



# City of Oroville

COMMUNITY DEVELOPMENT DEPARTMENT

Donald Rust  
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## *City of Oroville PLANNING COMMISSION*

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

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## **PLANNING COMMISSION MEETING** **AGENDA**

**Monday, December 15, 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.*

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### **ADMINISTRATIVE AGENDA**

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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. **PRESENTATION**

Presentation by Claudia Stuart, Principal Planner for the Butte County Department of Development Services, on Butte County's Urban Greening Planning Grant

8. **APPROVAL OF MINUTES**

Approve the minutes of the November 24, 2014 Planning Commission Meeting.

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**REGULAR AGENDA**

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9. **PUBLIC HEARINGS**

- 9.1 **UP 14-08: Palm, Psychic and Tarot Card Readings** - The City of Oroville Planning Commission will conduct a public hearing to consider a use permit request from Dorothy Williams for the operation of a business offering palm, psychic and tarot card readings at 1751 Oro Dam Boulevard, Suite #7 (APN: 035-050-051).

Staff Report: Luis A. Topete, Associate Planner

**Staff Recommendation:**

**Adopt Resolution No. P2014-21:** A RESOLUTION OF THE OROVILLE CITY PLANNING COMMISSION MAKING FINDINGS AND CONDITIONALLY APPROVING USE PERMIT NO. 14-08 TO ALLOW THE OPERATION OF A BUSINESS OFFERING PALM, PSYCHIC, AND TAROT CARD READINGS AT 1751 ORO DAM BOULEVARD (APN: 035-050-051)

10. **DISCUSSION ITEMS**

- UP 12-06 & VAR 12-03: Stott Outdoor Advertising Video Display Sign
- Rotation of Commissioners on the Development Review Committee

**11. DIRECTOR'S REPORT**

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

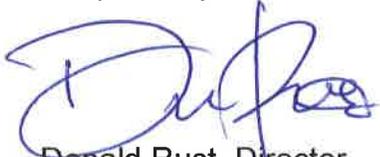
**12. COMMISSION REPORTS**

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.

**13. 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](mailto: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  
NOVEMBER 24, 2014 – 7:00 PM**

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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](mailto:cityclerk@cityoforoville.org) or by calling the Clerk's office at 530-538-2535.

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The agenda for the November 24, 2014 regular meeting of the Oroville Planning Commission was posted on the bulletin board at the front of City Hall on Friday, November 21, 2014, at 10:45 a.m.

**1. CALL TO ORDER**

The November 24, 2014 regular meeting of the Oroville Planning Commission was called to order by Vice Chairperson Durling at 7:01 p.m.

**2. ROLL CALL**

Present: Commissioners Brand, Britton, Chapman, Jenkins, Vang, Vice Chairperson Durling

Absent: Chairperson Robison (excused)

**Staff Present:**

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

Luis Topete, Associate Planner  
Gary Layman, Building Official

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**3. PLEDGE OF ALLEGIANCE**

The Pledge of Allegiance was led by Vice Chairperson Durling.

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

**5. PUBLIC COMMENT - None**

**6. CORRESPONDENCE - None**

7. **APPROVAL OF MINUTES**

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

**Approve the minutes of the October 27, 2014 regular Planning Commission meeting.**

The motion was passed by the following vote:

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

8. **PUBLIC HEARINGS**

**8.1 UP 14-04: Used Car Sales** - The City of Oroville Planning Commission conducted 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)**

Vice Chairperson Durling opened the Public Hearing. Hearing no public comment, Vice Chairperson Durling closed the Public Hearing.

Mike Evans, Evans Fun Works, answered Commission questions.

Following discussion, a motion was made by Commissioner Brand, seconded by Commissioner Jenkins, to:

**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).**

The motion was passed by the following vote:

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

**8.2 UP 14-07: Boat, RV & Equipment Storage** - The City of Oroville Planning Commission conducted 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)**

Vice Chairperson Durling opened the Public Hearing. Hearing no public comment, Vice Chairperson Durling closed the Public Hearing.

Scott Damon, representative of the applicant, answered questions for the Commissioners relating to the proposed project.

Following discussion, a motion was made by Commissioner Jenkins, seconded by Commissioner Brand, to:

**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). WITH THE ADDITION OF AMENDMENT 17 - NO REPAIR, PAINTING, SANDBLASTING OR SIMILAR WORK SHALL BE ALLOWED.**

The motion was passed by the following vote:

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

10. **REGULAR BUSINESS** - None

11. **DISCUSSION ITEMS**

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

12. **DIRECTOR'S REPORT**

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

- Status of the Wal-Mart Project - final hearing to be held on December 3<sup>rd</sup>, 2014.
- Urban Greening Study - currently working with Butte County.
- PG&E Tree Removal Project

13. **CHAIRPERSON/COMMISSIONERS REPORTS** - None

14. **ADJOURNMENT**

The meeting was adjourned at 8:07 p.m. A regular meeting of the Oroville Planning Commission will be held on Monday, December 15, 2014, at 7:00 p.m.

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Donald Rust, Secretary

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Damon Robison, Chairperson



# City of Oroville

**Donald Rust**  
DIRECTOR

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### PLANNING COMMISSION STAFF REPORT

**December 15, 2014**

**UP 14-08: Palm, Psychic and Tarot Card Readings** – The City of Oroville Planning Commission will conduct a public hearing to consider a use permit request from Dorothy Williams for the operation of a business offering palm, psychic and tarot card readings at 1751 Oro Dam Boulevard, Suite #7 (APN: 035-050-051).

**APPLICANT:** Dorothy Williams  
1250 Arch Way  
Chico, CA 95973  
(530) 570-0744

**LOCATION:** 1751 Oro Dam Boulevard,  
Suite #7 (APN: 035-050-051)  
**(Attachment A)**

**GENERAL PLAN:** Mixed Use  
**ZONING:** Intensive Commercial (C-2)  
**FLOOD ZONE:** ZONE X: Areas determined to be outside the 0.2% annual chance floodplain (500-year floodplain).

#### ENVIRONMENTAL DETERMINATION:

Class 1 Categorical Exemption – Existing Facilities; CCR, Title 14, §15301

#### 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. 14-08 for the operation of a business offering palm, psychic and tarot card readings at 1751 Oro Dam Boulevard (APN: 035-050-051); and
2. **ADOPT** the Class 1 Categorical Exemption – Existing Facilities; CCR, Title 14, §15301 (**Attachment B**), as the appropriate level of environmental review in accordance with the California Environmental Quality Act (CEQA) and Guidelines; and

3. **ADOPT** the recommended Findings for Use Permit No. 14-08 (**Attachment C**);
4. **ADOPT** Resolution No. P2014-21 (**Attachment D**); and
5. **APPROVE** the Conditions of Approval for Use Permit No. 14-08 (**Attachment E**).

## **SUMMARY**

The City of Oroville Planning Commission will conduct a public hearing to consider a use permit request from Dorothy Williams for the operation of a business offering palm, psychic and tarot card readings at 1751 Oro Dam Boulevard, Suite #7 (APN: 035-050-051).

## **DISCUSSION**

On July 9, 2014, the City received a Zoning Clearance/Occupancy Permit application for the business address 1751 Oro Dam Boulevard, Suite #7 (APN: 035-050-051). The indicated proposed use/uses on the application were "Palm, Psychic and Tarot Card Readings." The business type indicated on the application was "Pyschic." On July 11, 2014, staff contact Dorothy Williams (applicant) and notified her that a use permit is required for the operation of the proposed business. She requested a hard copy of the code sections which are requiring the permit be sent to her Chico address at 1119 Mangrove Avenue, Chico CA, 95926. The letter, along with all pertinent code sections and attachments were sent to the applicant on July 14, 2014.

The business will be occupying an existing unit (#7) within an existing 14 unit commercial complex known as Bald Rock Plaza located at 1751 Oro Dam Boulevard. The subject property has a zoning designation of Intensive Commercial (C-2), which is a zoning designation intended to provide for more intensive commercial establishments. No remodeling or other construction activities are associated with this project. This commercial complex has been historically occupied by a variety of different business types. For example, the subject unit has been occupied by a cigarette store (The Cigarette Store), by an optician (A & R Fashion Optical), a music store (Patton Music Company, Inc.), and most recently by an investment firm (Edwards Jones Investments).

## **ISSUES**

The property identified above has a zoning designation of C-2. Per the Oroville Municipal Code (OMC), Table 26-33.010-1: Allowable Uses in Commercial and Mixed-Use Districts, moderate-impact personal services require a use permit in all C-2 districts. Moderate-impact personal services are defined per the OMC Section 26-04.020(P) as follows:

*Personal services-moderate-impact: A personal services establishment that may tend to attract criminal activity or reduce property values when found near similar establishments, and that may need to be dispersed in order to reduce these potential negative impacts. The term "moderate-impact personal services" includes but not limited to check-cashing stores, pawnshops, psychics, spas and hot tubs for hourly rental, tattoo and body piercing parlors and other uses of like kind or character.*

As a result of the above land use classification, the request to operate a psychic business at 1751 Oro Dam Boulevard, Suite #7 requires a use permit.

## **ENVIRONMENTAL REVIEW**

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

This project involves the use of a property zoned Intensive Commercial (C-2), which is a zoning designation intended to provide for more intensive commercial establishments. The property has an existing 14 unit commercial development known as Bald Rock Plaza. The applicant has leased one of the existing units (#7) for her palm, psychic & tarot card reading business. No remodeling or other construction activities are associated with this project. As no remodeling or other construction activities are proposed and the property's zoning designation, existing development, proposed and historical uses have been for commercial purposes, it has been determined that the project involves no expansion of an existing use and is therefore exempt from CEQA review.

## **FISCAL IMPACT**

On October 27, 2014, staff met with the applicant to discuss available options for moving forward. Due to financial constraints, the applicant requested the Council consider a monthly payment plan, which was approved on December 2, 2014, with maximum monthly payments of \$150 until the full cost of the use permit is paid. Use permits are full cost recovery items, in which staff time, City resources, and other associated costs for the processing of the permit are paid for by the applicant.

Additionally, 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 (**Attachment G**). Additionally, the meeting date, time, and project description were published in the Oroville Mercury Register (**Attachment H**) and posted at City Hall.

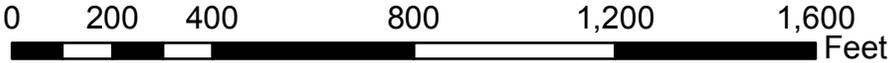
## **ATTACHMENTS**

- A – Vicinity Map
- B – Notice of Exemption
- C – Findings
- D – Resolution No. P2014-21
- E – Conditions of Approval
- F – Floor Plan
- G – Property Owner Notice
- H – Newspaper Notice

# Vicinity Map



	Project Site
	Properties Within 300ft







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## NOTICE OF EXEMPTION

<b>TO:</b>	Butte County Clerk 25 County Center Drive Oroville CA, 95965	<b>FROM:</b>	City of Oroville 1735 Montgomery Street Oroville, CA, 95965
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Project Title: UP 14-08: Palm, Psychic & Tarot Card Readings

Project Location – Specific: 1751 Oro Dam Boulevard, Suite #7 (APN: 035-050-051)

Project Location – City: City of Oroville

Project Location – County: Butte

Description of Nature, Purpose, and beneficiaries of project: The project applicant, Dorothy Williams, has applied for a use permit for the operation of a business offering palm, psychic and tarot card readings at 1751 Oro Dam Boulevard, Suite #7 (APN: 035-050-051). The subject property has a zoning designation of Intensive Commercial (C-2) and a General Plan land use designation of Mixed Use.

Per the City of Oroville Municipal Code (OMC) Section 26-04.020(P), psychics are defined as moderate-impact personal services. Per the OMC, Table 26-33.010-1: Allowable Uses in Commercial and Mixed-Use Districts, moderate-impact personal services require a use permit in all C-2 districts.

Name of Public Agency Approving Project: City of Oroville

Name of Person or Agency Carrying out Project: Dorothy Williams

Exempt Status (Check One):

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

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

This project involves the use of a property zoned Intensive Commercial (C-2), which is a zoning designation intended to provide for more intensive commercial establishments. The property has an existing 14 unit commercial development known as Bald Rock Plaza. The applicant has leased one of the existing units (#7) for her palm, psychic & tarot card reading business. No remodeling or other

construction activities are associated with this project. As no remodeling or other construction activities are proposed and the property's zoning designation, existing development, proposed and historical uses have been for commercial purposes, it has been determined that the project involves no expansion of an existing use and is therefore exempt from CEQA review.

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 14-08: Palm, Psychic and Tarot Card Readings

#### A. INTRODUCTION

The project applicant, Dorothy Williams, has applied for a use permit for the operation of a business offering palm, psychic and tarot card readings at 1751 Oro Dam Boulevard, Suite #7 (APN: 035-050-051). The subject property has a zoning designation of Intensive Commercial (C-2) and a General Plan land use designation of Mixed Use.

Per the City of Oroville Municipal Code (OMC) Section 26-04.020(P), psychics are defined as moderate-impact personal services. Per the OMC, Table 26-33.010-1: Allowable Uses in Commercial and Mixed-Use Districts, moderate-impact personal services require a use permit in all C-2 districts.

#### B. CATEGORICAL EXEMPTION

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

This project involves the use of a property zoned Intensive Commercial (C-2), which is a zoning designation intended to provide for more intensive commercial establishments. The property has an existing 14 unit commercial development known as Bald Rock Plaza. The applicant has leased one of the existing units (#7) for her palm, psychic & tarot card reading business. No remodeling or other construction activities are associated with this project. As no remodeling or other construction activities are proposed and the property's zoning designation, existing development, proposed and historical uses have been for commercial purposes, it has been determined that the project involves no expansion of an existing use and is therefore exempt from CEQA review.

#### C. USE PERMIT FINDINGS

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 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.*

*As the project involves no construction activities and is a proposed commercial use within an existing 14 unit commercial development, the proposed project will be a compatible use within the commercial complex. The intended use, palm, psychic and tarot card readings, is a relatively private service in which one client, or a small group of clients, can be served at a time. Thus, the intended business will not be a large traffic generator. Additionally, the proposed business activities will be fully contained indoors and not impact other tenants or surrounding properties.*

*After a thorough review of the project, the approval of this use permit has been conditioned to ensure that the project 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 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. This project will be required to comply with all City requirements 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 occupying an existing unit (#7) within an existing 14 unit commercial complex located at 1751 Oro Dam Boulevard (APN: 035-050-051), which has a zoning designation of C-2. Per the City of Oroville Municipal Code (OMC) Section 26-04.020(P), psychics are defined as moderate-impact personal services. Per the OMC, Table 26-33.010-1: Allowable Uses in Commercial and Mixed-Use Districts, moderate-impact personal services require a use permit in all C-2 districts*

*All of the surrounding parcels are zoned either Intensive Commercial (C-2) or Commercial / Light Manufacturing (CLM). 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 with the approval of the appropriate permit (use permit), which the applicant has applied for. Additionally, the business will be located within an existing multi-unit commercial development along the City's main*

*commercial corridor that was designed and constructed to appropriately provide parking for its tenants as required by the City Code.*

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

*The project site is already being adequately served by utilities (Pacific Gas and Electric) and transportation facilities (Oro Dam Boulevard), including water (California Service Water Company) and sanitation (City sewer pipe which transfers all effluent to the Sewerage Commission-Oroville Region's wastewater treatment plant located at 2880 S 5th Avenue). 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. In addition, the site's direct access to Oro Dam Boulevard, which is the main commercial corridor within the City, gives the site great connectivity to the local transportation network.*

- 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 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. 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 this chapter, has been violated in connection with the permit; and finally, if the permit was obtained by fraud.*

*The building is existing, and at the time of construction, was reviewed and approved by the City for compliance with the City's land use and development standards which regulate location, size, design and operating characteristics of the proposed use. As the project involves no construction activities, is a proposed commercial use within an existing 14 unit commercial development, will conduct all business activities indoors, and is a low traffic generating use, the proposed project will be harmonious and compatible with the surrounding neighborhood and will not adversely affect abutting properties. For additional details please reference finding a) above.*

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

*The applicant has submitted a floor plan demonstrating that the subject site has adequate space for the desired use of the proposed unit with no remodeling or other construction activities proposed. The existing parking spaces within the commercial complex were reviewed and approved at the time the building was constructed for compliance with the City's parking requirements. The units within the complex share the existing parking spaces which have been adequately serving business patrons with no parking space deficiency known to exist. Thus, the proposed site is physically suitable for the proposed land use.*

- 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.

*The proposed business will be occupying a currently vacant unit fronting the City's main commercial corridor. Occupying this vacant unit will help the business environment within the shopping center it is located, the commercial corridor, and the City as a whole. Allowing this business to locate into a vacant unit will support an entrepreneurial venture that will be investing capital and providing a service within the City limits. 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. P2014-21

**A RESOLUTION OF THE OROVILLE CITY PLANNING COMMISSION MAKING FINDINGS AND CONDITIONALLY APPROVING USE PERMIT NO. 14-08 TO ALLOW THE OPERATION OF A BUSINESS OFFERING PALM, PSYCHIC, AND TAROT CARD READINGS AT 1751 ORO DAM BOULEVARD (APN: 035-050-051)**

**WHEREAS**, the subject property has a zoning designation of Intensive Commercial (C-2); and

**WHEREAS**, per the City of Oroville Municipal Code (OMC) Section 26-04.020(P), psychics are defined as moderate-impact personal services; and

**WHEREAS**, per the OMC, Table 26-33.010-1: Allowable Uses in Commercial and Mixed-Use Districts, moderate-impact personal services require a use permit in all C-2 districts; 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 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.*

*As the project involves no construction activities and is a proposed commercial use within an existing 14 unit commercial development, the proposed project will be a compatible use within the commercial complex. The intended use, palm, psychic and tarot card readings, is a relatively private service in which one client, or a small group of clients, can be served at a time. Thus, the intended business will not be a large traffic generator. Additionally, the proposed business activities will be fully contained indoors and not impact other tenants or surrounding properties.*

*After a thorough review of the project, the approval of this use permit has been conditioned to ensure that the project 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 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. This project will be required to comply with all City requirements 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 occupying an existing unit (#7) within an existing 14 unit commercial complex located at 1751 Oro Dam Boulevard (APN: 035-050-051), which has a zoning designation of C-2. Per the City of Oroville Municipal Code (OMC) Section 26-04.020(P), psychics are defined as moderate-impact personal services. Per the OMC, Table 26-33.010-1: Allowable Uses in Commercial and Mixed-Use Districts, moderate-impact personal services require a use permit in all C-2 districts*

*All of the surrounding parcels are zoned either Intensive Commercial (C-2) or Commercial / Light Manufacturing (CLM). 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 with the approval of the appropriate permit (use permit), which the applicant has applied for. Additionally, the business will be located within an existing multi-unit commercial development along the City's main commercial corridor that was designed and constructed to appropriately provide parking for its tenants as required by the City Code.*

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

*The project site is already being adequately served by utilities (Pacific Gas and Electric) and transportation facilities (Oro Dam Boulevard), including water (California Service Water Company) and sanitation (City sewer pipe which transfers all effluent to the Sewerage Commission-Oroville Region's wastewater treatment plant located at 2880 S 5th Avenue). 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. In addition, the site's direct access to Oro Dam Boulevard, which is the main commercial corridor within the City, gives the site great connectivity to the local transportation network.*

- 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 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. 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 this chapter, has been violated in connection with the permit; and finally, if the permit was obtained by fraud.*

*The building is existing, and at the time of construction, was reviewed and approved by the City for compliance with the City's land use and development standards which regulate location, size, design and operating characteristics of the proposed use. As the project involves no construction activities, is a proposed commercial use within an existing 14 unit commercial development, will conduct all business activities indoors, and is a low traffic generating use, the proposed project will be harmonious and compatible with the surrounding neighborhood and will not adversely affect abutting properties. For additional details please reference finding a) above.*

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

*The applicant has submitted a floor plan demonstrating that the subject site has adequate space for the desired use of the proposed unit with no remodeling or other construction activities proposed. The existing parking spaces within the commercial complex were reviewed and approved at the time the building was constructed for compliance with the City's parking requirements. The units within the complex share the existing parking spaces which have been adequately serving business patrons with no parking space deficiency known to exist. Thus, the proposed site is physically suitable for the proposed land use.*

- 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.

*The proposed business will be occupying a currently vacant unit fronting the City's main commercial corridor. Occupying this vacant unit will help the business environment within the shopping center it is located, the commercial corridor, and the City as a whole. Allowing this business to locate into a vacant unit will support an entrepreneurial venture that will be investing capital and providing a service within the City limits. 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 categorically exempt from the California Environmental Quality Act (CEQA) review pursuant to Title 14, California Code of Regulations, Section 15301 "Existing Facilities"; 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 City staff's report regarding the project.

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

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

This project involves the use of a property zoned Intensive Commercial (C-2), which is a zoning designation intended to provide for more intensive commercial establishments. The property has an existing 14 unit commercial development known as Bald Rock Plaza. The applicant has leased one of the existing units (#7) for her palm, psychic & tarot card reading business. No remodeling or other construction activities are associated with this project. As no remodeling or other

construction activities are proposed and the property's zoning designation, existing development, proposed and historical uses have been for commercial purposes, it has been determined that the project involves no expansion of an existing use and is therefore exempt from CEQA review.

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. 14-08, permitting the operation of a business offering palm, psychic and tarot card readings at 1751 Oro Dam Boulevard (APN: 035-050-051). The subject property has a zoning designation of Intensive Commercial (C-2) and a General Plan land use designation of Mixed Use. Per the City of Oroville Municipal Code (OMC) Section 26-04.020(P), psychics are defined as moderate-impact personal services. Per the OMC, Table 26-33.010-1: Allowable Uses in Commercial and Mixed-Use Districts, moderate-impact personal services require a use permit in all C-2 districts.

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 pay for and obtain a zoning clearance / occupancy inspection from the Building Division and Fire Department prior to building occupancy.
4. 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.
5. Pursuant to Section 26-13.010, the proposed use of the site shall conform to the 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.

6. Pursuant to Section 26-19.040 the applicant is required to apply for sign permits for any new signs to be installed on the property.
7. 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.
8. The applicant shall ascertain and comply with the requirements of all City, County, State, Federal, and other local agencies as applicable to the proposed project.
9. Pursuant to Section 26-50.010(F), 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 special meeting of the Planning Commission of the City of Oroville held on the 15<sup>th</sup> of December, 2014 by the following vote:

AYES:

NOES:

ABSTAIN:

ABSENT:

ATTEST:

APPROVE:

\_\_\_\_\_  
DONALD L. RUST, SECRETARY

\_\_\_\_\_  
DAMON ROBISON, CHAIRPERSON



## CONDITIONS OF APPROVAL

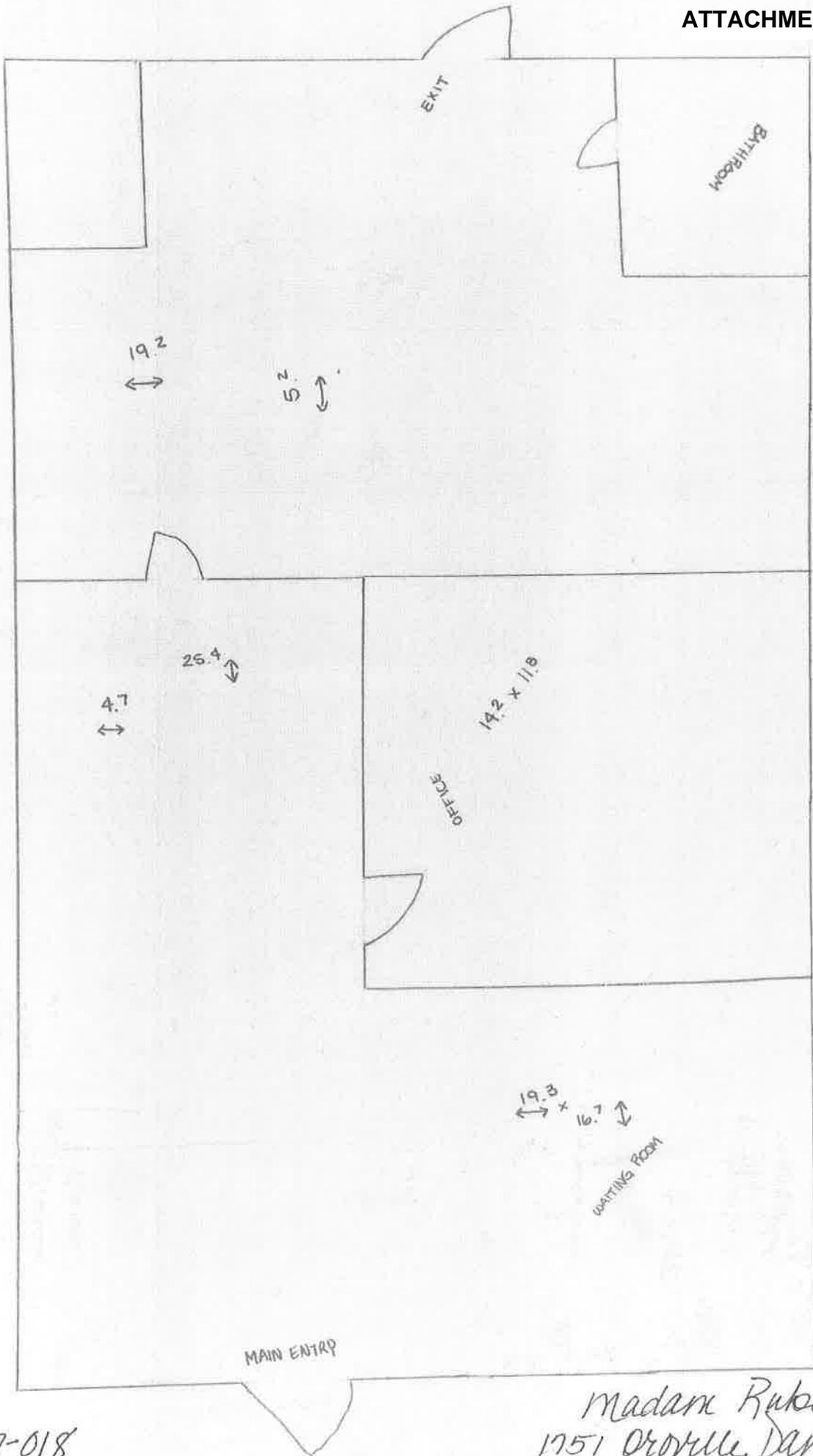
### UP 14-08: Palm, Psychic and Tarot Card Readings

**Approved project:** The Planning Commission hereby conditionally approves Use Permit No. 14-08, permitting the operation of a business offering palm, psychic and tarot card readings at 1751 Oro Dam Boulevard (APN: 035-050-051). The subject property has a zoning designation of Intensive Commercial (C-2) and a General Plan land use designation of Mixed Use. Per the City of Oroville Municipal Code (OMC) Section 26-04.020(P), psychics are defined as moderate-impact personal services. Per the OMC, Table 26-33.010-1: Allowable Uses in Commercial and Mixed-Use Districts, moderate-impact personal services require a use permit in all C-2 districts.

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 pay for and obtain a zoning clearance / occupancy inspection from the Building Division and Fire Department prior to building occupancy.
4. 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.
5. Pursuant to Section 26-13.010, the proposed use of the site shall conform to the 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.
6. Pursuant to Section 26-19.040 the applicant is required to apply for sign permits for any new signs to be installed on the property.
7. 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.

8. The applicant shall ascertain and comply with the requirements of all City, County, State, Federal, and other local agencies as applicable to the proposed project.
9. Pursuant to Section 26-50.010(F), 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 ---**



B1407-018

Madame Rubens  
1751 Oroville Dam Bl





# 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](http://www.cityoforoville.org)

### 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, December 15, 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  
NUMBER:** 035-050-051

**FILE  
NUMBER:** UP 14-08

**APPLICANT:** Dorothy Williams

**ZONING:** Intensive Commercial (C-2)

**LOCATION:** 1751 Oro Dam Boulevard, Suite #7

**CONTACT  
PERSON:** Luis A. Topete,  
Associate Planner  
530 538-2408  
530 538-2426 Fax  
[topetela@cityoforoville.org](mailto:topetela@cityoforoville.org)



### PROJECT DESCRIPTION:

**UP 14-08: Palm, Psychic & Tarot Card Readings** – The City of Oroville Planning Commission will conduct a public hearing to consider a use permit for the operation of a business offering palm, psychic and tarot card readings at 1751 Oro Dam Boulevard, Suite #7 (APN: 035-050-051). The subject property has a zoning designation of Intensive Commercial (C-2) and a General Plan land use designation of Mixed Use. Per the City of Oroville Municipal Code (OMC) Section 26-04.020(P), psychics are defined as moderate-impact personal services. Per the OMC, Table 26-33.010-1: Allowable Uses in Commercial and Mixed-Use Districts, moderate-impact personal services require a use permit in all C-2 districts.

**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, December 15, 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, December 15, 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 14-08: Palm, Psychic and Tarot Card Readings** – The Planning Commission of the City of Oroville will conduct a public hearing to review and consider approving a use permit for the operation of a business offering palm, psychic and tarot card readings at 1751 Oro Dam Boulevard, Suite #7 (APN: 035-050-051). The subject property has a zoning designation of Intensive Commercial (C-2) and a General Plan land use designation of Mixed Use. Per the City of Oroville Municipal Code (OMC) Section 26-04.020(P), psychics are defined as moderate-impact personal services. Per the OMC, Table 26-33.010-1: Allowable Uses in Commercial and Mixed-Use Districts, moderate-impact personal services require a use permit in all C-2 districts.

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, December 5, 2014**