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, July 27, 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

None

7. APPROVAL OF MINUTES

- Re-approve the minutes of the March 23, 2015 Planning Commission meeting to correct the votes for item 8.2.
- Approve the minutes of the June 22, 2015 Planning Commission meeting.

REGULAR AGENDA

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8. PUBLIC HEARINGS

8.1 TSM 15-01: Tentative Map Amendment – The City of Oroville Planning Commission will conduct a public hearing to consider amending an existing tentative parcel map (TSM 15-01) approved on May 27, 2015 for a three parcel subdivision of a 2.89 acre vacant lot identified as APN: 035-030-013 located west of Sonic Drive-In (500 Oro Dam Boulevard E) and east of La Esmeralda Market (450 Oro Dam Boulevard E) on the north end of State Route 162. The associated development project, a new-drive through restaurant and coffeehouse, is proposing modifications to the tentative map due to design changes being proposed which include adding additional parking spaces and improving site access and vehicle circulation.

Staff Report: Luis A. Topete, Associate Planner

Staff Recommendation:

Adopt Resolution No. P2015-10: A RESOLUTION OF THE OROVILLE CITY PLANNING COMMISSION MAKING FINDINGS AND CONDITIONALLY APPROVING AN AMENDMENT TO TENTATIVE PARCEL MAP NO. 15-01 DIVIDING A 2.89 ACRE PARCEL (APN: 035-030-013) INTO THREE PARCELS FOR THE DEVELOPMENT OF A DRIVE-THROUGH COFFEEHOUSE, DRIVE-THROUGH RESTAURANT, AND REMAINDER PARCEL FOR FUTURE DEVELOPMENT AND ENTITLEMENTS

9. DISCUSSION ITEMS

None

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, August 24, 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
MARCH 23, 2015 – 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 March 23, 2015 regular meeting of the Oroville Planning Commission was posted on the bulletin board at the front of City Hall and on the City of Oroville's website located at www.cityoforoville.org on Friday, March 20, 2015, at 4:01 p.m.

1. CALL TO ORDER

The March 23, 2015 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 Britton, Chapman, Jenkins, Vang, Vice Chairperson Durling, Chairperson Robison (arrived at 7:05 p.m.)

Absent: Commissioner Brand (excused)

Staff Present:

Donald Rust, Director of Community Development
Dawn Nevers, Administrative Assistant
Luis Topete, Associate Planner
Gary Layman, Building Official

3. PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Vice Chairperson Durling.

4. RECOGNITION OF INDIVIDUALS WISHING TO SPEAK ON AGENDA ITEMS

Sam Harsoun – Item 8.2
Bret Batchman – Item 8.2

5. PUBLIC COMMENT - None

6. **CORRESPONDENCE** - None

7. **APPROVAL OF MINUTES**

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

Approve the minutes of the January 26, 2015 regular Planning Commission meeting.

The motion was passed by the following vote:

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

*Chairperson Robison arrived at 7:05 p.m.

8. **PUBLIC HEARINGS**

8.1 **VAR 15-01: Oroville Hospital Sign Variance** - The Planning Commission of the City of Oroville conducted a public hearing to review and consider approving a variance of the City's sign regulations as found in Section 26-19 of the Oroville Municipal Code (OMC). The Oroville Hospital and medical campus have a zoning designation of Limited Commercial (C-1) and a General Plan land use designation of Public. Per the OMC Table 26-19.120-2, one monument sign is allowed per frontage for properties zoned C-1, with a maximum height of 8 feet per monument sign. The applicant is proposing to replace the existing 14.5 foot tall monument sign with an approximately 19.5 foot tall monument sign with a light-emitting diode (LED) display. Per the OMC Table 26-19.120-2, internal illumination is permitted for monument signs in C-1 zoning districts. This variance request is to exceed the permitted height of a monument sign by approximately 11.5 feet. **(Staff Report: Luis A. Topete, Associate Planner)**

Chairperson Robison opened the Public Hearing.

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

Following discussion, a motion was made by Vice Chairperson Durling, seconded by Commissioner Jenkins, to:

Adopt Resolution No. P2015-01: **A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF OROVILLE MAKING FINDINGS AND CONDITIONALLY APPROVING VARIANCE NO. 15-01 GRANTING THE OROVILLE HOSPITAL MEDICAL CENTER LOCATED AT 2767 OLIVE HIGHWAY (APNs: 013-260-062, 063, 068, 079 & 080) A VARIANCE FROM THE CITY'S SIGN REGULATIONS TO EXCEED THE MAXIMUM ALLOWABLE HEIGHT OF A MONUMENT SIGN BY 11.5 FEET**

The motion was passed by the following vote:

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

8.2 Oroville Sustainable Code Updates - The Planning Commission of the City of Oroville conducted a public hearing to review and consider sending a recommendation to the Oroville City Council for the approval of updates to the City's Zoning Ordinance to bring it into conformance with the 2030 General Plan, changes to the Zoning Map to bring it into conformance with the City's 2030 General Plan land use designations, adding a chapter on low-impact development and resource-efficient design to the City's Design Guidelines, new Climate Action Plan, new Balanced Mode Circulation Plan, targeted updates to the 2030 General Plan to strengthen the environmental, community, and economic sustainability of Oroville, and other updates to the Oroville Municipal Code, including solar energy ordinance revisions, local and healthy food amendments, development incentives for community benefits, Crime Prevention Through Environmental Design, park provision standards, and a new oak tree loss mitigation ordinance. (Staff Report: Luis A. Topete, Associate Planner)

Chairperson Robison opened the Public Hearing.

Sam Haroun, owner of parcel number 031-072-081 (Collins and Denny Market), requested the zoning designation to change from RR-20 to C2 for the parcel.

Bret Batchman, representing the owner of parcel number 068-040-050, requested the zoning designation to change from RL to C2 for the parcel. .

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

Following discussion, a motion was made by Vice Chairperson Durling, seconded by Commissioner Britton, to:

Adopt Resolution No. P2015-02: **A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF OROVILLE FORWARDING A RECOMMENDATION TO THE CITY COUNCIL OF THE CITY OF OROVILLE TO ADOPT ALL PROPOSED NEW AND AMENDED DOCUMENTS COLLECTIVELY KNOWN AS THE "OROVILLE SUSTAINABLE CODE UPDATES," CERTIFY THE FINAL SUPPLEMENTAL ENVIRONMENTAL IMPACT REPORT, ADOPT THE AMENDED MITIGATION MONITORING AND REPORTING PROGRAM, AND AUTHORIZE THE EXPENDITURE FOR THE FILING OF THE NOTICE OF DETERMINATION. WITH THE ADDITION OF MODIFICATIONS TO ITEM NUMBER 6 AND AMENDMENTS TO ATTACHMENT H.**

The motion was passed by the following vote:

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

9. REGULAR BUSINESS

9.1 Installation of Soda Machines at Fuel Islands - The Planning Commission reviewed and considered directing staff on the appropriate ministerial controls for the installation of soda dispensers and other similar machines at fuel islands. **(Staff Report: Luis A. Topete, Associate Planner)**

Staff Recommendation: The Planning Commission directed staff to draft an ordinance prohibiting the installation of soda dispensers and other similar vending machines at fuel islands. Ordinance will be brought back to the Planning Commission for review and recommendation to the City Council.

10. DISCUSSION ITEMS –

- Leaf Pick-Up Ordinance
- Recycle Center at Feather River Blvd. & Montgomery Street

11. DIRECTOR'S REPORT

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

- Status of the Super Wal-Mart and current Wal-Mart location.
- Attended ICSC Conference March 11th & 12th, 2015 in Monterey, CA.
- Anticipating two new building permits for drive-through restaurants in near future.

12. CHAIRPERSON/COMMISSIONERS REPORTS – None

- Vice Chairperson Durling reported on the DRC meeting held

13. ADJOURNMENT

The meeting was adjourned at 8:58 p.m. A regular meeting of the Oroville Planning Commission will be held on Monday, April 27, 2015, at 7:00 p.m.

Donald Rust, Secretary

Damon Robison, Chairperson

CITY OF OROVILLE
PLANNING COMMISSION MEETING MINUTES
JUNE 22, 2015 – 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 June 22, 2015 special meeting of the Oroville Planning Commission was posted on the bulletin board at the front of City Hall and on the City of Oroville's website located at www.cityoforoville.org on Thursday, June 18, 2015, at 2:38 p.m.

1. CALL TO ORDER

The June 22, 2015 regular meeting of the Oroville Planning Commission was called to order by Chairperson Robison at 7:00 p.m.

2. ROLL CALL

Present: Commissioners Brand, Britton, Chapman, Jenkins, Vice Chairperson Durling, Chairperson Robison
Absent: Commissioner Vang (excused)

Staff Present:

Donald Rust, Director of Community Development
Luis Topete, Associate Planner
Dawn Nevers, Administrative Assistant

3. PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Chairperson Robison.

4. RECOGNITION OF INDIVIDUALS WISHING TO SPEAK ON AGENDA ITEMS

Connie Parks, owner of Papacito's Restaurant & Miner's Alley Brewery – Item 8.1
Steven Vandervort, owner of Miner's Alley Brewery & Voodoo Tattoo – Item 8.1

5. PUBLIC COMMENT - None

6. **CORRESPONDENCE** - None

7. **APPROVAL OF MINUTES**

A motion was made by Vice Chairperson Durling, seconded by Commissioner Britton, to:

Approve the minutes of the May 27, 2015 special Planning Commission meeting.

The motion was passed by the following vote:

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

8. **PUBLIC HEARINGS**

8.1 **UP 15-03: Voodoo Tattoo** - The City of Oroville Planning Commission conducted a public hearing to consider a use permit to relocate the operation of Voodoo Tattoo, currently located at 1751 Oro Dam Boulevard, Suite #12, to 1374 Myers Street (APN: 012-034-010) in historic downtown Oroville. The subject property has a zoning designation of Downtown Mixed-Used (MXD) and a General Plan land use designation of Mixed Use. Per the City of Oroville Municipal Code (OMC) Section 26-04.020(P), tattoo and body piercing parlors are defined as moderate-impact personal services. Per the OMC Table 26-34.020-1, moderate-impact personal services are land uses that require a use permit in MXD zones. **(Staff Report: Luis A. Topete, Associate Planner)**

Chairperson Robison opened the Public Hearing.

Steven Vandervort, owner of Miner's Alley Brewery & Voodoo Tattoo, spoke in support and answered questions for the Commission.

Hearing no additional public comments, Chairperson Robison closed the Public Hearing.

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

Adopt Resolution No. P2015-06: **A RESOLUTION OF THE OROVILLE CITY PLANNING COMMISSION MAKING FINDINGS AND CONDITIONALLY APPROVING USE PERMIT NO. 15-03 TO ALLOW VOODOO TATTOO, A TATTOO AND BODY PIERCING PARLOR, TO OPERATE AT 1374 MYERS STREET (APN: 012-034-010)**

The motion was passed by the following vote:

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

8.2 ZC 15-01: Sign Code Amendments - The Oroville Planning Commission conducted a public hearing to consider adopting a resolution of intention recommending the City Council amend Section 26-19.150 of the Oroville Municipal Code relating to the City's sign regulations in the Downtown Historic Overlay / Historic Preservation District. **(Staff Report: Luis A. Topete, Associate Planner)**

Chairperson Robison opened the Public Hearing.

Hearing no public comments, Chairperson Robison closed the Public Hearing.

Following discussion, a motion was made by Vice Chairperson Durling, seconded by Commissioner Brand, to:

Adopt Resolution No. P2015-07: **A RESOLUTION OF INTENTION BY THE OROVILLE PLANNING COMMISSION RECOMMENDING THE CITY COUNCIL ADOPT THE PROPOSED AMENDMENTS TO THE OROVILLE MUNICIPAL CODE SECTION 26-19.150 RELATING TO THE CITY'S SIGN REGULATIONS IN THE DOWNTOWN HISTORIC OVERLAY / HISTORIC PRESERVATION DISTRICT**

The motion was passed by the following vote:

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

9. REGULAR BUSINESS

9.1 Variance Requests of the City's Sign Regulations (§26-19) - The City of Oroville Planning Commission considered sending a recommendation to the City Council that the Council be the decision making body for any sign variance requests that are submitted until the existing sign regulations (§26-19) have been reviewed and a comprehensive amendment has been adopted. **(Staff Report: Luis A. Topete, Associate Planner)**

Following discussion, a motion was made by Commissioner Chapman, seconded by Vice Chairperson Durling, to:

Deny Resolution No. P2015-08: **A RESOLUTION OF THE OROVILLE PLANNING COMMISSION RECOMMENDING THE CITY COUNCIL BE THE DECISION MAKING BODY FOR ANY SIGN VARIANCE REQUESTS THAT ARE SUBMITTED UNTIL THE EXISTING SIGN REGULATIONS (§26-19) HAVE BEEN REVIEWED AND A COMPREHENSIVE AMENDMENT HAS BEEN ADOPTED**

The motion was passed by the following vote:

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

10. **DISCUSSION ITEMS** –

- Speed limit signs on Oro Dam Blvd. East

11. **DIRECTOR'S REPORT**

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

- Super Wal-Mart submitted plans for building permits
- Bennett Homes submitted plans for building permits for (12) homes

12. **CHAIRPERSON/COMMISSIONERS REPORTS** – None

13. **ADJOURNMENT**

The meeting was adjourned at 8:26 p.m. A regular meeting of the Oroville Planning Commission will be held on Monday, July 27, 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 **JULY 27, 2015**

TSM 15-01: Tentative Map Amendment – The City of Oroville Planning Commission will conduct a public hearing to consider amending an existing tentative parcel map (TSM 15-01) approved on May 27, 2015 for a three parcel subdivision of a 2.89 acre vacant lot identified as APN: 035-030-013 located west of Sonic Drive-In (500 Oro Dam Boulevard E) and east of La Esmeralda Market (450 Oro Dam Boulevard E) on the north end of State Route 162. The associated development project, a new-drive through restaurant and coffeehouse, is proposing modifications to the tentative map due to design changes being proposed which include adding additional parking spaces and improving site access and vehicle circulation.

APPLICANT: Engstrom Properties, Inc.
837 Jefferson Boulevard
West Sacramento, CA 95691
(916) 617-4244

LOCATION:
Vacant lot identified as APN: 035-030-013 located west of Sonic Drive-In (500 Oro Dam Boulevard E) and east of La Esmeralda Market (450 Oro Dam Boulevard E) on the north side of State Route 162 **(Attachment A)**

GENERAL PLAN: Mixed Use
ZONING: Corridor Mixed-Use (MXC)
FLOOD ZONE: ZONE X: Areas determined to be outside the 0.2% annual chance floodplain (500-year floodplain).

ENVIRONMENTAL DETERMINATION:

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

REPORT PREPARED BY:

Luis A. Topete, Associate Planner
Community Development Department

REVIEWED BY:

Donald Rust, Director
Community Development Department

RECOMMENDED ACTIONS:

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

1. **HOLD** a public hearing and receive testimony on the proposed Tentative Parcel Map (TPM 15-01) amendment request associated with the development of a new drive-through coffeehouse and drive-through restaurant on the vacant lot currently identified as APN: 035-030-013; and

2. **ADOPT** the Class 32 Categorical Exemption – In-Fill 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 required Findings for TPM 15-01 (**Attachment C**);

4. **ADOPT** Resolution No. P2015-10 **(Attachment D)**;

5. **APPROVE** the Conditions of Approval for TPM 15-01 (**Attachment E**).

SUMMARY

The Planning Commission will conduct a public hearing to consider amending an existing tentative parcel map (TSM 15-01) approved on May 27, 2015 for a three parcel subdivision of a 2.89 acre vacant lot identified as APN: 035-030-013 located west of Sonic Drive-In (500 Oro Dam Boulevard E) and east of La Esmeralda Market (450 Oro Dam Boulevard E) on the north end of State Route 162. The associated development project, a new-drive through restaurant and coffeehouse, is proposing modifications to the tentative map due to design changes being proposed which include adding additional parking spaces and improving site access and vehicle circulation by improving site ingress and egress.

BACKGROUND

The subject property has a zoning designation of Corridor Mixed-Use (MXC) and a General Plan land use designation of Mixed Use. The City of Oroville Municipal Code (OMC) Table 26-34.020-1 specifies that a restaurant or café is a use that is permitted by right, subject to a zoning clearance, in all mixed-use districts. However, all drive-through establishments in an MXC zone require a use permit, which the applicant was awarded on May 27, 2015 (UP 15-01 and 15-02), the same meeting of the original approval of the tentative parcel map (TPM 15-01).

The tentative parcel map approved on May 27, 2015 was for the subdivision of APN: 035-030-013, a 2.89 acre parcel, into three parcels as follows:

- Parcel 1 - 0.72 acres and proposed location of a new drive-through restaurant;
- Parcel 2 - 0.55 acres and proposed location of a new drive-through coffeehouse;
- Parcel 3 - 1.56 acres and proposed to remain vacant for future development and entitlements.

- 10' dedication to the California Department of Transportation at the south end of Parcel 1 and 2 that will extend the full width of both parcels

The land division included the following easements:

- A 23' wide PG&E easement at the north end of Parcel 3
- A 30' reciprocal access and utility easement equally divided between Parcel 1 and 2 for access to and from State Route (SR) 162 from Parcel 3.

Two conditional exceptions to the City's parcel design standards were approved, in accordance with Section 23-10 of the City Code, as follows:

Note #16 - Exception from Parcel Design Standards (OMC Section 23-183):

A. Depth-to-Width Ratios: Parcels 1 slightly exceeds the 3:1 depth-to-width ratio. The proposed parcel design best fits the commercial development plan.
B. Lot Frontage: Parcel 3 does not front on a public or private street. The proposed parcel design best fits the commercial development plan. A reciprocal access easement will be established to ensure access to all parcels. Future development of Parcel 3 will be subject to acquiring access to and from Feather River Boulevard.

DISCUSSION

Per the Oroville City Code §23-110, parcel maps shall be required for any subdivision of land that does not require a subdivision map. The amended tentative map is still proposing a total of three parcels. The amended parcel configurations for the division of the 2.89 acre parcel are as follows:

- Parcel 1: 0.80 acres and proposed location of a new drive-through restaurant;
- Parcel 2: 0.69 acres and proposed location of a new drive-through coffeehouse;
- Parcel 3: 1.34 acres and proposed to remain vacant for future development and entitlements
- 10' dedication to the California Department of Transportation at the south end of Parcel 1 and 2 that will extend the full width of both parcels

The proposed land division includes the following easements:

- A 23' wide PG&E easement at the north end of Parcel 3
- A 30' reciprocal access and utility easement equally divided between Parcels 1 and 2 for access to and from State Route (SR) 162 from Parcel 3.
- A 32' reciprocal access and utility easement at the north end of Parcels 1 and 2 for proposed access to and from Feather River Boulevard and the properties to the east

Two conditional exceptions to the City's parcel design standards are being requested, in accordance with Section 23-10 of the City Code, as follows:

Note #16 - Exception from Parcel Design Standards (OMC Section 23-183):

A. Depth-to-Width Ratios: Parcels 1 and 2 exceed the 3:1 depth-to-width ratio. The proposed parcel design best fits the commercial development plan.
B. Lot Frontage: Parcel 3 does not front on a public or private street. The proposed parcel design best fits the commercial development plan. A reciprocal access easement will be established to ensure access to all parcels. Future development of Parcel 3 will be subject to acquiring access to and from Feather River Boulevard.

The project design proposed took into consideration comments from City staff and Caltrans to ensure that drive-through queueing would not impact SR 162. Because the existing lot, depending on where measurements are taken, exceeds the 3:1 depth-to-width ratio, compliance with this standard places an undue hardship on the applicant that would result in parcels that would not be suitable for the proposed development, due to vehicle circulation and vehicle queueing, which may impact SR 162 if strict and literal enforcement of this provision was required.

ENVIRONMENTAL REVIEW

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

FISCAL IMPACT

The total fees associated with the proposed amendment to TPM 15-01 are as follows:

Item	Price	Tech Fee	Total	Paid
Tentative Parcel Map Amendment	$1,000.00	$60.00	$1,060.00	Yes
Filing of Notice of Exemption				
Butte County Clerks Filing Fee	$50.00	-	$50.00	No

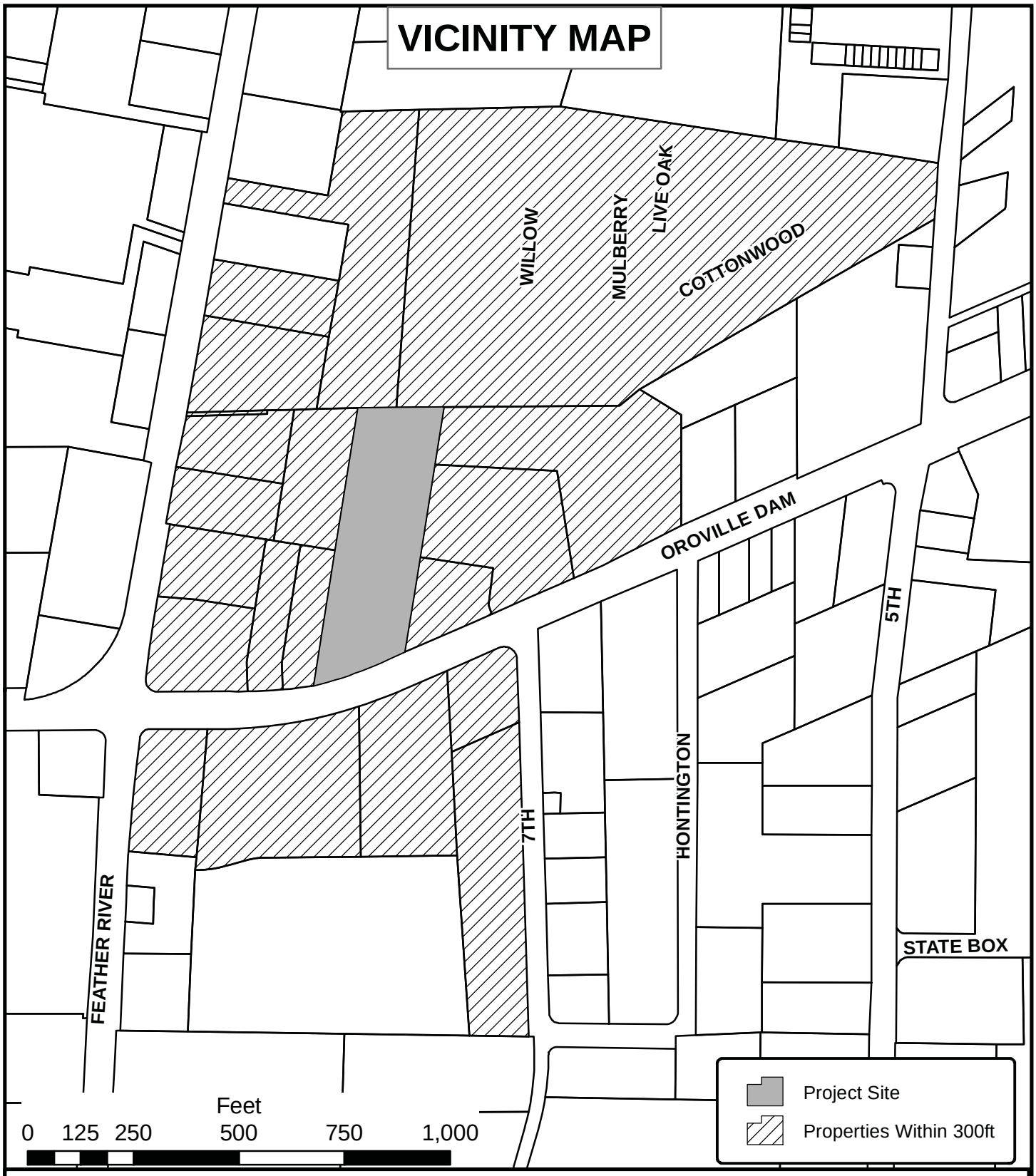
Pursuant to Public Resources Code Section 21089, and as defined by the Fish and Wildlife Code Section 711.4, fees ($50) are payable by the project applicant to file the Notice of Exemption with Butte County by the City of Oroville – Community Development Department within five working days of approval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

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 July 14, 2015 **(Attachment J)**. Additionally, the meeting date, time, and project description were published in the Oroville Mercury Register on July 17, 2015 and posted at City Hall on July 14, 2015 **(Attachment K)**.

ATTACHMENTS

A – Vicinity Map
B – Notice of Exemption
C – Findings
D – Resolution No. P2015-10
E – Conditions of Approval
F – Previously Approved Tentative Parcel Map
G – Amended Tentative Parcel Map
H – Revised Site Plan
I - Map of Surrounding Development
J – Property Owner Notice
K – Newspaper Notice



CITY OF OROVILLE PLANNING DIVISION

Applicant: Engstrom Properties, Inc.		*Project Title:* Tentative Parcel Map No. 15-01 Amendment	N
Project Location: Vacant lot located west of Sonic Drive-In and east of La Esmeralda Market on the north end of Oro Dam Blvd			
# of Lots Proposed: 3	*Zoning Designation:* Corridor Mixed-Use (MXC)	*Requested Entitlements:* TSM 15-01Amendment	
TRAKiT # Project#: PL 1507-004		*Assessor's Parcel #:* 035-030-013	

ATTACHMENT - B

City of Oroville

COMMUNITY DEVELOPMENT DEPARTMENT

Donald Rust
DIRECTOR

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Oroville, CA 95965-4897
(530) 538-2430 FAX (530) 538-2426
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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

Project Title: TSM 15-01: Tentative Map Amendment

Project Location – Specific: Vacant lot identified as APN: 035-030-013 located west of Sonic Drive-In (500 Oro Dam Boulevard E) and east of La Esmeralda Market (450 Oro Dam Boulevard E) on the north end of State Route 162

Project Location – City: City of Oroville

Project Location – County: Butte

Description of Nature, Purpose, and beneficiaries of project: The project applicant has applied for an amendment to an existing tentative parcel map (TSM 15-01) approved on May 27, 2015 for a three parcel subdivision of a 2.89 acre vacant lot identified as APN: 035-030-013 located west of Sonic Drive-In (500 Oro Dam Boulevard E) and east of La Esmeralda Market (450 Oro Dam Boulevard E) on the north end of State Route 162. The associated development project, a new-drive through restaurant and coffeehouse, is proposing modifications to the tentative map due to design changes being proposed which include adding additional parking spaces and improving site access and vehicle circulation.

Name of Public Agency Approving Project: City of Oroville

Name of Person or Agency Carrying out Project: Engstrom Properties, Inc.

Exempt Status (Check One):

- ☐ Ministerial (Sec. 21080(b)(1); 15268)
- ☐ Declared Emergency (Sec. 21080(b)(3); 15269(a))
- ☐ Emergency Project (Sec. 21080(b)(4); 15269(b)(c))
- ☒ Categorical Exemption: State type & section number:
  - In-Fill Development Projects; Title 14, CCR, §15332
- ☐ Statutory Exemption: State code number:

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

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

The subject property has a zoning designation of Corridor Mixed-Use (MXC) and a General Plan land use designation of Mixed Use. The City of Oroville Municipal Code (OMC) Table 26-34.020-1 specifies that a restaurant or café is a use that is permitted by right, subject to a zoning clearance, in

all mixed-use districts. However, all drive-through establishments in an MXC zone require a use permit, which the applicant was awarded on May 27, 2015 (UP 15-01 and 15-02). As a condition of approval of this tentative map amendment, the applicant will continue to be required to ascertain and comply with the requirements of all federal, state, county and local agencies as are applicable to the project areas, which includes applicable General Plan and zoning policies and regulations.

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

The applicant has indicated that the proposed coffeehouse and restaurant will require 40 employees in total, 20 employees per business. In addition, the proposed project will benefit the residence of the City of Oroville by attracting more people into the City as business patrons for the proposed project and surrounding businesses. Thus, the location and economic benefits of the proposed project support the goals of the City's General Plan. This project is consistent with the applicable General Plan land use designation and all applicable General Plan policies as well as with applicable zoning designation and regulations.

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

The subject property is within the City of Oroville and 2.89 acres in size with an approximate outer perimeter of 1,680 lineal feet. The property is surrounded by a mix of existing urban properties which includes Cottonwood Estates Manufactured Home Community to the north, Sonic Drive-In, Holiday Inn Express and Suites, and America's Best Value Inn and Suites to the east, Feather River Village commercial complex to the south, and La Esmeralda Market to the west. The subject property has been determined to be abutting the surrounding urban uses as follows:

- Cottonwood Estate Manufactured Home Community (114 feet)
- La Esmeralda Market (323 feet)
- Feather River Village commercial complex (227 feet)
- Sonic Drive-In (230 feet)
- Holiday Inn Express & Suites (222 feet)
- America's Best Value Inn Express & Suites (136 feet)

With an outer perimeter of approximately 1,680 lineal feet, 1,256 lineal feet (75%) of the project site is abutting surrounding urban uses. Thus, the project site of the proposed development is substantially surrounded by urban uses.

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

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

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

water quality.

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

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

An agreement with the owners of the property (Feather River Village) across the street from the proposed project has been reached to restrict their "middle" driveway to right turns only. This agreement will reduce conflict points along Oro Dam Boulevard and is required to safely accommodate left turn access into and out of the project site. The easternmost driveway of the property across the street will also be consolidated with the adjacent gas station's driveway, further reducing conflict points by reducing the number of driveways on Oro Dam Boulevard.

Trip Generation

Due to the nature of the proposed project, a significant portion of the vehicular traffic entering and exiting the site already exists on the adjacent street (Oro Dam Boulevard). The circulation study identified these trips as pass-by trips, and are counted as new turning movements at the project driveway, but do not contribute to new traffic at adjacent intersections. These trips are contrast with "primary trips", or "new project trips", which are trips made specifically to visit the site that would not have been made if the proposed project did not exist. The study found that the project is projected to generate 1,445 new daily trips, 157 new AM peak hour trips, and 85 new PM peak hour trips. It is estimated that a significant majority of the project traffic will be directionally consistent with commute patterns, and consist largely of pass-by trips en route to or from State Route 70.

Intersection Level of Service (LOS) Analysis

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

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

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

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

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

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

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

Note: TWSC = Two Way Stop Control

Intersection LOS was calculated using the methods documented in the Transportation Research Board publications Highway Capacity Manual (HCM), Fifth Edition, 2010. As shown above, the stop-controlled intersection of Oro Dam Boulevard and 7th Avenue operates at unacceptable LOS during the AM and PM peak hour and PM peak hour, when using HCM 2010 methodologies. However, HCM 2010 methodologies are unable to perform a "two-stage gap analysis" to account for the two-left turn lane on Oro Dam Boulevard. A "two-stage gap" represents, in this case, the ability for outbound left turns from driveways along Oro Dam Boulevard to use the two-way left turn lane as a refuge prior to merging into traffic. For this reason, an HCM 2000 analysis was also performed for intersection 2 and 4, which reveals acceptable operations at both locations.

Queuing / Available Storage

Intersection	Movement	95th Percentile Queue Length (ft) (Peak Hour)		Existing Plus Project (ft) (Peak Hour)		Available Storage (ft)[1]
		AM	PM	AM	PM	
Oro Dam Blvd / Feather River Blvd	Westbound Left	158	303	168	284	400
	Westbound Thru	187	234	173	251	N/A
	Westbound Right	64	124	61	144	200
Oro Dam Blvd / Driveway	Eastbound Left	-	-	66	49	150
	Northbound Right	-	-	34	62	
	Southbound Left / Thru / Right	-	-	111	112	

[1] *Storage length for thru movements is distance to prior intersection*
[2] *Northbound approach is driveway to parking lot, with limited storage*

As seen above, all queues are accommodated within the available storage lengths.

Conclusions

The conclusions of the circulation study were that full-access at the proposed project driveway can be safely accommodated under the proposed intersection and roadway modifications presented in Figure 4 of the study and analyzed under the Existing Plus Project conditions scenario. The proposed improvements across the street of the proposed project will not only allow for safe ingress and egress from the proposed project but will also generally improve safety on Oro Dam Boulevard by reducing conflict points at closely spaced driveways. The proposed amendments to the tentative map will further improve site access and vehicle circulation by improving site ingress and egress.

Noise: Noise data developed for the 2030 General Plan serves as a basis for addressing noise issues, primarily by promoting development patterns that recognize identified sources of noise and by regulation of the location of noise-sensitive uses. The City of Oroville has developed maximum allowable noise exposure levels for interior and exterior spaces for various land use categories. As the City's main commercial corridor, the General Plan identifies Oro Dam Blvd as one of the areas

were the greatest increase in noise is expected. The Noise Element's comprehensive framework of goals, policies, and actions address Oroville's noise issues through compatibility, planning and permitting process, and noise source reduction. The Noise Element establishes objectives and implementing policies intended to limit community exposure to excessive noise levels.

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

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

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

The Open Space, Natural Resources, and Conservation Element of the City's 2030 General Plan has specified certain goals, policies and actions. Goal OPS-12, Policy 12.3 specifies that all construction projects are required to implement dust control measures to reduce particulate matter emissions due to disturbance of exposed top-soils. Such measures would include watering of active areas where disturbance occurs, covering haul loads, maintaining clean access roads, and cleaning the wheels of construction vehicles accessing disturbed areas of the site. Action 12.2 of this same goal requires all road improvements and parking areas to be built to City standards to reduce dust and particulate matter. Additionally, all grading and paving shall be conducted in compliance with the Butte County Air Quality Management District's Indirect Source Guidelines, in order to prevent degradation of ambient air quality. The project will be conditioned to ensure all these measures are complied with.

Goal OPS-13, Policy 13.3, aims to promote expansion of employment opportunities within Oroville to reduce commuting to areas outside Oroville. With the project providing 40 new jobs, this project will help in the implementation of this policy.

Water Quality: The State Water Resources Control Board (SWRCB) has jurisdiction over nine Regional Water Quality Control Boards, whose charge it is to identify and implement water quality objectives. The Oroville area falls under the authority of the Central Valley Regional Water Quality Control Board (CVRWQCB), Region 5, and is located within the Sacramento River Basin (Basin SA). There are no identified waterways on or adjacent to the project site. As a condition of approval, all grading, paving, excavation and site clearance, including that which is exempt from obtaining a

permit, shall be performed in conformance with the City's Engineering Design Standards; the Municipal Code; the requirements of the State Regional Water Quality Control Board; and any other applicable local, state and federal requirements. This includes, as specified in Goal PUB-8, Policy 8.10, the requirement to install stormwater collection systems concurrently with construction of new roadways to maximize efficiency and minimize disturbance due to construction activity.

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

The sewer provider is the City of Oroville who owns the collection system. The agency that treats all wastewater is the Sewerage Commission – Oroville Region (SCOR). Power is provided by PG&E, telephone by AT&T, cable by Comcast, and water by the California Water Service Company (Cal Water). There are no extraordinary circumstances preventing the proposed development from adequate provision of all required utilities and public services. Thus, the site can be adequately served by all required utilities and public services.

If filed by applicant:

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

Lead Agency Contact Person: Luis A. Topete Telephone: (530) 538-2408

Signature: _____ Date: _____

☐ Signed by Lead Agency
☐ Signed by Applicant

FINDINGS

Tentative Parcel Map No. 15-01 Amendment

Per the Oroville City Code §23-131, the Planning Commission shall disapprove a tentative parcel map if it determines that any of the following conditions apply:

1. The proposed land division is inconsistent with the General Plan or applicable specific plans.

   The property has a General Plan land use designation of Mixed-Use, and a Zoning designation of Corridor Mixed-Use (MXC). The purpose of this subdivision is to develop Parcel 1 and 2 into a drive-through restaurant and drive-through coffeehouse. As required by the Zoning Code, the applicant has applied for two (2) Use Permits which are required for all drive-throughs in an MXC district. The use permits (UP 15-01 and 15-02) were conditionally approved by the Planning Commission on May 27, 2015.

   One of the roles of the City's 2030 General (Pg.I-I), is to serve as the City's "constitution" for land use and community development. According to State law, the General Plan accomplishes this by providing the legal foundation for all zoning, subdivision, and public facilities ordinances, decisions and projects, all of which must be consistent with the General Plan.

   The current Zoning Ordinance (OMC Chapter 26) and Subdivision Ordinance (OMC Chapter 23) are consistent with the 2030 General Plan. This proposed subdivision of land has been reviewed under the City's current regulations and found to be in compliance, and/or will be conditioned to comply, with other requirements that must be met prior to the recordation of the Final Map. Two exceptions to the design standards have been noted on the proposed tentative parcel map (Note #16), of which a Conditional Exception is being requested as permitted under Section 23-10 and as specified below under Finding #7. Thus, the proposed land division is consistent with the General Plan and there are not applicable specific plans that apply to the project.

2. The site is not physically suitable for the proposed density or type of development.

   This land division is proposing a total of three parcels. The existing parcel to be divided is 2.89 acres in size and the proposed parcel division is as follows:

   - *Parcel 1:* 0.80 acres – *Panda Express*
   - *Parcel 2:* 0.69 acres – *Starbucks*
   - *Parcel 3:* 1.34 acres – *Vacant Lot / Future Development and Entitlements*
   - *There will be a 10' dedication to the California Department of Transportation at the south end of Parcel 1 and 2 that will extend the full width of both parcels*

The purpose of this subdivision is to develop Parcel 1 and 2 into a drive-through restaurant and drive-through coffeehouse. As proposed on the submitted site plan, the site is physically suitable to accommodate the proposed density and type of development.

3. The design of the land division or the proposed improvements are likely to cause substantial environmental damage or substantially and avoidably injure fish or wildlife or their habitat.

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

   (a) The project is consistent with the applicable general plan designation and all applicable general plan policies as well as with applicable zoning designation and regulations.
   (b) The proposed development occurs within city limits on a project site of no more than five acres substantially surrounded by urban uses.
   (c) 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.
   (e) The site can be adequately served by all required utilities and public services.

   There is currently no adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved habitat conservation plan applicable to the project site. There are no local policies or ordinances protecting biological resources affecting the project site, no wildlife movement corridors or nursery sites identified on the project site, no areas of riparian habitat or sensitive natural communities on the project site, and no special-status plants or animals are known to be present on the project site. Thus, it has been determined that the project site has no value as habitat for endangered, rare or threatened species. As specified in the Notice of Exemption, all the above conditions have been satisfied by this project.

4. The design of the land division or the type of improvement is likely to cause serious public health problems.

   The proposed development will be required to comply with all City regulations, including, but not limited to, building, planning, engineering and fire code regulations. Additionally, all development/improvements are required to obtain all appropriate permits and comply with all applicable State, Federal, and other applicable laws and regulations. There is no evidence in record to believe that

the design of the land division or the type of improvement is likely to cause serious health problems.

5. A preliminary soils report or geological hazard report indicates adverse soil or geological conditions, and the subdivider has failed to demonstrate to the satisfaction of the City Engineer and Planning Commission that the conditions can be corrected.

   A preliminary soils report or geological hazard report was not required for this land division. Before a permit is issued by the City for the construction of a foundation system, the applicant will be required to submit a geotechnical report and will be required to demonstrate that the foundation systems have been properly designed, by a licensed engineer, for the soil conditions found on site. If existing soil conditions prove to be unsuitable, removal of existing material and backfill with appropriate soil may be required. Applicant shall be required to comply with all applicable City engineering standards and applicable portions of the 2013 California Building Code as adopted by the City of Oroville.

6. The design of the land division or the type of improvement will conflict with easements, acquired by the public at large, for access through or use of property within the proposed subdivision. However, the Planning Commission may approve an application if it finds that alternate easements, for access or for use, will be provided, and that these will be substantially equivalent to ones previously acquired by the public. This subsection shall apply only to easements of record or to easements established by judgment of a court of competent jurisdiction.

   The preliminary title report identified two easements on the property to be subdivided:
   - *Easement reserved Oro Water, Light and Power Company, recorded on March 27, 1917, for transmission and distribution of electricity.*
   - *Easement reserved by PG&E, recorded on June 7, 1947, for poles and wires.*

   The exact location of the above easements are not clearly defined in the record. The land division is proposing the following easements:

   - *A 23' wide PG&E easement at the north end of Parcel 3*
   - *A 30' reciprocal access and utility easement equally divided between Parcels 1 and 2 for access to and from State Route (SR) 162 from Parcel 3.*
   - *A 32' reciprocal access and utility easement at the north end of Parcels 1 and 2 for proposed access to and from Feather River Boulevard and the properties to the east*

   The map has been conditioned to ensure that any future development on Parcel 3 shall be subject to acquiring and establishing access to and from

Feather River Boulevard. The approval of this map will not conflict with any easements acquired by the public at large for access through or use of the property.

7. The proposed land division violates the provisions of this chapter, and no exception has been granted.

Two exceptions to the design standards have been noted on the proposed tentative parcel map (Note #16), of which a Conditional Exception is being requested as permitted under Section 23-10 of the City Code which specifies that the Planning Commission or the City Council, in an action relative to a matter before it, may authorize conditional exceptions to any of this chapter's (Chapter 23) requirements and regulations related to the design of a subdivision; provided, however, that any modification of zoning requirements shall be subject to the provisions of the Zoning Code.

The conditional exceptions being requested are as follows:

Note #16 - Exception from Parcel Design Standards (OMC Section 23-183):

A. *Depth-to-Width Ratios: Parcels 1 and 2 exceed the 3:1 depth-to-width ratio. The proposed parcel design best fits the commercial development plan.*
B. *Lot Frontage: Parcel 3 does not front on a public or private street. The proposed parcel design best fits the commercial development plan. A reciprocal access easement will be established to ensure access to all parcels. Future development of Parcel 3 will be subject to acquiring access to and from Feather River Boulevard.*

For conditional exceptions to be allowed, the Planning Commission must find that all of the following facts apply with respect to the subject property:

A. *That there are special circumstances or conditions of topography, size, shape, location or environmental factors affecting the property.*

The project design proposed took into consideration comments from City staff and Caltrans to ensure that drive-through queueing would not impact SR 162. Because the existing lot, depending on where measurements are taken, exceeds the 3:1 depth-to-width ratio, compliance with this standard places an undue hardship on the applicant that would result in parcels that would not be suitable for the proposed development, due to vehicle circulation and vehicle queueing, which may impact SR 162 if strict and literal enforcement of this provision was required. Additionally, the Economic Development Element of the City's 2030 General Plan identifies Oro Dam Boulevard as a Commercial Core Focus Area, with a Guiding Principle of the General Plan being to create a vibrant local economy. The

location and local economic benefits of the proposed project support the goals of the City's General Plan.

B. *That the granting of the exception will not be detrimental to the general welfare or injurious to other property in the territory in which the property is located.*

See Findings #3 and 4 above. There is no evidence in record to believe that the granting of the exception will be detrimental to the general welfare or injurious to other property in the territory in which the property is located. As identified above, the reasoning behind why the exceptions are needed is for the purpose of ensuring the project will not have a detrimental impact to any surrounding property, specifically SR 162. It is believed that this project will benefit other properties in the territory of the proposed project by attracting more potential business patrons.

C. *All determinations regarding a conditional exception may be appealed to the City Council as provided in Section 23-16 of this chapter. (Ord. 1749 § 3)*

8. The proposed land division violates any provision of the Zoning Code and no variance has been granted.

   The proposed land division does not violate any known provisions of the Zoning Code. Therefore, no variance has been requested or granted for this land division request.

9. The proposed land division would violate any other City ordinance or any City Code provision.

   The proposed land division as conditioned will not violate any City ordinance or other City Code provision. The applicant will be required to comply with and meet all of the conditions of approval prior to the approval of a Final Map and its recordation.

10. The discharge of waste from the proposed land division into a community sewer system would result in violation of existing requirements prescribed by a Californian Regional Water Quality Control Board pursuant to Division 7 (commencing with Section 13000 of the Water Code).

    The project as proposed will not violate any known requirements prescribed by the California Regional Water Quality Control Board. The proposed development is required to be in full compliance with the provisions of the Water Board.

RESOLUTION NO. P2015-10

A RESOLUTION OF THE OROVILLE CITY PLANNING COMMISSION MAKING FINDINGS AND CONDITIONALLY APPROVING AN AMENDMENT TO TENTATIVE PARCEL MAP NO. 15-01 DIVIDING A 2.89 ACRE PARCEL (APN: 035-030-013) INTO THREE PARCELS FOR THE DEVELOPMENT OF A DRIVE-THROUGH COFFEEHOUSE, DRIVE-THROUGH RESTAURANT, AND REMAINDER PARCEL FOR FUTURE DEVELOPMENT AND ENTITLEMENTS

WHEREAS, the City of Oroville has received an application to subdivide an existing 2.89 acre parcel (APN: 035-030-013) into three parcels; Parcel 1 - 0.80 acres and proposed location of a new drive-through restaurant; Parcel 2 - 0.69 acres and proposed location of a new drive-through coffeehouse; Parcel 3 - 1.34 acres and proposed to remain vacant for future development and entitlements; and

WHEREAS, the tentative parcel map (TPM) has been assigned the file number of TPM No. 15-01; and

WHEREAS, the City of Oroville, acting as the lead agency for the project pursuant to the requirements of the California Environmental Quality Act (CEQA), has reviewed the proposed project and finds that the project meets the requirements of a Categorical Exemption for In-Fill Development Projects pursuant to the California Code of Regulations, Title 14, Section 15332, exempting this action from CEQA review; and

WHEREAS, at a duly noticed public hearing the Planning Commission considered the comments and concerns of the public agencies, property owners, and member of the public, and also considered City Staff's report regarding the Map.

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

1. The Planning Commission finds that this action has been determined to be categorically exempt from the California Environmental Quality Act (CEQA) review pursuant to the California Code of Regulations, Title 14, Section 15332, In-fill Development Projects exemption.

2. Per the Oroville City Code §23-131, the Planning Commission shall disapprove a tentative parcel map if it determines that any of the following conditions apply:

   A. The proposed land division is inconsistent with the General Plan or applicable specific plans.

      The property has a General Plan land use designation of Mixed-Use, and a Zoning designation of Corridor Mixed-Use (MXC). The purpose of this subdivision is to develop Parcel 1 and 2 into a drive-through restaurant and drive-through coffeehouse. As required by the Zoning Code, the applicant has

applied for two (2) Use Permits which are required for all drive-throughs in an MXC district. The use permits (UP 15-01 and 15-02) were conditionally approved by the Planning Commission on May 27, 2015.

One of the roles of the City's 2030 General (Pg.I-I), is to serve as the City's "constitution" for land use and community development. According to State law, the General Plan accomplishes this by providing the legal foundation for all zoning, subdivision, and public facilities ordinances, decisions and projects, all of which must be consistent with the General Plan.

The current Zoning Ordinance (OMC Chapter 26) and Subdivision Ordinance (OMC Chapter 23) are consistent with the 2030 General Plan. This proposed subdivision of land has been reviewed under the City's current regulations and found to be in compliance, and/or will be conditioned to comply, with other requirements that must be met prior to the recordation of the Final Map. Two exceptions to the design standards have been noted on the proposed tentative parcel map (Note #16), of which a Conditional Exception is being requested as permitted under Section 23-10 and as specified below under Finding #7. Thus, the proposed land division is consistent with the General Plan and there are not applicable specific plans that apply to the project.

B. The site is not physically suitable for the proposed density or type of development.

This land division is proposing a total of three parcels. The existing parcel to be divided is 2.89 acres in size and the proposed parcel division is as follows:

- *Parcel 1: 0.80 acres – Panda Express*
- *Parcel 2: 0.69 acres – Starbucks*
- *Parcel 3: 1.34 acres – Vacant Lot / Future Development and Entitlements*
- *There will be a 10' dedication to the California Department of Transportation at the south end of Parcel 1 and 2 that will extend the full width of both parcels*

The purpose of this subdivision is to develop Parcel 1 and 2 into a drive-through restaurant and drive-through coffeehouse. As proposed on the submitted site plan, the site is physically suitable to accommodate the proposed density and type of development

C. The design of the land division or the proposed improvements are likely to cause substantial environmental damage or substantially and avoidably injure fish or wildlife or their habitat.

This action has been determined to be exempt from the California Environmental Quality Act (CEQA) review pursuant to Title 14, California

Code of Regulations, Section 15332 "In-Fill Development Projects." Class 32 consists of projects characterized as in-fill development meeting the following conditions:

(a) The project is consistent with the applicable general plan designation and all applicable general plan policies as well as with applicable zoning designation and regulations.
(b) The proposed development occurs within city limits on a project site of no more than five acres substantially surrounded by urban uses.
(c) 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.
(e) The site can be adequately served by all required utilities and public services.

There is currently no adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved habitat conservation plan applicable to the project site. There are no local policies or ordinances protecting biological resources affecting the project site, no wildlife movement corridors or nursery sites identified on the project site, no areas of riparian habitat or sensitive natural communities on the project site, and no special-status plants or animals are known to be present on the project site. Thus, it has been determined that the project site has no value as habitat for endangered, rare or threatened species. As specified in the Notice of Exemption, all the above conditions have been satisfied by this project.

D. The design of the land division or the type of improvement is likely to cause serious public health problems.

The proposed development will be required to comply with all City regulations, including, but not limited to, building, planning, engineering and fire code regulations. Additionally, all development/improvements are required to obtain all appropriate permits and comply with all applicable State, Federal, and other applicable laws and regulations. There is no evidence in record to believe that the design of the land division or the type of improvement is likely to cause serious health problems.

E. A preliminary soils report or geological hazard report indicates adverse soil or geological conditions, and the subdivider has failed to demonstrate to the satisfaction of the City Engineer and Planning Commission that the conditions can be corrected.

A preliminary soils report or geological hazard report was not required for this land division. Before a permit is issued by the City for the construction of a foundation system, the applicant will be required to submit a geotechnical

report and will be required to demonstrate that the foundation systems have been properly designed, by a licensed engineer, for the soil conditions found on site. If existing soil conditions prove to be unsuitable, removal of existing material and backfill with appropriate soil may be required. Applicant shall be required to comply with all applicable City engineering standards and applicable portions of the 2013 California Building Code as adopted by the City of Oroville.

F. The design of the land division or the type of improvement will conflict with easements, acquired by the public at large, for access through or use of property within the proposed subdivision. However, the Planning Commission may approve an application if it finds that alternate easements, for access or for use, will be provided, and that these will be substantially equivalent to ones previously acquired by the public. This subsection shall apply only to easements of record or to easements established by judgment of a court of competent jurisdiction.

The preliminary title report identified two easements on the property to be subdivided:

- *Easement reserved Oro Water, Light and Power Company, recorded on March 27, 1917, for transmission and distribution of electricity.*
- *Easement reserved by PG&E, recorded on June 7, 1947, for poles and wires.*

The exact location of the above easements are not clearly defined in the record. The land division is proposing the following easements:

- *A 23' wide PG&E easement at the north end of Parcel 3*
- *A 30' reciprocal access and utility easement equally divided between Parcel 1 and 2 for access to and from State Route (SR) 162 from Parcel 3.*
- *A 32' reciprocal access and utility easement at the north end of Parcels 1 and 2 for proposed access to and from Feather River Boulevard and the properties to the east*

The map has been conditioned to ensure that any future development on Parcel 3 shall be subject to acquiring and establishing access to and from Feather River Boulevard. The approval of this map will not conflict with any easements acquired by the public at large for access through or use of the property.

G. The proposed land division violates the provisions of this chapter, and no exception has been granted.

Two exceptions to the design standards have been noted on the proposed tentative parcel map (Note #16), of which a Conditional Exception is being

requested as permitted under Section 23-10 of the City Code which specifies that the Planning Commission or the City Council, in an action relative to a matter before it, may authorize conditional exceptions to any of this chapter's (Chapter 23) requirements and regulations related to the design of a subdivision; provided, however, that any modification of zoning requirements shall be subject to the provisions of the Zoning Code.

The conditional exceptions being requested are as follows:

Note #16 - Exception from Parcel Design Standards (OMC Section 23-183):

- *Depth-to-Width Ratios: Parcels 1 and 2 exceed the 3:1 depth-to-width ratio. The proposed parcel design best fits the commercial development plan.*
- *Lot Frontage: Parcel 3 does not front on a public or private street. The proposed parcel design best fits the commercial development plan. A reciprocal access easement will be established to ensure access to all parcels. Future development of Parcel 3 will be subject to acquiring access to and from Feather River Boulevard.*

For conditional exceptions to be allowed, the Planning Commission must find that all of the following facts apply with respect to the subject property:

(a) That there are special circumstances or conditions of topography, size, shape, location or environmental factors affecting the property.

The project design proposed took into consideration comments from City staff and Caltrans to ensure that drive-through queueing would not impact SR 162. Because the existing lot, depending on where measurements are taken, exceeds the 3:1 depth-to-width ratio, compliance with this standard places an undue hardship on the applicant that would result in parcels that would not be suitable for the proposed development, due to vehicle circulation and vehicle queueing, which may impact SR 162 if strict and literal enforcement of this provision was required. Additionally, the Economic Development Element of the City's 2030 General Plan identifies Oro Dam Boulevard as a Commercial Core Focus Area, with a Guiding Principle of the General Plan being to create a vibrant local economy. The location and local economic benefits of the proposed project support the goals of the City's General Plan.

(b) That the granting of the exception will not be detrimental to the general welfare or injurious to other property in the territory in which the property is located.

See Findings #3 and 4 above. There is no evidence in record to believe that the granting of the exception will be detrimental to the general welfare or injurious to other property in the territory in which the property is located. As identified above, the reasoning behind why the exceptions are needed is for the purpose of ensuring the project will not have a detrimental impact to any surrounding property, specifically SR 162. It is believed that this project will benefit other properties in the territory of the proposed project by attracting more potential business patrons.

(c) All determinations regarding a conditional exception may be appealed to the City Council as provided in Section 23-16 of this chapter. (Ord. 1749 § 3)

H. The proposed land division violates any provision of the Zoning Code and no variance has been granted.

The proposed land division does not violate any known provisions of the Zoning Code. Therefore, no variance has been requested or granted for this land division request.

I. The proposed land division would violate any other City ordinance or any City Code provision.

The proposed land division as conditioned will not violate any City ordinance or other City Code provision. The applicant will be required to comply with and meet all of the conditions of approval prior to the approval of a Final Map and its recordation.

J. The discharge of waste from the proposed land division into a community sewer system would result in violation of existing requirements prescribed by a Californian Regional Water Quality Control Board pursuant to Division 7 (commencing with Section 13000 of the Water Code).

The project as proposed will not violate any known requirements prescribed by the California Regional Water Quality Control Board. The proposed development is required to be in full compliance with the provisions of the Water Board.

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 project applicant, Engstrom Properties Inc., has applied for an amendment to Tentative Parcel Map No. 15-01 (TPM 15-01) to subdivide an existing 2.89 acre parcel (APN: 035-030-013) into three parcels; Parcel 1 - 0.80 acres and proposed location of a new drive-through restaurant; Parcel 2 - 0.69 acres and proposed location of a new drive-through coffeehouse; Parcel 3 - 1.34 acres and proposed to remain vacant for future development and entitlements. The Planning Commission hereby approves the amendment to TPM 15-01, subject to the following:

1. These conditions of approval are to permit the land division of Tentative Parcel Map No.15-01 (TPM 15-01) as generally described above.

2. This Tentative Parcel Map conditional approval shall become null and void unless all conditions have been complied with for recordation of the Final Parcel Map within thirty six (36) months after the approval of said Tentative Parcel Map. Where circumstances beyond the control of the applicant cause delays which do not permit compliance with the time limitation referenced herein, the Planning Commission may grant an extension of time for a period not to exceed an additional twenty-four (24) months. Applications for such extension of time must set forth in writing the reasons for the extension and shall be filed together with a fee, as established by the City Council, with the Planning Division thirty (30) calendar days before the expiration of the Tentative Parcel Map. The applicant will be responsible for initiating any extension request.

3. Upon application of the subdivider filed prior to the expiration of the conditionally approved tentative map, the time at which the map expires may be extended for a period or periods no exceeding a total of six years. This does not account for automatic extensions as specified in the Subdivision Map Act.

4. The applicant shall ascertain and comply with the requirements of all federal, state, county and local agencies as are applicable to the project areas. They include, but are not limited to: Butte County Environmental Health, California Department of Transportation, California Water Service Company, California Regional Water Quality Control Board, Butte County Air Quality Management District, and the City of Oroville's Planning Division, Building Division, Public Works Division, and Fire Department.

5. The land division shall comply with the State of California Subdivision Map Act and with all requirements of the City's Code, unless modified by the conditions listed herein, and with all other applicable State and Federal requirements.

6. Two exceptions to the design standards are hereby granted as noted on the proposed tentative parcel map (Note #16). The Planning Commission hereby authorizes the following two conditional exceptions to the requirements and

regulations related to the design of a subdivision found in Chapter 23, Section 183, of the Oroville Municipal Code.

- Depth-to-Width Ratios: Parcels 1 and 2 exceed the 3:1 depth-to-width ratio.

- Lot Frontage: Parcel 3 does not front on a public or private street

7. The Planning Commission approval date of this amended Tentative Parcel Map No. 15-01 occurred on July 27, 2015. All determinations of whether the land division is eligible for an extension of time shall be based on this approval date.

8. A grading plan shall be prepared by a registered Civil Engineer in accordance with City standards and approved by the City Engineer prior to commencement of any grading. The plan shall incorporate adequate erosion control measures to protect the site and adjoining properties from damage due to erosion.

9. 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 the approval of this project. Applicant further agrees to provide a defense for the City in any such action.

10. 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.

11. Pursuant to Public Resources Code Section 21089, and as defined by the Fish and Wildlife Code Section 711.4, fees ($50) are payable by the project applicant to file the Notice of Exemption with Butte County by the City of Oroville – Community Development Department within five working days of approval of this project by the Planning Commission.

12. This map shall run with the land and be binding upon all successors in interest to the maximum extent permitted by law.

13. 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 negative impacts that the use may have on the surrounding properties.

14. All private facilities, improvements, infrastructure, systems, equipment, common areas, landscaping, irrigations systems, etc. shall be operated and maintained

by the applicant in such a manner, and with such frequency, to ensure the public health, safety, and general welfare.

PRIOR TO RECORDATION OF THE FINAL MAP
THE FOLLOWING CONDITIONS MUST BE MET

15. It shall be noted that any future development on Parcel 3 shall be subject to acquiring and establishing access to and from Feather River Boulevard.

16. The applicant shall be required to record the reciprocal ingress and egress easements, as identified on the map, for the newly created parcels in which the owners of the parcels agree to share the cost of maintenance for the ingress and egress areas being shared under the easement.

17. Applicant shall record a sign easement for the location, construction, and maintenance of the monument and freestanding sign which will advertise for all three newly created parcels.

18. A parcel map is required with all appropriate easements to be dedicated (or offered for dedication in the case of drainage easements) in accordance with provisions of the Subdivision Map Act and the Butte County.

19. Easements of record not shown on the tentative map shall be relinquished or relocated. Lots affected by proposed easements or easement of record, which cannot be relinquished or relocated, shall be redesigned.

--- 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 27th of July 2015, by the following vote:

AYES:

NOES:

ABSTAIN:

ABSENT:

ATTEST:

APPROVE:

DONALD L. RUST, DIRECTOR

DAMON ROBISON, CHAIRPERSON

CONDITIONS OF APPROVAL

Tentative Parcel Map No. 15-01 Amendment

Approved Project: The project applicant, Engstrom Properties Inc., has applied for an amendment to Tentative Parcel Map No. 15-01 (TPM 15-01) to subdivide an existing 2.89 acre parcel (APN: 035-030-013) into three parcels; Parcel 1 - 0.80 acres and proposed location of a new drive-through restaurant; Parcel 2 - 0.69 acres and proposed location of a new drive-through coffeehouse; Parcel 3 - 1.34 acres and proposed to remain vacant for future development and entitlements. The Planning Commission hereby approves the amendment to TPM 15-01, subject to the following:

1. These conditions of approval are to permit the land division of Tentative Parcel Map No.15-01 (TPM 15-01) as generally described above.

2. This Tentative Parcel Map conditional approval shall become null and void unless all conditions have been complied with for recordation of the Final Parcel Map within thirty six (36) months after the approval of said Tentative Parcel Map. Where circumstances beyond the control of the applicant cause delays which do not permit compliance with the time limitation referenced herein, the Planning Commission may grant an extension of time for a period not to exceed an additional twenty-four (24) months. Applications for such extension of time must set forth in writing the reasons for the extension and shall be filed together with a fee, as established by the City Council, with the Planning Division thirty (30) calendar days before the expiration of the Tentative Parcel Map. The applicant will be responsible for initiating any extension request.

3. Upon application of the subdivider filed prior to the expiration of the conditionally approved tentative map, the time at which the map expires may be extended for a period or periods no exceeding a total of six years. This does not account for automatic extensions as specified in the Subdivision Map Act.

4. The applicant shall ascertain and comply with the requirements of all federal, state, county and local agencies as are applicable to the project areas. They include, but are not limited to: Butte County Environmental Health, California Department of Transportation, California Water Service Company, California Regional Water Quality Control Board, Butte County Air Quality Management District, and the City of Oroville's Planning Division, Building Division, Public Works Division, and Fire Department.

5. The land division shall comply with the State of California Subdivision Map Act and with all requirements of the City's Code, unless modified by the conditions listed herein, and with all other applicable State and Federal requirements.

6. Two exceptions to the design standards are hereby granted as noted on the proposed tentative parcel map (Note #16). The Planning Commission hereby

authorizes the following two conditional exceptions to the requirements and regulations related to the design of a subdivision found in Chapter 23, Section 183, of the Oroville Municipal Code.

- Depth-to-Width Ratios: Parcels 1 and 2 exceed the 3:1 depth-to-width ratio.

- Lot Frontage: Parcel 3 does not front on a public or private street

7. The Planning Commission approval date of this amended Tentative Parcel Map No. 15-01 occurred on July 27, 2015. All determinations of whether the land division is eligible for an extension of time shall be based on this approval date.

8. A grading plan shall be prepared by a registered Civil Engineer in accordance with City standards and approved by the City Engineer prior to commencement of any grading. The plan shall incorporate adequate erosion control measures to protect the site and adjoining properties from damage due to erosion.

9. 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 the approval of this project. Applicant further agrees to provide a defense for the City in any such action.

10. 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.

11. Pursuant to Public Resources Code Section 21089, and as defined by the Fish and Wildlife Code Section 711.4, fees ($50) are payable by the project applicant to file the Notice of Exemption with Butte County by the City of Oroville – Community Development Department within five working days of approval of this project by the Planning Commission.

12. This map shall run with the land and be binding upon all successors in interest to the maximum extent permitted by law.

13. 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 negative impacts that the use may have on the surrounding properties.

14. All private facilities, improvements, infrastructure, systems, equipment, common areas, landscaping, irrigations systems, etc. shall be operated and maintained by the applicant in such a manner, and with such frequency, to ensure the public health, safety, and general welfare.

PRIOR TO RECORDATION OF THE FINAL MAP
THE FOLLOWING CONDITIONS MUST BE MET

15. It shall be noted that any future development on Parcel 3 shall be subject to acquiring and establishing access to and from Feather River Boulevard.

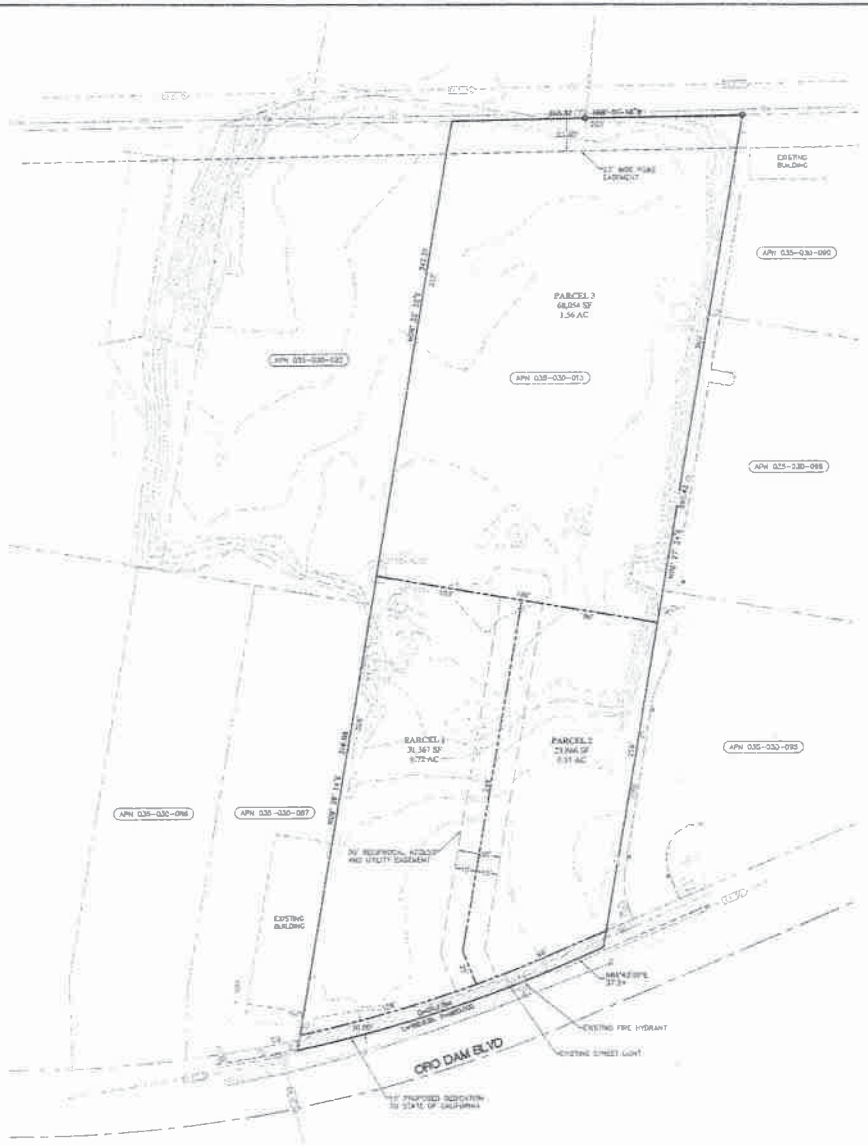
16. The applicant shall be required to record the reciprocal ingress and egress easements, as identified on the map, for the newly created parcels in which the owners of the parcels agree to share the cost of maintenance for the ingress and egress areas being shared under the easement.

17. Applicant shall record a sign easement for the location, construction, and maintenance of the monument and freestanding sign which will advertise for all three newly created parcels.

18. A parcel map is required with all appropriate easements to be dedicated (or offered for dedication in the case of drainage easements) in accordance with provisions of the Subdivision Map Act and the Butte County.

19. Easements of record not shown on the tentative map shall be relinquished or relocated. Lots affected by proposed easements or easement of record, which cannot be relinquished or relocated, shall be redesigned.

--- End of Conditions ---



NOTES

1. OWNER: VALLEY STAR PARTNERS, LLC.
   837 JEFFERSON BLVD.
   WEST SACRAMENTO, CA 95691
2. DEVELOPER: ENGSTROM PROPERTIES, INC.
   837 JEFFERSON BLVD.
   WEST SACRAMENTO, CA 95691
3. PROJECT SURVEYOR: NORTHSTAR ENGINEERING, MIKE L. MAYS PLS 6867
4. ZONING: C-2 WITH/PD COMMERCIAL
5. GENERAL PLAN: MIXED USE
6. LAND USE: EXISTING – VACANT
   PROPOSED – COMMERCIAL
7. SEWAGE: CITY OF OROVILLE / S.C.D.R.
8. STORM DRAINAGE: ON-SITE QUALITY/QUANTITY MITIGATION (INFILTRATION TRENCHES)
9. WATER: CALIFORNIA WATER SERVICE
10. POWER: PG&E
11. TELEPHONE: AT&T
12. CABLE TV: COMCAST
13. THERE ARE NO EXISTING STRUCTURES, WELLS OR SEPTIC SYSTEMS ON THE SITE.
14. GRADING: ALL LOTS WILL BE GRADED TO DRAIN TOWARDS THE INTERIOR PARKING/ACCESS AREAS.
15. CONTOUR INTERVALS = 1'.
16. EXCEPTION FROM CITY DESIGN STANDARDS:
    A) DEPTH TO WIDTH RATIO: PARCEL 1 SLIGHTLY EXCEEDS THE 3:1 DEPTH TO WIDTH RATIO. THE PROPOSED PARCEL DESIGN BEST FITS THE COMMERCIAL DEVELOPMENT PLAN.
    B) LOT FRONTAGE: PARCEL 3 DOES NOT FRONT ON A PUBLIC OR PRIVATE STREET. THE PROPOSED PARCEL DESIGN BEST FITS THE COMMERCIAL DEVELOPMENT PLAN. A RECIPROCAL ACCESS EASEMENT WILL BE ESTABLISHED TO ENSURE ACCESS TO ALL PARCELS. FUTURE DEVELOPMENT OF PARCEL 3 MAY BE BE SUBJECT TO ACQUIRING ACCESS TO AND FROM FEATHER RIVER BOULEVARD.

AREAS

TOTAL AREA = 2.89 ACRES
NUMBER OF PROPOSED LOTS = 3 COMMERCIAL
RANGE OF COMMERCIAL LOT AREAS = 23,966 SF TO 68,054 SF
AVERAGE COMMERCIAL LOT SIZE = 41,116 SF +/-
PROPOSED DENSITY = 1.05 LOTS/ACRE
PROPOSED DEDICATION = 0.33 ACRES

LOCATION MAP

LEGEND

- EXISTING MONUMENT
- EXISTING WATER METER
- EXISTING POWER POLE
- EXISTING STORM DRAIN INLET
- EXISTING IRRIGATION VALVE
- EXISTING WATER VALVE
- EXISTING BOX
- EXISTING LIGHT POLE
- EXISTING FIRE HYDRANT
- EXISTING SANITARY SEWER MANHOLE
- EXISTING TREE (xx" IN SIZE)
- EXISTING CONTOURS
- EXISTING STORM DRAIN LINE
- EXISTING SANITARY SEWER LINE
- EXISTING OVERHEAD POWER LINES
- EXISTING FENCE LINE
- EXISTING LINE OF MASONRY
- EXISTING EASEMENT
- EXISTING PROPERTY LINE FOR SURROUNDING PARCELS
- PROPOSED BUILDING
- PROPOSED PROPERTY LINE
- PROPOSED EASEMENT
- APN 035-030-096 ASSESSORS PARCEL NUMBER

TENTATIVE PARCEL MAP

FOR

VALLEY STAR PARTNERS, LLC.

LOT 2, AS SHOWN ON THAT CERTAIN MAP ENTITLED, "MAP OF SEEM INDUSTRIAL TRACT", AS SHOWN IN BOOK 17 OF MAPS, AT PAGES 33 AND 34

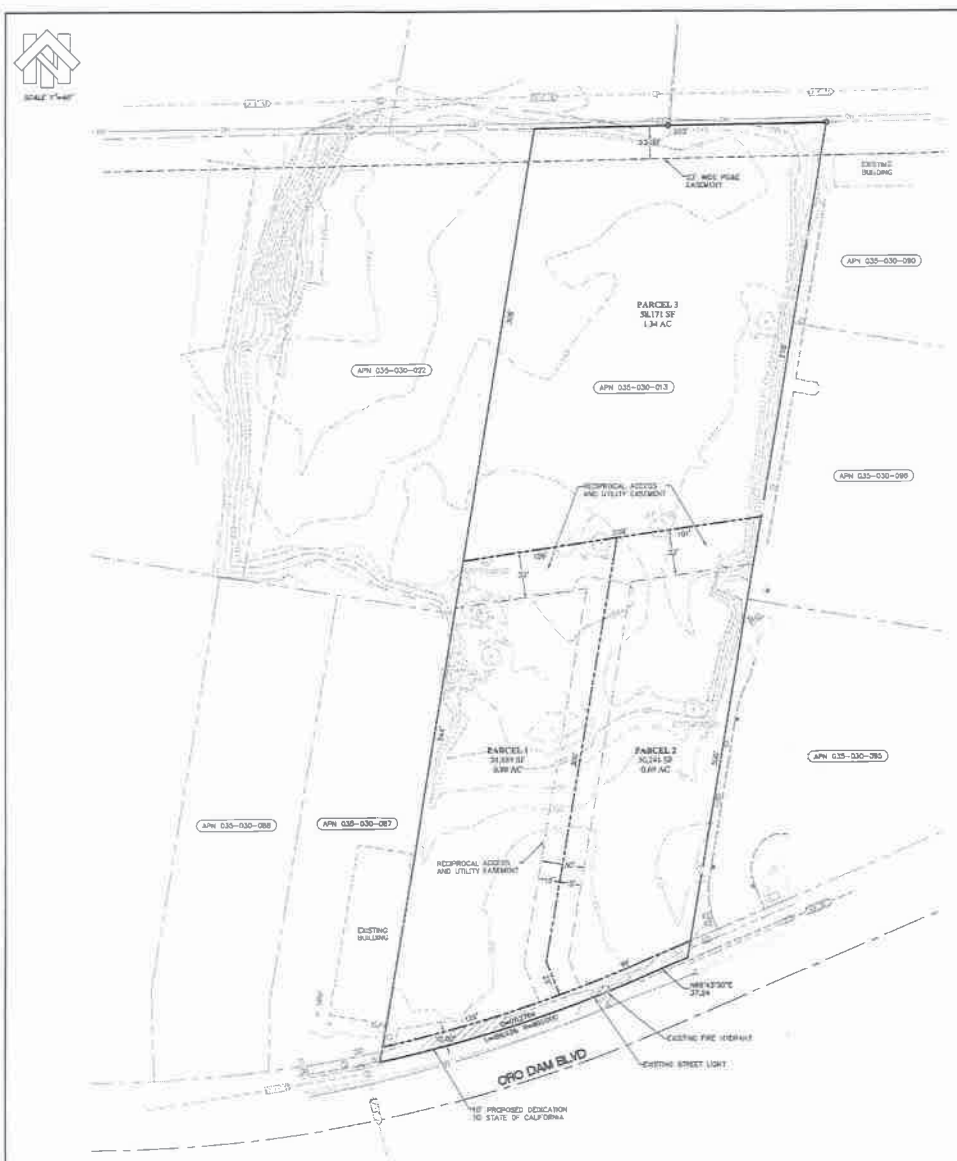
CITY OF OROVILLE
COUNTY OF BUTTE STATE OF CALIFORNIA

5/6/15
NORTHSTAR ENGINEERING
ROBIN L. KAMPMANN RCE 73845

5/7/15
NORTHSTAR ENGINEERING
MIKE L. MAYS PLS6867

NorthStar ENGINEERING
Civil · Surveying · Environmental · GIS

ATTACHMENT - F



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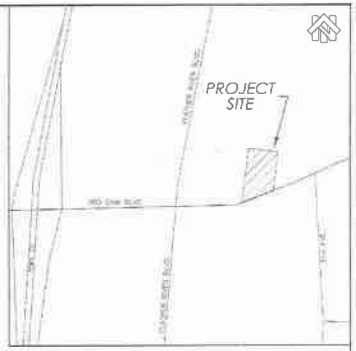
   837 JEFFERSON BLVD.
   WEST SACRAMENTO, CA 95691
3. PROJECT SURVEYOR: NORTHSTAR ENGINEERING, MIKE L. MAYS PLS 8867
4. ZONING: C-2 INTENSIVE COMMERCIAL
5. GENERAL PLAN: MIXED USE
6. LAND USE: EXISTING – VACANT
   PROPOSED – COMMERCIAL
7. SEWAGE: CITY OF OROVILLE / S.C.O.R.
8. STORM DRAINAGE: ON-SITE QUALITY/QUANTITY MITIGATION (INFILTRATION TRENCHES)
9. WATER: CALIFORNIA WATER SERVICE
10. POWER: PG&E
11. TELEPHONE: AT&T
12. CABLE TV: COMCAST
13. THERE ARE NO EXISTING STRUCTURES, WELLS OR SEPTIC SYSTEMS ON THE SITE.
14. GRADING: ALL LOTS WILL BE GRADED TO DRAIN TOWARDS THE INTERIOR PARKING/ACCESS AREAS.
15. CONTOUR INTERVALS = 1'
16. EXCEPTION FROM CITY DESIGN STANDARDS:
    A) DEPTH TO WIDTH RATIO: PARCELS 1 AND 2 EXCEED THE 3:1 DEPTH TO WIDTH RATIO. THE PROPOSED PARCEL DESIGN BEST FITS THE COMMERCIAL DEVELOPMENT PLAN.
    B) LOT FRONTAGE: PARCEL 3 DOES NOT FRONT ON A PUBLIC OR PRIVATE STREET. THE PROPOSED PARCEL DESIGN BEST FITS THE COMMERCIAL DEVELOPMENT PLAN. A RECIPROCAL ACCESS EASEMENT WILL BE ESTABLISHED TO ENSURE ACCESS TO ALL PARCELS. FUTURE DEVELOPMENT OF PARCEL 3 MAY BE BE SUBJECT TO ACQUIRING ACCESS TO AND FROM FEATHER RIVER BOULEVARD.

AREAS

TOTAL AREA = 2.88 ACRES
NUMBER OF PROPOSED LOTS = 3 COMMERCIAL
RANGE OF COMMERCIAL LOT AREAS = 30,241 SF TO 58,171 SF
AVERAGE COMMERCIAL LOT SIZE = 41,106 SF +/-
PROPOSED DENSITY = 1.05 LOTS/ACRE
PROPOSED DEDICATION = 0.05 ACRES



LOCATION MAP
NTS

LEGEND

- FOUND MONUMENT
- EXISTING WATER METER
- EXISTING POWER POLE
- EXISTING STORM DRAIN INLET
- EXISTING PRIVATE VALVE
- EXISTING WATER VALVE
- EXISTING SIGN
- EXISTING STREET LIGHT
- EXISTING FIRE HYDRANT
- EXISTING UNIFORM SERVICE MANHOLE
- EXISTING TREE (+4" IN SIZE)
- EXISTING PROPOSED CONTOURS
- EXISTING UNDERGROUND STORM DRAIN LINE
- EXISTING UNDERGROUND SEWER LINE
- EXISTING UNDERGROUND POWER LINES
- EXISTING FENCE LINE
- EXISTING LOCK OF PAVEMENT
- EXISTING EASEMENT
- EXISTING PROPERTY LINE FOR SURROUNDING PARCELS
- PROPERTY BOUNDARY
- PROPOSED PROPERTY LINE
- PROPOSED EASEMENT
- APN 035-030-096 ASSESSORS PARCEL NUMBER

TENTATIVE PARCEL MAP
FOR
VALLEY STAR PARTNERS, LLC.

LOT 2, AS SHOWN ON THAT CERTAIN MAP ENTITLED, "MAP OF SEEM INDUSTRIAL TRACT", AS SHOWN IN BOOK 17 OF MAPS, AT PAGES 33 AND 34

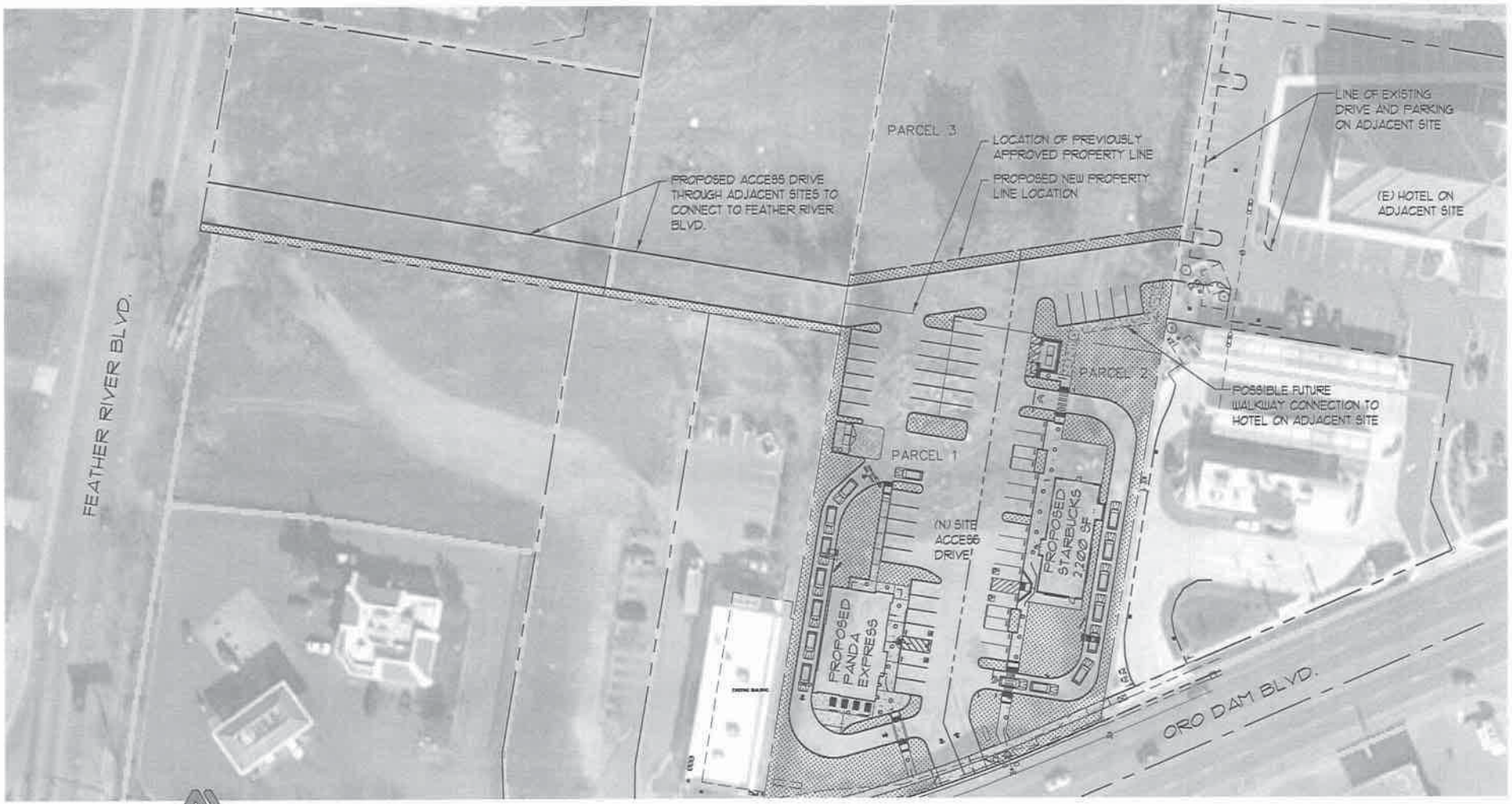
CITY OF OROVILLE
COUNTY OF BUTTE STATE OF CALIFORNIA

NORTHSTAR ENGINEERING, ROBIN L. KAMPMANN RCE 73943 — 7/14/15

NORTHSTAR ENGINEERING, MIKE L. MAYS PLS8867 — 7/14/15

NorthStar ENGINEERING
Civil · Surveying · Environmental · GIS
111 MISSION RANCH BLVD SUITE 120
CHICO, CALIFORNIA 95926
PHONE: (530) 895-1600 FAX: (530) 895-2153
www.northstareng.com

ATTACHMENT - G



McCANDLESS & ASSOCIATES ARCHITECTS, INC.
428 1/2 FIRST STREET, SUITE 204 Δ WOODLAND, CA 95695

480 E OROVILLE DAM BLVD.

JULY 13, 2015

SCALE: 1" = 60'-0"

PROJECT NORTH

ATTACHMENT - H

Surrounding Development

Prepared: May 11, 2015

City of Oroville

COMMUNITY DEVELOPMENT DEPARTMENT

1735 Montgomery Street
Oroville, CA 95965-4897
(530) 538-2430 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, July 27, 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:	035-030-013
FILE NUMBER:	TSM 15-01 Amendment
APPLICANT:	Engstrom Properties, Inc.
ZONING:	Corridor Mixed-Use (MXC)
LOCATION:	West of Sonic Drive-In and east of La Esmeralda Market on the north end of Highway 162
CONTACT PERSON:	Luis A. Topete, Associate Planner 530 538-2408 topetela@cityoforoville.org

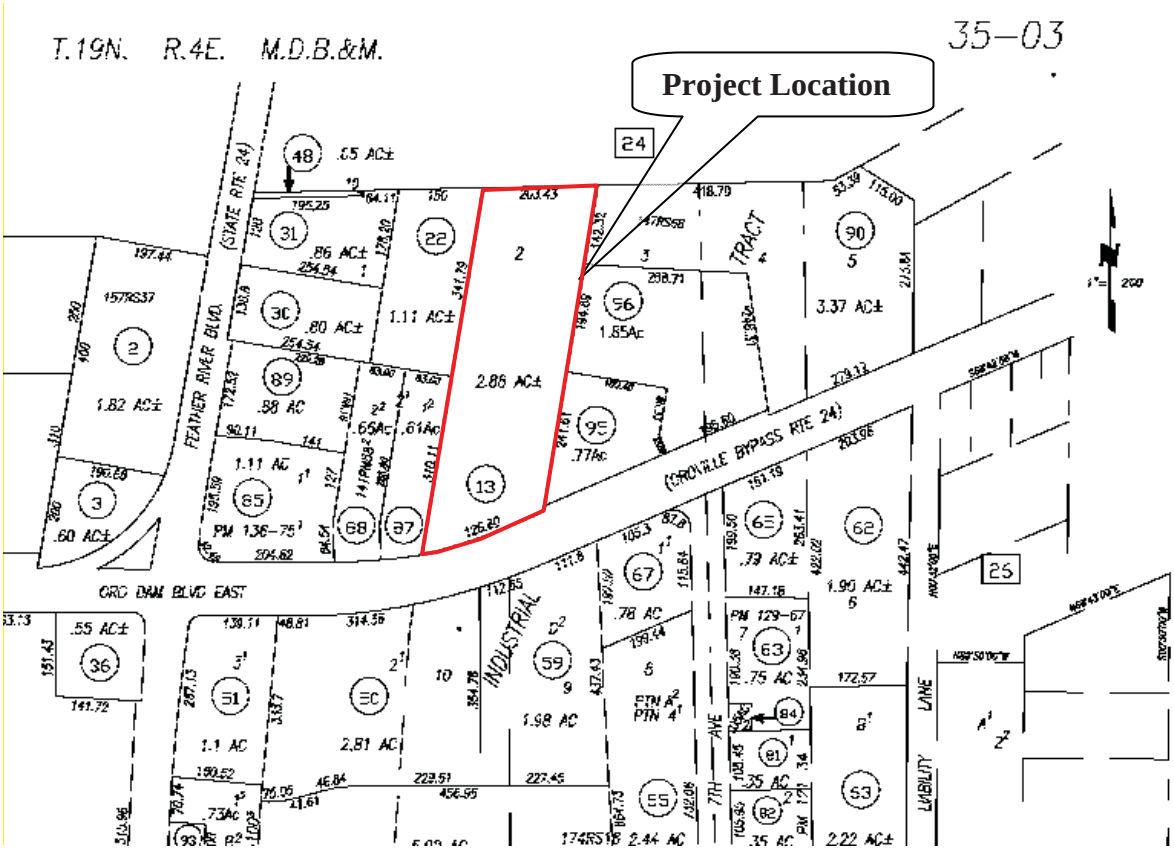
VICINITY MAP

PROJECT DESCRIPTION

TSM 15-01: Tentative Map Amendment – The City of Oroville Planning Commission will conduct a public hearing to consider amending an existing tentative parcel map (TSM 15-01) approved on May 27, 2015 for a three parcel subdivision of a 2.89 acre vacant lot identified as APN: 035-030-013 located west of Sonic Drive-In (500 Oro Dam Boulevard E) and east of La Esmeralda Market (450 Oro Dam Boulevard E) on the north end of State Route 162. The associated development project, a new-drive through restaurant and coffeehouse, is proposing modifications to the tentative map due to design changes being proposed which include adding additional parking spaces and improving site access and vehicle circulation.

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 on **Monday, July 27, 2015 at 7:00 p.m.** in the City Council Chambers, 1735 Montgomery Street, Oroville, CA. All interested persons are invited to attend or submit comments in writing.

GENERAL PARCEL MAP:



RECOMMENDED CONDITIONS OF APPROVAL / COMMENTS (Please attach additional pages, if needed):

Signature: _____ Date: _____

Agency/Affiliation: _____

PLEASE RETURN COMPLETED FORM TO 1735 MONTGOMERY STREET OR VIA E-MAIL AT topetela@cityoforoville.org

ATTACHMENT - K

City of Oroville

Donald Rust
DIRECTOR

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

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, July 27, 2015** in the City Council Chambers, 1735 Montgomery Street, Oroville, CA. All interested persons are invited to attend or submit comments in writing.

1. **TSM 15-01: Tentative Map Amendment** – The City of Oroville Planning Commission will conduct a public hearing to consider amending an existing tentative parcel map (TSM 15-01) approved on May 27, 2015 for a three parcel subdivision of a 2.89 acre vacant lot identified as APN: 035-030-013 located west of Sonic Drive-In (500 Oro Dam Boulevard E) and east of La Esmeralda Market (450 Oro Dam Boulevard E) on the north end of State Route 162. The associated development project, a new-drive through restaurant and coffeehouse, is proposing modifications to the tentative map due to design changes being proposed which include adding additional parking spaces and improving site access and vehicle circulation.

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.

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