



City of Oroville

COMMUNITY DEVELOPMENT DEPARTMENT

Donald Rust
DIRECTOR

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

City of Oroville *PLANNING COMMISSION*

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

PLANNING COMMISSION MEETING **AGENDA**

Thursday, June 23, 2016 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, Wyatt Jenkins,
Vice Chairperson Carl Durling, Chairperson Damon Robison

3. **PLEDGE OF ALLEGIANCE**

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

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

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

5. PUBLIC COMMENTS

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

6. CORRESPONDENCE

None

7. APPROVAL OF MINUTES

Approve the minutes of the May 26, 2016 regular Planning Commission meeting.

REGULAR AGENDA

8. PUBLIC HEARINGS

- 8.1 **UP 16-03: Feather River Tribal Health Wellness Clinic** – The City of Oroville Planning Commission will conduct a public hearing to review and consider approving Use Permit No. 16-03 for the construction of a new 15,940 square foot wellness clinic to meet the growing service demands of the Feather River Tribal Health Center. The project site is a vacant lot identified as APN: 035-250-083 with a General Plan land use designation of Mixed Use and zoning designation of Corridor Mixed Use (MXC). One land use definition of the City's Zoning Ordinance that applies to the project is "Outpatient Services." All outpatient services in an MXC zone require a use permit. Additionally, for all land uses other than single-family dwellings, the maximum number of off-street vehicular parking spaces allowed as of right is 125% of the minimum number required. A use permit may be granted to set the maximum number of off-street vehicular parking spaces at up to 250% of the minimum required. The project requires 74 off-street parking spaces be provided, with 110 proposed, which is 149% of the minimum required.

Staff Report: Luis A. Topete, Associate Planner

Staff Recommendation:

Adopt Resolution No. P2016-10: A RESOLUTION OF THE OROVILLE CITY PLANNING COMMISSION MAKING FINDINGS AND CONDITIONALLY APPROVING USE PERMIT NO. 16-03 APPROVING THE CONSTRUCTION OF A WELLNESS CLINIC BY FEATHER RIVER TRIBAL HEALTH, INC. WHICH WILL OFFER OUTPATIENT SERVICES AND EXCEED THE MAXIMUM NUMBER OF OFF-STREET VEHICULAR PARKING SPACES ALLOWED AS OF RIGHT

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 Thursday, July 28, 2016 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
MAY 26, 2016 – 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 May 26, 2016 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, May 20, 2016, at 2:00 p.m.

1. CALL TO ORDER

The May 26, 2016 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, Vang, Vice Chairperson Durling, Chairperson Robison

Absent: None

Staff Present:

Luis Topete, Associate Planner

Dawn Nevers, Assistant Planner

3. PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Chairperson Robison.

4. RECOGNITION OF INDIVIDUALS WISHING TO SPEAK ON AGENDA ITEMS

5. PUBLIC COMMENT - None

6. CORRESPONDENCE - None

7. APPROVAL OF MINUTES

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

Approve the minutes of the March 28, 2016 and April 25, 2016 regular Planning Commission meeting.

The motion was passed by the following vote:

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

8. PUBLIC HEARING

8.1 TPM 16-02: Separate Existing Car Wash into Two Parcels – The City of Oroville Planning Commission conducted a public hearing to consider approving Tentative Parcel Map No. 16-02, to separate an existing, fully developed, commercial site (car wash) into two parcels. The property is located on the east side of Feather River Boulevard where the current operation of “Somppi’s Feather River Car Wash” is located, on the parcel identified as APN: 035-030-094. The property has a zoning designation of Intensive Commercial (C-2) and General Plan land use designation of Retail and Business Services. The proposed land division involves no new land uses, no new development, and the existing land use (car wash with vacuum stations) will continue. Onsite circulation will not be affected as reciprocal driveway and public easements will remain. **(Luis 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 Chapman, to:

Adopt Resolution No. P2016-08: A RESOLUTION OF THE OROVILLE CITY PLANNING COMMISSION MAKING FINDINGS AND CONDITIONALLY APPROVING TENTATIVE PARCEL MAP NO. 16-02 TO SUBDIVIDE A DEVELOPED COMMERCIAL PROPERTY (CAR WASH) IDENTIFIED AS APN: 035-030-094 INTO TWO PARCELS

WITH THE CONDITION THAT EACH PARCEL IS INDIVIDUALLY SERVED WITH IT’S OWN UTILITIES OR AMEND THE EASEMENT AGREEMENT TO ENSURE PROVISION OF UTILITIES TO EACH PARCEL.

The motion was passed by the following vote:

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

9. REGULAR BUSINESS

- 9.1 UP 96-15 Amendment: Ron Harmon Mine Expiration Date Consistency –** The Planning Commission reviewed and considered amending the Conditions of Approval of Use Permit No. 96-15 to tie the expiration date of the use permit for the Ron Harmon Mine (CA Mine ID #91-04-0022) to the expiration date of the Reclamation Plan to ensure consistency between the two documents. (Luis A. Topete, Associate Planner)

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

Adopt Resolution No. P2016-09: **A RESOLUTION OF THE OROVILLE CITY PLANNING COMMISSION AMENDING THE CONDITIONS OF APPROVAL OF USE PERMIT NO. 96-15 TO TIE THE EXPIRATION DATE OF THE USE PERMIT FOR THE RON HARMON MINE (CA MINE ID #91-04-0022) TO THE EXPIRATION DATE OF THE RECLAMATION PLAN**

The motion was passed by the following vote:

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

10. DISCUSSION ITEMS

Commissioner Britton had questions regarding qualifications to reside at Bunnies Leisure Apartments.

11. DIRECTOR'S REPORT

Luis Topete, Associate Planner of the Planning Department updated the Planning Commission on the following:

- The progress at Starbucks, Panda Express, and Walmart projects.

12. CHAIRPERSON/COMMISSIONERS REPORTS

- Vice Chairperson Durling reported on his attendance of a Solar meeting hosted by Butte County.

13. ADJOURNMENT

The meeting was adjourned at 7:31 p.m. A regular meeting of the Oroville Planning Commission will be held on Thursday, June 23, 2016, 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

June 23, 2016

UP 16-03: Feather River Tribal Health Wellness Clinic - The Oroville Planning Commission will review and consider approving Use Permit No. 16-03 for the construction of a new 15,940 square foot wellness clinic to meet the growing service demands of the Feather River Tribal Health Center. The project site is a vacant lot identified as APN: 035-250-083 with a General Plan land use designation of Mixed Use and zoning designation of Corridor Mixed Use (MXC). One land use definition of the City's Zoning Ordinance that applies to the project is "Outpatient Services." All outpatient services in an MXC zone require a use permit. Additionally, for all land uses other than single-family dwellings, the maximum number of off-street vehicular parking spaces allowed as of right is 125% of the minimum number required. A use permit may be granted to set the maximum number of off-street vehicular parking spaces at up to 250% of the minimum required. The project requires 74 off-street parking spaces be provided, with 110 proposed, which is 149% of the minimum required.

APPLICANTS: Feather River Tribal Health, Inc.
2145 5th Avenue
Oroville, CA 95965-5870
(530) 534-5394

LOCATION: Vacant lot located on the east side of 5th Avenue, between Mitchell Avenue and Oroville Dam Boulevard, identified as APN: 035-250-083 (**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.

ENVIRONMENTAL DETERMINATION:

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 Use Permit No. 16-03 for the proposed construction of the Feather River Tribal Health Wellness Clinic, on the vacant lot identified as APN: 035-250-083, that includes a request to exceed the maximum number of off-street vehicular parking spaces permitted by right and for the approval of the operations classified as “Outpatient Services” in the City’s Zoning Ordinance; 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) and Guidelines; and
3. **ADOPT** the recommended Findings for Use Permit No. 16-03 (**Attachment C**);
4. **ADOPT** Resolution No. P2016-10 (**Attachments D**); and
5. **APPROVE** the Conditions of Approval for Use Permit No. 16-03 (**Attachment E**).

SUMMARY

The Oroville Planning Commission will review and consider approving Use Permit No. 16-03 for the construction of a new 15,940 square foot wellness clinic to meet the growing service demands of the Feather River Tribal Health Center. The project site is a vacant lot identified as APN: 035-250-083 with a General Plan land use designation of Mixed Use and zoning designation of Corridor Mixed Use (MXC). One land use definition of the City’s Zoning Ordinance that applies to the project is “Outpatient Services.” All outpatient services in an MXC zone require a use permit. Additionally, for all land uses other than single-family dwellings, the maximum number of off-street vehicular parking spaces allowed as of right is 125% of the minimum number required. A use permit may be granted to set the maximum number of off-street vehicular parking spaces at up to 250% of the minimum required. The project requires 74 off-street parking spaces be provided, with 110 proposed, which is 149% of the minimum required.

BACKGROUND

On April 29, 2016, the City of Oroville received an application for a Pre-Application / Development Review of the Feather River Tribal Health (FRTH) Wellness Clinic proposed for the vacant lot located on the east side of 5th Avenue, between Mitchell Avenue and Oroville Dam Boulevard, identified as APN: 035-250-083 (**Attachment A**).

The project consists of a new 15,940 square foot wellness clinic to meet the growing service demands of the FRTH. The new facility is proposed on the vacant lot (APN: 035-250-083) adjacent to their existing facility. New parking, landscaping, and utility upgrades will be part of the proposed project.

The clinic will house multiple functions. A small optometry area is proposed, with a senior nutrition room and small service kitchen. A conference room able to hold 150 people will also be provided to better meet their growing needs. The other half of the building will be constructed to meet California's Office of Statewide Health Planning and Development (OSHPD) 3 standards. The Office of Statewide Health Planning and Development is responsible for writing regulations pertaining to licensed clinics. These regulations are identified in the California Building Standards Code as "OSHPD 3". OSHPD 3 requirements for clinics shall only be applied to clinics that are licensed pursuant to Health and Safety Code (H&SC) Section 1200 (which includes primary care clinics and specialty clinics) or H&SC Section 1250 (which includes outpatient clinical services of a licensed hospital). This clinic portion of the building will have space for physical therapy, chiropractic and massage therapy, with a small indoor aquatic therapy pool.

DISCUSSION

As identified above, the project has a Zoning designation of MXC. One land use definition of the City's Zoning Ordinance that applies to the project is "Outpatient Services" defined as follows:

"Outpatient services. Any facility that provides outpatient medical care and does not allow patients to stay overnight. Outpatient services typically include but are not limited to diagnosis, medical lab testing, wellness and prevention counseling, medical treatment, and physical therapy. Outpatient services are not considered a hospital, as defined in this code. Outpatient services shall not include, substance abuse counseling as a primary use."
(Section 17.04.060(O))

All outpatient services in an MXC zone require a use permit. Additionally, Section 17.12.070(P) specifies that for all land uses other than single-family dwellings, the maximum number of off-street vehicular parking spaces allowed as of right shall be 125% of the minimum number specified in this section. A use permit may be granted to set the maximum number of off-street vehicular parking spaces at up to 250% of the minimum specified in this section. The project requires 74 off-street parking spaces be provided, with 110 proposed, which is 149% of the minimum required. A use permit to allow additional off-street vehicular parking may include conditions requiring additional landscaping, planting buffers and other screening that improve the aesthetic quality of the parking area.

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 this request are as follows:

Item	Price	Tech Fee	Total	Paid
Use Permit	\$2,822.00	\$169.32	\$2,991.32	Yes
Total	\$2,822.00	\$169.32	\$2,991.32	Yes

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

PUBLIC NOTICE

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

ATTACHMENTS

- A – Vicinity Map
- B – Notice of Exemption
- C – Findings
- D – Resolution No. P2016-10
- E – Conditions of Approval
- F – Parcel Map
- G – Preliminary Drawings
- H – Property Owner Notice
- I – Newspaper Notice



CITY OF OROVILLE PLANNING DIVISION

<i>Applicant:</i> Kevin Robertson		<i>Project Title:</i> Feather River Tribal Health Wellness Clinic		
<i>Project Location:</i> Feather River Boulevard, Oroville, CA 95965				
<i>Hearing Date:</i> June 23, 2016	<i>Zoning Designation:</i> Corridor Mixed Use (MXC)	<i>Requested Entitlements:</i> Use Permit No. 16-03		
<i>TRAKiT #</i> Project#: PL1606-001	<i>Assessor's Parcel #:</i> 035-250-083			

UP 16-03



City of Oroville

COMMUNITY DEVELOPMENT DEPARTMENT

Donald Rust
DIRECTOR

1735 Montgomery Street
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
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Project Title: UP 16-03: Feather River Tribal Health Wellness Clinic

Project Location – Specific: Vacant lot located on the east side of 5th Avenue, between Mitchell Avenue and Oroville Dam Boulevard, identified as APN: 035-250-083

Project Location – City: City of Oroville

Project Location – County: Butte

Description of Nature, Purpose, and beneficiaries of project: Feather River Tribal Health (FRTH) has proposed the construction of a new 15,940 square foot wellness clinic to meet the growing service demands of the FRTH. The clinic will house multiple functions. A small optometry area is proposed, with a senior nutrition room and small service kitchen. A conference room able to hold 150 people will also be provided to better meet their growing needs. The other half of the building will be constructed to meet California's Office of Statewide Health Planning and Development (OSHPD) 3 standards. This clinic portion of the building will have space for physical therapy, chiropractic and massage therapy, with a small indoor aquatic therapy pool. New parking, landscaping, and utility upgrades will be part of the proposed project.

Name of Public Agency Approving Project: City of Oroville

Name of Person or Agency Carrying out Project: Feather River Tribal Health, 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). One land use definition of the City's Zoning Ordinance that applies to the project is "Outpatient Services," defined as follows:

“Outpatient services. Any facility that provides outpatient medical care and does not allow patients to stay overnight. Outpatient services typically include but are not limited to diagnosis, medical lab testing, wellness and prevention counseling, medical treatment, and physical therapy. Outpatient services are not considered a hospital, as defined in this code. Outpatient services shall not include, substance abuse counseling as a primary use.” (Section 17.04.060(O))

All outpatient services in an MXC zone require a use permit. Additionally, Section 17.12.070(P) specifies that for all land uses other than single-family dwellings, the maximum number of off-street vehicular parking spaces allowed as of right shall be 125% of the minimum number specified in this section. A use permit may be granted to set the maximum number of off-street vehicular parking spaces at up to 250% of the minimum specified in this section. The project requires 74 off-street parking spaces be provided, with 110 proposed, which is 149% of the minimum required. In compliance with the City’s Zoning Ordinance, the applicant has applied for a use permit. As a condition of approval, the applicant will be required to comply with all requirements of the City’s Zoning Ordinance as found in Chapter 17 of the Oroville Municipal Code (OMC). Additionally, the MXC zoning designation is consistent with the underlying Mixed Use General Plan land use designation.

The General Plan land use designation of Mixed Use allows, but does not require, mixed uses to be incorporated into the project. Several applicable General Plan Policies that demonstrate the project’s consistency with the General Plan are as follows:

- Goal LU-1: Policy 1.3: Ensure that all new development pays its fair share in financing of public facilities and services. (Collection of development impact fees is required prior to issuance of Building Permit.)
- Goal LU-1: Policy 1.6: Ensure all new development conforms to current land use and zoning designations.
- Goal CD-1: Policy 2.10: Parking lots intended for automobiles and small trucks with six spaces or more shall include shade trees. Trees shall be evenly distributed throughout parking areas and provide at least 50 percent shading of the paved surface by tree canopy within 15 years.
- Goal CD-2: Policy 2.12: Require non-residential development to provide landscaping on portions of the property along public right-of-ways that are not occupied by structures or used for pedestrian circulation or vehicle parking and circulation.

Upon review, it has been determined that the project is consistent with the applicable General Plan land use designation and all applicable General Plan policies as well as with the 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 5 acres in size with an approximate outer perimeter of 2,677 lineal feet. The property is surrounded by a mix of existing urban uses which includes the Las Plumas Plaza commercial center to the east; The Good Earth Coffee and Tea House, Fosters Freeze, the Community Comprehensive Care Walk in Clinic and Town and Country Properties realty to the south; CVS Pharmacy to the southwest; Cottonwood Estates Mobile Home Park, Vasu Gas and Food, Victory Christian Fellowship and the Mission Square commercial center to the west; and the Feather River Tribal Health Center to the north. With an outer perimeter of approximately 2,677 lineal feet, 2,294 lineal feet (~86%) 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 identified on the project site, no areas of riparian habitat or sensitive natural communities on the project site, and no special-status plants or animals are known to be present on the project site. Thus, it has been determined that the project site has no value as habitat for endangered, rare or threatened species.

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

Traffic: The City's 2012 Transportation Capital Improvement Program (TCIP) and Impact Fee Update Report classifies 5th Avenue, between Mitchel Avenue and Oro Dam Boulevard, as a Major Collector roadway. The intersection at Oro Dam Blvd and 5th Ave was found to be operating at a Level of Services (LOS) B for AM Peak Hour and LOS C for PM Peak Hour delays. The target LOS for this intersection is LOS E. Additionally, although this roadway section along 5th Ave, between Mitchel Ave and Oro Dam Blvd was not analyzed independently, existing peak hour LOS was analyzed along 5th Ave from Mitchell Ave to Georgia Pacific Way. The peak hour volume capacity of this roadway segment was determined to be 1,010, with a measured PM peak hour volume of 319. Thus, the existing PM peak hour LOS was determined to be LOS C or better.

Under full buildout conditions, according to the City's General Plan land use designations at the time of the study, the intersection at Oro Dam Blvd and 5th Ave would need the addition of dual northbound right turn pockets and dedicated southbound right turn pocket. Additionally, signals will need to be modified to accommodate reconfiguration and restriping would be required. This would allow for a mitigated buildout AM peak hour LOS of C and PM peak hour LOS of E, thus meeting the target LOS E for the intersection. To mitigate capacity deficiencies at full buildout, the roadway improvements along 5th Ave from Mitchell Ave to Georgia Pacific Way would require adding a center turn lane, bike lanes, sidewalk and landscaping. This would allow a mitigated buildout PM peak hour LOS D, which is in accord with the City's General Plan policy to Maintain a LOS D or better as defined in the most current edition of the *Highway Capacity Manual* or subsequent revisions for roadways and intersections, except as otherwise specified in the General Plan (Goal CIR-2; Policy 2.1). Prior to the issuance of building permits, new developments are required to pay their fair share of development impact fees to ensure their impacts to the City's transportation facilities are mitigated by their proportional contribution of impact fees to fund the capital improvements required to provide required system capacity. Thus, the approval of the project would not result in any significant effects relating to traffic.

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

Goal NOI-1 of the Noise Element is to minimize exposure to excessive noise by ensuring compatible land uses relative to noise sources. Action 1.1 of this goal is to develop and adopt an appropriate and consistent Community Noise Ordinance to control noise impacts and to ensure that residents are not exposed to excessive noise levels from stationary and mobile sources. This project will be conditioned to comply with the City's current noise ordinance as found in the OMC Chapter 9.20. Per the City Code, no person shall produce, suffer or allow to be produced by any machine or device, or any combination of same, on commercial or industrial property, a noise level more than eight dB

above the local ambient at any point outside of the property plane. As the applicant will be required to comply with all City regulations as a condition of approval for the use permit, any violation of the City's noise ordinance may be grounds for revocation of the permit. Additionally, the applicant will be required to comply with Goal NOI-2, Policy 2.4, which requires a list of standard construction noise control measures be required at construction sites in order to minimize construction noise impacts. Thus, the approval of the project would not result in any significant effects relating to noise.

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. Thus, the approval of the project would not result in any significant effects relating to air quality.

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, but is not limited to, Goal PUB-8 of the City's General Plan which: encourages project design that minimizes the potential for wind and water erosion to occur and, where necessary, requires the preparation and implementation of a soil erosion plan, including soil erosion mitigation during construction (Policy 8.2); encourages the utilization of Best Engineering Practices for stormwater collection and disposal (Policy 8.3); requires that developers pay their fair share for construction of off-site drainage improvements, as determined by a site-specific stormwater drainage plan (Policy 8.5); requires implementation of all necessary measures to regulate runoff from urban uses to protect the quality of surface and groundwater (Policy 8.6); requires new development to identify and adequately mitigate its stormwater impacts (Policy 8.7); and requires the installation of temporary drainage facilities as necessary during construction activities in order to adequately mitigate stormwater impacts (Policy 8.9). Thus, the approval of the project would not result in any significant effects relating to water quality.

(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

UP 16-03: Feather River Tribal Health Wellness Clinic

A. INTRODUCTION

The project applicant, Feather River Tribal Health, Inc., has applied for a use permit (UP 16-03) for the construction of a new 15,940 square foot wellness clinic to meet the growing service demands of the Feather River Tribal Health Center. The project site is a vacant lot identified as APN: 035-250-083 with a General Plan land use designation of Mixed Use and zoning designation of Corridor Mixed Use (MXC). One land use definition of the City's Zoning Ordinance that applies to the project is "Outpatient Services." All outpatient services in an MXC zone require a use permit. Additionally, for all land uses other than single-family dwellings, the maximum number of off-street vehicular parking spaces allowed as of right is 125% of the minimum number required. A use permit may be granted to set the maximum number of off-street vehicular parking spaces at up to 250% of the minimum required. The project requires 74 off-street parking spaces be provided, with 110 proposed, which is 149% of the minimum required.

B. CATEGORICAL EXEMPTION

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.

C. USE PERMIT FINDINGS

Pursuant to Section 17.48.010(E)(4), the Planning Commission may grant a use permit only upon making all of the following findings, based on substantial evidence:

- a. The granting of the permit will not be incompatible with or detrimental to the general health, safety or public welfare of the surrounding area or of the City as a whole.

Per City Code 17.48.010, the intent of use permits is to provide an opportunity to review the location, site development or conduct of certain land uses, activities and structural features that generally have a distinct impact on the area in which they are located or are capable of creating special problems for bordering properties unless given careful attention. For this reason, such uses are permitted through discretionary review and the powers granted to the Planning Commission include attaching any conditions to the use permit that are deemed necessary to achieve the purpose of the Zoning Code, and also promote the general health, safety, and public welfare of the City.

As identified in the Notice of Exemption, the project has been reviewed for consistency with the applicable General Plan designation and all applicable

General Plan policies, applicable zoning designation and regulations, potential impacts to any habitat for endangered, rare or threatened species, and potential significant effects relating to traffic, noise, air quality, and water quality. No significant or potentially significant impacts have been identified for this project.

After a thorough review of the project, the approval of this use permit has been conditioned to ensure that under no circumstance will the project be incompatible with or detrimental to the general health, safety or public welfare of the surrounding area or of the City as a whole without there being an appropriate course of action to remedy any potential issues or revoke the permit in accordance with Section 17.48.010 of the City Code. Additionally, this project will be required to comply with all City zoning, engineering, building, landscaping, and public work standards in addition to any other federal, State, or local regulations that may be applicable.

- b. The proposed use follows sound principles of land use by having a suitable location relative to the community as a whole, as well as to transportation facilities, public services and other land uses in the vicinity.

The project site is surrounded by a mix of existing urban uses which includes the Las Plumas Plaza commercial center to the east; The Good Earth Coffee and Tea House, Fosters Freeze, the Community Comprehensive Care Walk in Clinic and Town and Country Properties realty to the south; CVS Pharmacy to the southwest; Cottonwood Estates Mobile Home Park, Vasu Gas and Food, Victory Christian Fellowship and the Mission Square commercial center to the west; and the Feather River Tribal Health Center to the north. The proposed wellness clinic is an expansion of the existing Feather River Tribal Health Center located directly to the north. Additionally, all surrounding land use share the same MXC zoning designation, with the exception of the Feather River Tribal Health Center to the north zoned Public / Quasi-Public (PQ). The applicant will therefore be following sound principles of land use by being located in an area of similar land uses, and in a zoning district where the City Code has planned for this type of land use to be located.

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

The sewer provider for the project site 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). The proposed development will be required to pay all required development impact fees and be constructed according to current engineering, development and building code standards. Prior to the issuance of final building occupancy, the Building Division will inspect all on-site improvements and the

Public Works Division will inspect all off-site improvements. If at the time of inspection any inadequacies in water, sanitation or utilities that are required to be supplied to the site are found, the applicant will be required to make the site adequate prior to the issuance of the certificate of occupancy. Additionally, as specified above, this project has adequate access to the City's transportation network through direct access to 5th Avenue.

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

The project site has a Zoning designation of MXC. One land use definition of the City's Zoning Ordinance that applies to the project as a result of the operating characteristics of the proposed facility is "Outpatient Services." All outpatient services in an MXC zone require a use permit. Additionally, Section 17.12.070(P) of the OMC specifies that for all land uses other than single-family dwellings, the maximum number of off-street vehicular parking spaces allowed as of right shall be 125% of the minimum number specified in this section. A use permit may be granted to set the maximum number of off-street vehicular parking spaces at up to 250% of the minimum specified in this section. The project requires 74 off-street parking spaces be provided, with 110 proposed, which is 149% of the minimum required. For these reasons, the use permit request has been applied for.

As seen under item (b) above, this project is an infill development substantially surrounding by existing urban using, including, but not limited to, the Las Plumas Plaza commercial complex to the east, Community Comprehensive Care Walk in Clinic to the south, CVS Pharmacy to the southwest; Feather River Tribal Health Center to the north, and the Mission Square commercial center to the west which houses some medical related services, such as dentistry, physical therapy and optometry. Thus, the proposed use is harmonious with the surrounding land uses and the subject property, zoned a MXC, is an appropriate location for this requested land use and proposed development per the City Code, subject to a use permit.

At the time of building permit submittal, all requirements shall be reviewed to ensure full compliance with development and design standards. As proposed, the operating characteristics of the proposed use will not conflict with the surrounding neighborhood, nor will the proposed use adversely impact any of the surrounding properties. Additionally, pursuant to Section 17.48.010(F) of the OMC the Planning Commission may take action to revoke a use permit if any of the following occur: any of the conditions of approval have not been satisfied within 1 year after it was granted; any of the terms or conditions of the permit have been violated; a law, including any requirement in this chapter, has been violated in connection with the permit; and finally, if the permit was obtained by fraud.

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

The applicant has submitted a site plan demonstrating that, as proposed, the subject site is physically suitable for the type and intensity of land use being proposed.

- f. The size, intensity, and location of the proposed use will provide services that are necessary or desirable for the neighborhood and community as a whole.

The project is proposed for the purpose of meeting the Feather River Tribal Health Center's growing service demands. Goal LU-1, Policy 1.4 of the City's General Plan directs the City to link the rate of growth in Oroville to the provision of adequate services and infrastructure, including, but not limited to, medical services. Additionally, Goal LU-6, Policy 6.2 directs the City to promote the clustering of public and quasi-public uses. As identified above under item (d), there are other medical providers in the project vicinity, including the Feather River Tribal Health Center directly to the north. The construction of this wellness center will also provide additional employment opportunities in support of the City's economic development efforts and thus contributing to the long-term vision for the growth and development of the local economy.

- g. The permit complies with all applicable laws and regulations, including the requirements of the General Plan, Zoning Code, and of the City's Municipal Code.

The permit application has been reviewed by staff and the project has been found to comply with all applicable laws and regulations, including the applicable requirements of the City's 2030 General Plan, Zoning Code, and other applicable portions of the City's Municipal Code. As a condition of this permit, the applicant shall be required to ascertain and comply with the requirements of all Federal, State, County, City and other local agencies as applicable to the proposed use and project site. In addition, section 17.48.010(F) of the City Code provides guidelines for modifying or revoking use permits that have been granted if it can be proven, upon substantial evidence, that any of the conditions of the permit have not been satisfied within 1 year after it was granted, any of the terms or conditions of the permit have been violated, a law has been violated in connection with the permit, or if the permit was obtained by fraud.

Additionally, pursuant to Section 17.12.070(P), the Planning Commission may grant a use permit for exceeding 125% of the minimum required off-street parking only upon making all of the following findings, based on substantial evidence:

- h. The proposed use will create significant conflicts with surrounding uses unless the maximum parking requirement is increased.

Based on the nature of their operations, the applicant, Feather River Tribal Health, Inc., has determined that the maximum number of off-street vehicular parking allowed as of right is not sufficient to properly serve the proposed development. The project requires 74 off-street parking spaces be provided, with 110 proposed, which is 149% of the minimum required and well below the 250% (185 spaces) maximum that could be approved through a use permit.

- i. The proposed increase in parking is no greater than necessary to avoid these conflicts and protect public health, safety and welfare.

The increase in parking is no greater than necessary to avoid these conflicts and protect the public health, safety and welfare. Again, a use permit is required to exceed 125% (93 spaces) of the minimum required off-street parking spaces, with the potential for 250% (185 spaces) to be approved. The applicant is only requesting 149% (101 spaces) of the minimum required, well below the 250% maximum that could be requested and potentially approved through a use permit.

RESOLUTION NO. P2016-10

A RESOLUTION OF THE OROVILLE CITY PLANNING COMMISSION MAKING FINDINGS AND CONDITIONALLY APPROVING USE PERMIT NO. 16-03 APPROVING THE CONSTRUCTION OF A WELLNESS CLINIC BY FEATHER RIVER TRIBAL HEALTH, INC. WHICH WILL OFFER OUTPATIENT SERVICES AND EXCEED THE MAXIMUM NUMBER OF OFF-STREET VEHICULAR PARKING SPACES ALLOWED AS OF RIGHT

WHEREAS, the project applicant, Feather River Tribal Health, Inc., has applied for a use permit (UP 16-03) for the construction of a new 15,940 square foot wellness clinic to meet the growing service demands of the Feather River Tribal Health Center; and

WHEREAS, the project site is a vacant lot identified as APN: 035-250-083 with a General Plan land use designation of Mixed Use and zoning designation of Corridor Mixed Use (MXC); and

WHEREAS, one applicable land use definition of the City's Zoning Ordinance is "Outpatient Service"; and

WHEREAS, all outpatient services in an MXC zone require a use permit; and

WHEREAS, for all land uses other than single-family dwellings, the maximum number of off-street vehicular parking spaces allowed as of right is 125% of the minimum number required; and

WHEREAS, a use permit may be granted to set the maximum number of off-street vehicular parking spaces at up to 250% of the minimum required; and

WHEREAS, the project requires 74 off-street parking spaces be provided, with 110 proposed, which is 149% of the minimum required; and

WHEREAS, at a noticed public hearing, the Planning Commission considered the comments and concerns of public agencies, property owners, and members of the public who are potentially affected by the approval of the use permit described herein, and also considered City staff's report regarding the project.

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

1. This action has been determined to be Categorically Exempt from the California Environmental Quality Act (CEQA) review pursuant to the California Code of Regulations, Title 14, Section 15332, "In-fill Development Projects" exemption.
2. Pursuant to Section 17.48.010(E)(4), the Planning Commission may grant a use

permit only upon making all of the following findings, based on substantial evidence:

- a. The granting of the permit will not be incompatible with or detrimental to the general health, safety or public welfare of the surrounding area or of the City as a whole.

Per City Code 17.48.010, the intent of use permits is to provide an opportunity to review the location, site development or conduct of certain land uses, activities and structural features that generally have a distinct impact on the area in which they are located or are capable of creating special problems for bordering properties unless given careful attention. For this reason, such uses are permitted through discretionary review and the powers granted to the Planning Commission include attaching any conditions to the use permit that are deemed necessary to achieve the purpose of the Zoning Code, and also promote the general health, safety, and public welfare of the City.

As identified in the Notice of Exemption, the project has been reviewed for consistency with the applicable General Plan designation and all applicable General Plan policies, applicable zoning designation and regulations, potential impacts to any habitat for endangered, rare or threatened species, and potential significant effects relating to traffic, noise, air quality, and water quality. No significant or potentially significant impacts have been identified for this project.

After a thorough review of the project, the approval of this use permit has been conditioned to ensure that under no circumstance will the project be incompatible with or detrimental to the general health, safety or public welfare of the surrounding area or of the City as a whole without there being an appropriate course of action to remedy any potential issues or revoke the permit in accordance with Section 17.48.010 of the City Code. Additionally, this project will be required to comply with all City zoning, engineering, building, landscaping, and public work standards in addition to any other federal, State, or local regulations that may be applicable.

- b. The proposed use follows sound principles of land use by having a suitable location relative to the community as a whole, as well as to transportation facilities, public services and other land uses in the vicinity.

The project site is surrounded by a mix of existing urban uses which includes the Las Plumas Plaza commercial center to the east; The Good Earth Coffee and Tea House, Fosters Freeze, the Community Comprehensive Care Walk in Clinic and Town and Country Properties realty to the south; CVS Pharmacy to the southwest; Cottonwood Estates Mobile Home Park, Vasu Gas and Food, Victory Christian Fellowship and the Mission Square commercial center to the west; and the Feather River Tribal Health Center to the north. The

proposed wellness clinic is an expansion of the existing Feather River Tribal Health Center located directly to the north. Additionally, all surrounding land use share the same MXC zoning designation, with the exception of the Feather River Tribal Health Center to the north zoned Public / Quasi-Public (PQ). The applicant will therefore be following sound principles of land use by being located in an area of similar land uses, and in a zoning district where the City Code has planned for this type of land use to be located.

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

The sewer provider for the project site 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). The proposed development will be required to pay all required development impact fees and be constructed according to current engineering, development and building code standards. Prior to the issuance of final building occupancy, the Building Division will inspect all on-site improvements and the Public Works Division will inspect all off-site improvements. If at the time of inspection any inadequacies in water, sanitation or utilities that are required to be supplied to the site are found, the applicant will be required to make the site adequate prior to the issuance of the certificate of occupancy. Additionally, as specified above, this project has adequate access to the City's transportation network through direct access to 5th Avenue.

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

The project site has a Zoning designation of MXC. One land use definition of the City's Zoning Ordinance that applies to the project as a result of the operating characteristics of the proposed facility is "Outpatient Services." All outpatient services in an MXC zone require a use permit. Additionally, Section 17.12.070(P) of the OMC specifies that for all land uses other than single-family dwellings, the maximum number of off-street vehicular parking spaces allowed as of right shall be 125% of the minimum number specified in this section. A use permit may be granted to set the maximum number of off-street vehicular parking spaces at up to 250% of the minimum specified in this section. The project requires 74 off-street parking spaces be provided, with 110 proposed, which is 149% of the minimum required. For these reasons, the use permit request has been applied for.

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At the time of building permit submittal, all requirements shall be reviewed to ensure full compliance with development and design standards. As proposed, the operating characteristics of the proposed use will not conflict with the surrounding neighborhood, nor will the proposed use adversely impact any of the surrounding properties. Additionally, pursuant to Section 17.48.010(F) of the OMC the Planning Commission may take action to revoke a use permit if any of the following occur: any of the conditions of approval have not been satisfied within 1 year after it was granted; any of the terms or conditions of the permit have been violated; a law, including any requirement in this chapter, has been violated in connection with the permit; and finally, if the permit was obtained by fraud.

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

The applicant has submitted a site plan demonstrating that, as proposed, the subject site is physically suitable for the type and intensity of land use being proposed.

- f. The size, intensity, and location of the proposed use will provide services that are necessary or desirable for the neighborhood and community as a whole.

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- g. The permit complies with all applicable laws and regulations, including the requirements of the General Plan, Zoning Code, and of the City's Municipal Code.

The permit application has been reviewed by staff and the project has been found to comply with all applicable laws and regulations, including the applicable requirements of the City's 2030 General Plan, Zoning Code, and other applicable portions of the City's Municipal Code. As a condition of this permit, the applicant shall be required to ascertain and comply with the requirements of all Federal, State, County, City and other local agencies as applicable to the proposed use and project site. In addition, section 17.48.010(F) of the City Code provides guidelines for modifying or revoking use permits that have been granted if it can be proven, upon substantial evidence, that any of the conditions of the permit have not been satisfied within 1 year after it was granted, any of the terms or conditions of the permit have been violated, a law has been violated in connection with the permit, or if the permit was obtained by fraud.

Additionally, pursuant to Section 17.12.070(P), the Planning Commission may grant a use permit for exceeding 125% of the minimum required off-street parking only upon making all of the following findings, based on substantial evidence:

- h. The proposed use will create significant conflicts with surrounding uses unless the maximum parking requirement is increased.

Based on the nature of their operations, the applicant, Feather River Tribal Health, Inc., has determined that the maximum number of off-street vehicular parking allowed as of right is not sufficient to properly serve the proposed development. The project requires 74 off-street parking spaces be provided, with 110 proposed, which is 149% of the minimum required and well below the 250% (185 spaces) maximum that could be approved through a use permit.

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CONDITIONS OF APPROVAL

Approved project: The project applicant, Feather River Tribal Health, Inc., has applied for a use permit (UP 16-03) for the construction of a new 15,940 square foot wellness clinic to meet the growing service demands of the Feather River Tribal Health Center. The project site is a vacant lot identified as APN: 035-250-083 with a General Plan land use designation of Mixed Use and zoning designation of Corridor Mixed Use (MXC). One land use definition of the City's Zoning Ordinance that applies to the project is "Outpatient Services." All outpatient services in an MXC zone require a use permit. Additionally, for all land uses other than single-family dwellings, the maximum number of off-street vehicular parking spaces allowed as of right is 125% of the minimum number required. A use permit may be granted to set the maximum number of off-street vehicular parking spaces at up to 250% of the minimum required. The project requires 74 off-street parking spaces be provided, with 110 proposed, which is 149% of the minimum required. The Planning Commission hereby conditionally approves Use Permit No. 16-03, subject to the following:

1. The applicant shall hold harmless the City, its Council members, Planning Commissioners, officers, agents, employees, and representatives from liability for any award, damages, costs, and/or fees incurred by the City and/or awarded to any plaintiff in an action challenging the validity of this permit or any environmental or other documentation related to approval of this permit. Applicant further agrees to provide a defense for the City in any such action.
2. The project shall remain in substantial conformance with the Conditions of Approval, as adopted by the Oroville Planning Commission. Any subsequent minor changes in the project (as determined by the Zoning Administrator) may only occur subject to appropriate City review and approval. Any subsequent substantive changes in the project (as determined by the Zoning Administrator) may only occur subject to discretionary review by the Oroville Planning Commission.
3. Pursuant to Section 17.12.010, the proposed use of the site shall conform to the performance standards of the code of the City of Oroville to minimize any potential negative effects that the building, structure or use could have on its surroundings, and to promote compatibility with surrounding uses and areas.
4. Applicable construction plans, calculations, specifications, applications, forms, etc. shall be submitted to the Building Department for review prior to the start of any construction activities requiring a building permit. All applicable plan review fees shall be paid at time of submittal.
5. Pursuant to Section 17.12.050(L), the property owner shall enter into a written agreement for the installation and maintenance of landscaping. The agreement shall be in a form approved by the City Attorney and Zoning Administrator and suitable for recordation with the Butte County recorder. The agreement shall be binding upon the property owner and any successors in interest.

6. Pursuant to Section 17.08.135, the project shall install public art on the project site in a public place as approved by the City Council. The cost of the public art must be equal to at least one percent (1%) of the estimated construction costs. The developer has the option to opt out of this requirement and instead pay the equivalent in lieu fee which shall be a one percent (1%) fee of the estimated construction costs.
7. The applicant shall ascertain and comply with the requirements of all City, County, State, Federal, and other local agencies as applicable to the proposed project.
8. Pursuant to Section 17.48.010(F), the Planning Commission, upon its own motion, may modify or revoke any use permit that has been granted pursuant to the provisions of this section upon finding any of the following, based on substantial evidence:
 - a. Any of the conditions of the permit have not been satisfied within 1 year after it was granted.
 - b. Any of the terms or conditions of the permit have been violated.
 - c. A law, including any requirement in the Zoning Code, has been violated in connection with the permit.
 - d. The permit was obtained by fraud.

--- End of Conditions ---

I HEREBY CERTIFY that the foregoing resolution was duly introduced and passed at a regular meeting of the Planning Commission of the City of Oroville held on the 23th of June, 2016 by the following vote:

AYES:

NOES:

ABSTAIN:

ABSENT:

ATTEST:

DONALD L. RUST, SECRETARY

DAMON ROBISON, CHAIRPERSON

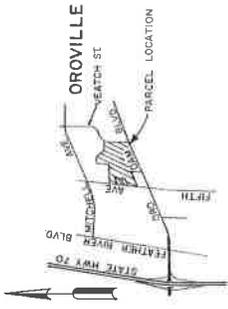
CONDITIONS OF APPROVAL

Approved project: The project applicant, Feather River Tribal Health, Inc., has applied for a use permit (UP 16-03) for the construction of a new 15,940 square foot wellness clinic to meet the growing service demands of the Feather River Tribal Health Center. The project site is a vacant lot identified as APN: 035-250-083 with a General Plan land use designation of Mixed Use and zoning designation of Corridor Mixed Use (MXC). One land use definition of the City's Zoning Ordinance that applies to the project is "Outpatient Services." All outpatient services in an MXC zone require a use permit. Additionally, for all land uses other than single-family dwellings, the maximum number of off-street vehicular parking spaces allowed as of right is 125% of the minimum number required. A use permit may be granted to set the maximum number of off-street vehicular parking spaces at up to 250% of the minimum required. The project requires 74 off-street parking spaces be provided, with 110 proposed, which is 149% of the minimum required. The Planning Commission hereby conditionally approves Use Permit No. 16-03, subject to the following:

1. The applicant shall hold harmless the City, its Council members, Planning Commissioners, officers, agents, employees, and representatives from liability for any award, damages, costs, and/or fees incurred by the City and/or awarded to any plaintiff in an action challenging the validity of this permit or any environmental or other documentation related to approval of this permit. Applicant further agrees to provide a defense for the City in any such action.
2. The project shall remain in substantial conformance with the Conditions of Approval, as adopted by the Oroville Planning Commission. Any subsequent minor changes in the project (as determined by the Zoning Administrator) may only occur subject to appropriate City review and approval. Any subsequent substantive changes in the project (as determined by the Zoning Administrator) may only occur subject to discretionary review by the Oroville Planning Commission.
3. Pursuant to Section 17.12.010, the proposed use of the site shall conform to the performance standards of the code of the City of Oroville to minimize any potential negative effects that the building, structure or use could have on its surroundings, and to promote compatibility with surrounding uses and areas.
4. Applicable construction plans, calculations, specifications, applications, forms, etc. shall be submitted to the Building Department for review prior to the start of any construction activities requiring a building permit. All applicable plan review fees shall be paid at time of submittal.
5. Pursuant to Section 17.12.050(L), the property owner shall enter into a written agreement for the installation and maintenance of landscaping. The agreement shall be in a form approved by the City Attorney and Zoning Administrator and suitable for recordation with the Butte County recorder. The agreement shall be binding upon the property owner and any successors in interest.

6. Pursuant to Section 17.08.135, the project shall install public art on the project site in a public place as approved by the City Council. The cost of the public art must be equal to at least one percent (1%) of the estimated construction costs. The developer has the option to opt out of this requirement and instead pay the equivalent in lieu fee which shall be a one percent (1%) fee of the estimated construction costs.
7. The applicant shall ascertain and comply with the requirements of all City, County, State, Federal, and other local agencies as applicable to the proposed project.
8. Pursuant to Section 17.48.010(F), the Planning Commission, upon its own motion, may modify or revoke any use permit that has been granted pursuant to the provisions of this section upon finding any of the following, based on substantial evidence:
 - a. Any of the conditions of the permit have not been satisfied within 1 year after it was granted.
 - b. Any of the terms or conditions of the permit have been violated.
 - c. A law, including any requirement in the Zoning Code, has been violated in connection with the permit.
 - d. The permit was obtained by fraud.

--- End of Conditions ---



LEGEND

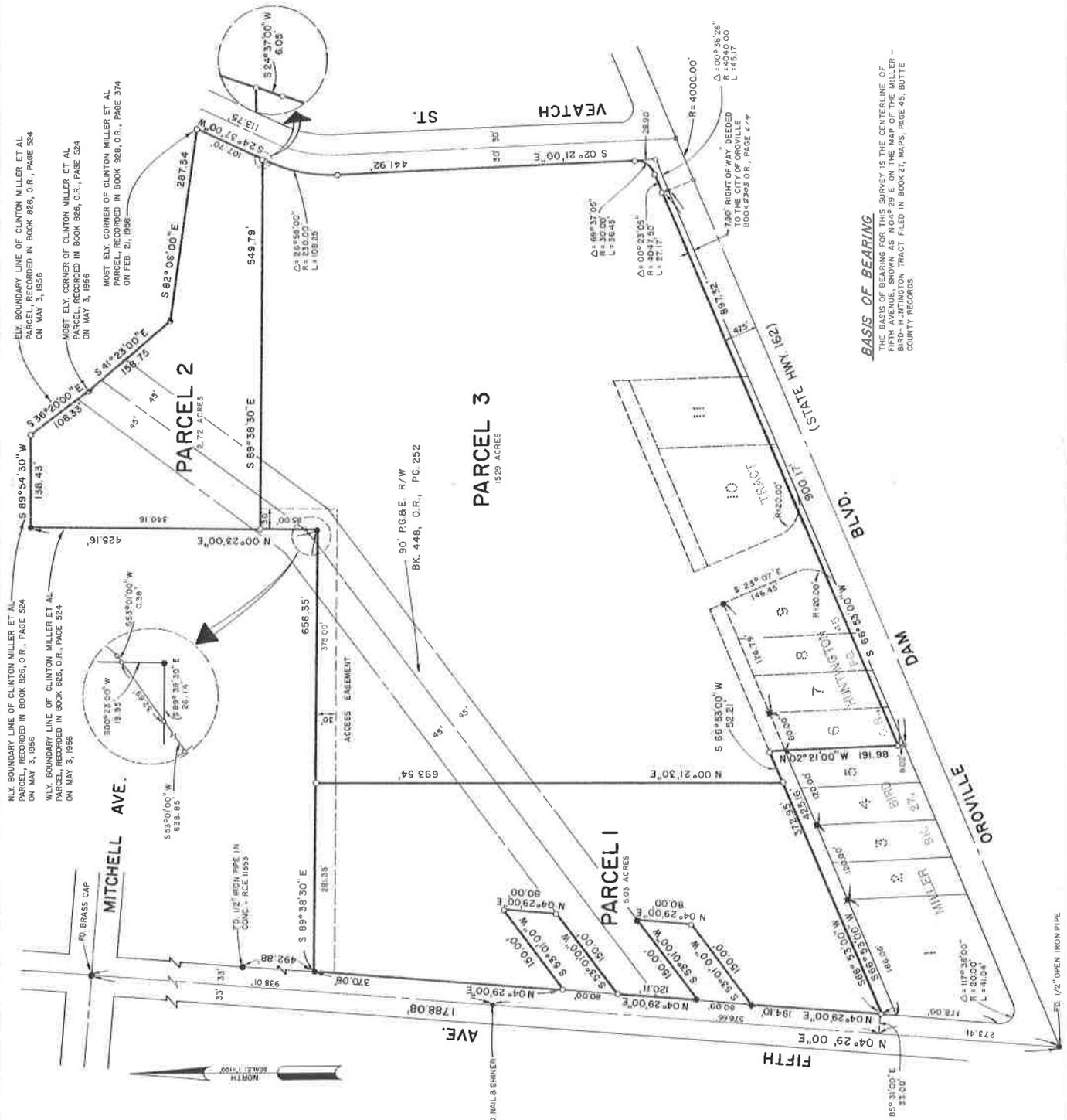
- FOUND 1/2" IRON PIPE IN CONCRETE TAGGED R.C.E. 11555 OR MONUMENT AS DESCRIBED
- FOUND 1/2" IRON PIPE TAGGED R.C.E. 11563
- ✕ FOUND 3/4" IRON PIPE TAGGED R.C.E. 13082
- SET 3/4" IRON PIPE TAGGED R.C.E. 14203
- COMPUTED POINT

PARCEL MAP AND REVERSION TO ACERAGE

A PORTION OF THE MILLER - BIRD - HUNTINGTON TRACT & A PORTION OF SECTION 18, T.19N., R.4E., M.D.B. & M. CITY OF OROVILLE, BUTTE COUNTY, CALIFORNIA
OWNER - OROVILLE PLAZA CO.



McCain Associates (916) 491-1865
488 W. G. LINDS AVENUE OROVILLE, CALIFORNIA 95966
CONSULTING ENGINEERS - SURVEYORS



BASIS OF BEARING

THE BASIS OF BEARING FOR THIS SURVEY IS THE CENTERLINE OF THE MAINLINE OF THE MILLER - BIRD - HUNTINGTON TRACT FILED IN BOOK 27, MAPS, PAGE 45, BUTTE COUNTY RECORDS.



NICHOLS MELBORG ROSETTO
 ARCHITECTS + ENGINEERS
 5500 UNIVERSITY AVENUE, SUITE 300
 CHICO, CA 95926
 (530) 891-1710 (530) 891-4036 FAX
 http://www.nimnrg.com

CONSULTANTS

LICENSE STAMPS

PROJECT NAME
WELLNESS CLINIC FOR



3333 5TH AVENUE
 ORVILLE, CA 95956

SHEET TITLE
EXTERIOR ELEVATIONS

DRAWING STATUS
CONSTRUCTION DOCUMENTS

REVISIONS

Rev.	Description	By	Date

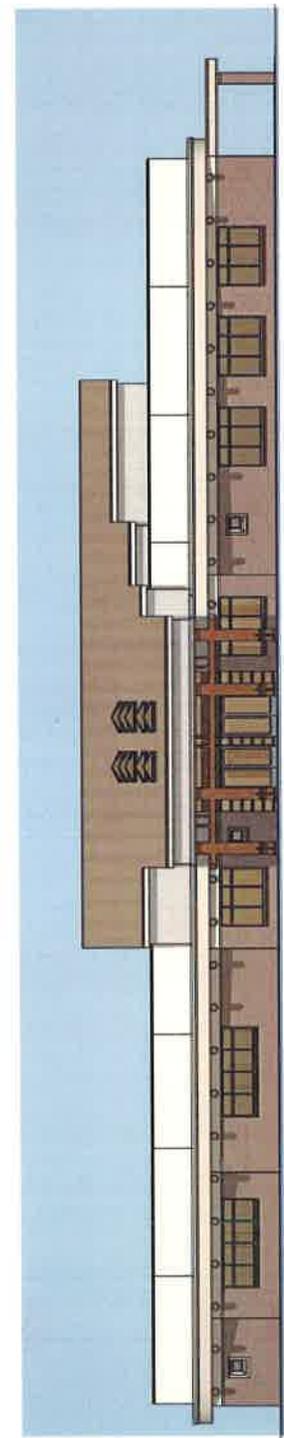
Drawn By	ALB
Checked By	KRR
Date Drawn	05/03/2018
Scale	1/8" = 1'-0"
Job No.	18-0023

SHEET NO.
A301

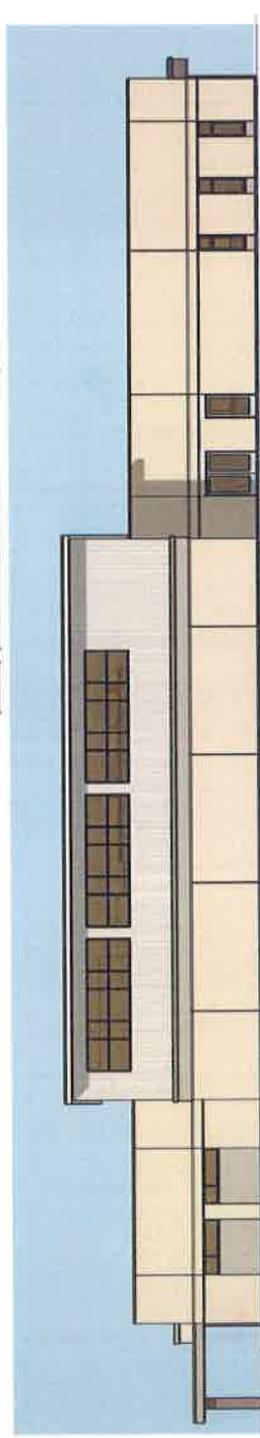
- KEY NOTES**
1. EXTERIOR WALLS OVERWEATHER COLOR #628. SEE 15 & 16.
 2. INTERIOR STUCCO OVERWEATHER COLOR #622. SEE 9 & 10.
 3. PAINT COLOR #628. SEE 15 & 16.
 4. DOWNPOUT TO LUG STORM WATER COLLECTION SYSTEM. SEE SPEC.
 5. PAINTED TRUSS TAILS AT ALL EXPOSED LOCATIONS.
 6. METAL PLASTER JOINTS. SEE PLASTER W/RO DETAILS.
 7. GABLE FLASHING.
 8. METAL FLASHING OVER ROOF FLASHING. BRICKWORK AND WOOD SHAKES & GABLE WOOD JOISTS AT GABLE WITH GALVANIZED STEEL BRACKET & JOINER.
 9. DRAIN OPENING UNDER EQUIPMENT SCREEN.
 10. ASPHALT COMPANION SHAKLES ON TP ROOF.
 11. HANG COMPRESSOR SEE MECH DWGS AND SITE PLAN FOR EXACT LOCATION.
 12. PREFINISHED ALUM. CORING.
 13. PAINTED WOOD TRIM.
 14. NOT USED.
 15. PAINTED ALUM. FLASHING AT GABLE END. 1/8" DET. 2 W/BR.
 16. ROOF EXPANDED JOINT. SEE DET. 1 W/BR.
 17. WALL-MOUNTED EXT. LIGHT FIXTURE. SEE ELEC. DWGS.
 18. EXT. DOOR. SEE FLOOR PLAN FOR DOOR NO.
 19. EXT. DOOR. SEE FLOOR PLAN FOR DOOR NO.
 20. PAINTED 2x4 FASCIA.
 21. CONCRETE COLUMN BASE. SEE DET. 1 W/BR.
 22. ROOF VENT. SEE SPEC.
 23. BRICKWORK. FINISH TO MATCH. MATCH TO MATCH.
 24. JOIST AT BOT. OF FRAMING TO ENCLOSE END OF NEW BLOCK AT SEISMIC BLOCK.
 25. 2x4 BLOCK. INSTALL 2x4 STUDS @ 16" O.C. WITH METAL PLASTER TO MATCH EXISTING CONSTRUCTION.
 26. RELOCATED FIRE DEPARTMENT KNOX BOX.
 27. EXT. FAN. SEE FOOD SERVICE DWGS. METAL PER MANUF. REQUIREMENTS.
 28. MECHANICAL LOUVER. SEE MECH. DWGS.
 29. MECHANICAL ROOF LUBE. ON DOOR.

- LEGEND**
- 1. DOUBLE-CANAL LOUVER WITH WELDING WITH 1/2" W/RO. SEE MECH. DWGS. SEE WINDOW & LOUVER SCHEDULE ON 17. A.M.E.
 - 2. PREPARED ALUMINUM FORMING SYSTEM WITH LANE DOUBLE GLAZES SEE DOOR SCHEDULE ON 17. A.M.E.
 - 3. PREPARED ALUMINUM FORMING SYSTEM WITH LANE DOUBLE GLAZES SEE DOOR SCHEDULE ON 17. A.M.E.

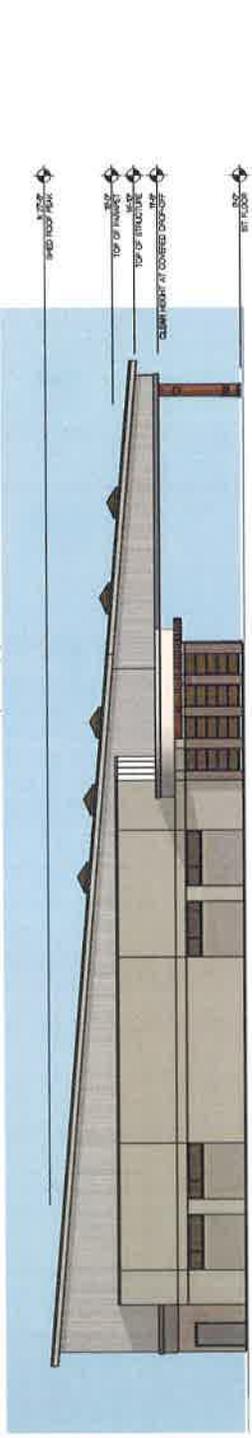
- GENERAL NOTES**
1. SEE INTERIOR ELEVATIONS FOR INTERIOR WINDOW TYPE.
 2. ALL DRAWINGS WILL BE MATCHED TO MATCH THE ADJACENT FLOOR WALL OR TRIM COLOR AS PER AVAILABLE. UNFINISHED UNPAINTED FLOORING IS TO BE TYPICAL.



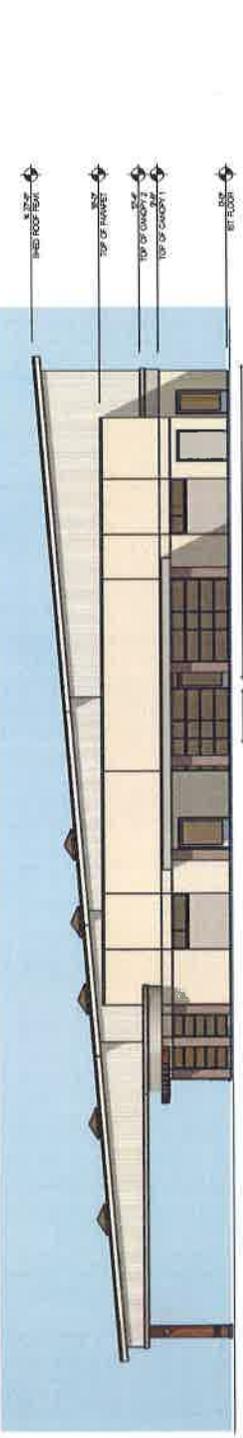
1 WEST ELEVATION
 SCALE 1/8" = 1'-0"



2 EAST ELEVATION
 SCALE 1/8" = 1'-0"



3 NORTH ELEVATION
 SCALE 1/8" = 1'-0"



4 SOUTH ELEVATION
 SCALE 1/8" = 1'-0"



City of Oroville

COMMUNITY DEVELOPMENT DEPARTMENT

Donald Rust
DIRECTOR

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

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 **Thursday, June 23, 2016** 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.

ASSESSOR PARCEL NUMBER: 035-250-083
FILE NUMBER: Use Permit No. 16-03
APPLICANT: Feather River Tribal Health, Inc.
ZONING: Corridor Mixed Use (MXC)
LOCATION: Vacant lot located on the east side of 5th Ave, between Mitchell Ave and Oroville Dam Blvd
CONTACT PERSON: Luis A. Topete, Associate Planner
530 538-2408
530 538-2426 Fax
topetela@cityoforoville.org

VICINITY MAP



PROJECT DESCRIPTION:

UP 16-03: Feather River Tribal Health Wellness Clinic – The City of Oroville Planning Commission will conduct a public hearing to review and consider approving Use Permit No. 16-03 for the construction of a new 15,940 square foot wellness clinic to meet the growing service demands of the Feather River Tribal Health Center. The project site is a vacant lot identified as APN: 035-250-083 with a General Plan land use designation of Mixed Use and zoning designation of Corridor Mixed Use (MXC). One land use definition of the City’s Zoning Ordinance that applies to the project is “Outpatient Services.” All outpatient services in an MXC zone require a use permit. Additionally, for all land uses other than single-family dwellings, the maximum number of off-street vehicular parking spaces allowed as of right is 125% of the minimum number required. A use permit may be granted to set the maximum number of off-street vehicular parking spaces at up to 250% of the minimum required. The project requires 74 off-street parking spaces be provided, with 110 proposed, which is 149% of the minimum required.

NOTICE IS HEREBY GIVEN that the City of Oroville Planning Commission will hold a public hearing on the project described above. Said hearing will be held at **7:00 p.m. on Thursday, June 23, 2016** in the City Council Chambers, 1735 Montgomery Street, Oroville, CA. All interested persons are invited to attend or submit comments in writing.



City of Oroville

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DIRECTOR

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NOTICE OF PUBLIC HEARING BEFORE THE CITY OF OROVILLE PLANNING COMMISSION

NOTICE IS HEREBY GIVEN that the Planning Commission of the City of Oroville will hold a public hearing on the projects described below. Said hearing will be held at **7:00 p.m. on Thursday, June 23, 2016** in the City Council Chambers, 1735 Montgomery Street, Oroville, CA. All interested persons are invited to attend or submit comments in writing.

1. **UP 16-03: Feather River Tribal Health Wellness Clinic** – The City of Oroville Planning Commission will conduct a public hearing to review and consider approving Use Permit No. 16-03 for the construction of a new 15,940 square foot wellness clinic to meet the growing service demands of the Feather River Tribal Health Center. The project site is a vacant lot identified as APN: 035-250-083 with a General Plan land use designation of Mixed Use and zoning designation of Corridor Mixed Use (MXC). One land use definition of the City's Zoning Ordinance that applies to the project is "Outpatient Services." All outpatient services in an MXC zone require a use permit. Additionally, for all land uses other than single-family dwellings, the maximum number of off-street vehicular parking spaces allowed as of right is 125% of the minimum number required. A use permit may be granted to set the maximum number of off-street vehicular parking spaces at up to 250% of the minimum required. The project requires 74 off-street parking spaces be provided, with 110 proposed, which is 149% of the minimum required.

Additional information regarding the projects described in this notice can be obtained from the Oroville Community Development Department at 1735 Montgomery Street, Oroville, CA. Anyone desiring to submit information, opinions or objections is requested to submit them in writing to the Community Development Department prior to the hearing. In accordance with Government Code Section 65009, if you challenge an action on these projects in court, you may be limited to raising only those issues you or someone else raised at the public meeting described in this notice, or in written correspondence delivered to the Planning Commission at, or prior to, the public meetings.

Posted/Published: **Monday, June 13, 2016**