



City of Oroville

COMMUNITY DEVELOPMENT DEPARTMENT

Donald Rust
DIRECTOR

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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

PLANNING COMMISSION MEETING **AGENDA**

Monday, January 26, 2015 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**

Letter dated January 8, 2015 from Nancy Ritchie regarding Precision Craft Boatworks

7. **APPROVAL OF MINUTES**

Approve the minutes of the December 15, 2014 Planning Commission Meeting.

REGULAR AGENDA

8. **PUBLIC HEARINGS**

- 8.1 **UP 14-09: Outdoor Boat Storage** - The City of Oroville Planning Commission will conduct a public hearing to consider a use permit request for the outdoor storage of boats on the property identified as 2139 W. Lincoln Street (APN: 012-230-012 & 014). 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 Section 26-16.140(B), in commercial and mixed-use districts, all outdoor storage areas greater than 250 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. P2014-22: A RESOLUTION OF THE OROVILLE CITY PLANNING COMMISSION APPROVING CONDITIONAL USE PERMIT NO. 14-09 FOR THE OUTDOOR STORAGE OF BOATS IN AN AREA LARGER THAN 250 SQUARE FEET ON THE PROPERTY IDENTIFIED AS 2139 W. LINCOLN STREET (APN: 012-230-012 AND 012-230-014)

9. **DISCUSSION ITEMS**

Outdoor Soda Machines at 1330 Feather River Boulevard.

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, February 23, 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
DECEMBER 15, 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 December 15, 2014 special meeting of the Oroville Planning Commission was posted on the bulletin board at the front of City Hall on Thursday, December 11, 2014, at 8:45 a.m.

1. CALL TO ORDER

The December 15, 2014 regular meeting of the Oroville Planning Commission was called to order by Vice Chairperson Durling at 7:06 p.m.

2. ROLL CALL

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

Absent: Commissioner Chapman (excused), Commissioner Vang (excused),
Chairperson Robison (excuse)

Staff Present:

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

Luis Topete, Associate Planner

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. **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**

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

Approve the minutes of the November 24, 2014 regular Planning Commission meeting.

The motion was passed by the following vote:

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

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)**

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

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

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)

The motion was passed by the following vote:

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

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

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

- Status of the Wal-Mart Project – following the court approval in December Wal-Mart should be submitting a Building Permit application in the near future.

12. CHAIRPERSON/COMMISSIONERS REPORTS - None

- Vice Chairperson Durling and Commissioner Britton reported on the Community Outreach Meeting for the potential future Aquatic Center.

13. ADJOURNMENT

The meeting was adjourned at 8:21 p.m. A regular meeting of the Oroville Planning Commission will be held on Monday, January 26, 2015, 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

January 26, 2015

UP 14-09: Outdoor Boat Storage – The City of Oroville Planning Commission will conduct a public hearing to consider a use permit request for the outdoor storage of boats on the property identified as 2139 W. Lincoln Street (APN: 012-230-012 & 014). 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) Section 26-16.140(B), in commercial and mixed-use districts, all outdoor storage areas greater than 250 square feet in size, including storage areas for uses that are customarily conducted outdoors, shall be required to obtain a use permit.

APPLICANT: William Hill and Alishia E. Ferris
DBA: Precision Craft Boatworks
2139 W. Lincoln Street
Oroville, CA 95966
(530) 534-3440

LOCATION: 2139 W. Lincoln Street
(APN: 012-230-012 & 014) (**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 1 Categorical Exemption – Existing Facilities; Title 14, CCR, §15301

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. 14-09 for the outdoor storage of boats in an area greater than 250 square feet on the property identified as 2139 W. Lincoln Street (APN: 012-230-012 & 014); and
2. **ADOPT** the Class 1 Categorical Exemption – Existing Facilities; Title 14, CCR, §15301 and Class 32 Categorical Exemption – Infill Development Projects; Title 14, CCR, §15332 (**Attachment B**), 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. 14-09 (**Attachment C**);
4. **ADOPT** Resolution No. P2014-22 (**Attachment D**); and
5. **APPROVE** the Conditions of Approval for Use Permit No. 14-09 (**Attachment E**).

SUMMARY

The City of Oroville Planning Commission will conduct a public hearing to consider a use permit request for the outdoor storage of boats on the property identified as 2139 W. Lincoln Street (APN: 012-230-012 & 014). The subject property has a zoning designation of Commercial / Light Manufacturing (CLM) and a General Plan land use designation of Mixed Use.

DISCUSSION

On December 3, 2014 the City's Community Development Department received a Zoning Clearance / Occupancy Permit application from Precision Craft Boatworks for boat repair, retail sales of boat parts, catalog sales, manufacturing of houseboats, and the outdoor storage of boats at 2139 W. Lincoln Street. This business is moving from 4801 Feather River Boulevard, which is outside of the City limits, into this new location. Per the OMC Table 26-33.010-1, all the intended uses are permitted by right, subject to a zoning clearance, with the exception of the outdoor storage, which requires a use permit.

All adjacent properties to the north and east have an identical zoning designation with properties to the west having a land use designation of Intensive Commercial (C-2) and Intensive Industrial (M-2) to the south. The proposed business will be occupying an existing building that has been previously occupied by businesses, including Rhea's Wholesale Tire; Lincoln Electrical Distributor; Superior Electric Company; Spike's Bikes; Lighthouse Mission; and most recently Lambert Feed & Garden, most of which utilized portions of the property located outside of the existing buildings for storage purposes.

The proposed use of the property does not involve new construction or modifications to existing buildings, but is strictly a land use request for a business which involves the outdoor storage of boats. As previously mentioned, all intended uses, with the exception of the outdoor storage of boats, are land uses that are permitted, subject to a zoning clearance. The only function of the applicants' intended business which requires the

approval of a use permit is the outdoor storage of boats.

ISSUES

Per the OMC Section 26-16.140(B), in commercial and mixed-use districts, all outdoor storage areas greater than 250 square feet in size, including storage areas for uses that are customarily conducted outdoors, shall be required to obtain a use permit. Per the OMC Section 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, Design Guidelines, and promote the general health, safety, and public welfare of the City.

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" and Section 15332 "In-Fill Development Projects" (**Attachment B**).

FISCAL IMPACT

The total fees associated with Use Permit No. 14-09 are as follows:

Item	Price	Tech Fee	Total	Paid
Use Permit Application (Deposit)	\$2,822.00	\$169.32	\$150.00	Ongoing
Filing of Notice of Exemption				
Butte County Clerks Filing Fee	\$50.00	-	\$50.00	No

At the December 16, 2014 City Council meeting, the Council adopted Resolution No. 8314, approving payment plan for this use permit (**Attachment F**). Once processing of the use permit is completed, staff will work with the City's Finance Department to bill the applicants for monthly installment payments of \$150 until the full cost of the use permit is paid.

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

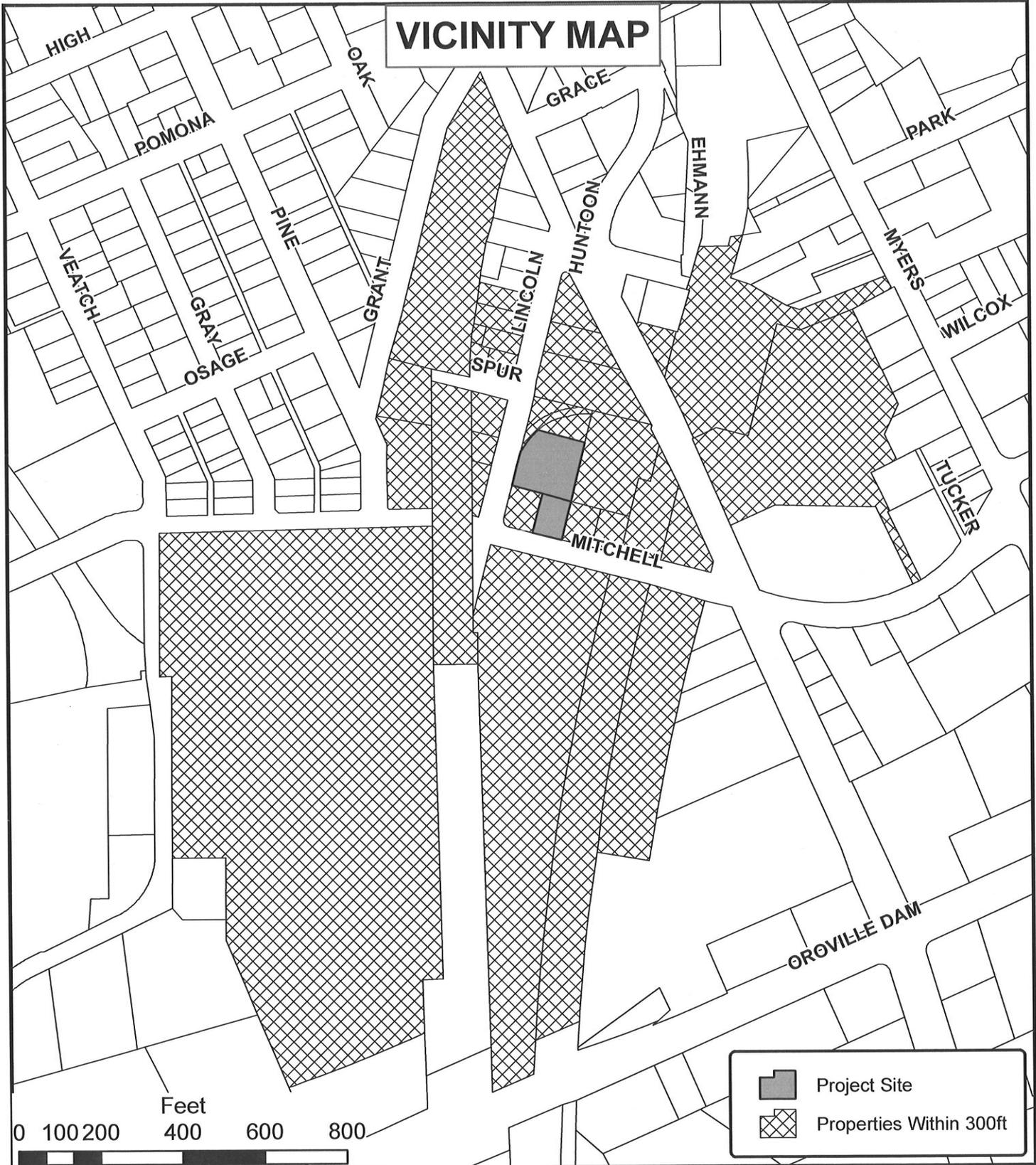
A request for comments was prepared and circulated to the local agencies and surrounding property owners within 300 feet of the property on December 19, 2014 (**Attachment H**). Additionally, the meeting date, time, and project description were

published in the Oroville Mercury Register on January 16, 2015 and posted at City Hall on December 19, 2014 (**Attachment I**).

ATTACHMENTS

- A – Vicinity Map
- B – Notice of Exemption
- C – Findings
- D – Resolution No. P2014-22
- E – Conditions of Approval
- F – Resolution No. 8314 “Payment Plan”
- G – Floor and Site Plan
- H – Property Owner Notice
- I – Newspaper Notice

VICINITY MAP



CITY OF OROVILLE PLANNING DIVISION

<i>Applicant:</i> William Hill		<i>Project Title:</i> Outdoor Boat Storage		 N
<i>Project Location:</i> 2139 W. Lincoln Street				
<i>Hearing Date:</i> January 26, 2015	<i>Zoning Designation:</i> Commercial / Light Manufacturing (CLM)	<i>General Plan Land Use Designation:</i> Mixed Use		
<i>TRAKiT #</i> Project#: PL1412-002		<i>Assessor's Parcel #:</i> 012-230-012 & 014		UP 14-09



City of Oroville

COMMUNITY DEVELOPMENT DEPARTMENT

Donald Rust
DIRECTOR

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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 14-09: Outdoor Boat Storage

Project Location – Specific: 2139 W. Lincoln Street (APN: 012-230-012 & 014)

Project Location – City: City of Oroville

Project Location – County: Butte

Description of Nature, Purpose, and beneficiaries of project: The project applicants, William Hill and Alishia E. Ferris, have submitted a use permit application to the City of Oroville – Community Development Department for the outdoor storage of boats on the property identified as 2139 W. Lincoln Street (APN: 012-230-012 & 014). 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) Section 26-16.140(B), in commercial and mixed-use districts, all outdoor storage areas greater than 250 square feet in size, including storage areas for uses that are customarily conducted outdoors, shall be required to obtain a use permit.

Name of Public Agency Approving Project: City of Oroville

Name of Person or Agency Carrying out Project: William Hill and Alishia E. Ferris

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
 - 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 15301 "Existing Facilities" and Section 15332 "In-Fill Development Projects."

Title 14, CCR, Section 15301 "Existing Facilities":

Class 1 projects 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.

The use permit request is for the outdoor storage of boats, as part of the applicants' business operations, on a previously developed property. The applicant will also be conducting boat repairs, retail sales of boat parts, catalog sales, and manufacturing of houseboats in addition to the outdoor storage of boats. However, per the OMC Table 26-33.010-1, all intended uses, with the exception of the outdoor storage of boats, are land uses that are permitted, subject to a zoning clearance. Thus, the only function of the applicants' intended business which requires the approval of a use permit is the outdoor storage of boats.

The previous use of the subject property includes tenants, such as a tire wholesaler, and most recently a feed and garden supply store, which utilized portions of the property located outside of the existing buildings for storage purposes. As this use permit request involves no new construction or modifications to existing buildings, but is strictly a land use request for a business which involves the outdoor storage of boats, the project has been determined to involve no expansion of an existing use. Thus, the leasing of this private property by the project applicants for the operation of their business, Precision Craft Boatworks, has been determined not to have a significant effect on the environment and is therefore exempt from the provisions of CEQA.

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). Per the City of Oroville Municipal Code (OMC) Section 26-16.140(B), in commercial and mixed-use districts, all outdoor storage areas greater than 250 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 (APN: 012-230-014), 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 zoning designation of CLM, this property is zoned for light 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 (APN: 012-230-012 & 014) is within the City of Oroville and approximately 0.69 acres in size with an approximate outer perimeter of 760 lineal feet. The property is surrounded on all sides by developed properties, with an exception of APN: 012-230-009 & 010 located to the west across Lincoln Street. Over 80% of the outer perimeter of the project site is surrounded by urban land uses, and thus considered to be substantially surrounded.

- (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 W Lincoln Street off of Lincoln Street and Mitchel Avenue. Lincoln Street is identified in the City's 2030 General Plan as an Arterial and Mitchel Avenue is identified as a Collector, with both roadways operating at a Level of Service (LOS) of C or better. Goal CIR-2, Policy P2.1 of the Circulation and Transportation Element specifies a minimum operating standard of LOS D, as defined in the most current edition of the *Highway Capacity Manual* or subsequent revisions, for all arterial and collector streets and intersections. The proposed business will involve the storage, manufacture, repair, and remodeling of houseboats. The nature of the business does not involve a heavy traffic volume of customers or other business related trips as would otherwise be the case in a more retail oriented business. With the relatively low traffic volume expected from the nature of the business, existing LOS of C or better, and the applicant occupying existing buildings rather than the development of a new property which would contribute to an overall increase in traffic not previously experienced on the roadways, it has been determined that the project will not result in any significant effects relating to traffic.

Noise: Per the City's noise ordinance as found in Section 13A of 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 be grounds for revocation of the permit.

Air Quality: Any grading and paving activities, which have not been proposed as part of this permit, 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: Any 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.

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

The proposed business will be occupying an existing building that has been previously occupied by businesses, including Rhea's Wholesale Tire; Lincoln Electrical Distributor; Superior Electric Company; Spike's Bikes; Lighthouse Mission; and most recently Lambert Feed & Garden. Like all previous businesses, the applicant will be 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 water, sanitation or utilities that are required to be supplied to the site are found, the applicant will be required to make the site adequate prior to the issuance of the certificate of occupancy.

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 14-09: Outdoor Boat Storage

A. INTRODUCTION

The project applicants, William Hill and Alishia E. Ferris, have submitted a use permit application to the City of Oroville – Community Development Department for the outdoor storage of boats on the property identified as 2139 W. Lincoln Street (APN: 012-230-012 & 014). 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) Section 26-16.140(B), in commercial and mixed-use districts, all outdoor storage areas greater than 250 square feet in size, including storage areas for uses that are customarily conducted outdoors, shall be required to obtain a use permit.

B. CATEGORICAL EXEMPTIONS

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 15301 “Existing Facilities” and Section 15332 “In-Fill Development Projects.”

Title 14, CCR, Section 15301 “Existing Facilities”:

Class 1 projects 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.

The use permit request is for the outdoor storage of boats, as part of the applicants’ business operations, on a previously developed property. The applicant will also be conducting boat repairs, retail sales of boat parts, catalog sales, and manufacturing of houseboats in addition to the outdoor storage of boats. However, per the OMC Table 26-33.010-1, all intended uses, with the exception of the outdoor storage of boats, are land uses that are permitted, subject to a zoning clearance. Thus, the only function of the applicants’ intended business which requires the approval of a use permit is the outdoor storage of boats.

The previous use of the subject property includes tenants, such as a tire wholesaler, and most recently a feed and garden supply store, which utilized portions of the property located outside of the existing buildings for storage purposes. As this use permit request involves no new construction or modifications to existing buildings, but is strictly a land use request for a business which involves the outdoor storage of boats, the project has been determined to involve no expansion of an existing use. Thus, the leasing of this private property by the project applicants for the operation of their

business, Precision Craft Boatworks, has been determined not to have a significant effect on the environment and is therefore exempt from the provisions of CEQA.

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). Per the City of Oroville Municipal Code (OMC) Section 26-16.140(B), in commercial and mixed-use districts, all outdoor storage areas greater than 250 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 (APN: 012-230-014), 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 zoning designation of CLM, this property is zoned for light 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 (APN: 012-230-012 & 014) is within the City of Oroville and approximately 0.69 acres in size with an approximate outer perimeter of 760 lineal feet. The property is surrounded on all sides by developed properties, with an exception of APN: 012-230-009 & 010 located to the west across Lincoln Street. Over 80% of the outer perimeter of the project site is surrounded by urban land uses, and thus considered to be substantially surrounded.

- (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 W Lincoln Street off of Lincoln Street and Mitchel Avenue. Lincoln Street is identified in the City's 2030 General Plan as an Arterial and Mitchel Avenue is identified as a Collector, with both roadways operating at a Level of Service (LOS) of C or better. Goal CIR-2, Policy P2.1 of the Circulation and Transportation Element specifies a minimum operating standard of LOS D, as defined in the most current ideation of the *Highway Capacity Manual* or subsequent revisions, for all arterial and collector streets and intersections. The proposed business will involve the storage, manufacture, repair, and remodeling of houseboats. The nature of the business does not involve a heavy traffic volume of customers or other business related trips as would otherwise be the case in a more retail oriented business. With the relatively low traffic volume expected from the nature of the business, existing LOS of C or better, and the applicant occupying existing buildings rather than the development of a new property which would contribute to an overall increase in traffic not previously experienced on the roadways, it has been determined that the project will not result in any significant effects relating to traffic.

Noise: Per the City's noise ordinance as found in Section 13A of 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 be grounds for revocation of the permit.

Air Quality: Any grading and paving activities, which have not been proposed as part of this permit, 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: Any 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.

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

The proposed business will be occupying an existing building that has been previously occupied by businesses, including Rhea's Wholesale Tire; Lincoln Electrical Distributor; Superior Electric Company; Spike's Bikes; Lighthouse Mission; and most recently Lambert Feed & Garden. Like all previous businesses, the applicant will be 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 water, sanitation or utilities that are required to be supplied to the site are found, the applicant will be required to make the site adequate prior to the issuance of the certificate of occupancy.

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 include attaching any conditions to the use permit that are deemed necessary to achieve the purpose of the Zoning Code, Design Guidelines and promote the general health, safety, and public welfare of the City.

The use permit request is for the approval of outdoor boat storage in excess of 250 square feet. With all other intended uses of the applicants' business permitted, subject to a zoning clearance, the outdoor storage is the only activity of the proposed business subject to the approval of a use permit. Section 26-16.140(D) of the City Code specifies that 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, with a maximum fence height of 15 feet. Additionally, the storage of any hazardous wastes and substances, as

defined in Chapter 11C of the City Code, shall not be stored in outdoor storage areas or storage containers without the approval of the Fire Chief and full compliance with City standards for the storage of hazardous wastes and substances. This use permit request does not include a request for the storage of hazardous wastes and substances.

After a thorough review of the project, the approval of this use permit has been conditioned to ensure that under no circumstance will the project be incompatible with or detrimental to the general health, safety or public welfare of the surrounding area or of the City as a whole without there being an appropriate course of action to remedy any potential issues or revoke the permit in accordance with section 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 subject property has a zoning designation of Commercial / Light Manufacturing (CLM). All adjacent properties to the north and east have an identical zoning designation with properties to the west having a land use designation of Intensive Commercial (C-2) and Intensive Industrial (M-2) to the south. As the property has a zoning designation which allows for both commercial and light manufacturing uses, the intended use is ideal for a property with a CLM land use designation as the business will involve boat repairs, retail sales of boat parts, catalog sales, and manufacturing of houseboats in addition to the outdoor storage of boats. Additionally, the City's 2030 General Plan acknowledges properties with 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.

As this property is adjacent to properties zoned for intensive commercial and industrial uses, and located directly north of Pacific Coast Producers which stores numerous items outdoors, including pallets, as part of their industrial use, the subject property is located in an area of similarly or identically zoned properties and businesses that are also conducting outdoor storage as part of their business operations. The subject property has direct access to W. Lincoln Street off of Mitchell Avenue and Lincoln Street. Additionally, the City of Oroville Fire/Police department is located approximately 400 feet away, which would allow for a quick response if their services are ever needed. Thus, 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.

- 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 proposed business will be occupying an existing building that has been previously occupied by businesses, including Rhea's Wholesale Tire; Lincoln Electrical Distributor; Superior Electric Company; Spike's Bikes; Lighthouse Mission; and most recently Lambert Feed & Garden. Like all previous businesses, the applicant will be 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 water, sanitation or utilities that are required to be supplied to the site are found, the applicant will be required to make the site adequate prior to the issuance of the certificate of occupancy. Additionally, as specified above, this project has adequate access to the City's transportation network through direct access to W. Lincoln Street off of Mitchell Avenue and Lincoln Street.

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

The proposed use of the property does not involve new construction or modifications to existing buildings, but is strictly a land use request for a business which involves the outdoor storage of boats. All intended uses, with the exception of the outdoor storage of boats, are land uses that are permitted, subject to a zoning clearance. The only function of the applicants' intended business which requires the approval of a use permit is the outdoor storage of boats. The existing buildings and site layout will remain the same. The proposed use will utilize an existing developed property, on a property adjacent to other identically or similarly zoned properties, with similar ongoing land uses. Thus, it has been determined that the location, size, design and operating characteristics of the proposed use will be harmonious and compatible with the surrounding neighborhood and will not adversely affect abutting properties with appropriate screening materials.

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 floor and site plan demonstrating that the subject site has adequate space for the proposed business activities of the project without the need of for new construction or modifications to existing buildings. Interior nonstructural remodeling may occur, but the applicant would be required to obtain a building permit. As previously mentioned, the proposed land use will include boat repairs, retail sales of boat parts, catalog sales, and manufacturing of houseboats in addition to the outdoor storage of boats. However, per the OMC Table 26-33.010-1, all intended uses, with the exception of the outdoor storage of boats, are land uses that are permitted, subject to a zoning clearance. The only function of the applicants' intended business which requires the approval of a use permit is the outdoor storage of boats, which is the reason for this use permit request.

- 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.

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 business is moving from 4801 Feather River Boulevard, which is outside of the City limits, into 2139 W. Lincoln Street which is in the City of Oroville. Thus, this project involves the relocation of an existing business from the County into the City of Oroville which includes the activities of retail sales, providing services, and manufacturing.

This project involves the use of property identified as underutilized commercial property in Figure LU-2 of the City's 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 zoning designation of CLM, this property is zoned for light industrial uses and the proposed project is consistent with the City's 2030 General Plan. Additionally, as identified 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, as conditioned, 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. P2014-22

A RESOLUTION OF THE OROVILLE CITY PLANNING COMMISSION APPROVING CONDITIONAL USE PERMIT NO. 14-09 FOR THE OUTDOOR STORAGE OF BOATS IN AN AREA LARGER THAN 250 SQUARE FEET ON THE PROPERTY IDENTIFIED AS 2139 W. LINCOLN STREET (APN: 012-230-012 AND 012-230-014)

WHEREAS, the City of Oroville – Community Development Department has received a use permit application for the outdoor storage of boats on the property identified as 2139 W. Lincoln Street (APN: 012-230-012 & 014); and

WHEREAS, the subject property has a zoning designation of Commercial / Light Manufacturing (CLM); and

WHEREAS, per the City of Oroville Municipal Code (OMC) Section 26-16.140(B), in commercial and mixed-use districts, all outdoor storage areas greater than 250 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, Design Guidelines and promote the general health, safety, and public welfare of the City.

The use permit request is for the approval of outdoor boat storage in excess of 250 square feet. With all other intended uses of the applicants' business permitted, subject to a zoning clearance, the outdoor storage is the only activity of the proposed business subject to the approval of a use permit. Section 26-16.140(D) of the City Code specifies that 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, with a maximum fence height of 15 feet. Additionally, the storage of any hazardous wastes and substances, as defined in Chapter 11C of the City Code, shall not be stored in outdoor storage

areas or storage containers without the approval of the Fire Chief and full compliance with City standards for the storage of hazardous wastes and substances. This use permit request does not include a request for the storage of hazardous wastes and substances.

After a thorough review of the project, the approval of this use permit has been conditioned to ensure that under no circumstance will the project be incompatible with or detrimental to the general health, safety or public welfare of the surrounding area or of the City as a whole without there being an appropriate course of action to remedy any potential issues or revoke the permit in accordance with section 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 subject property has a zoning designation of Commercial / Light Manufacturing (CLM). All adjacent properties to the north and east have an identical zoning designation with properties to the west having a land use designation of Intensive Commercial (C-2) and Intensive Industrial (M-2) to the south. As the property has a zoning designation which allows for both commercial and light manufacturing uses, the intended use is ideal for a property with a CLM land use designation as the business will involve boat repairs, retail sales of boat parts, catalog sales, and manufacturing of houseboats in addition to the outdoor storage of boats. Additionally, the City's 2030 General Plan acknowledges properties with 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.

As this property is adjacent to properties zoned for intensive commercial and industrial uses, and located directly north of Pacific Coast Producers which stores numerous items outdoors, including pallets, as part of their industrial use, the subject property is located in an area of similarly or identically zoned properties and businesses that are also conducting outdoor storage as part of their business operations. The subject property has direct access to W. Lincoln Street off of Mitchell Avenue and Lincoln Street. Additionally, the City of Oroville Fire/Police department is located approximately 400 feet away, which would allow for a quick response if their services are ever needed. Thus, 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.

- 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 proposed business will be occupying an existing building that has been previously occupied by businesses, including Rhea's Wholesale Tire; Lincoln Electrical Distributor; Superior Electric Company; Spike's Bikes; Lighthouse Mission; and most recently Lambert Feed & Garden. Like all previous businesses, the applicant will be 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 water, sanitation or utilities that are required to be supplied to the site are found, the applicant will be required to make the site adequate prior to the issuance of the certificate of occupancy. Additionally, as specified above, this project has adequate access to the City's transportation network through direct access to W. Lincoln Street off of Mitchell Avenue and Lincoln Street.

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

The proposed use of the property does not involve new construction or modifications to existing buildings, but is strictly a land use request for a business which involves the outdoor storage of boats. All intended uses, with the exception of the outdoor storage of boats, are land uses that are permitted, subject to a zoning clearance. The only function of the applicants' intended business which requires the approval of a use permit is the outdoor storage of boats. The existing buildings and site layout will remain the same. The proposed use will utilize an existing developed property, on a property adjacent to other identically or similarly zoned properties, with similar ongoing land uses. Thus, it has been determined that the location, size, design and operating characteristics of the proposed use will be harmonious and compatible with the surrounding neighborhood and will not adversely affect abutting properties with appropriate screening materials.

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 floor and site plan demonstrating that the subject site has adequate space for the proposed business activities of the project without the need of for new construction or modifications to existing buildings. Interior nonstructural remodeling may occur, but the applicant would be required to obtain a building permit. As previously mentioned, the proposed land use will include boat repairs, retail sales of boat parts, catalog sales, and manufacturing of houseboats in addition to the outdoor storage of boats. However, per the OMC Table 26-33.010-1, all intended uses, with the exception of the outdoor storage of boats, are land uses that are permitted, subject to a zoning clearance. The only function of the applicants' intended business which requires the approval of a use permit is the outdoor storage of boats, which is the reason for this use permit request.

- 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.

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 business is moving from 4801 Feather River Boulevard, which is outside of the City limits, into 2139 W. Lincoln Street which is in the City of Oroville. Thus, this project involves the relocation of an existing business from the County into the City of Oroville which includes the activities of retail sales, providing services, and manufacturing.

This project involves the use of property identified as underutilized commercial property in Figure LU-2 of the City's 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 zoning designation of CLM, this property is zoned for light industrial uses and the proposed project is consistent with the City's 2030 General Plan. Additionally, as identified 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, as conditioned, 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, 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 15301 "Existing Facilities" and Section 15332 "In-Fill Development Projects".
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. 14-09, permitting the outdoor storage of boats in an area greater than 250 square feet on the property identified as 2139 W. Lincoln Street (APN: 012-230-012 & 014). 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) Section 26-16.140(B), in commercial and mixed-use districts, all outdoor storage areas greater than 250 square feet in size, including storage areas for uses that are customarily conducted outdoors, shall be required to obtain 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. Pursuant to Section 26-16.140(C) of the City Code, outdoor storage containers and storage areas shall be set back at least 10 feet from any lot line, and they shall not be located in any required minimum setback.
4. 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 15 feet. The exterior of the fence shall provide a decorative architectural treatment.
5. Pursuant to Section 26-16.140(E) of the City Code, hazardous wastes and substances as defined in Chapter 11C of the City Code, including liquids, shall not be stored in an outdoor storage area or storage container, except with the approval of the Fire Chief.
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 26-19.040 of the City Code, the applicant is required to apply for sign permits for any new signs to be installed on the property.
9. 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.
10. 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.

11. 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.
12. No repair, manufacturing or similar work shall be performed in outdoor areas. This approval is strictly for the outdoor storage of boats.
13. The applicant will be required to obtain a permit from BCAQMD to operate a painting booth for any painting processes on the project site.
14. Sandblasting is prohibited on this property. If the applicant desires to provide sandblasting as part of the business operation in the future, the Planning Commission will be the reviewing authority.
15. 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.
16. Parking and on-site circulation requirements shall be maintained.
17. The applicant shall enter into a deferral agreement for frontage improvements (i.e. curb, gutter, and sidewalks) on the east side of West Lincoln Street.
18. The operating hours shall be 7:00 AM to 7:00 PM except Sundays and Federal holidays.
19. No new aboveground power or communication lines shall be extended to the site.
20. All loading areas, access drives, on-site roadways and parking areas shall be surfaced with a dust proof of slag, crushed rock, or equivalent. Areas that are dust proofed shall be required to be maintained on a weekly basis to minimize the creation of airborne dust.
21. All access drives shall be a minimum of 26-feet wide to facilitate two-way traffic.

22. All on-site "No Trespassing" or other "Posted Area" signs shall be maintained in a clean readable condition at all times and all graffiti and vandalism shall be removed and repaired on a regular basis.
23. If any City code enforcement activities are required to enforce compliance with the conditions of approval, the applicant and/or property owner shall be charged for such code enforcement activities in accordance with the City Schedule of Fees.
24. The applicant shall comply with the City's weed abatement regulations and periodically clear the site of all non-complying vegetation.
25. All refuse generated at the premises shall at all times be stored in approved containers (including recyclable containers), trash enclosures, and shall be placed in a manner so that visual, noise, or other impacts and environmental health nuisances are minimized.
26. The applicant shall provide space for storage of recyclable materials equal to the space required and provided for refuse storage. This will assist diverting waste from the landfills. The applicant / property owner will participate in waste stream diversion by recycling cardboard packaging, pallets, and other recyclables (e.g. paper, bottles and cans).

--- 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 26th of January 2015, 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. 14-09, permitting the outdoor storage of boats in an area greater than 250 square feet on the property identified as 2139 W. Lincoln Street (APN: 012-230-012 & 014). 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) Section 26-16.140(B), in commercial and mixed-use districts, all outdoor storage areas greater than 250 square feet in size, including storage areas for uses that are customarily conducted outdoors, shall be required to obtain 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. Pursuant to Section 26-16.140(C) of the City Code, outdoor storage containers and storage areas shall be set back at least 10 feet from any lot line, and they shall not be located in any required minimum setback.
4. 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 15 feet. The exterior of the fence shall provide a decorative architectural treatment.
5. Pursuant to Section 26-16.140(E) of the City Code, hazardous wastes and substances as defined in Chapter 11C of the City Code, including liquids, shall not be stored in an outdoor storage area or storage container, except with the approval of the Fire Chief.
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 26-19.040 of the City Code, the applicant is required to apply for sign permits for any new signs to be installed on the property.
9. 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.
10. 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.
11. 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.
12. No repair, manufacturing or similar work shall be performed in outdoor areas. This approval is strictly for the outdoor storage of boats.
13. The applicant will be required to obtain a permit from BCAQMD to operate a painting booth for any painting processes on the project site.
14. Sandblasting is prohibited on this property. If the applicant desires to provide sandblasting as part of the business operation in the future, the Planning Commission will be the reviewing authority.
15. 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.
16. Parking and on-site circulation requirements shall be maintained.
17. The applicant shall enter into a deferral agreement for frontage improvements (i.e. curb, gutter, and sidewalks) on the east side of West Lincoln Street.
18. The operating hours shall be 7:00 AM to 7:00 PM except Sundays and Federal holidays.

19. No new aboveground power or communication lines shall be extended to the site.
20. All loading areas, access drives, on-site roadways and parking areas shall be surfaced with a dust proof of slag, crushed rock, or equivalent. Areas that are dust proofed shall be required to be maintained on a weekly basis to minimize the creation of airborne dust.
21. All access drives shall be a minimum of 26-feet wide to facilitate two-way traffic.
22. All on-site "No Trespassing" or other "Posted Area" signs shall be maintained in a clean readable condition at all times and all graffiti and vandalism shall be removed and repaired on a regular basis.
23. If any City code enforcement activities are required to enforce compliance with the conditions of approval, the applicant and/or property owner shall be charged for such code enforcement activities in accordance with the City Schedule of Fees.
24. The applicant shall comply with the City's weed abatement regulations and periodically clear the site of all non-complying vegetation.
25. All refuse generated at the premises shall at all times be stored in approved containers (including recyclable containers), trash enclosures, and shall be placed in a manner so that visual, noise, or other impacts and environmental health nuisances are minimized.
26. The applicant shall provide space for storage of recyclable materials equal to the space required and provided for refuse storage. This will assist diverting waste from the landfills. The applicant / property owner will participate in waste stream diversion by recycling cardboard packaging, pallets, and other recyclables (e.g. paper, bottles and cans).

--- End of Conditions ---

**CITY OF OROVILLE
RESOLUTION NO. 8314**

A RESOLUTION OF THE OROVILLE CITY COUNCIL APPROVING A USE PERMIT PAYMENT PLAN FOR THE BUSINESS IDENTIFIED AS "PRECISION CRAFT BOATWORKS" LOCATED AT 2139 W. LINCOLN STREET (APN: 012-230-012)

WHEREAS, on December 3, 2014, the City received a Zoning Clearance/Occupancy Permit application (Permit TRAK #: B1412-009) for the business address 2139 W. Lincoln Street (APN: 012-230-012), which has a zoning designation of Commercial/Light Manufacturing (CLM); and

WHEREAS, one of the indicated uses proposed was the outdoor storage of boats; and

WHEREAS, per the Oroville Municipal Code (OMC) Section 26-16.140(B), the outdoor storage of items in a container or area in excess of 250 square feet requires a use permit in all commercial and mixed-use districts; and

WHEREAS, on December 10, 2014, staff met with the applicant to discuss available options for moving forward. Due to financial constraints, the applicant has requested the Council consider a monthly payment plan with maximum monthly payments of \$150, until the full cost of the use permit is paid.

NOW, THEREFORE, BE IT RESOLVED BY THE OROVILLE CITY COUNCIL AS FOLLOWS:

The Oroville City Council hereby approves a use permit payment plan subject to the following conditions:

1. As use permits are full cost recovery items, staff will process the use permit and account for all staff time, City resources, and other associated costs.
2. Once processing of the use permit is completed, a breakdown of the costs will be provided to the applicant and staff will work with the City's Finance Department to bill the applicant for \$150 monthly payments, until the full cost of the use permit is paid.
3. 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.
4. As a condition of approval for the use permit, if all use permit fees have not been paid in full at the end of the payment period, the use permit shall be revoked.

PASSED AND ADOPTED by the City Council of the City of Oroville at a regular meeting held on December 16, 2014, by the following vote:

AYES: Council Members Andoe, Bunker, Pittman, Simpson, Vice Mayor Wilcox

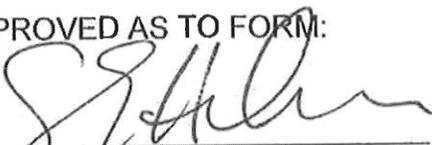
NOES: Council Member Berry

ABSTAIN: None

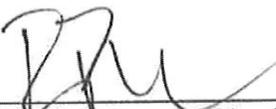
ABSENT: Mayor Dahlmeier

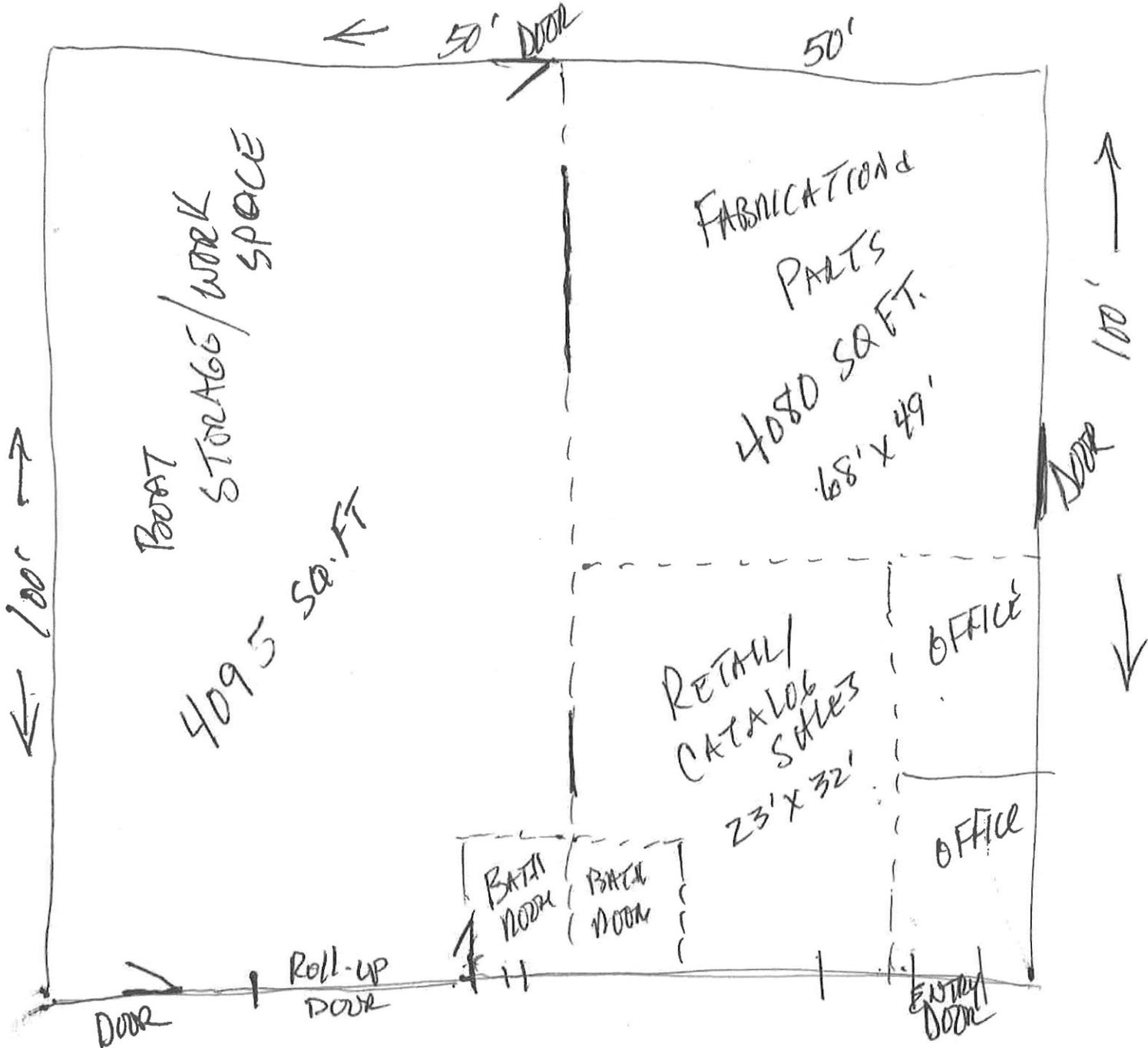

Linda L. Dahlmeier, Mayor

APPROVED AS TO FORM:


Scott E. Huber, City Attorney

ATTEST:


Randy Murphy, City Clerk



2139 W. LINCOLN ST.

RECEIVED
City of Oroville

DEC 12 2014

Community Development
and
Public Works

STORAGE

120' x 80'

GATE

GATE

BLDG

20' x 80'

2139 W. LINCOLN ST.

USE PERMIT

STORAGE

40' x 80'

GATE

GATE

STABLES

100' x 120'

OFFICE

RETAIL SALES

FABRICATION
49' x 100'

ROLL UP DOOR

BOAT STORAGE

49' x 100'



City of Oroville

COMMUNITY DEVELOPMENT DEPARTMENT

1735 Montgomery Street
 Oroville, CA 95965-4897
 (530) 538-2408 FAX (530) 538-2426
www.cityoforoville.org

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, January 26, 2015** 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:** 012-230-012 & 014

**FILE
 NUMBER:** UP 14-09

APPLICANT: William Hill & Alishia E. Ferris

ZONING: Commercial / Light
 Manufacturing (CLM)

LOCATION: 2139 W. Lincoln Street

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

VICINITY MAP



PROJECT DESCRIPTION:

UP 14-09: Outdoor Boat Storage – The City of Oroville Planning Commission will conduct a public hearing to consider a use permit for the outdoor storage of boats on the property identified as 2139 W. Lincoln Street (APN: 012-230-012 & 014). 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 Section 26-16.140(B), in commercial and mixed-use districts, all outdoor storage areas greater than 250 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, January 26, 2015** 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, January 26, 2015** in the City Council Chambers, 1735 Montgomery Street, Oroville, CA. All interested persons are invited to attend or submit comments in writing.

1. **UP 14-09: Outdoor Boat Storage** – The Planning Commission of the City of Oroville will conduct a public hearing to review and consider approving a use permit for the outdoor storage of boats on the property identified as 2139 W. Lincoln Street (APN: 012-230-012 & 014). 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 Section 26-16.140(B), in commercial and mixed-use districts, all outdoor storage areas greater than 250 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, January 16, 2015**