structures; and the conversion of existing small structures from one use to another where only minor modifications are made in the exterior of the structure. The numbers of structures described in this section are the maximum allowable on any legal parcel. Examples of this exemption include, but are not limited to a store, motel, office, restaurant or similar structure not involving the use of significant amounts of hazardous substances, and not exceeding 2,500 square feet in floor area. The project will include the paving of the entire lot, the construction of an approximately 1,200 square foot building as the office

space for the sales lot, and City required off-site improvements (curb/gutter/sidewalk) and landscaping. The project will not involve the use of significant amounts of hazardous substances as the project is a used car sales lot only; no automotive repair proposed.

C. USE PERMIT FINDINGS

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 26-50.010, 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, including proposed land use and improvements, 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 26-50.010 of the City Code. 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 applicant will be developing a vacant property with a CLM zoning designation. Per the OMC Table 26-33.010-1, the sale of used automobiles in a CLM zone requires a use permit, which the applicant has applied for. Four of the surrounding parcels are zoned CLM and one is zoned Intensive Commercial (C-2). Oro Dam Auto Center, the adjacent property to the south, sells new and used cars and is currently expanding to include Oroville Ford and the Nolind Business Park, adjacent property to the east, houses businesses that provide automotive repair services. The applicant will therefore be following sound principles of land

use by being located in an area of similar land uses, and in a zoning district where the General Plan and City Code have planned for this type of land use to be located. For additional details, please see “c” and “d” below.

- 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.

As an infill development project, the proposed development is located in an area where existing public utilities can be easily accessed and as a requirement of the use permit and prior to final occupancy, will be made adequate. There is an existing public utility easement at the south end of the property, water service in the area is provided by the California Service Water Company, City provides sewer which pushes all material to the Sewerage Commission – Oroville Region wastewater treatment facility, PG&E provides power, and Recology provides solid waste disposal services which is mandatory within the City limits.

The site is already being adequately serviced by streets, Highway 162, and the existing transportation infrastructure which has been determined to remain adequate at project completion. The City’s 2012 Transportation Capital Improvement Program (TCIP) and Impact Fee Update Report took into account the vacant land and development potential within the City of Oroville based on the 2030 General Plan. Based on assigned General Plan land use designations, a transportation analysis was conducted to determine the need for traffic facilities, their associated costs, and funding sources for the 2012 TCIP. Table 14, Page 24 of the report identified the intersection at Oroville Dam Boulevard and Veatch Street as operating at an existing Level of Service (LOS) A during AM peak hour traffic volumes and LOS A during PM peak hour traffic volumes, with the target LOS for this intersection of E. Table 16, Page 29 identified the intersection, at buildout without mitigation, to operate at a LOS B during AM peak hour traffic volumes and LOS B during PM peak hour traffic volumes. The cumulative buildout per the 2030 General Plan, without mitigation, has forecasted the intersection at Oroville Dam Boulevard and Veatch Street to maintain a LOS far above the targeted LOS E. Therefore, the expected traffic generated by this sole project would not result in any significant effect on traffic and the existing traffic infrastructure will remain adequate to service this project.

As part of this permit, the applicant is required to obtain a zoning clearance/occupancy inspection from the Building Division prior to building occupancy. If at the time of inspection any inadequacies in the conditions of water, sanitation or utility supply 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 project site is abutting four identically zoned (CLM) properties and one C-2 zoned property. The surrounding properties include:

- *Oro Dam Auto Center to the south zoned CLM*
- *FoodMaxx to the southwest zoned C-2*
- *Vacant land to the west zoned CLM*
- *PG&E Oroville Service Center to the north zoned CLM*
- *Nolind Business Park to the east zoned CLM*

The operating characteristics of the proposed use will not conflict with the surrounding neighborhood, nor will the proposed use adversely impact any of the surrounding properties. Oro Dam Auto Center sells new and used cars and is currently expanding to include Oroville Ford. The proposed development is adjacent to an existing auto center and automotive repair business (within Nolind Business Park) and will be compatible with the existing surrounding land uses.

Additionally, in the event the project results in any unforeseen adverse effects, pursuant to section 26-50.010(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.

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

The applicant has submitted a draft site plan demonstrating that the subject site has adequate space for the desired land use of the proposed development, in addition to adequate space for the compliance of city development standards, including but not limited to, the inclusion of landscaping, onsite parking requirements, appropriate ingress/egress to the site, maximum floor area ratio, and requirement to provide a refuse collection area.

- 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.

Goal LU-4 of the City's 2030 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. 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 used motor vehicle dealers in the Oroville market area of \$3,966,088 (Table 4; Page 9). Thus, this project is consistent with Goal LU-4 and the Guiding Principles of the City’s 2030 General Plan. Additionally, as stated above, the size, intensity and location of the proposed use will not have any negative impact on the neighborhood or community as a whole and is a suitable use for the property and zoning district in which it is located.

- 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 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 applicant 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. In addition, section 26.50-010(F)(2) 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, if a law has been violated in connection with the permit, or if the permit was obtained by fraud.

RESOLUTION NO. P2014-19

A RESOLUTION OF THE OROVILLE CITY PLANNING COMMISSION APPROVING CONDITIONAL USE PERMIT NO. 14-04 FOR THE DEVELOPMENT OF A USED CAR LOT ON THE PROPERTY IDENTIFIED AS (APN: 035-450-004)

WHEREAS, the City of Oroville Community Development Department has received a use permit application for the development of a vacant parcel identified as APN: 035-450-004 and located on the east side of Veatch Street between Oro Dam Boulevard and Mitchell Avenue into a used car lot; and

WHEREAS, the project site (APN: 035-450-004) has a zoning designation of Commercial/Light Manufacturing (CLM); and

WHEREAS, per the Oroville Municipal Code (OMC) Table 26-33.010-1: Allowable Uses in Commercial and Mixed-Use Districts, the sale of used vehicles is a permitted use on properties with a zoning designation of CLM, subject to a use permit; and

WHEREAS, per the OMC Section 26-50.010(E)(4), 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 26-50.010, 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, including proposed land use and improvements, 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 26-50.010 of the City Code. 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 applicant will be developing a vacant property with a CLM zoning designation. Per the OMC Table 26-33.010-1, the sale of used automobiles in a CLM zone requires a use permit, which the applicant has applied for. Four of the surrounding parcels are zoned CLM and one is zoned Intensive Commercial (C-2). Oro Dam Auto Center, the adjacent property to the south, sells new and used cars and is currently expanding to include Oroville Ford and the Noland Business Park, adjacent property to the east, houses businesses that provide automotive repair services. The applicant will therefore be following sound principles of land use by being located in an area of similar land uses, and in a zoning district where the General Plan and City Code have planned for this type of land use to be located. For additional details, please see "c" and "d" below.

- 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.

As an infill development project, the proposed development is located in an area where existing public utilities can be easily accessed and as a requirement of the use permit and prior to final occupancy, will be made adequate. There is an existing public utility easement at the south end of the property, water service in the area is provided by the California Service Water Company, City provides sewer which pushes all material to the Sewerage Commission – Oroville Region wastewater treatment facility, PG&E provides power, and Recology provides solid waste disposal services which is mandatory within the City limits.

The site is already being adequately serviced by streets, Highway 162, and the existing transportation infrastructure which has been determined to remain adequate at project completion. The City's 2012 Transportation Capital Improvement Program (TCIP) and Impact Fee Update Report took into account the vacant land and development potential within the City of Oroville based on the 2030 General Plan. Based on assigned General Plan land use designations, a transportation analysis was conducted to determine the need for traffic facilities, their associated costs, and funding sources for the 2012 TCIP. Table 14, Page 24 of the report identified the intersection at Oroville Dam Boulevard and Veatch Street as operating at an existing Level of Service (LOS) A during AM peak hour traffic volumes and LOS A during PM peak hour traffic volumes, with the target LOS for this intersection of E. Table 16, Page 29 identified the intersection, at buildout without mitigation, to operate at a LOS B during AM peak hour traffic volumes and LOS B during PM peak hour traffic volumes. The cumulative buildout per the 2030 General Plan, without mitigation, has forecasted the intersection at Oroville Dam Boulevard and Veatch Street to maintain a LOS

far above the targeted LOS E. Therefore, the expected traffic generated by this sole project would not result in any significant effect on traffic and the existing traffic infrastructure will remain adequate to service this project.

As part of this permit, the applicant is required to obtain a zoning clearance/occupancy inspection from the Building Division prior to building occupancy. If at the time of inspection any inadequacies in the conditions of water, sanitation or utility supply 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 project site is abutting four identically zoned (CLM) properties and one C-2 zoned property. The surrounding properties include:

- Oro Dam Auto Center to the south zoned CLM*
- FoodMaxx to the southwest zoned C-2*
- Vacant land to the west zoned CLM*
- PG&E Oroville Service Center to the north zoned CLM*
- Nolind Business Park to the east zoned CLM*

The operating characteristics of the proposed use will not conflict with the surrounding neighborhood, nor will the proposed use adversely impact any of the surrounding properties. Oro Dam Auto Center sells new and used cars and is currently expanding to include Oroville Ford. The proposed development is adjacent to an existing auto center and automotive repair business (within Nolind Business Park) and will be compatible with the existing surrounding land uses.

Additionally, in the event the project results in any unforeseen adverse effects, pursuant to section 26-50.010(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.

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

The applicant has submitted a draft site plan demonstrating that the subject site has adequate space for the desired land use of the proposed development, in addition to adequate space for the compliance of city development standards, including but not limited to, the inclusion of landscaping, onsite parking

requirements, appropriate ingress/egress to the site, maximum floor area ratio, and requirement to provide a refuse collection area.

- 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.

Goal LU-4 of the City's 2030 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. 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 used motor vehicle dealers in the Oroville market area of \$3,966,088 (Table 4; Page 9). Thus, this project is consistent with Goal LU-4 and the Guiding Principles of the City's 2030 General Plan. Additionally, as stated above, the size, intensity and location of the proposed use will not have any negative impact on the neighborhood or community as a whole and is a suitable use for the property and zoning district in which it is located.

- 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 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 applicant 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. In addition, section 26.50-010(F)(2) 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, if a law has been violated in connection with the permit, or if the permit was obtained by fraud; and

WHEREAS, 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" and Section 15303 "New Construction or Conversion of Smalls Structures" for the following reasons:

Title 14, CCR, Section 15332 "In-Fill Development Projects":

Class 32 consists of projects characterized as in-fill development meeting the conditions described in this section.

- (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 Commercial / Light Manufacturing (CLM) and a General Plan land use designation of Mixed Use. The City of Oroville Municipal Code (OMC) Table 26-33.010-1 specifies that the sale of used automobiles in a CLM zone requires 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 26.

The General Plan land use designation allows, but does not require mixed uses to be incorporated into the project. 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. 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 used motor vehicle dealers in the Oroville market area of \$3,966,088 (Table 4; Page 9). Thus, this project is consistent with Goal LU-4 and the Guiding Principles of the City's 2030 General Plan.

- (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 approximately 0.96 acres in size with an outer perimeter of 882 lineal feet. The property is surrounded by a mix of existing urban properties which includes Oro Dam Auto Center to the south, FoodMaxx to the southwest, PG&E Oroville Service Center to the north, and the Nolind Business Park to the east. The subject property has been determined to be abutting the surrounding urban uses as follows:

- Oro Dam Auto Center (242 feet)
- FoodMaxx (89 feet)
- PG&E Oroville Service Center (85 feet)
- Nolind Business Park (249 feet)

With an outer perimeter of 882 feet, 665 feet (75%) of 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. Additionally 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. 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: The City's 2012 Transportation Capital Improvement Program (TCIP) and Impact Fee Update Report took into account the vacant land and development potential within the City of Oroville based on the 2030 General Plan. Based on assigned General Plan land use designations, a transportation analysis was conducted to determine the need for traffic facilities, their associated costs, and funding sources for the 2012 TCIP. Table 14, Page 24 of the report identified the intersection at Oroville Dam Boulevard and Veatch Street as operating at an existing Level of Service (LOS) A during AM peak hour traffic volumes and LOS A during PM peak hour traffic volumes, with the target LOS for this intersection of E. Table 16, Page 29 identified the intersection, at buildout without mitigation, to operate at a LOS B during AM peak hour traffic volumes and LOS B during PM peak hour traffic volumes. The cumulative buildout per the 2030 General Plan, without mitigation, has forecasted the intersection at Oroville Dam Boulevard and Veatch Street to maintain a LOS far above the targeted LOS E. Therefore, the expected traffic generated by this sole project would not result in any significant effect on traffic.

Noise: The project is a used car lot which, as a result of the retail activities, is not expected to generate a noise level exceeding the City's 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 permit, any violation of the City's noise ordinance may grounds for revocation of the permit.

Air Quality: 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.

Water Quality: 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 Butte County Air Quality Management District and State Regional Water Quality Control Board; and any other applicable local, state and federal requirements.

Title 14, CCR, Section 15303 "New Construction or Conversion of Small Structures":

Class 3 consists of construction and location of limited numbers of new, small facilities or structures; installation of small new equipment and facilities in small structures; and the conversion of existing small structures from one use to another where only minor modifications are made in the exterior of the structure. The numbers of structures described in this section are the maximum allowable on any legal parcel. Examples of this exemption include, but are not limited to a store, motel, office, restaurant or similar structure not involving the use of significant amounts of hazardous substances, and not exceeding 2,500 square feet in floor area. The project will include the paving of the entire lot, the construction of an approximately 1,200 square foot building as the office space for the sales lot, and City required off-site improvements (curb/gutter/sidewalk) and landscaping. The project will not involve the use of significant amounts of hazardous substances as the project is a used car sales lot only; no automotive repair proposed; and

WHEREAS, at a 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 exempt from the California Environmental Quality Act (CEQA) review pursuant to Title 14, California Code of Regulations, Section 15332 "In-Fill Development Projects" and Section 15303 "New Construction or Conversion of Small Structures," as this determination is described in this Resolution.
2. The Planning Commission adopts the findings required by section 26-50.010(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

Approved project: The Planning Commission hereby conditionally approves Use Permit No. 14-04, permitting the development of a used car lot on the vacant property identified as APN: 035-450-004, located on the east side of Veatch Street between Oro Dam Boulevard and Mitchell Avenue. The subject property has a zoning designation of Commercial / Light Manufacturing (CLM) and a General Plan land use designation of Mixed Use. Per the City of Oroville Municipal Code (OMC) Table 26-33.010-1, the sale of used automobiles in a CLM zone requires a use permit.

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 applicant shall comply with all grading, excavation, and sediment control requirements as found in Chapter 9B of the City Code, including all permit requirements as found in Section 9B-50.
4. Pursuant to Section 9B-33 of the City Code, 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.
5. Pursuant to Section 9B-7 of the City Code, 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 Butte County Air Quality Management District and State Regional Water Quality Control Board; and any other applicable local, state and federal requirements.
6. The applicant shall pay for and obtain a zoning clearance / occupancy inspection from the Building Division and Fire Department prior to final occupancy.

7. The applicant shall have a current City of Oroville business license and any other applicable permit/license that may be required as part of their operations.
8. Pursuant to Section 26-13 of the City Code, the proposed development of the site shall conform to the all development and performance standards of the code of the City of Oroville 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.
9. Pursuant to Section 26-19.040 of the City Code, the applicant is required to apply for sign permits for any new signs to be installed on the property.
10. Applicable construction plans, calculations, specifications, applications, forms, etc shall be submitted to the Building Department for review prior to start of any construction activities requiring a building permit. All applicable plan review fees shall be paid at time of submittal.
11. 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 by the Planning Commission.
12. 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.
13. Pursuant to Section 26-50.010 (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.

--- End of Conditions ---

I HEREBY CERTIFY that the foregoing resolution was duly introduced and passed at a regular meeting of the Planning Commission of the City of Oroville held on the 24th of November 2014, by the following vote:

AYES:

NOES:

ABSTAIN:

ABSENT:

ATTEST:

APPROVE:

DONALD L. RUST, SECRETARY

DAMON ROBISON, CHAIRPERSON

CONDITIONS OF APPROVAL

Approved project: The Planning Commission hereby conditionally approves Use Permit No. 14-04, permitting the development of a used car lot on the vacant property identified as APN: 035-450-004, located on the east side of Veatch Street between Oro Dam Boulevard and Mitchell Avenue. The subject property has a zoning designation of Commercial / Light Manufacturing (CLM) and a General Plan land use designation of Mixed Use. Per the City of Oroville Municipal Code (OMC) Table 26-33.010-1, the sale of used automobiles in a CLM zone requires a use permit.

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 applicant shall comply with all grading, excavation, and sediment control requirements as found in Chapter 9B of the City Code, including all permit requirements as found in Section 9B-50.
4. Pursuant to Section 9B-33 of the City Code, 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.
5. Pursuant to Section 9B-7 of the City Code, 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 Butte County Air Quality Management District and State Regional Water Quality Control Board; and any other applicable local, state and federal requirements.
6. The applicant shall pay for and obtain a zoning clearance / occupancy inspection from the Building Division and Fire Department prior to final occupancy.
7. The applicant shall have a current City of Oroville business license and any other applicable permit/license that may be required as part of their operations.

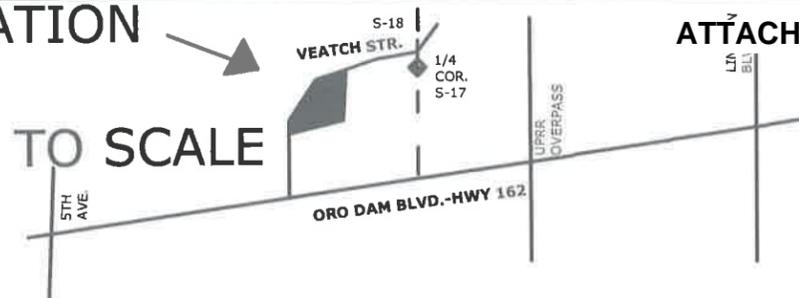
8. Pursuant to Section 26-13 of the City Code, the proposed development of the site shall conform to the all development and performance standards of the code of the City of Oroville to minimize any potential negative effects that the building, structure or use could have on its surroundings, and to promote compatibility with surrounding uses and areas.
9. Pursuant to Section 26-19.040 of the City Code, the applicant is required to apply for sign permits for any new signs to be installed on the property.
10. Applicable construction plans, calculations, specifications, applications, forms, etc shall be submitted to the Building Department for review prior to start of any construction activities requiring a building permit. All applicable plan review fees shall be paid at time of submittal.
11. 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 by the Planning Commission.
12. 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.
13. Pursuant to Section 26-50.010 (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.

--- End of Conditions ---

SITE LOCATION

ATTACHMENT - G

-MAP NOT TO SCALE

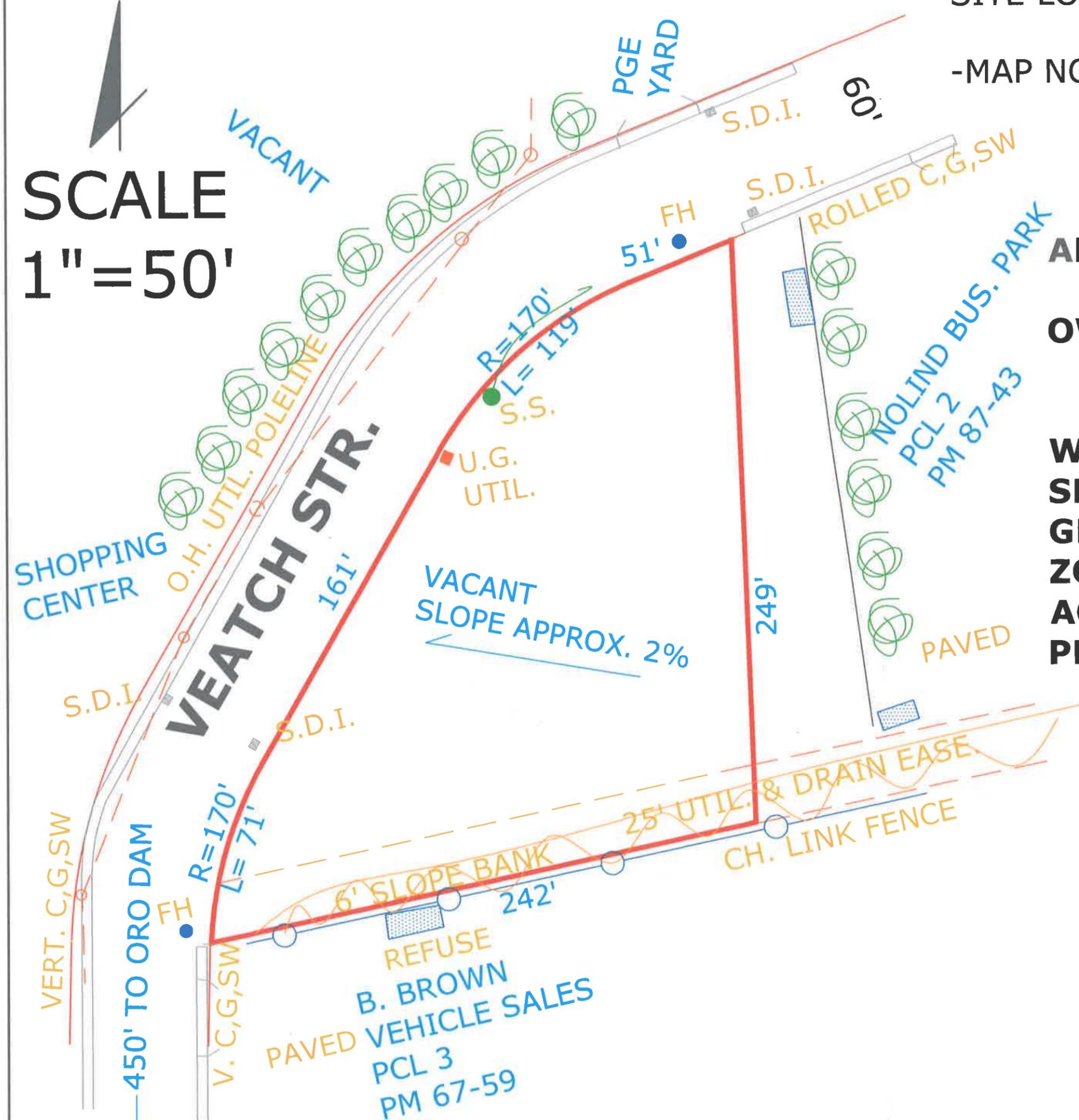


SCALE
1" = 50'

APN: 035-450-004

OWNER: BARRY L. NOLIND TRUST
29 TOWN VIEW LN.
OROVILLE, CA 95966

WATER: CAL-WATER
SEWER: CITY OF OROVILLE
GENERAL PLAN: MIXED USE
ZONING: CLM
ACREAGE: 0.96 AC. (LEVEL, VACANT)
PROPOSED USE: AUTO SALES



SITE PLAN

PARCEL 1 - P.M. 87-34
IN SEC. 18, T19N, R4E, MDM,
CITY OF OROVILLE, CALIF.

SHEET 1-EXISTING

SCALE
1" = 30'

PROPOSED IMPROVEMENTS:

- 1) CURB, GUTTER, SIDEWALK, STREET TREES, PERIMETER LANDSCAPING.
- 2) ENTIRE LOT PAVED.
- 3) PROP. BUILDING APPROX. 600 (1200) SF W/ EMPL. PARKING
- 4) UTIL. CONNECTIONS TBD
- 5) SIGN LOCATIONS TBD

VEATCH STR.

U.H. UTIL. POLELINE

SEE NOTE #1
R=170'
L=71'

SIGN AREA (TYP.)
SEE NOTE #5
R=170'
L=119'

S.S.

U.G. UTILITIES
UTIL.
SEE NOTE #4

EXIT

25'

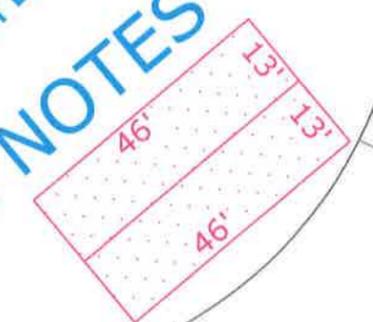
SALES AREA
SEE NOTE #2

SEE NOTE #1

249'

SALES AREA
SEE NOTE #2

SEE NOTES #3,4



SITE PLAN

PAVED

SHEET 2-PROPOSED

EXIT

SALES AREA
SEE NOTE #2

6' SLOPE BANK

25' UTIL. & DRAIN EASE.

CH. LINK FENCE

242'

APN: 035-450-004
OWNER: NOLIND TRUST

PREPARED BY: EVANS FUN WORKS
110 SHARP RD., OROVILLE, CA 95966 (530) 570-5498

10-13-14



City of Oroville

COMMUNITY DEVELOPMENT DEPARTMENT

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

ATTACHMENT - I

Donald Rust
DIRECTOR

ATTENTION: PROPERTY OWNERS AND INTERESTED PARTIES

The project listed below has been filed with the Community Development Department. You are invited to comment because your property is located near the proposed project. Please comment in the space below. You may attach additional pages as necessary.

Please submit your comments to this department no later than **Monday, November 24, 2014** to be sure that they are included in the final project action. However, comments will be taken up to the time of the project decision. If you have no comment, a reply is not necessary.

VICINITY MAP

ASSESSOR
PARCEL 035-450-004
NUMBER:

FILE UP 14-04
NUMBER:

APPLICANT: Scott Nolind

ZONING: Commercial / Light
Manufacturing (CLM)

LOCATION: Veatch St between Oro Dam
Blvd and Mitchell Ave

CONTACT Luis A. Topete,
PERSON: Associate Planner
530 538-2408
530 538-2426 Fax
topetela@cityoforoville.org



PROJECT DESCRIPTION:

UP 14-04: Used Car Sales – The City of Oroville Planning Commission will conduct a public hearing to consider a use permit for the operation of a used car lot on the property identified as APN: 035-450-004, located on the east end of Veatch Street between Oro Dam Boulevard and Mitchell Avenue. The subject property has a zoning designation of Commercial / Light Manufacturing (CLM) and a General Plan land use designation of Mixed Use. Per the City of Oroville Municipal Code Table 26-33.010-1, the sale of used automobiles in a CLM zone requires a use permit. Proposed improvements include the installation of curb, gutter, sidewalk, street trees, perimeter landscaping, paving of the entire lot, and the construction of an approximately 1,200 square foot office building.

NOTICE IS HEREBY GIVEN that the City of Oroville Planning Commission will hold a public hearing on the project described above. Said hearing will be held at **7:00 p.m. on Monday, November 24, 2014** in the City Council Chambers, 1735 Montgomery Street, Oroville, CA. All interested persons are invited to attend or submit comments in writing.



City of Oroville

Donald Rust
DIRECTOR

COMMUNITY DEVELOPMENT DEPARTMENT

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NOTICE OF PUBLIC HEARING BEFORE THE CITY OF OROVILLE PLANNING COMMISSION

NOTICE IS HEREBY GIVEN that the Planning Commission of the City of Oroville will hold a public hearing on the projects described below. Said hearing will be held at **7:00 p.m. on Monday, November 24, 2014** in the City Council Chambers, 1735 Montgomery Street, Oroville, CA. All interested persons are invited to attend or submit comments in writing.

1. **UP 14-04: Used Car Sales** – The Planning Commission of the City of Oroville will conduct a public hearing to review and consider approving a use permit for the development of a used car lot on the vacant property identified as APN: 035-450-004, located on the east side of Veatch Street between Oro Dam Boulevard and Mitchell Avenue. The subject property has a zoning designation of Commercial / Light Manufacturing (CLM) and a General Plan land use designation of Mixed Use. Per the City of Oroville Municipal Code Table 26-33.010-1, the sale of used automobiles in a CLM zone requires a use permit.
2. **UP 14-07: Boat, RV & Equipment Storage** – The Planning Commission of the City of Oroville will conduct a public hearing to review and consider approving a use permit for the development of a boat, RV, and equipment storage yard on the property identified as APN: 035-050-105, located south of Oro Dam Boulevard and west of Lincoln Street. The subject property has a split zoning designation of Commercial / Light Manufacturing (CLM) and Intensive Commercial (M-2) and a General Plan land use designation of Mixed Use. Per the City of Oroville Municipal Code Section 26-16.140(B), all outdoor storage areas greater than 500 square feet in size, including storage areas for uses that are customarily conducted outdoors, shall be required to obtain a use permit.

Additional information regarding the projects described in this notice can be obtained from the Oroville Community Development Department at 1735 Montgomery Street, Oroville, CA. Anyone desiring to submit information, opinions or objections is requested to submit them in writing to the Community Development Department prior to the hearing. In accordance with Government Code Section 65009, if you challenge an 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.

Posted/Published: **Friday, November 14, 2014**



City of Oroville

Donald Rust
DIRECTOR

COMMUNITY DEVELOPMENT DEPARTMENT

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

PLANNING COMMISSION STAFF REPORT

November 24, 2014

UP 14-07: Boat, RV & Equipment Storage – The City of Oroville Planning Commission will conduct a public hearing to consider a use permit request from Ted Caldwell for the purpose of using the property identified as APN: 035-050-105 as a boat, RV and equipment storage yard. The subject property has a zoning designation of Commercial / Light Manufacturing (CLM) and Intensive Commercial (M-2), with a General Plan land use designation of Mixed Use. Per the City of Oroville Municipal Code (OMC) Section 26-16.140(B), all outdoor storage areas greater than 500 square feet in size, including storage areas for uses that are customarily conducted outdoors, shall be required to obtain a use permit.

APPLICANT: Ted Caldwell
P.O. Box 38
Davis, CA 95617
(530) 666-5799

LOCATION: Property identified as APN: 035-050-105 located south of Oroville Dam Boulevard and west of Lincoln Street
(Attachment A)

GENERAL PLAN: Mixed Use
ZONING: Commercial / Light Manufacturing (CLM) and Intensive Industrial (M-2)
FLOOD ZONE: ZONE X: Areas determined to be outside the 0.2% annual chance floodplain (500-year floodplain).

ENVIRONMENTAL DETERMINATION:

Class 32 Categorical Exemption – In-Fill Development Projects; Title 14, CCR, §15332

REPORT PREPARED BY:

Luis A. Topete, Associate Planner
Community Development Department

REVIEWED BY:

Donald Rust, Director
Community Development Department

RECOMMENDED ACTIONS:

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

1. **HOLD** a public hearing and receive testimony on the proposed Use Permit No. 14-07 for the development of a boat, RV and equipment storage yard on the property identified as APN: 035-050-105, located south of Oro Dam Boulevard and west of Lincoln Street; and
2. **ADOPT** the Class 32 Categorical Exemption – In-Fill Development Projects; Title 14, CCR, §15332 (**Attachment C**), as the appropriate level of environmental review in accordance with the California Environmental Quality Act (CEQA) Statute and Guidelines; and
3. **ADOPT** the recommended Findings for Use Permit No. 14-07 (**Attachment D**);
4. **ADOPT** Resolution No. P2014-20 (**Attachment E**); and
5. **APPROVE** the Conditions of Approval for Use Permit No. 14-07 (**Attachment F**).

SUMMARY

The City of Oroville Planning Commission will conduct a public hearing to consider a use permit request from Ted Caldwell for the development of a boat, RV and equipment storage yard on the property identified as APN: 035-050-105, located south of Oro Dam Boulevard and west of Lincoln Street. The subject property has a split zoning designation of Commercial / Light Manufacturing (CLM) and Intensive Industrial (M-2) and a General Plan land use designation of Mixed Use.

DISCUSSION

This project involves a commercial land use of an underutilized commercial property, as identified by Figure LU-2 of the General Plan. Additionally, the General Plan acknowledges industrial land use designations as properties that can accommodate the need for outdoor storage, and directs new industries that require extensive outdoor storage to be located in the appropriate industrial areas, as specified in the General Plan definition of Industrial land uses (Pg. 3-28) and as identified in Goal LU-5, Policy 5.2 of the Land Use Element. Half of the 1.2 acre property has been graded. If the business venture proves to be successful, the applicant will then grade the remaining portion of the property for a total of 52 outdoor storage spaces when completed. At project completion, the project will have a total of two entrances/exits, on the west and east end of the property, and a total of 52 available storage spaces as follows:

- 28 spaces that are 40' x 12' in size
- 15 spaces that are 35' x 11' in size
- 9 spaces that are 30' x 11' in size

The project site is surrounded by properties zoned Intensive Commercial (C-2), Commercial / Light Manufacturing (CLM), and Intensive Industrial (M-2). The surrounding properties include:

- Enterprise Rent-A-Car and a parking lot to the north zoned C-2

- Bald Rock Plaza to the north east zoned C-2
- Level 10 Cross Fit and Dollar General to the east zoned CLM
- Oroville Motors, Inc. to the southeast zoned CLM
- NESPA Enterprise, Inc. and other industrial land uses to the south and west zoned M-2

With a split zoning designation of CLM and M-2, this property is zoned for industrial uses and the proposed project is consistent with the City’s 2030 General Plan. Additionally, as detailed in the Findings (**Attachment D**), the proposed use will not have any negative impact on the neighborhood or community as a whole and is a suitable use for the property and zoning district in which it is located.

ISSUES

Per the OMC Section 26-16.140(B), all outdoor storage areas greater than 500 square feet in size, including storage areas for uses that are customarily conducted outdoors, shall be required to obtain a use permit. Per City Code 26-50.010, 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 which 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.

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” (**Attachments C & D**).

FISCAL IMPACT

The total fees associated with Use Permit No. 14-07 are as follows:

Item	Price	Tech Fee	Total	Paid
Use Permit Application (Deposit)	\$2,822.00	\$169.32	\$2,991.32	Yes
Filing of Notice of Exemption				
Butte County Clerks Filing Fee	\$50.00	-	\$50.00	No

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.

PUBLIC NOTICE

A request for comments was prepared and circulated to the local agencies and surrounding property owners within 300 feet of the property on October 30, 2014 (**Attachment H**). Additionally, the meeting date, time, and project description were published in the Oroville Mercury Register on November 14, 2014 and posted at City Hall on November 10, 2014 (**Attachment I**).

ATTACHMENTS

- A – Vicinity Map
- B – Map of Zoning and Surrounding Development
- C – Notice of Exemption
- D – Findings
- E – Resolution No. P2014-20
- F – Conditions of Approval
- G – Site Plan
- H – Property Owner Notice
- I – Newspaper Notice



CITY OF OROVILLE PLANNING DIVISION

<i>Applicant:</i> Ted Caldwell		<i>Project Title:</i> Boat, RV and Equipment Storage		 N
<i>Project Location:</i> Vacant lot south of Oro Dam Blvd & West of Lincoln Blvd identified as APN: 035-050-105-000				
<i>Hearing Date:</i> November 24, 2014	<i>Zoning Designation:</i> CLM / M-2	<i>General Plan Land Use Designation:</i> Mixed Use		
<i>TRAKiT #</i> Project#: PL1411-001		<i>Assessor's Parcel #:</i> 035-050-105-000		UP 14-07

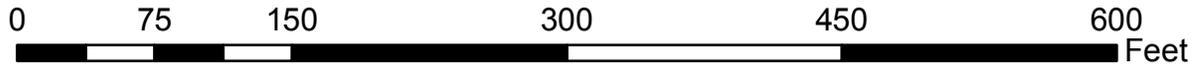
Zoning and Surrounding Development

ATTACHMENT - B



Perimeter (excluding public right of way) = 936'
 Abutting Urban Uses = 794' (85% of perimeter)
 Abutting Urban Uses = 142' (15% of perimeter)

 Project Site





City of Oroville

COMMUNITY DEVELOPMENT DEPARTMENT

Donald Rust
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
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Project Title: UP 14-07: Boat, RV & Equipment Storage

Project Location – Specific: APN: 035-050-105; south of Oro Dam Boulevard and west of Lincoln Street

Project Location – City: City of Oroville

Project Location – County: Butte

Description of Nature, Purpose, and beneficiaries of project: The project applicant, Ted Caldwell, is proposing to use the property identified as APN: 035-050-105 as a boat, RV and equipment storage yard. Half of the 1.2 acre property has been graded. If the business venture proves to be successful, the applicant will then grade the remaining portion of the property for a total of 52 outdoor storage spaces when completed.

Name of Public Agency Approving Project: City of Oroville

Name of Person or Agency Carrying out Project: Ted Caldwell

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 conditions described in this section.

- (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 Commercial / Light Manufacturing (CLM) and Intensive Commercial (M-2), with and a General Plan land use designation of Mixed Use. Per the City of Oroville Municipal Code (OMC) Section 26-16.140(B), all outdoor storage areas greater than 500 square feet in size, including storage areas for uses that are customarily conducted outdoors, shall be required to obtain 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 26.

A Guiding Principle of the City's 2030 General Plan is 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. This project involves a new commercial use of an underutilized commercial property, as identified by Figure LU-2 of the General Plan. Additionally, the General Plan acknowledges industrial land use designations as properties that can accommodate the need for outdoor storage, and directs new industries that require extensive outdoor storage to be located in the appropriate industrial areas, as specified in the General Plan definition of Industrial land uses (Pg. 3-28) and as identified in Goal LU-5, Policy 5.2 of the Land Use Element. With a split zoning designation of CLM and M-2, this property is zoned for industrial uses and the proposed project is consistent with the City's 2030 General Plan.

- (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 approximately 1.2 acres in size with an outer perimeter of 936 lineal feet, excluding perimeter adjacent to public rights of way. The property is surrounded by a mix of existing urban properties which includes Enterprise Rent-A-Car and a parking lot to the north, Bald Rock Plaza to the north east, Level 10 Cross Fit and Dollar General to the east, Oroville Motors, Inc. to the southeast (with the back portion of this property vacant), NESPA Enterprise, Inc. and other industrial land uses to the south and west. The property is currently 85% surrounded by urban land uses with the back portion of Oroville Motors, Inc. being the only undeveloped property, although it is not a separate parcel but rather a small undeveloped portion of the parcel on which Oroville Motors, Inc. is located. 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. Additionally 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. 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: The project site can be accessed from Oro Dam Boulevard and Lincoln Street a result of reciprocal ingress/egress easements between the project and the properties to the north and east, thus requiring minor use of the Lincoln Street /Oro Dam Boulevard intersection which may or may not be used for access to the project site. Per the City's 2030 General Plan, Oro Dam Boulevard is defined as an arterial and Lincoln street is defined as a collector, with both roadways operating at a Level of Service C or better. Goal CIR-2, Policy P2.1 of the Circulation and Transportation Element specifies LOS E operations will be considered acceptable for intersection and roadway segment operations along Oroville Dam Boulevard between Highway 70 and Olive Highway, with the goal to maintain a minimum operating standard of LOS D for all other arterials, collector streets and intersections.

With a total of 52 available storage spaces at project completion, and with no freight transportation to the project site as a result of the proposed land use, no onsite office requiring daily employee trips, and minimal daily customer vehicles trips resulting from the total available storage spaces and the proposed land use (storage), the project will not result in any significant effects relating to traffic.

Noise: The project is a boat, RV, and equipment storage yard which, similar to mini-storage facilities and other like kind uses, do not generate large amounts of traffic. As the use will be for storage, there will not be freight delivery and there will not be a frequent daily presence of employees or customers which would lead to a foreseeable noise level exceeding the City's noise ordinance as found in the OMC Section 13A. Per the City's noise ordinance, 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 permit, any violation of the City's noise ordinance may grounds for revocation of the permit.

Air Quality: 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. Additionally, as specified above, the amount of traffic that this project can be expected to generate will not result in any significant effects on air quality.

Water Quality: 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 Butte County Air Quality Management District and State Regional Water Quality Control Board; and any other applicable local, state and federal requirements.

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: Luis A. Topete

Telephone: (530) 538-2408

Signature: _____

Date: _____

- Signed by Lead Agency
- Signed by Applicant

FINDINGS

UP 14-07: Boat, RV and Equipment Storage

A. INTRODUCTION

The project applicant, Ted Caldwell, has applied for a use permit for the purpose of using the property identified as APN: 035-050-105 as a boat, RV and equipment storage yard. The subject property has a zoning designation of Commercial / Light Manufacturing (CLM) and Intensive Commercial (M-2), with a General Plan land use designation of Mixed Use. Per the City of Oroville Municipal Code (OMC) Section 26-16.140(B), all outdoor storage areas greater than 500 square feet in size, including storage areas for uses that are customarily conducted outdoors, shall be required to obtain a use permit. Half of the 1.2 acre property has been graded. If the business venture proves to be successful, the applicant will then grade the remaining portion of the property for a total of 52 outdoor storage spaces when completed.

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." Class 32 consists of projects characterized as in-fill development meeting the conditions described in this section.

- (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 Commercial / Light Manufacturing (CLM) and Intensive Commercial (M-2), with and a General Plan land use designation of Mixed Use. Per the OMC Section 26-16.140(B), all outdoor storage areas greater than 500 square feet in size, including storage areas for uses that are customarily conducted outdoors, shall be required to obtain 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 26.

A Guiding Principle of the City's 2030 General Plan is 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. This project involves a new commercial use of an underutilized commercial property, as identified by Figure LU-2 of the General Plan. Additionally, the General Plan acknowledges industrial land use designations as properties that can accommodate the need for outdoor storage, and directs new industries that require extensive outdoor storage to be located in the appropriate industrial areas, as specified in the General Plan definition of

Industrial land uses (Pg. 3-28) and as identified in Goal LU-5, Policy 5.2 of the Land Use Element. With a split zoning designation of CLM and M-2, this property is zoned for industrial uses and the proposed project is consistent with the City's 2030 General Plan.

- (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 approximately 1.2 acres in size with an outer perimeter of 936 lineal feet, excluding perimeter adjacent to public rights of way. The property is surrounded by a mix of existing urban properties which includes Enterprise Rent-A-Car and a parking lot to the north, Bald Rock Plaza to the north east, Level 10 Cross Fit and Dollar General to the east, Oroville Motors, Inc. to the southeast (with the back portion of this property vacant), NESPA Enterprise, Inc. and other industrial land uses to the south and west. The property is currently 85% surrounded by urban land uses with the back portion of Oroville Motors, Inc. being the only undeveloped property, although it is not a separate parcel but rather a small undeveloped portion of the parcel on which Oroville Motors, Inc. is located. 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. Additionally 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. 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: The project site can be accessed from Oro Dam Boulevard and Lincoln Street a result of reciprocal ingress/egress easements between the project and the properties to the north and east, thus requiring minor use of the Lincoln Street /Oro Dam Boulevard intersection which may or may not be used for access to the project site. Per the City's 2030 General Plan, Oro Dam Boulevard is defined as an arterial and Lincoln street is defined as a collector, with both roadways operating at a Level of Service C or better. Goal CIR-2, Policy P2.1 of the Circulation and Transportation Element specifies LOS E operations will be considered acceptable for intersection and roadway segment operations along

Oroville Dam Boulevard between Highway 70 and Olive Highway, with the goal to maintain a minimum operating standard of LOS D for all other arterials, collector streets and intersections.

With a total of 52 available storage spaces at project completion, and with no freight transportation to the project site as a result of the proposed land use, no onsite office requiring daily employee trips, and minimal daily customer vehicles trips resulting from the total available storage spaces and the proposed land use (storage), the project will not result in any significant effects relating to traffic.

Noise: The project is a boat, RV, and equipment storage yard which, similar to mini-storage facilities and other like kind uses, do not generate large amounts of traffic. As the use will be for storage, there will not be freight delivery and there will not be a frequent daily presence of employees or customers which would lead to a foreseeable noise level exceeding the City's noise ordinance as found in the OMC Section 13A. Per the City's noise ordinance, 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 permit, any violation of the City's noise ordinance may grounds for revocation of the permit.

Air Quality: 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. Additionally, as specified above, the amount of traffic that this project can be expected to generate will not result in any significant effects on air quality.

Water Quality: 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 Butte County Air Quality Management District and State Regional Water Quality Control Board; and any other applicable local, state and federal requirements.

C. USE PERMIT FINDINGS

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 26-50.010, 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, including proposed land use and improvements, 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 26-50.010 of the City Code. 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.

This project involves a new commercial use of an underutilized commercial property, as identified by Figure LU-2 of the General Plan. Additionally, the General Plan acknowledges industrial land use designations as properties that can accommodate the need for outdoor storage, and directs new industries that require extensive outdoor storage to be located in the appropriate industrial areas, as specified in the General Plan definition of Industrial land uses (Pg. 3-28) and as identified in Goal LU-5, Policy 5.2 of the Land Use Element.

With a split zoning designation of CLM and M-2, this property is zoned for industrial land uses. Per the OMC Section 26-16.140(B), all outdoor storage areas greater than 500 square feet in size, including storage areas for uses that are customarily conducted outdoors, shall be required to obtain a use permit, which the applicant has applied for. Additionally, the property is contiguous to two properties zoned C-2, two properties zoned CLM, and two properties zoned M-2, with NESPA Enterprise, Inc. and other industrial land uses are directly located to the south and west. The applicant will therefore be following sound principles of land use by being located in an area of similar land uses, and in a zoning district where the City Code has planned for this type of land use to be located. For additional details, please see "c" and "d" below.

- 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.

As an infill development project, the proposed development is located in an area where existing public utilities can be easily accessed if required. As the project will be used for storage space only, with no onsite office, there is no need for a water or sewer connection. The site is already being adequately serviced by streets, Highway 162, and the existing transportation infrastructure which has been determined to remain adequate at project completion. The project site can be accessed from Oro Dam Boulevard (Highway 162) and Lincoln Street a result of reciprocal ingress/egress easements between the project and the properties to the north and east, thus requiring minor use of the Lincoln Street /Oro Dam Boulevard intersection which may or may not be used for access to the project site. Per the City's 2030 General Plan, Oro Dam Boulevard is defined as an arterial and Lincoln street is defined as a collector, with both roadways operating at a Level of Service C or better. Goal CIR-2, Policy P2.1 of the Circulation and Transportation Element specifies LOS E operations will be considered acceptable for intersection and roadway segment operations along Oroville Dam Boulevard between Highway 70 and Olive Highway, with the goal to maintain a minimum operating standard of LOS D for all other arterials, collector streets and intersections.

- 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 project site is surrounded by properties zoned Intensive Commercial (C-2), Commercial / Light Manufacturing (CLM), and Intensive Industrial (M-2). The surrounding properties include:

- *Enterprise Rent-A-Car and a parking lot to the north zoned C-2*
- *Bald Rock Plaza to the north east zoned C-2*
- *Level 10 Cross Fit and Dollar General to the east zoned CLM*
- *Oroville Motors, Inc. to the southeast zoned CLM*
- *NESPA Enterprise, Inc. and other industrial land uses to the south and west zoned M-2*

Additionally, in the event the project results in any unforeseen adverse effects, pursuant to section 26-50.010(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.

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

The applicant has submitted a site plan demonstrating that the subject site has adequate space for the desired land use of the project, including appropriate

ingress/egress to the site. At project completion, the project will have a total of two entrances/exists, on the west and east end of the property, and a total of 52 available storage spaces as follows:

- 28 spaces that are 40' x 12' in size*
- 15 spaces that are 35' x 11' in size*
- 9 spaces that are 30' x 11' in size*

- 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.

As stated above, a Guiding Principle of the City's 2030 General Plan is 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. This project involves a new commercial use of an underutilized commercial property, as identified by Figure LU-2 of the General Plan. Additionally, the General Plan acknowledges industrial land use designations as properties that can accommodate the need for outdoor storage, and directs new industries that require extensive outdoor storage to be located in the appropriate industrial areas, as specified in the General Plan definition of Industrial land uses (Pg. 3-28) and as identified in Goal LU-5, Policy 5.2 of the Land Use Element. With a split zoning designation of CLM and M-2, this property is zoned for industrial uses and the proposed project is consistent with the City's 2030 General Plan. Additionally, as stated above, the size, intensity and location of the proposed use will not have any negative impact on the neighborhood or community as a whole and is a suitable use for the property and zoning district in which it is located.

- 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 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 applicant 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. In addition, section 26.50-010(F)(2) 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, if a law has been violated in connection with the permit, or if the permit was obtained by fraud.

RESOLUTION NO. P2014-20

A RESOLUTION OF THE OROVILLE CITY PLANNING COMMISSION APPROVING CONDITIONAL USE PERMIT NO. 14-07 FOR THE DEVELOPMENT OF A BOAT, RV, AND EQUIPMENT STORAGE YARD ON THE PROPERTY IDENTIFIED AS (APN: 035-050-105)

WHEREAS, the City of Oroville Community Development Department has received a use permit application for the development of the parcel identified as APN: 035-050-105 and located south of Oro Dam Boulevard and west of Lincoln Street into a boat, RV, and equipment storage yard; and

WHEREAS, the project site (APN: 035-050-105) has a split zoning designation of Commercial/Light Manufacturing (CLM) and Intensive Industrial (M-2); and

WHEREAS, per the Oroville Municipal Code (OMC) Section 26-16.140(B), all outdoor storage areas greater than 500 square feet in size, including storage areas for uses that are customarily conducted outdoors, shall be required to obtain a use permit; and

WHEREAS, per the OMC Section 26-50.010(E)(4), 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 26-50.010, 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, including proposed land use and improvements, 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 26-50.010 of the City Code. 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.

This project involves a new commercial use of an underutilized commercial property, as identified by Figure LU-2 of the General Plan. Additionally, the General Plan acknowledges industrial land use designations as properties that can accommodate the need for outdoor storage, and directs new industries that require extensive outdoor storage to be located in the appropriate industrial areas, as specified in the General Plan definition of Industrial land uses (Pg. 3-28) and as identified in Goal LU-5, Policy 5.2 of the Land Use Element.

With a split zoning designation of CLM and M-2, this property is zoned for industrial land uses. Per the OMC Section 26-16.140(B), all outdoor storage areas greater than 500 square feet in size, including storage areas for uses that are customarily conducted outdoors, shall be required to obtain a use permit, which the applicant has applied for. Additionally, the property is contiguous to two properties zoned C-2, two properties zoned CLM, and two properties zoned M-2, with NESPA Enterprise, Inc. and other industrial land uses are directly located to the south and west. The applicant will therefore be following sound principles of land use by being located in an area of similar land uses, and in a zoning district where the City Code has planned for this type of land use to be located. For additional details, please see "c" and "d" below.

- 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.

As an infill development project, the proposed development is located in an area where existing public utilities can be easily accessed if required. As the project will be used for storage space only, with no onsite office, there is no need for a water or sewer connection. The site is already being adequately serviced by streets, Highway 162, and the existing transportation infrastructure which has been determined to remain adequate at project completion. The project site can be accessed from Oro Dam Boulevard (Highway 162) and Lincoln Street a result of reciprocal ingress/egress easements between the project and the properties to the north and east, thus requiring minor use of the Lincoln Street /Oro Dam Boulevard intersection which may or may not be used for access to the project site. Per the City's 2030 General Plan, Oro Dam Boulevard is defined as an arterial and Lincoln street is defined as a collector, with both roadways operating at a Level of Service C or better. Goal CIR-2, Policy P2.1 of the Circulation and Transportation Element specifies LOS E operations will be considered acceptable for intersection and roadway segment operations along Oroville Dam

Boulevard between Highway 70 and Olive Highway, with the goal to maintain a minimum operating standard of LOS D for all other arterials, collector streets and intersections.

- 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 project site is surrounded by properties zoned Intensive Commercial (C-2), Commercial / Light Manufacturing (CLM), and Intensive Industrial (M-2). The surrounding properties include:

- *Enterprise Rent-A-Car and a parking lot to the north zoned C-2*
- *Bald Rock Plaza to the north east zoned C-2*
- *Level 10 Cross Fit and Dollar General to the east zoned CLM*
- *Oroville Motors, Inc. to the southeast zoned CLM*
- *NESPA Enterprise, Inc. and other industrial land uses to the south and west zoned M-2*

Additionally, in the event the project results in any unforeseen adverse effects, pursuant to section 26-50.010(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.

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

The applicant has submitted a site plan demonstrating that the subject site has adequate space for the desired land use of the project, including appropriate ingress/egress to the site. At project completion, the project will have a total of two entrances/exits, on the west and east end of the property, and a total of 52 available storage spaces as follows:

- *28 spaces that are 40' x 12' in size*
- *15 spaces that are 35' x 11' in size*
- *9 spaces that are 30' x 11' in size*

- 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.

As stated above, a Guiding Principle of the City's 2030 General Plan is 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. This project involves a new commercial

use of an underutilized commercial property, as identified by Figure LU-2 of the General Plan. Additionally, the General Plan acknowledges industrial land use designations as properties that can accommodate the need for outdoor storage, and directs new industries that require extensive outdoor storage to be located in the appropriate industrial areas, as specified in the General Plan definition of Industrial land uses (Pg. 3-28) and as identified in Goal LU-5, Policy 5.2 of the Land Use Element. With a split zoning designation of CLM and M-2, this property is zoned for industrial uses and the proposed project is consistent with the City's 2030 General Plan. Additionally, as stated above, the size, intensity and location of the proposed use will not have any negative impact on the neighborhood or community as a whole and is a suitable use for the property and zoning district in which it is located.

- 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 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 applicant 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. In addition, section 26.50-010(F)(2) 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, if a law has been violated in connection with the permit, or if the permit was obtained by fraud; and

WHEREAS, 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 Commercial / Light Manufacturing (CLM) and Intensive Commercial (M-2), with and a General Plan land use designation of Mixed Use. Per the OMC Section 26-16.140(B), all outdoor storage areas greater than 500 square feet in size, including storage areas for uses that are customarily conducted outdoors, shall be required to obtain 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 26.

A Guiding Principle of the City's 2030 General Plan is 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. This project involves a new commercial use of an underutilized commercial property, as identified by Figure LU-2 of the General Plan. Additionally, the General Plan acknowledges industrial land use designations as properties that can accommodate the need for outdoor storage, and directs new industries that require extensive outdoor storage to be located in the appropriate industrial areas, as specified in the General Plan definition of Industrial land uses (Pg. 3-28) and as identified in Goal LU-5, Policy 5.2 of the Land Use Element. With a split zoning designation of CLM and M-2, this property is zoned for industrial uses and the proposed project is consistent with the City's 2030 General Plan.

- (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 approximately 1.2 acres in size with an outer perimeter of 936 lineal feet, excluding perimeter adjacent to public rights of way. The property is surrounded by a mix of existing urban properties which includes Enterprise Rent-A-Car and a parking lot to the north, Bald Rock Plaza to the north east, Level 10 Cross Fit and Dollar General to the east, Oroville Motors, Inc. to the southeast (with the back portion of this property vacant), NESPA Enterprise, Inc. and other industrial land uses to the south and west. The property is currently 85% surrounded by urban land uses with the back portion of Oroville Motors, Inc. being the only undeveloped property, although it is not a separate parcel but rather a small undeveloped portion of the parcel on which Oroville Motors, Inc. is located. 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. Additionally 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. 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: The project site can be accessed from Oro Dam Boulevard and Lincoln Street a result of reciprocal ingress/egress easements between the project and the properties to the north and east, thus requiring minor use of the Lincoln Street /Oro Dam Boulevard intersection which may or may not be used for access to the project site. Per the City's 2030 General Plan, Oro Dam Boulevard is defined as an arterial and Lincoln street is defined as a collector, with both roadways operating at a Level of Service C or better. Goal CIR-2, Policy P2.1 of the Circulation and Transportation Element specifies LOS E operations will be considered acceptable for intersection and roadway segment operations along Oroville Dam Boulevard between Highway 70 and Olive Highway, with the goal to maintain a minimum operating standard of LOS D for all other arterials, collector streets and intersections.

With a total of 52 available storage spaces at project completion, and with no freight transportation to the project site as a result of the proposed land use, no onsite office requiring daily employee trips, and minimal daily customer vehicles trips resulting from the total available storage spaces and the proposed land use (storage), the project will not result in any significant effects relating to traffic.

Noise: The project is a boat, RV, and equipment storage yard which, similar to mini-storage facilities and other like kind uses, do not generate large amounts of traffic. As the use will be for storage, there will not be freight delivery and there will not be a frequent daily presence of employees or customers which would lead to a foreseeable noise level exceeding the City's noise ordinance as found in the OMC Section 13A. Per the City's noise ordinance, 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 permit, any violation of the City's noise ordinance may grounds for revocation of the permit.

Air Quality: 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. Additionally, as specified above, the amount of traffic that this project can be expected to generate will not result in any significant effects on air quality.

Water Quality: 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 Butte County Air Quality Management District and State Regional Water

Quality Control Board; and any other applicable local, state and federal requirements; and

WHEREAS, at a 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 exempt from the California Environmental Quality Act (CEQA) review pursuant to Title 14, California Code of Regulations, Section 15332 "In-Fill Development Projects" as this determination is described in this Resolution.
2. The Planning Commission adopts the findings required by section 26-50.010(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

Approved project: The Planning Commission hereby conditionally approves Use Permit No. 14-07, permitting the development of a boat, RV and equipment storage yard on the property identified as APN: 035-050-105, located south of Oro Dam Boulevard and west of Lincoln Street. The subject property has a zoning designation of Commercial / Light Manufacturing (CLM) and Intensive Commercial (M-2), with a General Plan land use designation of Mixed Use. Per the City of Oroville Municipal Code (OMC) Section 26-16.140(B), all outdoor storage areas greater than 500 square feet in size, including storage areas for uses that are customarily conducted outdoors, shall be required to obtain a use permit. Half of the 1.2 acre property has been graded. If the business venture proves to be successful, the applicant will then grade the remaining portion of the property for a total of 52 outdoor storage spaces when completed.

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 applicant shall comply with all grading, excavation, and sediment control requirements as found in Chapter 9B of the City Code, including all permit requirements as found in Section 9B-50.
4. Pursuant to Section 9B-33 of the City Code, 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.
5. Pursuant to Section 9B-7 of the City Code, 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 Butte County Air Quality Management District and State Regional Water Quality Control Board; and any other applicable local, state and federal requirements.
6. The applicant shall pay for and obtain a zoning clearance / occupancy inspection from the Building Division and Fire Department prior to final occupancy.
7. The applicant shall have a current City of Oroville business license and any other applicable permit/license that may be required as part of their operations.
8. Pursuant to Section 26-13 of the City Code, the proposed development of the site shall conform to the all development and performance standards of the code of the City of Oroville to minimize any potential negative effects that the use could have on its surroundings, and to promote compatibility with surrounding uses and areas.
9. Pursuant to Section 26-19.040 of the City Code, the applicant is required to apply for sign permits for any new signs to be installed on the property.
10. Pursuant to Section 26-16.140(D) of the City Code, outdoor storage areas shall be screened by a solid fence of sufficient height to ensure that the outdoor storage area is not visible from public rights-of-way. The fence, and the storage area's contents, shall have a maximum height of 7 feet on sites located within or adjacent to a residential district, and 15 feet on all other sites. The exterior of the fence shall provide a decorative architectural treatment.
11. Pursuant to Section 26-13.020(K) of the City Code, in industrial districts, fences may be constructed with barbed or razor wire if the wire is at least 6 feet above grade.

12. Pursuant to Section 26-13.020(L) of the City Code, permits shall be obtained for the erection, construction, alteration and maintenance of fences as specified in the City Building Code.
13. Applicable construction plans, calculations, specifications, applications, forms, etc shall be submitted to the Building Department for review prior to start of any construction activities requiring a building permit. All applicable plan review fees shall be paid at time of submittal.
14. 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 by the Planning Commission.
15. 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.
16. Pursuant to Section 26-50.010 (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.

--- End of Conditions ---

I HEREBY CERTIFY that the foregoing resolution was duly introduced and passed at a regular meeting of the Planning Commission of the City of Oroville held on the 24th of November 2014, by the following vote:

AYES:

NOES:

ABSTAIN:

ABSENT:

ATTEST:

APPROVE:

DONALD L. RUST, SECRETARY

DAMON ROBISON, CHAIRPERSON

CONDITIONS OF APPROVAL

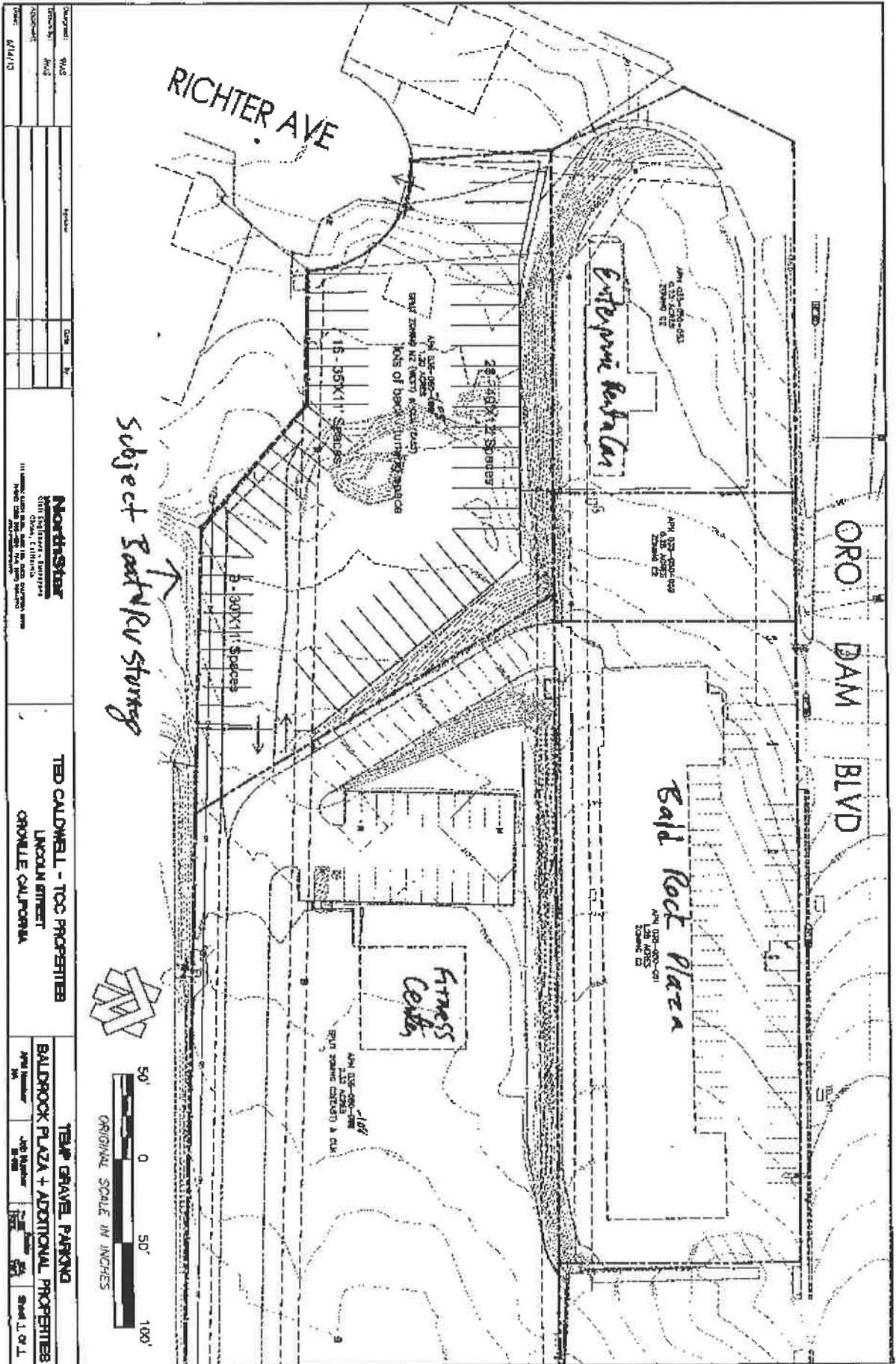
Approved project: The Planning Commission hereby conditionally approves Use Permit No. 14-07, permitting the development of a boat, RV and equipment storage yard on the property identified as APN: 035-050-105, located south of Oro Dam Boulevard and west of Lincoln Street. The subject property has a zoning designation of Commercial / Light Manufacturing (CLM) and Intensive Commercial (M-2), with a General Plan land use designation of Mixed Use. Per the City of Oroville Municipal Code (OMC) Section 26-16.140(B), all outdoor storage areas greater than 500 square feet in size, including storage areas for uses that are customarily conducted outdoors, shall be required to obtain a use permit. Half of the 1.2 acre property has been graded. If the business venture proves to be successful, the applicant will then grade the remaining portion of the property for a total of 52 outdoor storage spaces when completed.

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 applicant shall comply with all grading, excavation, and sediment control requirements as found in Chapter 9B of the City Code, including all permit requirements as found in Section 9B-50.
4. Pursuant to Section 9B-33 of the City Code, 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.
5. Pursuant to Section 9B-7 of the City Code, 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 Butte County Air Quality Management District and State Regional Water Quality Control Board; and any other applicable local, state and federal requirements.
6. The applicant shall pay for and obtain a zoning clearance / occupancy inspection from the Building Division and Fire Department prior to final occupancy.

7. The applicant shall have a current City of Oroville business license and any other applicable permit/license that may be required as part of their operations.
8. Pursuant to Section 26-13 of the City Code, the proposed development of the site shall conform to the all development and performance standards of the code of the City of Oroville to minimize any potential negative effects that the use could have on its surroundings, and to promote compatibility with surrounding uses and areas.
9. Pursuant to Section 26-19.040 of the City Code, the applicant is required to apply for sign permits for any new signs to be installed on the property.
10. Pursuant to Section 26-16.140(D) of the City Code, outdoor storage areas shall be screened by a solid fence of sufficient height to ensure that the outdoor storage area is not visible from public rights-of-way. The fence, and the storage area's contents, shall have a maximum height of 7 feet on sites located within or adjacent to a residential district, and 15 feet on all other sites. The exterior of the fence shall provide a decorative architectural treatment.
11. Pursuant to Section 26-13.020(K) of the City Code, in industrial districts, fences may be constructed with barbed or razor wire if the wire is at least 6 feet above grade.
12. Pursuant to Section 26-13.020(L) of the City Code, permits shall be obtained for the erection, construction, alteration and maintenance of fences as specified in the City Building Code.
13. Applicable construction plans, calculations, specifications, applications, forms, etc shall be submitted to the Building Department for review prior to start of any construction activities requiring a building permit. All applicable plan review fees shall be paid at time of submittal.
14. 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 by the Planning Commission.
15. 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.
16. Pursuant to Section 26-50.010 (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.

--- End of Conditions ---





City of Oroville

COMMUNITY DEVELOPMENT DEPARTMENT

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

ATTACHMENT - H

Donald Rust
DIRECTOR

ATTENTION: PROPERTY OWNERS AND INTERESTED PARTIES

The project listed below has been filed with the Community Development Department. You are invited to comment because your property is located near the proposed project. Please comment in the space below. You may attach additional pages as necessary.

Please submit your comments to this department no later than **Monday, November 24, 2014** to be sure that they are included in the final project action. However, comments will be taken up to the time of the project decision. If you have no comment, a reply is not necessary.

ASSESSOR
PARCEL NUMBER: 035-050-105

FILE NUMBER: UP 14-07

APPLICANT: Ted Caldwell

ZONING: Commercial / Light Manufacturing (CLM) & Intensive Industrial (M-2)

LOCATION: South of Oro Dam Blvd and west of Lincoln St

CONTACT PERSON: Luis A. Topete, Associate Planner
530 538-2408
530 538-2426 Fax
topetela@cityoforoville.org

VICINITY MAP



PROJECT DESCRIPTION:

UP 14-07: Boat, RV & Equipment Storage – The City of Oroville Planning Commission will conduct a public hearing to consider a use permit for the operation of a boat, RV, and equipment storage yard on the property identified as APN: 035-050-105, located south of Oro Dam Boulevard and west of Lincoln Street and approximately 1.2 acres in size. The subject property has a zoning designation of Commercial / Light Manufacturing (CLM) and Intensive Industrial (M-2) with a General Plan land use designation of Mixed Use. Per the City of Oroville Municipal Code Section 26-16.140(B), all outdoor storage areas greater than 500 square feet in size, including storage areas for uses that are customarily conducted outdoors, shall be required to obtain a use permit.

NOTICE IS HEREBY GIVEN that the City of Oroville Planning Commission will hold a public hearing on the project described above. Said hearing will be held at **7:00 p.m. on Monday, November 24, 2014** in the City Council Chambers, 1735 Montgomery Street, Oroville, CA. All interested persons are invited to attend or submit comments in writing.



City of Oroville

Donald Rust
DIRECTOR

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NOTICE OF PUBLIC HEARING BEFORE THE CITY OF OROVILLE PLANNING COMMISSION

NOTICE IS HEREBY GIVEN that the Planning Commission of the City of Oroville will hold a public hearing on the projects described below. Said hearing will be held at **7:00 p.m. on Monday, November 24, 2014** in the City Council Chambers, 1735 Montgomery Street, Oroville, CA. All interested persons are invited to attend or submit comments in writing.

1. **UP 14-04: Used Car Sales** – The Planning Commission of the City of Oroville will conduct a public hearing to review and consider approving a use permit for the development of a used car lot on the vacant property identified as APN: 035-450-004, located on the east side of Veatch Street between Oro Dam Boulevard and Mitchell Avenue. The subject property has a zoning designation of Commercial / Light Manufacturing (CLM) and a General Plan land use designation of Mixed Use. Per the City of Oroville Municipal Code Table 26-33.010-1, the sale of used automobiles in a CLM zone requires a use permit.
2. **UP 14-07: Boat, RV & Equipment Storage** – The Planning Commission of the City of Oroville will conduct a public hearing to review and consider approving a use permit for the development of a boat, RV, and equipment storage yard on the property identified as APN: 035-050-105, located south of Oro Dam Boulevard and west of Lincoln Street. The subject property has a split zoning designation of Commercial / Light Manufacturing (CLM) and Intensive Commercial (M-2) and a General Plan land use designation of Mixed Use. Per the City of Oroville Municipal Code Section 26-16.140(B), all outdoor storage areas greater than 500 square feet in size, including storage areas for uses that are customarily conducted outdoors, shall be required to obtain a use permit.

Additional information regarding the projects described in this notice can be obtained from the Oroville Community Development Department at 1735 Montgomery Street, Oroville, CA. Anyone desiring to submit information, opinions or objections is requested to submit them in writing to the Community Development Department prior to the hearing. In accordance with Government Code Section 65009, if you challenge an 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.

Posted/Published: **Friday, November 14, 2014**