



OROVILLE PLANNING COMMISSION

Council Chambers
1735 Montgomery Street
Oroville, CA. 95965

April 28, 2022
REGULAR MEETING
6:00 PM
AGENDA

PUBLIC ACCESS AND PARTICIPATION

To view the meeting or provide comment, please see the options below. All comments emailed will be provided to the Members for their consideration.

To View the Meeting:

1. Watch our live feed <https://www.youtube.com/channel/UCAoRW34swYI85UBfYqT7IbQ/>
1. Watch via Zoom
<https://zoom.us/j/99508232402?pwd=aThZc1BsUG9sWnhNYnlwZHZZdFFrQT09>
Meeting ID: 995 0823 2402
Passcode: 17351735
3. Listen via telephone
Telephone: 1-669-900-9128
Meeting ID: 995 0823 2402
Passcode: 17351735

To Provide Comment to the Board:

1. Email before the meeting by 2:00 PM your comments to publiccomment@cityoforoville.org
2. Attend in person

If you would like to address the Commission at this meeting, you are requested to complete the blue speaker request form (located on the wall by the agendas) and hand it to the City Clerk, who is seated on the right of the Council Chamber. The form assists the Clerk with minute taking and assists the Mayor or presiding chair in conducting an orderly meeting. Providing personal information on the form is voluntary. For scheduled agenda items, please submit the form prior to the conclusion of the staff presentation for that item. The Commission has established time limitations of three (3) minutes per speaker on all items and an overall time limit of thirty minutes for non-agenda items. If more than 10 speaker cards are submitted for non-agenda items, the time limitation would be reduced to one and a half minutes per speaker. **(California Government Code §54954.3(b)). Pursuant to Government Code Section 54954.2, the Commission is prohibited from taking action except for a brief response from the Council or staff to statements or questions relating to a non-agenda item.**

CALL TO ORDER / ROLL CALL

Commissioners: Glenn Arace, Marissa Hallen, Natalie Sheard, Warren Jensen, Vice Chairperson Wyatt Jenkins, Chairperson Carl Durling

OPEN SESSION

Pledge of Allegiance

PUBLIC COMMUNICATION - HEARING OF NON-AGENDA ITEMS

This is the time to address the Commission about any item not listed on the agenda. If you wish to address the Commission on an item listed on the agenda, please follow the directions listed above.

CONSENT CALENDAR

Consent calendar **items** are adopted in one action by the Commission. Items that are removed will be discussed and voted on immediately after adoption of consent calendar items.

1. APPROVAL OF THE MINUTES

The Planning Commission may approve the minutes of April 28, 2022

RECOMMENDATION

Approve the minutes of April 28, 2022

REGULAR BUSINESS

2. DISCUSSION ABOUT ZC21-06 FENCES, WALLS, AND SCREENING MUNICIPAL CODE AMENDMENTS

Staff will make a presentation on the draft changes made to OMC 17.12.020 relating to the City's regulations of fences, walls and screening. The City Council conducted a public hearing on April 19, 2022 and directed staff to return to the Planning Commission for further discussions on the proposed revisions.

RECOMMENDATION

Receive Staff Presentation.

Conduct Additional Discussions on the Fence Ordinance, and Provide Direction to Staff

3. HISTORICAL PRESERVATION AWARD PROGRAM OF THE OROVILLE HISTORICAL ADVISORY COMMISSION

The Oroville Historic Advisory Commission may consider creating an annual award to honor outstanding achievement in Oroville historic revitalization, the administration of which will include creating an inventory of current and potential sites.

RECOMMENDATION

Adopt the attached award program and implement it for 2022.

REPORTS / DISCUSSIONS / CORRESPONDENCE

4. Commissioner Reports
5. Historical Advisory Commission Reports
6. Staff Reports

ADJOURN THE MEETING

The meeting will be adjourned. A regular meeting of the Oroville Planning Commission will be held on May 26, 2022 at 6:00 PM.

Accommodating Those Individuals with Special Needs – In compliance with the Americans with Disabilities Act, the City of Oroville encourages those with disabilities to participate fully in the public meeting process. If you have a special need in order to allow you to attend or participate in our public meetings, please contact the City Clerk at (530) 538-2535, well in advance of the regular meeting you wish to attend, so that we may make every reasonable effort to accommodate you. Documents distributed for public session items, less than 72 hours prior to meeting, are available for public inspection at City Hall, 1735 Montgomery Street, Oroville, California.

Recordings - All meetings are recorded and broadcast live on cityoforoville.org and YouTube.

Planning Commission Decisions - 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.



Council Chambers
1735 Montgomery Street
Oroville, CA. 95965

**March 24, 2022
REGULAR MEETING
MINUTES**

This agenda was posted on March 18, 2022. This meeting was recorded and may be viewed at cityoforoville.org or on YouTube.

CALL TO ORDER / ROLL CALL

- PRESENT: Commissioners: Glenn Arace, Natalie Sheard, Warren Jensen, Carl Durling
- ABSENT: Commissioners Marissa Hallen and Vice Chairperson Wyatt Jenkins
- STAFF: Assistant Community Development Director Dawn Nevers, Assistant City Clerk Jackie Glover, Assistant Planner Conner Musler, Principal Planner Wes Ervin, City Engineer Matt Thompson, City Clerk Intern Kaci Casaulong, Assistant Planner Danny Kopshever

OPEN SESSION

Pledge of Allegiance – Led by Chairperson Durling

PUBLIC COMMUNICATION - HEARING OF NON-AGENDA ITEMS

There were 0 public comments on non-agenda items.

Julie Miller spoke on agenda item 4.

CONSENT CALENDAR

Consent calendar items are adopted in one action by the Commission. Items that are removed will be discussed and voted on immediately after adoption of consent calendar items.

1. APPROVAL OF THE MINUTES

Motion by Commissioner Sheard and second by Commissioner Jensen to approve the minutes of February 24, 2022. Motion passed.

- AYES: Jensen, Arace, Sheard, Durling
- NOES: None
- ABSTAIN: None
- ABSENT: Hallen, Jenkins

REGULAR BUSINESS

2. TENTATIVE PARCEL MAP WAIVER 2112-002

The Oroville Planning Commission reviewed and considered approving a Parcel Map Waiver a lot split to facilitate the next phase of the Olive Ranch housing development along Table Mountain Boulevard at the end of Tuscan Villa Drive. The map will split one lot into two lots.

Motion by Commissioner Arace and Commissioner Jensen to approve the recommended Parcel Map Waiver subject to any conditions imposed by the City Engineer and adopt Resolution No. P2022-06. Motion passed.

- AYES: Jensen, Arace, Sheard, Durling
- NOES: None
- ABSTAIN: None
- ABSENT: Hallen, Jenkins

3. CREATIVE SIGNS AT THE PACIFIC COAST PRODUCERS PLANT LOCATED AT 1601 MITCHELL AVENUE

The Oroville Planning Commission reviewed and considered approving sign permit B2203-022 for the painting of two creative signs at the Pacific Coast Producers Plant at 1601 Mitchell Ave.

Motion by Commissioner Jensen and second by Commissioner Sheard to adopt the recommended Findings for Sign Permit No. B2203-022 and adopt Resolution No. P2022-05. Motion passed.

- AYES: Jensen, Arace, Sheard, Durling
- NOES: None
- ABSTAIN: None
- ABSENT: Hallen, Jenkins

4. SANK PARK PERIMETER FENCE OPTIONS LOCATED AT 1067 MONTGOMERY STREET

The Oroville Historic Advisory Commission reviewed and considered forwarding a recommendation of fencing to the City Council.

Motion by Commissioner Arace and second by Commissioner Sheard to recommend to council that the Sank Park fence will match the style of the home, a straight iron picket fence similar to the picture Commissioner Sheard recommended, dark matt gray, 5 ft, with inset entrances, no curb at the base, and gate stations.

- AYES: Jensen, Arace, Sheard, Durling
- NOES: None
- ABSTAIN: None
- ABSENT: Hallen, Jenkins

5. HISTORIC PRESERVATION AWARD PROGRAM OF THE OROVILLE HISTORIC ADVISORY COMMISSION

Item Continued to April 28, 2022

REPORTS / DISCUSSIONS / CORRESPONDENCE

- 6. Commissioner Reports - None
- 7. Historical Advisory Commission Reports - None
- 8. Staff Reports

- a. Ervin – April 5th Council Meeting– Massage Ordinance, Contract with Place Works, Bingo Ordinance, April 19th Council Meeting – Fence Ordinance, April 28th – Historic Advisory Award, Second Meeting of the South Oroville Advisory Group will be March 31st.

Item 1.

ADJOURN THE MEETING

Chairperson Durling Adjourned the meeting at 7:16pm.

APPROVED:

ATTESTED:

Chairperson Carl Durling

Assistant City Clerk Jackie Glover



City of Oroville

COMMUNITY DEVELOPMENT DEPARTMENT

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PLANNING COMMISSION STAFF REPORT

Thursday, April 28, 2022

RE: Discussion about ZC21-06 Fences, Walls, and Screening Municipal Code Amendments

SUMMARY: Staff will make a presentation on the draft changes made to OMC 17.12.020 relating to the City’s regulations of fences, walls and screening. The City Council conducted a public hearing on April 19, 2022 and directed staff to return to the Planning Commission for further discussions on the proposed revisions.

RECOMMENDATION: Staff recommends the following actions:

1. Receive Staff Presentation.
2. Conduct Additional Discussions on the Fence Ordinance, and Provide Direction to Staff

APPLICANT: City of Oroville

LOCATION: City-Wide

GENERAL PLAN: N/A

ZONING: N/A

FLOOD ZONE: N/A

ENVIRONMENTAL DETERMINATION: This zoning change is not a project under CEQA since it has no possibility of having a direct or indirect effect on the environment.

REPORT PREPARED BY:

REVIEWED BY:

 Connor Musler, Assistant Planner
 Community Development Department

 Dawn Nevers, Assistant Director
 Community Development Department

DISCUSSION

The City Council conducted a public hearing on April 19, 2022, on the draft changes to the fence ordinance. Following staff’s presentation, input from the public, and discussion among council members and staff, direction was given to return to the Planning Commission for further discussion on the changes. Some topics of concern included the strict limitations of fence height within the front yard and balancing public safety needs with personal privacy concerns.

FISCAL IMPACT

None.

ATTACHMENTS

- A. Draft Fence Code Change with the Planning Commissions Recommended Changes.

SECTION 17-12.020 FENCES, WALLS AND SCREENING

17-12.020 Fences, walls and screening

- A. **Applicability.** No fence shall hereafter be erected, constructed, altered or maintained except as provided by this section. The requirements of this section shall apply to all fences and walls in all districts, excluding the walls of any building, and shall apply regardless of the construction material used.
- B. **Sight Distance Area.** No fence shall obstruct the required sight distance area for an intersection as shown in Figure 17.12.020-1. Fences may be erected up to 42 inches in height within the sight distance area provided that the fence is an open fence that is no more than 50% solid. Fences over 30 inches in height, to a maximum height of 42 inches, within the sight distance area shall require administrative review and approval by the Planning Division through a development review permit to confirm the open fence requirement is met and that the increased height does not create a danger to public health, safety, and general welfare.

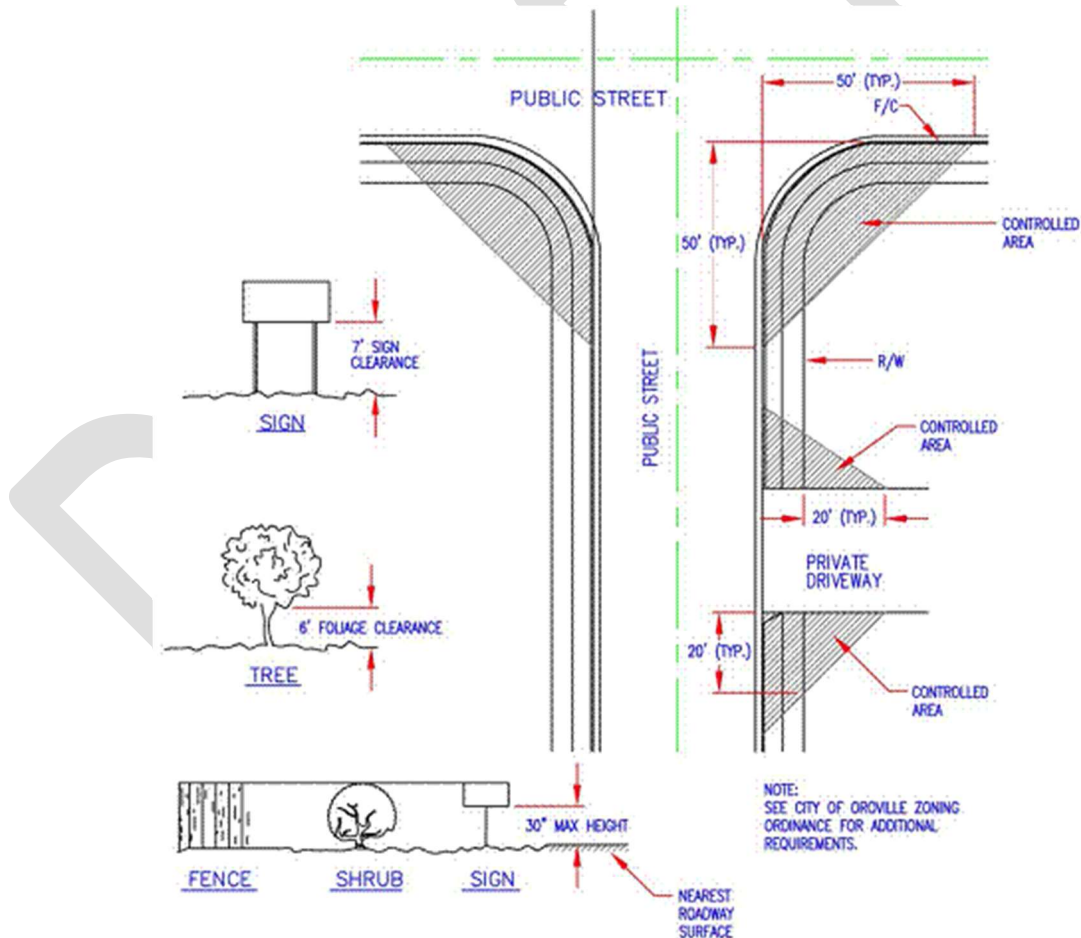


Figure 17.12.020-1: Sight Distance Area

Fence Opacity

Opacity (the degree to which light or views are blocked) is measured perpendicular to the fence for each fence section between supports.

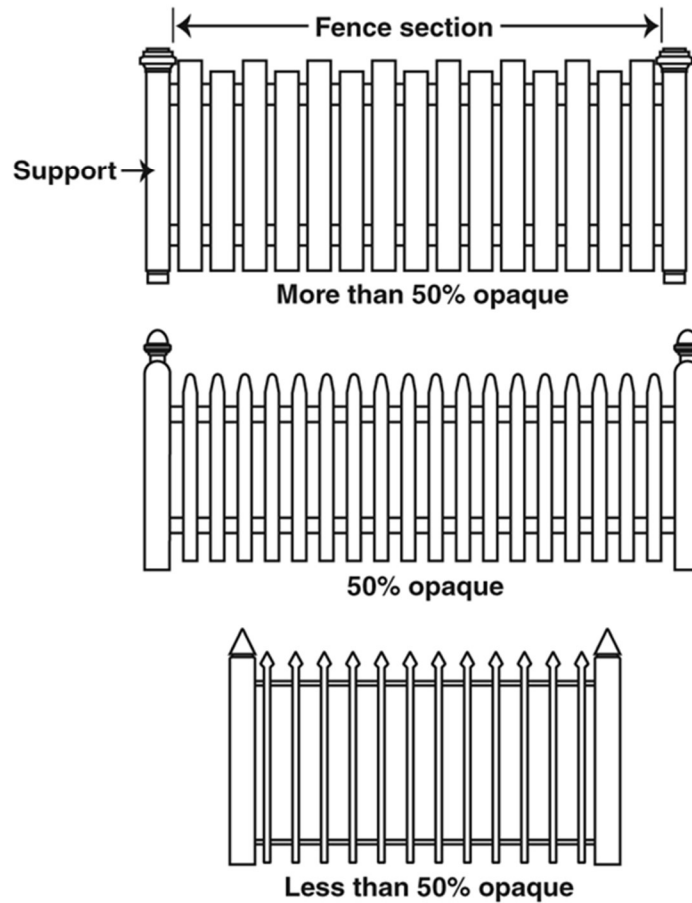


Figure 17.12.020-5: Fence Opacity

- C. **Fence Height Measurement.** Exceptions to the standards of this section may be granted by the Planning Commission if warranted for safeguarding the public health, safety and welfare.

1. The height of a fence at any point shall be measured from the base of the fence directly below that point. ~~If a fence is constructed atop a retaining wall, the fence's height shall be measured from the adjacent grade on the high side of wall. If a retaining wall is combined with a fence or wall, the combined height may reach a maximum height of 11 feet above grade (7 foot maximum fence with a 4 foot maximum retaining wall) along the streetside and rear property lines without a building permit,~~ as shown in Figure 17.12.020-2.

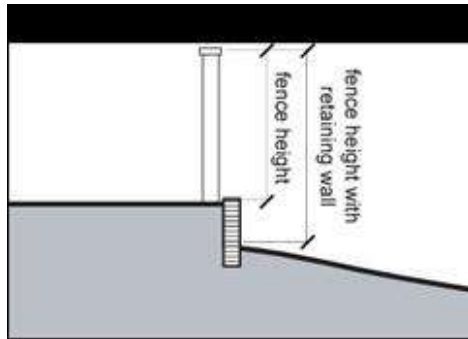


Figure 17.12.020-2: Fence Height [Measurement](#)

- D. **Public Areas.** Fences that enclose school grounds, public playgrounds [and parks](#), tennis courts, public swimming pools, [museums](#), or other public areas may be erected to a height in excess of [67](#) feet, subject to development review.
 1. [Historic Areas, Designated Landmarks, Museums, and Parks within the DH-O. Fences that enclose parks and museums within the DH-O, designated landmarks, and other designated historic sites may be erected to a height in excess of 7 feet subject to design and material review by the Planning Commission acting as the Historic Advisory Commission. If the fence requires approval of the City Council, the Planning Commission's action shall only be advisory.](#)
- E. **Swimming Pools.** Fencing shall be provided around all swimming pools, spas and similar areas, in accordance with the requirements of the city building code.
- F. **Nonresidential development.** Any nonresidential development shall meet the following fencing requirements:
 1. The site shall include a solid fence [or decorative masonry wall](#) along each property line abutting a residential district. The fence shall be between 6 and 7 feet tall
 2. Where a street separates the site from a property that is in a residential district, the site shall include one of the following along the property line that faces the street:
 - a. A solid fence [or decorative masonry wall](#), between 6 and 7 feet tall, that is located behind any required planting area, and that has a decorative architectural treatment on any side facing a street, parking lot or adjoining residential district; or
 - b. A planting area with evergreen landscaping that restricts visibility into the site. [The planting area shall be installed and maintained in accordance with Section 17.12.050.](#)

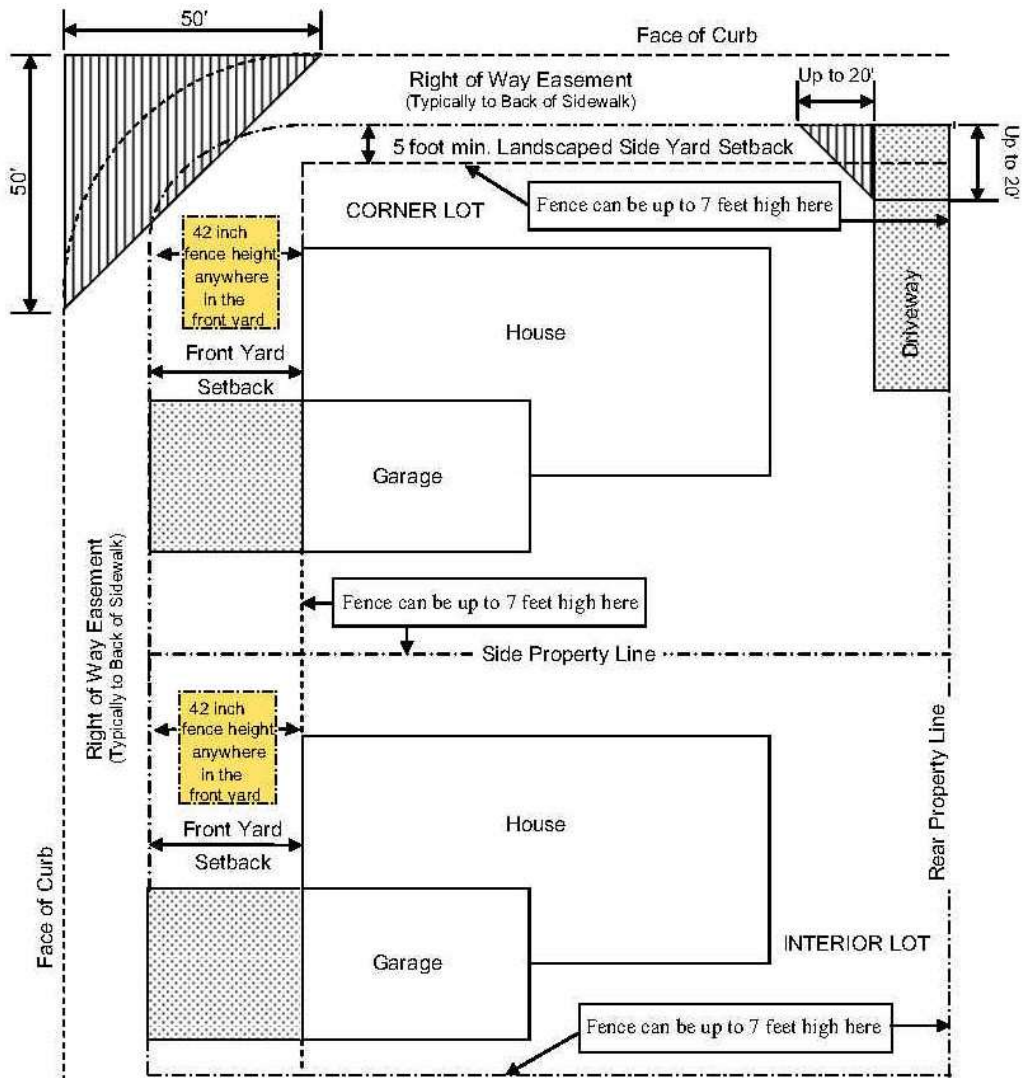
- 3. Loading areas shall be fenced and screened as provided in Section 17.12.080.
- 4. Outdoor storage areas shall be fenced and screened as provided in Section 17.16.140.
- 5. All mechanical, electrical and external communication equipment, including air conditioners, refrigeration units, satellite dishes and microwave towers, shall be screened from public view. Screening of roof-mounted equipment shall be architecturally integrated into the building design.
- 5.—A building permit is required for any fence over 7 feet in height.

G. Residential and Mixed-Use Development.

- 1. In all residential districts, the height of a fence or wall is shown in Table 17.12.020-1, unless authorized in compliance with the requirements of this subsection (G). See also Figure 17.12.020-3 for details on placement and heights of fences and walls.

Table 17.12.020-1: Fences and Walls in Residential Districts

<u>Location</u>	<u>Maximum Height</u>
<u>Within required front yard setback</u>	<u>42 inches^[1]</u>
<u>Within interior side or rear yard setback</u>	<u>7 feet^[2]</u>
<u>Within street side setback</u>	<u>42 inches^[3]</u>
<u>Within a controlled area vision triangle</u>	<u>30 inches^[4]</u>
<u>Outside of a required setback</u>	<u>7 feet^[2]</u>
<p><u>Notes:</u></p> <p><u>[1] Height can be increased above 42 inches to a maximum height of 7 feet if constructed outside of the required front yard or at the point equal to the building’s front façade, whichever is less.</u></p> <p><u>[2] Height can be increased above 7 feet with a building permit.</u></p> <p><u>[3] Fences above 42 inches and to a maximum height of 7 feet without a building permit must be placed at least 5 feet behind property line, outside of any public right-of-way easement, and must be landscaped in this setback area.</u></p> <p><u>[4] See Figure 17.12.020-1 and Section 17.12.020(B)</u></p>	




 Must conform to Visibility Triangle with 30-inch max fence and landscape requirement⁽¹⁾
 42-inch max fence requirement within 20 foot Front Yard⁽¹⁾ and 5 foot Street Side Yard setback

Figure 17.12.020-3: Fence Height and Placement

2. Fences, walls, or combination of fence and wall within the required front setback area for the underlying zoning district shall not exceed 42 inches. If the fence, wall, or combination of fence and wall is constructed outside of the required front setback area, or at the point equal to the building’s front façade, whichever is less, then the fence is allowed a maximum height of 7 feet.
 - a. For properties within the Downtown Historic Overlay (DH-O), the fence height shall not exceed 42 inches anywhere in the front yard. The front yard shall be the area from the front property line to the point equal to the building’s front façade.

3. A decorative arch, trellis, or other entry feature along a street frontage may exceed the height limit shown in Table 17.12.020-1. The decorative features shall be limited to 10 feet in width and 10 feet in height.

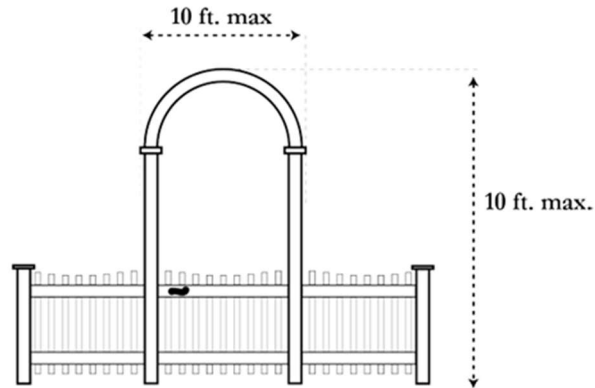


Figure 17.12.020-4: Decorative Features

4. All fences in residential districts greater than 42 inches in height constructed within the street side yard setback adjacent to a public street shall be set back at least 5 feet from any property line that abuts a public street. This setback area shall be landscaped in accordance with the requirements of Section 17.12.050.
- a. All multiple family residential and mixed-use projects shall be fenced along the rear property
- 5.
6. All multiple family residential projects shall include a fence or decorative masonry wall along the rear and side property lines. The fence or decorative masonry wall shall be between 6 and 7 feet tall.
- a. Development of a single project on more than one parcel shall require fencing or decorative masonry wall along the project perimeter side and rear property lines.
6. For mixed-use development, the site shall include a solid fence or decorative masonry wall along each side and rear property line abutting a residential district. The fence or decorative masonry wall shall be between 6 and 7 feet tall.
- a. Development of a single project on more than one parcel shall require fencing or decorative masonry wall along the project perimeter side and rear property lines.
- a.7. A building permit is required for any fence or wall over 7 feet in height.

H. Retaining Walls.

1. All retaining walls shall be constructed with split-face masonry, cast-in-place concrete, interlocking block or a similar material. Retaining walls shall not be constructed of wood.
2. Any retaining wall that is visible from a public street or public open space shall have a decorative architectural treatment on the wall face.
3. A building permit is required for any retaining wall over 4 feet in height.

I. **Electric Fences.**

1. In residential districts that have a minimum lot area of at least 20,000 square feet, electrically charged fences shall be permitted if they are necessary to contain livestock. Any electrically charged fence shall be set back at least 20 feet from any lot line unless there is also a solid fence along the lot line.
2. In all other districts, no electrically charged fences shall be permitted.

J. **Barbed or Razor Wire.** Fences may be constructed with sharp-pointed materials, such as barbed or razor wire, only as follows:

1. In residential districts that have a minimum lot area of at least 20,000 square feet, fences may be constructed with barbed or razor wire if they are necessary to control livestock. Any fence that is constructed with barbed or razor wire shall be set back at least 20 feet from any lot line unless there is also a solid fence along the lot line.
2. In all other residential districts, and on sites that abut a residential district or are separated by a street from a residential district, no fences may be constructed with barbed or razor wire.
3. In industrial districts, fences may be constructed with barbed or razor wire if the wire is at least 6 feet above grade.
4. In commercial and special purpose districts, fences may be constructed with barbed or razor wire only upon approval of a use permit. Before granting the use permit, the planning commission shall find, based on substantial evidence, that the barbed or razor wire is necessary in order to provide adequate security for the site and there is no reasonable alternative.

4.—**Temporary Fences.** Nothing in this chapter shall be deemed to prohibit the erection of a temporary fence around construction projects in compliance with the California Building Code and other applicable provisions of the Oroville Municipal Code.

K. **Permits.** Permits shall be obtained for the erection, construction, alteration and maintenance of fences as specified in the city building code and this code section. (Ord. 1749 § 4; Ord. 1763 §§ 4, 5; Ord. 1819 § 3, 2017; Ord. 1820 § 2, 2017)



City of Oroville

Dawn Nevers
Community Development Director

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PLANNING COMMISSION STAFF REPORT

Thursday, April 28, 2022

RE: Historic Preservation Award Program of the Oroville Historic Advisory Commission

SUMMARY: The Oroville Historic Advisory Commission may consider creating an annual award to honor outstanding achievement in Oroville historic revitalization, the administration of which will include creating an inventory of current and potential sites.

RECOMMENDATION: Staff recommends the following actions:

1. Adopt the attached award program and implement it for 2022.

APPLICANTS: Initiated by the Oroville Historic Advisory Commission

LOCATION: city-wide

GENERAL PLAN: NA

ZONING: NA

FLOOD ZONE: NA

ENVIRONMENTAL DETERMINATION: Not a project under CEQA since it has no possibility of having a direct or indirect effect on the environment.

REPORT PREPARED BY:

Daniel Kopshever, Assistant Planner
Community Development Department

REVIEWED BY:

Dawn Nevers, Assistant Director
Community Development Director

DISCUSSION

The Oroville Historic Advisory Commission may consider instituting the attached award program as a way to celebrate Oroville’s history and to encourage the revitalization of structures in the Downtown and city-wide. Chairperson Durling and Commissioner Sheard met with planning staff on March 21st and April 4th to discuss and finalize the award.

FISCAL IMPACT

None.

PUBLIC NOTICE
NA

ATTACHMENTS

1. Historic Preservation Award Program Description

Historic Preservation Award Program of the Oroville Historic Advisory Commission

The Historic Advisory Commission hereby creates an annual award to honor outstanding achievement in downtown and city-wide historic revitalization.

1. Duties of the Commission. This award is intended to advance the mission and duties of the Commission, to wit:

- a. Duties of the Commission. The historic advisory commission shall have the following duties (from OMC 17.56.050):
 - i. To advise the city council of the historic nature and historic value of any landmarks and landmark sites proposed by property owners within DH-O districts.
 - ii. To recommend specific guidelines, subject to city council approval for designation and development of landmarks and landmark areas.
 - iii. To promote and conduct educational and interpretational programs on historic properties within DH-O districts, subject to approval by the city council.
 - iv. To provide the city council with an inventory of existing landmarks and landmark sites, as well as an inventory of possible future landmarks and landmark sites, within the city.
 - v. To provide the city council with an inventory of contributing and noncontributing features within existing DH-O districts.
 - vi. To perform any other duties, responsibilities and functions enumerated in this chapter. (Ord. 1749 § 4; Ord. 1790 § 2)

2. Historic Preservation Award Program Goals.

- a. To honor outstanding achievement in architecturally period-appropriate rehabilitation and economically stimulating adaptive reuse of Oroville's historic properties.
- b. To preserve and glorify Oroville's historic heritage and values.
- c. To encourage building owners to rehabilitate and maintain historic structures stewarding their best and highest use while preserving historic qualities.

3. Award Criteria

- a. The property or site, which can be anywhere in the city, must exhibit several of the following:

- i. Outstanding period appropriate architectural and landscape restoration or preservation.
- ii. Evidence of an understanding of and dedication to the history of the structure or site within the context of Oroville's history.
- iii. A commitment to excellence in ongoing stewardship of the property.
- iv. Sustainable reuse that brings economic vitality to the City of Oroville and/or stimulates the local economy.
- v. Compliance with the general plan, city codes, zoning and ordinances.
- vi. Importance within the context of Oroville's history.

4. Administration

- a. The awards are sponsored by the City of Oroville and are administered by the Historical Advisory Committee and presented by the City Council.
- b. The Historic Advisory Committee will choose a minimum of one property per year to receive this award.
- c. The committee may consider awards for more than one property per year.
- d. The award will be consistent with the criteria of the California Office of Historic Preservation.
- e. The Commission will solicit corporate sponsorships to help promote and support the award, its implementation, its promotion, and its longevity.
- f. Awardees will receive a plaque, be invited to host a reception and tour, recognition in local press, and may receive additional support from the City.

5. Potential cost

- a. Plaque Design TBD
- b. Plaque Cost -- \$300 to \$500
- c. Reception refreshments and signage -- \$500
- d. Promotion – By Commissioners and City staff.