



OROVILLE PLANNING COMMISSION/ HISTORICAL ADVISORY COMMITTEE

Council Chambers
1735 Montgomery Street
Oroville, CA. 95965

**November 16, 2023
REGULAR MEETING
6:00 PM
AGENDA**

PUBLIC ACCESS AND PARTICIPATION

To view the meeting or provide comment, please see the options below.

To Watch or Listen to the Meeting:

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

To Provide Comments:

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, Terry Smith,
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

There are no Consent Calendar items this meeting.

PUBLIC HEARINGS

The Public Hearing Procedure is as follows:

- Mayor or Chairperson opens the public hearing.
- Staff presents and answers questions from Council
- The hearing is opened for public comment limited to two (2) minutes per speaker. In the event of more than ten (10) speakers, time will be limited to one and a half (1.5) minutes. Under Government Code 54954.3, the time for each presentation may be limited.
- Public comment session is closed
- Commission debate and action

1. Tentative Parcel Map 23-02

The Commission will review and consider approving Tentative Parcel Map 23-02 (TPM 23-02) for a lot split of residential property near 2566 Foothill Boulevard. The map will split one lot into two lots. (APN 079-010-005)

ACTION(S) REQUESTED –

APPROVE THE RECOMMENDED FINDINGS AND CONDITIONS OF APPROVAL FOR TENTATIVE PARCEL MAP 23-02; AND

ADOPT RESOLUTION NO. P2023-28

2. Tentative Parcel Map 23-01

The Commission will review and consider approving Tentative Parcel Map 23-01 (TPM 23-01) for a lot split of commercial property on Feather River Boulevard. The map will split one lot into three lots.(APN 035-350-009)

ACTION REQUESTED –

APPROVE THE RECOMMENDED FINDINGS FOR TENTATIVE PARCEL MAP 23-01 AND RECOMMENDED CONDITIONS OF APPROVAL; AND

ADOPT RESOLUTION NO. P2023-26

3. Amendments to Section 17.16.150 of the Oroville Municipal Code Relating to Mobile Food Trucks and to Multiple Food Trucks on a Single Site

The Oroville Planning Commission will review and make a recommendation to the Oroville City Council regarding modifications to Municipal Code Section 17.16.150 regulating mobile food vendors at one location (Mobile Food Vendor Village).

ACTION REQUESTED –

THAT THE PLANNING COMMISSION ADOPT/MODIFY RESOLUTION P2023-21, BASED ON THE FINDINGS IN THAT RESOLUTION, AND FORWARD THEIR RECOMMENDATION TO THE CITY COUNCIL FOR ACTION.

4. Use Permit UP23-11

Butte County proposes to establish an Integrated Behavioral Health Services Center in an existing 39,700+/- square foot facility at 1875 Feather River Boulevard. The services to be provided include outpatient mental health and substance abuse counseling along with a variety of other support services for Oroville residents. Outpatient services require a Use Permit in the subject Corridor Mixed Use (MXC) zoning district. Staff has identified no major issues, and is recommending approval.

ACTION REQUESTED –

CONDUCT A PUBLIC HEARING ON THE PROPOSED PROJECT;

ADOPT RESOLUTION NO. P2023-27, ADOPTING A CATEGORICAL EXEMPTION AND CONDITIONALLY APPROVING USE PERMIT NO. 23-11

REGULAR BUSINESS

There are no Regular Business items this meeting.

REPORTS / DISCUSSIONS / CORRESPONDENCE

- 5. Commissioner Reports
- 6. Historical Advisory Commission Reports
- 7. Staff Reports

ADJOURN THE MEETING

The meeting will be adjourned. A regular meeting of the Oroville Planning Commission will be held on December 28, 2023 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.



City of Oroville

COMMUNITY DEVELOPMENT DEPARTMENT

1735 Montgomery Street
 Oroville, CA 95965-4897
 (530) 538-2436 FAX (530) 538-2426
www.cityoforoville.org

PLANNING COMMISSION STAFF REPORT

Thursday, November 16, 2023

RE: Tentative Parcel Map 23-02

SUMMARY: The Commission will review and consider approving Tentative Parcel Map 23-02 (TPM 23-02) for a lot split of residential property near 2566 Foothill Boulevard. The map will split one lot into two lots. (APN 079-010-005)

RECOMMENDATION: Staff recommends the following actions:

1. **Approve** the recommended findings and conditions of approval for Tentative Parcel Map 23-02;
2. **Adopt** Resolution No. P2023-28

APPLICANTS: Eric Andoe and Jill Andoe

LOCATION: Adjacent to 2566 Foothill Boulevard, Oroville, California

GENERAL PLAN: Medium Low density Residential (3-6 du/acre)

ZONING: RL (Large Lot Residential)

FLOOD ZONE: Zone X

ENVIRONMENTAL DETERMINATION: The project is Categorically Exempt from the California Environmental Quality Act (CEQA) review pursuant to Title 14, CCR, Section 15315, "MINOR LAND DIVISIONS". In addition, as part of another project that is exempt, this map is also exempt.

REPORT PREPARED BY:

 Joshua Freitas, Assistant Engineer
 Public Works Department

REVIEWED BY:

 Patrick Piatt, Director
 Community Development

DISCUSSION

The Planning Commission will review an application for Tentative Parcel Map 23-02 to separate one parcel @ 6.35-acres into two parcels.

The proposed map will create two parcels fronting onto Foothill Boulevard. These

parcels are intended to be future residential properties.

All required conditions and considerations per OMC 16.12.050 "Tentative Parcel Map" apply to this requested tentative parcel map. Regarding curb, gutter and sidewalk, most parcels along foothill Blvd. do not have frontage improvements but some properties have Deferred improvement agreements with the city.

Staff propose the following condition: Prior to filing the Final Parcel Map, all public improvements required by OMC 16 "Subdivisions" shall be completed and accepted by the City or a deferred improvement agreement shall be executed.

ENVIRONMENTAL DETERMINATION

This action has been determined to be Categorically Exempt from the California Environmental Quality Act (CEQA) review pursuant to Title 14, Division 6, Chapter 3 of the California Code of Regulations, Article 19 Categorical Exemptions, Section 15315 "MINOR LAND DIVISIONS".

FINDINGS

Staff have determined that the following findings can be accurately and truthfully made (OMC 16.20.050 E);

- 1) The requested tentative parcel map is in conformance with the General Plan and the City's zoning ordinance. *The General Plan is not affected,*
- 2) The site is physically suitable for the proposed density or type of development. *The adjacent parcels and surrounding area have identical densities of rural residential development.*
- 3) The design of the land division is not likely to cause substantial environmental damage or substantially and avoidable injure fish or wildlife or their habitat. *The land division does not affect fish or wildlife.*
- 4) The design of the land division is not likely to cause serious public health problems. *There is no public health effect.*
- 5) A preliminary soils report or geological hazard report indicating no adverse soil or geological conditions that cannot be corrected to the satisfaction of the City Engineer shall be submitted prior to the issuance of building permits. *This is a condition of approval.*
- 6) The design of the land division will not conflict with any existing easements. *The City Engineer is satisfied that there is no conflict.*
- 7) The proposed land division is consistent with OMC 16.12.050, and the requested parcel map seeks no variances or exceptions; *Frontage improvements shall either be completed prior to the final Parcel map, or a deferred development agreement executed.*
- 8) All services and access to the proposed parcels are available and meet City

standards. Discharges of waste into a community sewer system will not violate existing requirements prescribed by a California Regional Water Quality Control Board pursuant to Division 7 (commencing with Section 13000 of the Water Code). *There is no change in the existing services, which are all available to the site.*

- 9) The parcel was not involved in the division of a larger parcel anytime in the last two years. *Confirmed.*

A. CONDITIONS OF APPROVAL

- 1) These conditions of approval are to permit the land division of Tentative Parcel Map No. 23-02 (TPM 23-02) as generally described above.
- 2) This Tentative Parcel Map conditional approval shall become null and void unless all conditions have been complied with for recordation of the Final Parcel Map within twenty-four (24) months after the approval of said Tentative Parcel Map. Where circumstances beyond the control of the applicant cause delays, which do not permit compliance with the time limitation referenced herein, the Planning Commission may grant an extension of time for an additional period of time not to exceed an additional twelve (12) months. Applications for such extension of time must set forth in writing the reasons for the extension and shall be filed together with a fee, as established by the City Council, thirty (30) calendar days before the expiration of the Tentative Parcel Map. The applicant will be responsible for initiating any extension request.
- 3) The Planning Commission approval date of this Tentative Parcel Map No. 23-02 is referenced below. All determinations of whether the land division is eligible for an extension of time shall be based on this original approval date.
- 4) All easements of record on and immediately adjacent to the property being subdivided -- and all easements created by approval of this subdivision -- must be noted on the Final Map and shown on site plans and improvement plans.
- 5) The applicant shall ascertain and comply with the State of California Subdivision Map Act and with all requirements of the Oroville Municipal Code, and with all other applicable County, State and Federal requirements.
- 6) 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 action or any environmental or other documentation related to the approval of this tentative parcel map. Applicant further agrees to provide a defense for the City in any such action
- 7) 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.

- 8) This map shall run with the land and be binding upon all successors in interest to the maximum extent permitted by law.
- 9) 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 negative impacts that the use may have on the surrounding properties.
- 10) All private facilities, improvements, infrastructure, systems, equipment, common areas, landscaping, irrigations systems, etc. shall be operated and maintained by the applicant in such a manner, and with such frequency, to ensure the public health, safety, and general welfare.
- 11) The Planning Commission's action shall be final unless the subdivider or any other interested person appeals the action to the City Council as provided in Section 16.04.060 of the City's Code.
- 12) Owner shall provide monumentation in conformance with the requirements of the California Subdivision Map Act (Government Code Section 66410 and following).
- 13) The location, identification and description of known or found monuments on or adjacent to the site, shall be shown and noted on the Parcel Map.
- 14) The location, identification and description of known or found monuments on or adjacent to the site, shall be shown and noted on any plans for construction on the parcels. Said monuments shall be protected or replaced per State law.
- 15) All easements of record that affect this property are to be shown on the Parcel Map.
- 16) Prior to recordation of the Parcel Map, pay in full any and all delinquent, current and estimated taxes and assessments as specified in Article 8 of Chapter 4 of Division 2 of Title 7, of the California Government Code commencing with Section 66492.
- 17) A preliminary soils report or geological hazard report indicating no adverse soil or geological conditions that cannot be corrected to the satisfaction of the City Engineer shall be submitted prior to the issuance of building permits.
- 18) Frontage improvements shall either be completed prior to the final Parcel map, or a deferred development agreement executed.

--- End of Conditions ---

B. FISCAL IMPACT

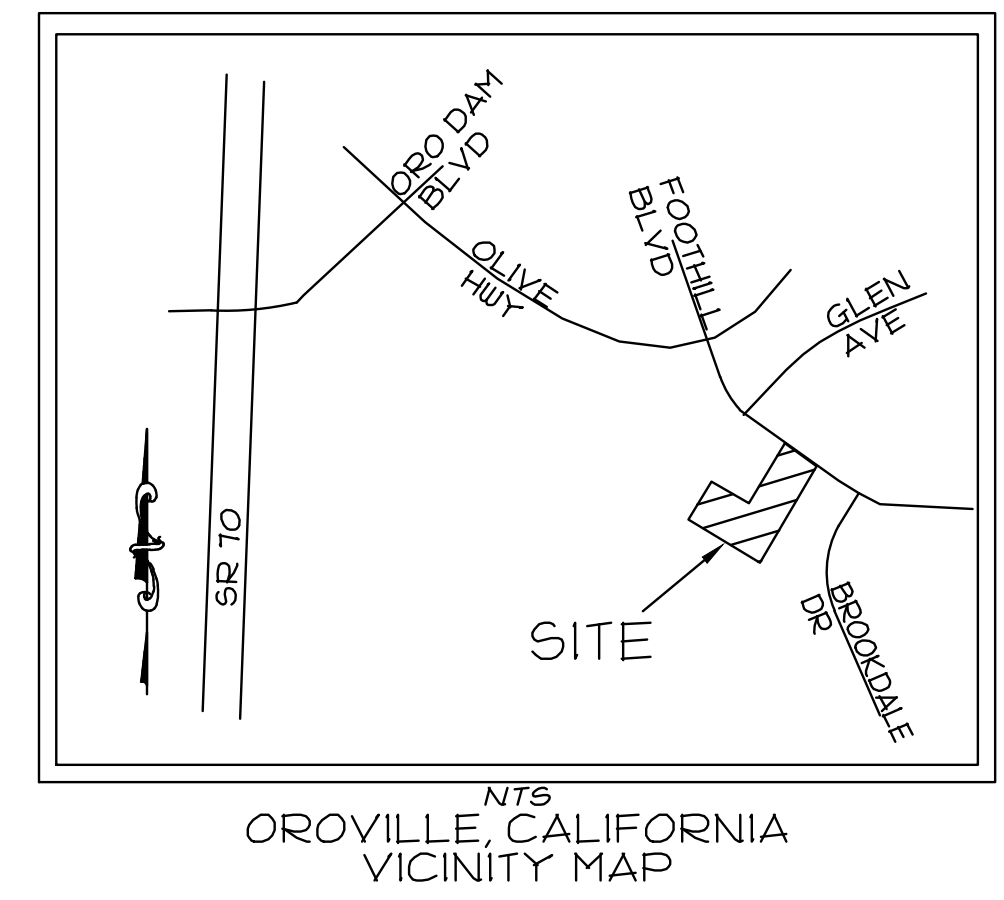
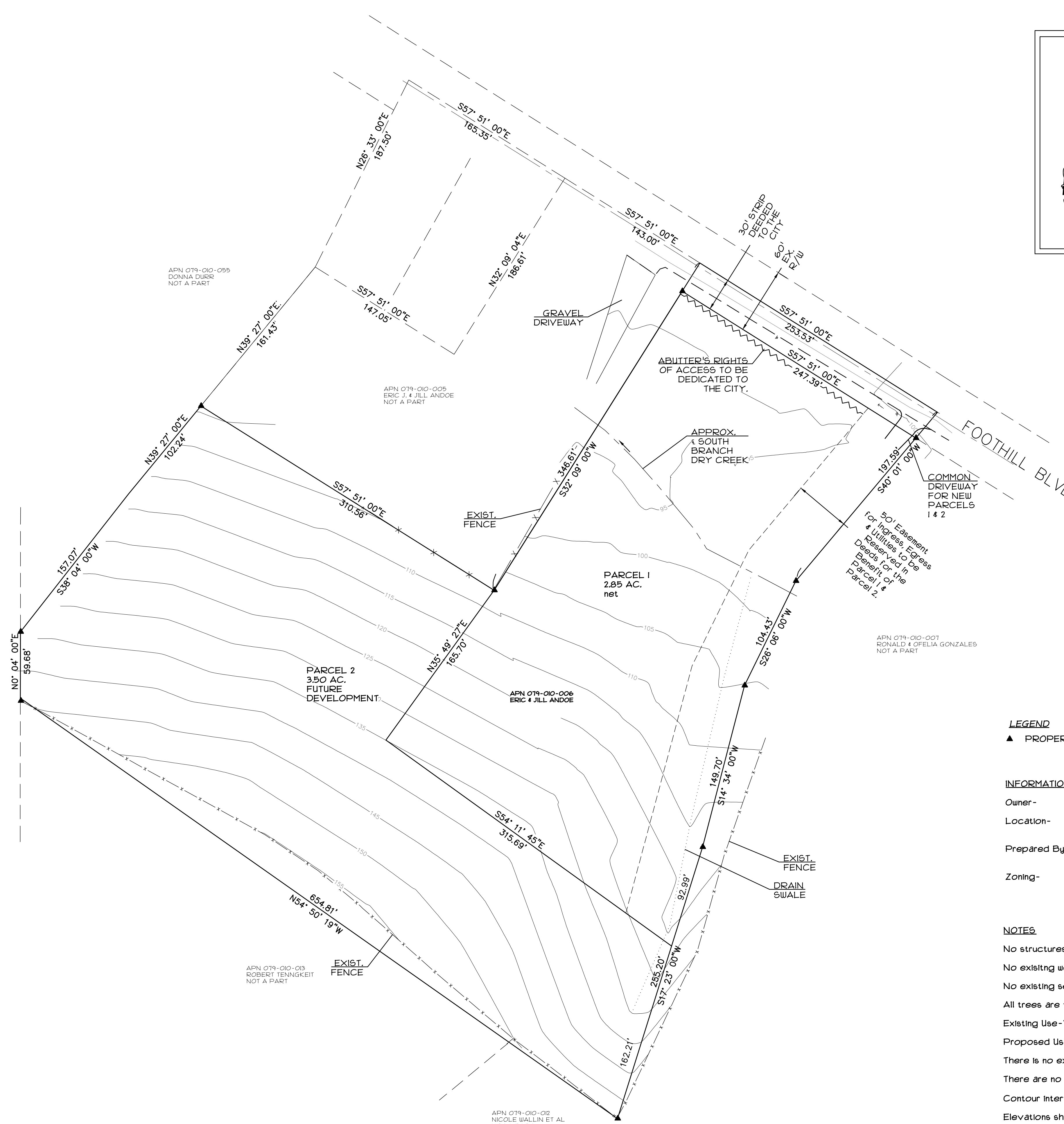
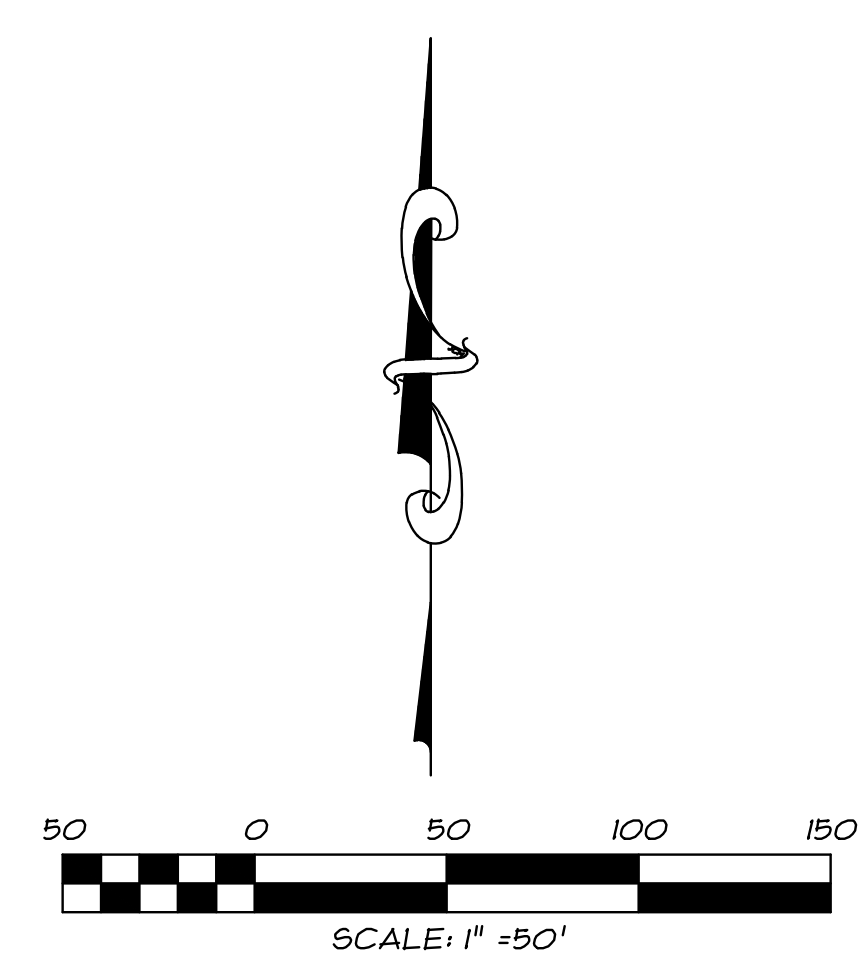
The total fees associated with this project are as follows:

Item	Price	Tech Fee	Total	Paid
Tentative Parcel Map	\$3,500.34	\$210.02	\$3,710.36	Yes
Total	\$3,500.34	\$210.02	\$3710.36	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.

ATTACHMENTS

- 1. Proposed Map TPM 23-02
- 2. Resolution No. P2023-28
- 3. Notice of Exemption



LEGEND

- ▲ PROPERTY CORNER

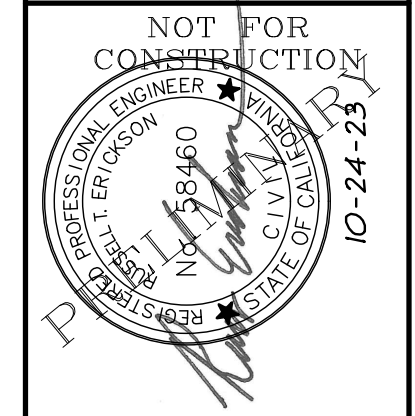
INFORMATION TABLE

Owner-	Eric Andoe & Jill Andoe
Location-	Foothill Blvd, Oroville, CA APN - 079-010-006
Prepared By-	Robertson Erickson Civil Engineers June, 2023
Zoning-	RL - Large Lot Residential

NOTES

- No structures are currently on this property.
- No existing wells on the site.
- No existing septic system on the site
- All trees are to remain.
- Existing Use - Vacant
- Proposed Use - Residential
- There is no existing off street parking.
- There are no known environmental issues.
- Contour Interval is 5'
- Elevations shown are based on an assumed datum.
- Tree Mitigation Plan submitted separately.
- Driveways & Grading Plans to be submitted with building permits.

Robertson Erickson
CIVIL ENGINEERS & SURVEYORS
888 Manzanita Court
Suite 101
Chico, California 95926
530-894-3500 Fax 530-894-8955
robertsonerickson.com



**EXISTING TOPOGRAPHY
TENTATIVE PARCEL MAP
ANDOE**

RESOLUTION NO. P2023-028

A RESOLUTION OF THE OROVILLE CITY PLANNING COMMISSION MAKING FINDINGS AND CONDITIONALLY APPROVING TENTATIVE PARCEL MAP NO. TPM 23-02 AND MAKING FINDINGS THEREOF (APN 079-010-005).

WHEREAS, the City of Oroville staff recommends a tentative parcel map; and

WHEREAS, the tentative parcel map to separate the existing 6.35-acre parcel into two separate parcels to create two individual lots for future residential development -- Parcel 1 will be 2.85 acres, and Parcel 2 will be 3.50 acres; and

WHEREAS, the following conditions of approval shall be incorporated into the final map;

WHEREAS, at a duly noticed public meeting, the Planning Commission considered the comments and concerns of anyone potentially affected by the approval of the tentative parcel map described herein, and also considered the City's staff report regarding the change.

WHEREAS, the requested tentative parcel map is in conformance with the General Plan and the City's zoning ordinance,

WHEREAS, the requested parcel map seeks no variances or exceptions,

WHEREAS, all services and access to the proposed parcels are available and meet City standards,

WHEREAS, the parcel was not involved in the division of a larger parcel anytime in the last two years, and

WHEREAS, the parcel does not have an average slope greater than 20 percent.

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

1. This action has been determined to be Categorically Exempt from the California Environmental Quality Act (CEQA) review pursuant to Title 14, Division 6, Chapter 3 of the California Code of Regulations, Article 19 Categorical Exemptions, Section 15315 "MINOR LAND DIVISIONS"
2. The Planning Commission approves the findings provided for the tentative parcel map to separate the existing 6.35-acre parcel into two separate parcels.

CONDITIONS OF APPROVAL

- 1) These conditions of approval are to permit the land division of Tentative Parcel Map No. 23-02 (TPM 23-02) as generally described above.
- 2) This Tentative Parcel Map conditional approval shall become null and void unless all conditions have been complied with for recordation of the Final Parcel Map within twenty-four (24) months after the approval of said Tentative Parcel Map. Where circumstances beyond the control of the applicant cause delays, which do not permit compliance with the time limitation referenced herein, the Planning Commission may grant an extension of time for an additional period of time not to exceed an additional twelve (12) months. Applications for such an extension of time must set forth in writing the reasons for the extension and shall be filed together with a fee, as established by the City Council, thirty (30) calendar days before the expiration of the Tentative Parcel Map. The applicant will be responsible for initiating any extension request.
- 3) The Planning Commission approval date of this Tentative Parcel Map No. 23-02 is referenced below. All determinations of whether the land division is eligible for an extension of time shall be based on this original approval date.
- 4) All easements of record on and immediately adjacent to the property being subdivided -- and all easements created by approval of this subdivision -- must be noted on the Final Map and shown on site plans and improvement plans.
- 5) The applicant shall ascertain and comply with the State of California Subdivision Map Act and with all requirements of the Oroville Municipal Code, and with all other applicable County, State and Federal requirements.
- 6) 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 action or any environmental or other documentation related to the approval of this tentative parcel map. Applicant further agrees to provide a defense for the City in any such action
- 7) 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.
- 8) This map shall run with the land and be binding upon all successors in interest to the maximum extent permitted by law.
- 9) 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 negative impacts that the use may have on the surrounding properties.
- 10) All private facilities, improvements, infrastructure, systems, equipment, common areas, landscaping, irrigations systems, etc. shall be operated and

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

- 11) The Planning Commission’s action shall be final unless the subdivider or any other interested person appeals the action to the City Council as provided in Section 16.04.060 of the City’s Code.
- 12) Owner shall provide monumentation in conformance with the requirements of the California Subdivision Map Act (Government Code Section 66410 and following).
- 13) The location, identification and description of known or found monuments on or adjacent to the site, shall be shown and noted on the Parcel Map.
- 14) The location, identification and description of known or found monuments on or adjacent to the site, shall be shown and noted on any plans for construction on the parcels. Said monuments shall be protected or replaced per State law.
- 15) All easements of record that affect this property are to be shown on the Parcel Map.
- 16) Prior to recordation of the Parcel Map, pay in full any and all delinquent, current and estimated taxes and assessments as specified in Article 8 of Chapter 4 of Division 2 of Title 7, of the California Government Code commencing with Section 66492.
- 17) A preliminary soils report or geological hazard report indicating no adverse soil or geological conditions that cannot be corrected to the satisfaction of the City Engineer shall be submitted prior to the issuance of building permits.
- 18) Frontage improvements shall either be completed prior to the final Parcel map, or a deferred development agreement executed.

--- 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 16th of November 2023, by the following vote:

AYES:

NOES:

ABSTAIN:

ABSENT:

ATTEST:

APPROVE:

KAYLA REASTER, ASSISTANT CITY CLERK

CARL DURLING, CHAIRPERSON



City of Oroville

COMMUNITY DEVELOPMENT DEPARTMENT

Patrick Piatt
DIRECTOR

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

NOTICE OF EXEMPTION

TO: Butte County Clerk
25 County Center Drive
Oroville, CA 95965

FROM: City of Oroville
1735 Montgomery Street
Oroville, CA 95965

Project Title: Tentative Parcel Map TPM 23-02

Project Location – Specific: APN 079-010-005 adjacent to 2566 Foothill Blvd.

Project Location - City: City of Oroville

Project Location – County: Butte

Description of Nature, Purpose, and beneficiaries of project: The project applicants, Eric and Jill Andoe, seek to split a single lot of 6.35 acres into two parcels, one at 2.85 acres and one at 3.50 acres. All required conditions and considerations per OMC 16.12.050 "Tentative Parcel Map" apply to this requested tentative parcel map.

Name of Public Agency Approving Project: City of Oroville

Name of Person or Agency Carrying Out Project: Eric and Jill Andoe

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:
 - Minor Land Divisions, Title 14, CCR, §15315
- 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 as follows:

Minor Land Divisions; Title 14, CCR, §15315

Class 15 consists of the division of property in urbanized areas zoned for residential, commercial, or industrial use into four or fewer parcels when the division is in conformance with the General Plan and zoning, no variances or exceptions are required, all services and access to the proposed parcels to local standards are available, the parcel was not involved in a division of a larger parcel within the previous 2 years, and the parcel does not have an average slope greater than 20 percent.

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: Wes Ervin

Telephone: (530) 538-2408

Signature: _____

Date: _____

- Signed by Lead Agency
- Signed by Applicant



City of Oroville

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PLANNING COMMISSION STAFF REPORT

Thursday, November 16, 2023

RE: Tentative Parcel Map 23-01

SUMMARY: The Commission will review and consider approving Tentative Parcel Map 23-01 (TPM 23-01) for a lot split of commercial property on Feather River Boulevard. The map will split one lot into three lots.(APN 035-350-009)

RECOMMENDATION: Staff recommends the following actions:

1. **Approve** the recommended findings for Tentative Parcel Map 23-01 and recommended Conditions of Approval;
2. **Adopt** Resolution No. P2023-26

APPLICANTS: Mark Cooper and Tammy Davis

LOCATION: Feather River Boulevard,
 Oroville, California

GENERAL PLAN: RBS (Retail and Business Services)

ZONING: C2 (Intensive Commercial)

FLOOD ZONE: Zone X (1% chance per year of flooding less than 1 foot deep)

ENVIRONMENTAL DETERMINATION: The project is Categorically Exempt from the California Environmental Quality Act (CEQA) review pursuant to Title 14, Division 6, Chapter 3 of the California Code of Regulations, Article 19 Categorical Exemptions, Section 15315 "MINOR LAND DIVISIONS"

REPORT PREPARED BY:

 Joshua Freitas, Assistant Engineer
 Public Works Department

REVIEWED BY:

 Patrick Piatt, Director
 Community Development

DISCUSSION

The Planning Commission will review an application for Tentative Parcel Map 23-01 to separate one parcel @ 2.9-acres into three roughly equal parcels.

The proposed map will create three parcels fronting onto Feather River Boulevard.

These parcels will be future retail and business service development.

All required conditions and considerations per OMC 16.12.050 “Tentative Parcel Map” apply to this requested tentative parcel map. Regarding curb, gutter and sidewalk, most parcels in this vicinity do not have frontage improvements but some properties have deferred improvement agreements.

Prior to filing the Final Parcel Map, all public improvements required by OMC 16 “Subdivisions” shall be completed and accepted by the City or a deferred improvement agreement shall be executed.

ENVIRONMENTAL DETERMINATION

This action has been determined to be Categorically Exempt from the California Environmental Quality Act (CEQA) review pursuant to Title 14, Division 6, Chapter 3 of the California Code of Regulations, Article 19 Categorical Exemptions, Section 15315 “MINOR LAND DIVISIONS”.

FINDINGS

Staff has determined that the following findings can be accurately and truthfully made (OMC 16.20.050 E);

- 1) The requested tentative parcel map is in conformance with the General Plan and the City’s zoning ordinance. *The General Plan is not affected.*
- 2) The site is physically suitable for the proposed density or type of development. *The adjacent parcels and surrounding area have identical densities of heavy commercial development.*
- 3) The design of the land division is not likely to cause substantial environmental damage or substantially and avoidable injure fish or wildlife or their habitat. *The land division does not affect fish or wildlife.*
- 4) The design of the land division is not likely to cause serious public health problems. *There is no public health effect.*
- 5) A preliminary soils report or geological hazard report indicating no adverse soil or geological conditions that cannot be corrected to the satisfaction of the City Engineer shall be submitted prior to the issuance of building permits. *This is a condition of approval.*
- 6) The design of the land division will not conflict with any existing easements. *The City Engineer is satisfied that there is no conflict.*
- 7) The proposed land division is consistent with OMC 16.12.050, and the requested parcel map seeks no variances or exceptions. *Frontage improvements shall either be completed prior to the final Parcel map, or a deferred development agreement executed.*
- 8) All services and access to the proposed parcels are available and meet City

standards. Discharges of waste into a community sewer system will not violate existing requirements prescribed by a California Regional Water Quality Control Board pursuant to Division 7 (commencing with Section 13000 of the Water Code). *There is no change in existing services, which are all available to the site.*

- 9) The parcel was not involved in the division of a larger parcel anytime in the last two years. *Confirmed.*

CONDITIONS OF APPROVAL

- 1) These conditions of approval are to permit the land division of Tentative Parcel Map No. 23-01 (TPM 23-01) as generally described above.
- 2) This Tentative Parcel Map conditional approval shall become null and void unless all conditions have been complied with for recordation of the Final Parcel Map within twenty-four (24) months after the approval of said Tentative Parcel Map. Where circumstances beyond the control of the applicant cause delays, which do not permit compliance with the time limitation referenced herein, the Planning Commission may grant an extension of time for an additional period of time not to exceed an additional twelve (12) months. Applications for such extension of time must set forth in writing the reasons for the extension and shall be filed together with a fee, as established by the City Council, thirty (30) calendar days before the expiration of the Tentative Parcel Map. The applicant will be responsible for initiating any extension request.
- 3) The Planning Commission approval date of this Tentative Parcel Map No. 23-01 is referenced below. All determinations of whether the land division is eligible for an extension of time shall be based on this original approval date.
- 4) All easements of record on and immediately adjacent to the property being subdivided -- and all easements created by approval of this subdivision -- must be noted on the Final Map and shown on site plans and improvement plans.
- 5) The applicant shall ascertain and comply with the State of California Subdivision Map Act and with all requirements of the Oroville Municipal Code, and with all other applicable County, State and Federal requirements.
- 6) 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 action or any environmental or other documentation related to the approval of this tentative parcel map. Applicant further agrees to provide a defense for the City in any such action
- 7) 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.

- 8) This map shall run with the land and be binding upon all successors in interest to the maximum extent permitted by law.
- 9) 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 negative impacts that the use may have on the surrounding properties.
- 10) All private facilities, improvements, infrastructure, systems, equipment, common areas, landscaping, irrigations systems, etc. shall be operated and maintained by the applicant in such a manner, and with such frequency, to ensure the public health, safety, and general welfare.
- 11) The Planning Commission's action shall be final unless the subdivider or any other interested person appeals the action to the City Council as provided in Section 16.04.060 of the City's Code.
- 12) Owner shall provide monumentation in conformance with the requirements of the California Subdivision Map Act (Government Code Section 66410 and following).
- 13) The location, identification and description of known or found monuments on or adjacent to the site, shall be shown and noted on the Parcel Map.
- 14) The location, identification and description of known or found monuments on or adjacent to the site, shall be shown and noted on any plans for construction on the parcels. Said monuments shall be protected or replaced per State law.
- 15) All easements of record that affect this property are to be shown on the Parcel Map.
- 16) Prior to recordation of the Parcel Map, pay in full any and all delinquent, current and estimated taxes and assessments as specified in Article 8 of Chapter 4 of Division 2 of Title 7, of the California Government Code commencing with Section 66492.
- 17) A preliminary soils report or geological hazard report indicating no adverse soil or geological conditions that cannot be corrected to the satisfaction of the City Engineer shall be submitted prior to the issuance of building permits.
- 18) Frontage improvements shall either be completed prior to the final Parcel map, or a deferred development agreement executed.
- 19) Existing City sewer infrastructure located along frontage at the property shall be encased within a public utility easement on the final map.

--- End of Conditions ---

FISCAL IMPACT

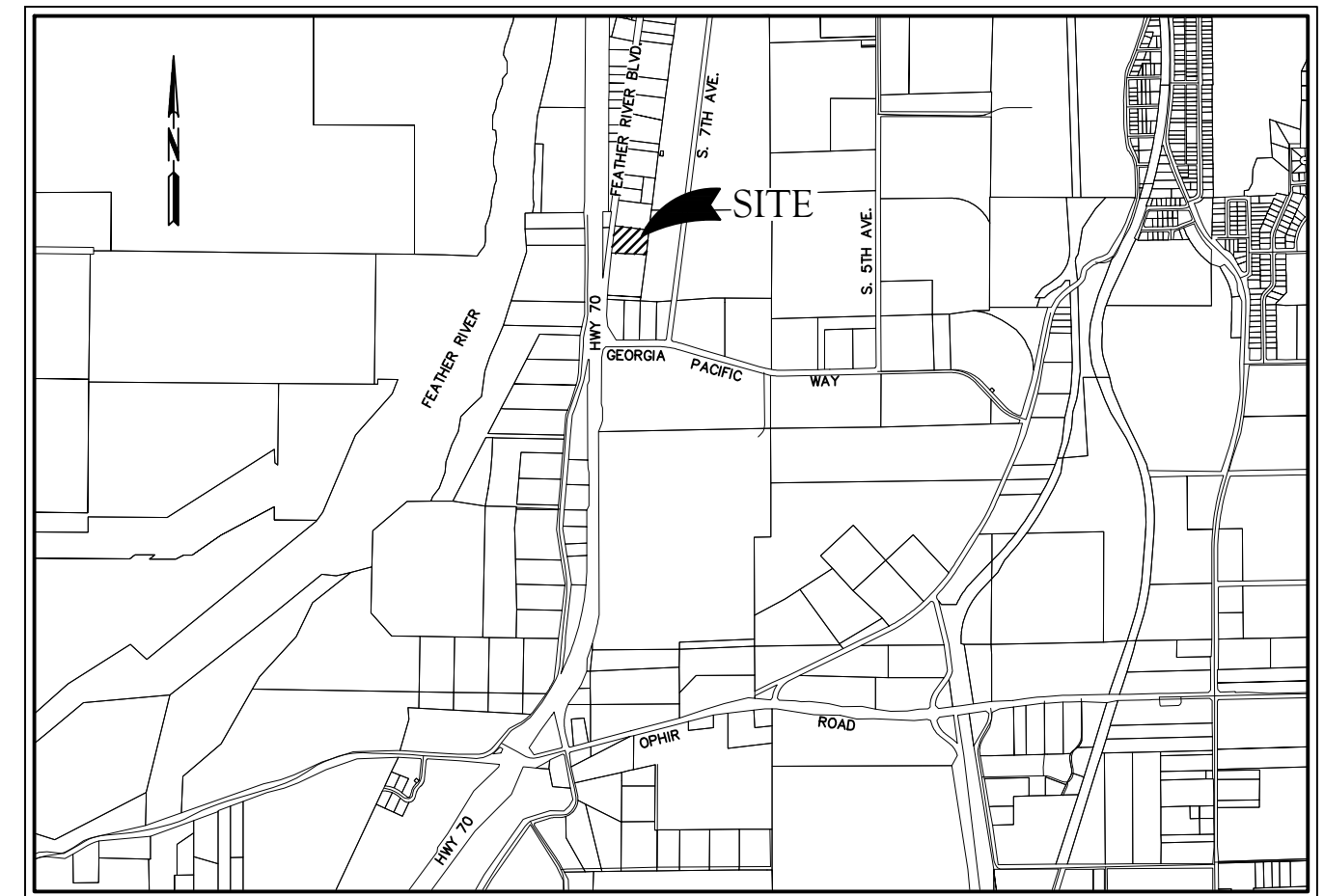
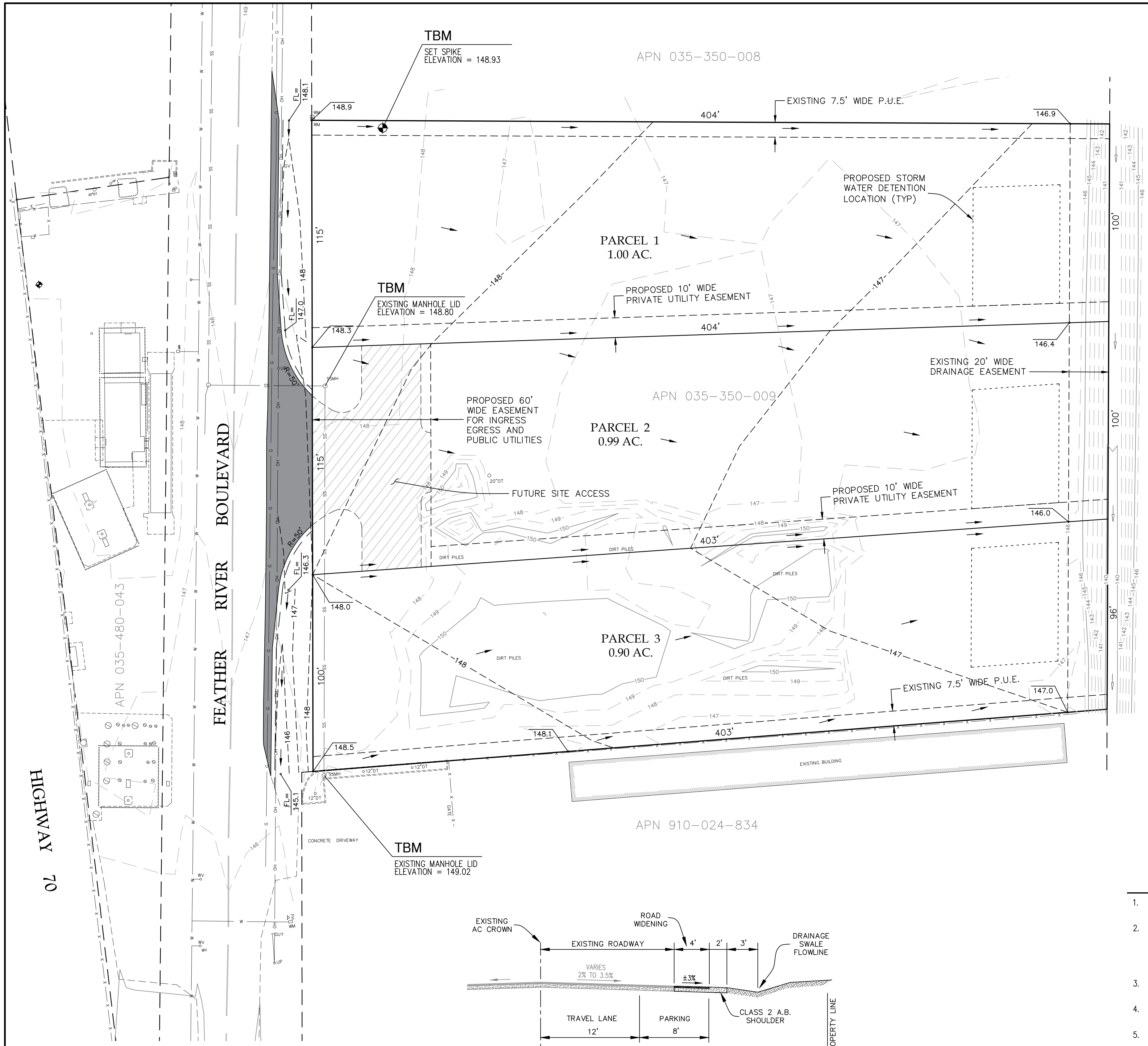
The total fees associated with this project are as follows:

Item	Price	Tech Fee	Total	Paid
Tentative Parcel Map	\$4,000.00	\$240.00	\$4,240.00	Yes
Total	\$4,000.00	\$240.00	\$4,240.00	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.

ATTACHMENTS

1. Proposed Map TPM 23-01
2. Resolution No. P2023-26
3. Notice of Exemption



LOCATION MAP
NO SCALE

LEGEND

---	SITE BOUNDARY
---	PROPOSED PROPERTY LINE
---	EXISTING PROPERTY LINE
---	EASEMENT LINE
---	EXISTING CONCRETE
---	EXISTING EDGE OF PAVEMENT
---	EXISTING PAVEMENT STRIPING
---	EXISTING WATER LINE
---	EXISTING SEWER LINE
---	EXISTING GAS LINE
---	EXISTING OVERHEAD UTILITY LINES
---	EXISTING FENCE
---	EXISTING SANITARY SEWER MANHOLE
---	EXISTING SIGN POST
---	EXISTING FIRE HYDRANT
---	EXISTING WATER VALVE
---	EXISTING GAS VALVE
---	EXISTING TREE WITH DIAMETER AND TYPE
---	EXISTING DECIDUOUS TREE
---	EXISTING WATER METER
---	EXISTING UTILITY POLE
---	EXISTING MAJOR CONTOUR (5' INTERVAL)
---	EXISTING MINOR CONTOUR (1' INTERVAL)
---	PROPOSED FINISH GRADE CONTOUR
---	PROPOSED DIRECTION OF SURFACE FLOW
---	PROPOSED FINISH GRADE ELEVATION
---	PROPOSED ASPHALT ROAD WIDENING AND ACCESS
---	PROPOSED AB SHOULDER
---	PROPOSED STORMWATER DETENTION LOCATION

APN 035-460-027

OWNER/APPLICANT
 MARK COOPER & TAMMY DAVIS
 1749 AUBREY COURT
 DURHAM, CA 95938
 (530) 520-2020

ENGINEER
 ROLLS, ANDERSON & ROLLS
 ATTN: JEFFREY I. RABO
 R.C.E. 87152
 115 YELLOWSTONE DRIVE
 CHICO, CA 95973
 (530) 895-1422

PROPERTY DATA

ASSESSORS PARCEL NUMBER:	035-350-009
PARCEL AREA:	2.9 ACRES ±
EXISTING ZONING:	C-2 (INTENSIVE COMMERCIAL)
EXISTING GENERAL PLAN:	RETAIL & BUSINESS SERVICES
EXISTING LAND USE:	VACANT
PROPOSED LAND USE:	RETAIL, SERVICES, STORAGE, REPAIR, MANUFACTURING

PARCEL AREA SUMMARY

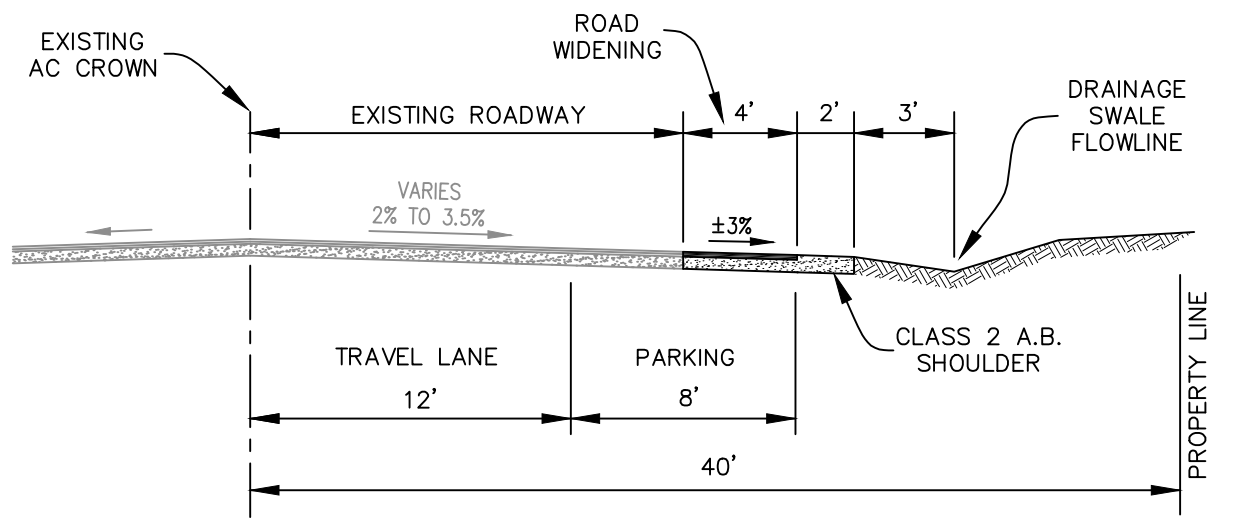
PROPOSED PARCELS	
PARCEL 1	1.0 AC. (43,404 SF)
PARCEL 2	0.99 AC. (43,330 SF)
PARCEL 3	0.90 AC. (39,412 SF)

UTILITY SERVICE

SEWER:	CITY OF OROVILLE
STORM DRAIN:	DETENTION PONDS & INFILTRAION TRENCHES
WATER:	CALWATER
GAS:	PG&E
ELECTRIC:	PG&E
TELEPHONE:	AT&T
CABLE T.V.:	COMCAST

NOTES

1. THE EXISTING OAK TREE SHALL BE PROTECTED IN PLACE. ALL OTHER TREES ARE PROPOSED TO BE REMOVED.
2. BASED ON FLOOD INSURANCE RATE MAP NO. 06007C098E THIS PROPERTY IS LOCATED WITHIN ZONE X, AREAS OF 0.2% ANNUAL CHANCE FLOOD; AREAS OF 1% ANNUAL CHANCE FLOOD WITH AVERAGE DEPTHS OF LESS THAN 1 FOOT OR WITH DRAINAGE AREAS LESS THAN 1 SQUARE MILE; AND AREAS PROTECTED BY LEVEES FROM 1% ANNUAL CHANCE FLOOD.
3. STORM WATER RETENTION SWALES, PONDS AND/OR LEACH TRENCHES WILL BE USED TO DETAIN STORM WATER RUNOFF FROM THE PROPOSED PARCEL.
4. STORM WATER LEACH TRENCHES WILL BE USED FOR STORM WATER RUNOFF FROM FEATHER RIVER BOULEVARD.
5. THE NEAREST FIRE HYDRANT IS LOCATED APPROXIMATELY 75- FEET SOUTH OF THE PROJECT BOUNDARY ALONG THE EAST SIDE OF FEATHER RIVER BOULEVARD.
6. THIS DIVISION IS PROPOSING TO MAKE CONNECTIONS TO THE CITY OF OROVILLE SANITARY SEWER SYSTEM AND CALWATER WATER SYSTEM FOR EACH LOT.
7. EXCESS MATERIAL GENERATED DURING GRADING ACTIVITIES SHALL BE PLACED IN THE CENTER OF EACH LOT FOR FUTURE BUILDING PADS.
8. NO WELLS OR SEPTIC SYSTEMS ARE KNOWN TO EXIST ON THE SITE.



TYPICAL SECTION
 FEATHER RIVER BOULEVARD
 NO SCALE

TENTATIVE PARCEL MAP

FOR
MARK COOPER & TAMMY DAVIS

A DIVISION OF PARCEL 4 AS SHOWN ON THAT CERTAIN PARCEL MAP RECORDED IN BOOK 67 OF MAPS AT PAGE 36

CITY OF OROVILLE BUTTE COUNTY CALIFORNIA



MAY, 2023 22173 SHEET 1 OF 1

RESOLUTION NO. P2023-026

A RESOLUTION OF THE OROVILLE CITY PLANNING COMMISSION MAKING FINDINGS AND CONDITIONALLY APPROVING TENTATIVE PARCEL MAP NO. TPM 23-01 AND MAKING FINDINGS THEREOF (APN 035-350-009).

WHEREAS, the City of Oroville staff recommends a tentative parcel map; and

WHEREAS, the tentative parcel map to separate the existing 2.9-acre parcel into three separate parcels to create three individual lots for future commercial development -- Parcel 1 will be 1.0 acres, Parcel 2 will be 0.99 acres, and Parcel 3 will be 0.90 acres; and

WHEREAS, the following conditions of approval shall be incorporated into the final map;

WHEREAS, at a duly noticed public meeting, the Planning Commission considered the comments and concerns of anyone potentially affected by the approval of the tentative parcel map described herein, and also considered the City’s staff report regarding the change.

WHEREAS, the requested tentative parcel map is in conformance with the General Plan and the City’s zoning ordinance,

WHEREAS, the requested parcel map seeks no variances or exceptions,

WHEREAS, all services and access to the proposed parcels are available and meet City standards,

WHEREAS, the parcel was not involved in the division of a larger parcel anytime in the last two years, and

WHEREAS, the parcel does not have an average slope greater than 20 percent.

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

1. This action has been determined to be Categorical Exempt from the California Environmental Quality Act (CEQA) review pursuant to Title 14, Division 6, Chapter 3 of the California Code of Regulations, Article 19 Categorical Exemptions, Section 15315 “MINOR LAND DIVISIONS”
2. The Planning Commission approves the findings provided for the tentative parcel map to separate the existing 2.9-acre parcel into three separate parcels.

CONDITIONS OF APPROVAL

- 1) These conditions of approval are to permit the land division of Tentative Parcel Map No. 23-01 (TPM 23-01) as generally described above.

- 2) This Tentative Parcel Map conditional approval shall become null and void unless all conditions have been complied with for recordation of the Final Parcel Map within twenty-four (24) months after the approval of said Tentative Parcel Map. Where circumstances beyond the control of the applicant cause delays, which do not permit compliance with the time limitation referenced herein, the Planning Commission may grant an extension of time for an additional period of time not to exceed an additional twelve (12) months. Applications for such an extension of time must set forth in writing the reasons for the extension and shall be filed together with a fee, as established by the City Council, thirty (30) calendar days before the expiration of the Tentative Parcel Map. The applicant will be responsible for initiating any extension request.
- 3) The Planning Commission approval date of this Tentative Parcel Map No. 23-01 is referenced below. All determinations of whether the land division is eligible for an extension of time shall be based on this original approval date.
- 4) All easements of record on and immediately adjacent to the property being subdivided -- and all easements created by approval of this subdivision -- must be noted on the Final Map and shown on site plans and improvement plans.
- 5) The applicant shall ascertain and comply with the State of California Subdivision Map Act and with all requirements of the Oroville Municipal Code, and with all other applicable County, State and Federal requirements.
- 6) 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 action or any environmental or other documentation related to the approval of this tentative parcel map. Applicant further agrees to provide a defense for the City in any such action
- 7) 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.
- 8) This map shall run with the land and be binding upon all successors in interest to the maximum extent permitted by law.
- 9) 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 negative impacts that the use may have on the surrounding properties.
- 10) All private facilities, improvements, infrastructure, systems, equipment, common areas, landscaping, irrigations systems, etc. shall be operated and maintained by the applicant in such a manner, and with such frequency, to ensure the public health, safety, and general welfare.

- 11) The Planning Commission’s action shall be final unless the subdivider or any other interested person appeals the action to the City Council as provided in Section 16.04.060 of the City’s Code.
- 12) Owner shall provide monumentation in conformance with the requirements of the California Subdivision Map Act (Government Code Section 66410 and following).
- 13) The location, identification and description of known or found monuments on or adjacent to the site, shall be shown and noted on the Parcel Map.
- 14) The location, identification and description of known or found monuments on or adjacent to the site, shall be shown and noted on any plans for construction on the parcels. Said monuments shall be protected or replaced per State law.
- 15) All easements of record that affect this property are to be shown on the Parcel Map.
- 16) Prior to recordation of the Parcel Map, pay in full any and all delinquent, current and estimated taxes and assessments as specified in Article 8 of Chapter 4 of Division 2 of Title 7, of the California Government Code commencing with Section 66492.
- 17) A preliminary soils report or geological hazard report indicating no adverse soil or geological conditions that cannot be corrected to the satisfaction of the City Engineer shall be submitted prior to the issuance of building permits.
- 18) Frontage improvements shall either be completed prior to the final Parcel map, or a deferred development agreement executed.
- 19) Existing City sewer infrastructure located along frontage at the property shall be encased within a public utility easement on the final map.

--- 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 16th of November 2023, by the following vote:

AYES:

NOES:

ABSTAIN:

ABSENT:

ATTEST:

APPROVE:

KAYLA REASTER, ASSISTANT CITY CLERK

CARL DURLING, CHAIRPERSON



City of Oroville

COMMUNITY DEVELOPMENT DEPARTMENT

Patrick Piatt
DIRECTOR

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

NOTICE OF EXEMPTION

TO: Butte County Clerk
25 County Center Drive
Oroville, CA 95965

FROM: City of Oroville
1735 Montgomery Street
Oroville, CA 95965

Project Title: Tentative Parcel Map TPM 23-01

Project Location – Specific: APN 035-350-009 on Feather River Boulevard a bit north of Georgia Pacific Way.

Project Location - City: City of Oroville

Project Location – County: Butte

Description of Nature, Purpose, and beneficiaries of project: The project applicant, Mark Cooper, seeks to split a single lot of 2.9 acres into three parcels, each about 1 acre in size. All required conditions and considerations per OMC 16.12.050 "Tentative Parcel Map" apply to this requested tentative parcel map.

Name of Public Agency Approving Project: City of Oroville

Name of Person or Agency Carrying Out Project: Mark Cooper

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:
 - Minor Land Divisions, Title 14, CCR, §15315
- 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 as follows:

Minor Land Divisions; Title 14, CCR, §15315

Class 15 consists of the division of property in urbanized areas zoned for residential, commercial, or industrial use into four or fewer parcels when the division is in conformance with the General Plan and zoning, no variances or exceptions are required, all services and access to the proposed parcels to local standards are available, the parcel was not involved in a division of a larger parcel within the previous 2 years, and the parcel does not have an average slope greater than 20 percent.

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: Wes Ervin

Telephone: (530) 538-2408

Signature: _____

Date: _____

- Signed by Lead Agency
- Signed by Applicant



City of Oroville

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

PLANNING COMMISSION STAFF REPORT

Thursday, November 16, 2023

RE: Draft Mobile Food Vendor Village Ordinance

SUMMARY: The Oroville Planning Commission will review and make a recommendation to the Oroville City Council regarding modifications to Municipal Code Section 17.16.150 regulating mobile food vendors at one location (Mobile Food Vendor Village).

RECOMMENDATION: Staff recommends the following actions:

1. **Conduct a Public Hearing** on the proposed ordinance changes.
2. **Adopt the Notice of Exemption** as the appropriate level of environmental review in accordance with the California Environmental Quality Act (CEQA);
3. **Adopt** the recommended Findings for the proposed ordinance changes;
4. **Adopt** Resolution No. P2023-21 with recommendations to the City Council

APPLICANT: City of Oroville

LOCATION: potentially multiple sites

GENERAL PLAN: commercial and industrial designations

ZONING: potentially multiple sites

FLOOD ZONE: n/a no structures involved

ENVIRONMENTAL DETERMINATION: Categorically Exempt per Section 15303(a) of Title 14, California Code of Regulations.

REPORT PREPARED BY:

 Lark McNeill, Senior Planner
 Interwest Planning Group

REVIEWED BY:

 Patrick Piatt, Director
 Community Development Department

PROJECT DESCRIPTION AND BACKGROUND

Currently, the City of Oroville zoning ordinance has few standards for mobile food vendors (MFV). Staff initiated the proposed modifications to Municipal Code (MC) Section 17.16.150 that would create standards for more than one mobile food vendor

on a site, (commonly known in more urban areas as a mobile food vendor village (MFVV)), on privately owned property in the City. *The intent of the proposed modifications is not for the City to create an MFVV.* The intent is to allow the city to regulate more than one MFV at a time on private property to protect adjacent private property and to ensure that these uses do not generate litter, create unsafe pedestrian crossings, and create a need for additional law enforcement. The Planning Commission held a workshop on a draft MFVV ordinance at its September 28, 2023, regular meeting. A member of the public indicated that it would be appropriate to modify MC Section 17.15.160 instead, and staff agreed. The Commission should review this report, proposed notice of exemption (attached), the draft modifications to MC Section 17.15.160 (attached), consider public testimony, and make a recommendation to the City Council regarding the proposed modifications.

Issues raised during September 28, 2023 Planning Commission meeting

The commissioners raised the following issues regarding MFVV in Oroville:

1. Unfair business advantage to business owners with MFVV on their sites, they don't pay property taxes on the restaurant use on their property. Property owners with constructed restaurants must pay property taxes on the property including structures, as well as paying water, sewer, and storm water runoff fees charged by the sewer and water purveyor. *This is a fact that cannot be mitigated. The draft ordinance does not permit a MFVV to be created in the downtown area.*
2. How to control MFVV clients' access to the MFVV site. *The proposed modifications includes development standards including the use of sawhorse or other temporary barriers to direct traffic into one point of ingress/egress to each MFVV on undeveloped sites. Traffic ingress and egress on existing developed properties is already controlled by curb, gutter, sidewalks, landscaping and driveways.*
3. How many MFV would be allowed at each site. *The Commission needs to make a recommendation as to whether a limit should be set on the number of MFVs for each permitted site.*
4. Limiting business hours. *The draft ordinance limits a MFVV to operating between 6 a.m. and 10 p.m.*
5. Concentration of MFVV. *The Commission did not voice interest in limiting the concentration of MFVV in the city limits, so staff removed this from the proposed modifications.*

DISCUSSION

Section 17.16.150 regulates mobile food vendors, and currently provides little regulation of these uses to protect adjacent properties. Staff initiated ordinance changes to regulate more than one mobile food vendor at one location at one time. Staff proposes calling this land use "mobile food vendor village" (MFVV). If approved, the city may receive applications for a MFVV in an office park or an existing developed or undeveloped lot. MFVVs are popular in other California communities, and if properly managed, can inject new energy into neighborhoods where they are located. It was

necessary to draft comprehensive development standards that would accommodate any situation, whether it is two or twenty MFVs at one MFVV.

Developed properties typically have curbs, traffic aisles, and landscape areas which help to direct traffic within the property. It is important to provide traffic barriers on vacant properties to direct traffic onto and from the site. The city needs to prevent potentially unsafe traffic patterns onto and from an undeveloped site as clients access the MFVV through the use of temporary barriers such as sawhorses or construction traffic barricades. For example, vehicles must not attempt to access a MFVV within 25 feet of an intersection.

MFVs and MFVVs offer a quick and easy way to earn modest revenue on a property with no or little effort or expenditure by the property owner. It is important to have one entity responsible for maintaining the cleanliness and orderliness of each approved MFVV site. Mobile food vendors are mobile. They are in the business of selling food and beverages. The property owner is ultimately responsible for maintaining the property. Expecting various mobile food truck vendors to maintain the site can be problematic for city enforcement of the conditions of approval. Furthermore, the entity benefiting from the MFVV is the property owner. Therefore, the proposed modifications were drafted with the property owner as the responsible party for maintaining and operating each MFVV site. It is important that MFVV are not allowed to create litter, traffic, or dust nuisances in a neighborhood.

MFVV in the urban areas can become very popular monthly events, with multiple mobile food vendors and live music at one location. In case MFVVs become this popular in Oroville, there is a development standard in the ordinance which permits a 200 square foot area within the MFVV, or on adjacent property, to be occupied by live or amplified music while more than one MFV is at the MFVV site. Outdoor music is permitted consistent with the normally acceptable decibel levels outlined in the Noise and Safety Element of the Oroville General Plan, and may be permitted as determined by the conditions of approval.

Scott Bullard letters October 18, and November 7, 2023. This item was scheduled for a public hearing on October 26, 2023. Scott Bullard submitted a letter on October 18, 2023, with numerous comments from the September 28, 2023, Planning Commission workshop. The October 26 Planning Commission packet was to be finalized October 19 and distributed to the Planning Commission. This item was continued from the October 26, 2023, meeting to the November 16, 2023, Planning Commission meeting to allow time for staff to consider Mr. Bullard's letter. Mr. Bullard submitted another letter on November 7, 2023, after he reviewed the draft staff report for the November 16 Planning Commission meeting.

Staff reviewed both letters and incorporated changes to the ordinance where the changes were in the best interests of the community.

Number of vendors

Mr. Bullard requests that the number of MFVs constituting a MFVV at one location at one time be changed from two or more to four or more. Staff sees no compelling reason to change the definition of MFVV. If the number of MFVs constituting a MFVV is chosen, it can become difficult for code enforcement staff to respond to complaints that a MFVV exists on a property without city use permit approval as different MFVs can come and go as they please. It is simpler to define a MFVV as any number greater than one.

MFV parking surface

Mr. Bullard requested changes to the draft ordinance (November 7, 2023, letter) regarding required MFV vehicle parking surfaces. The draft ordinance allows a variety of surfaces for MFV to be parked as determined by the Zoning Administrator. Staff believes no changes are necessary to this section of the ordinance.

Signage



One of Mr. Bullard's comments was regarding signage. He felt that the proposed ordinance was too restrictive. The public is familiar with the vibrant colors and signage used on mobile food vendor vehicles. Staff believes this is adequate signage for single MFVs at one location. Staff revised the draft ordinance to allow two A-frame signs for a MFVV as permitted in the City's existing Sign ordinance.

Perceived Conflicting requirements for mobile food vendors/ambiguity.

The existing Municipal Code uses the term "mobile food vendor". Staff saw no compelling reason to change the wording as requested by Mr. Bullard in his November

7, 2023, letter. Staff used appropriate multiple terms (mobile food vendor, mobile food vending businesses, mobile food vendor village) in the ordinance because they have multiple definitions and uses. Staff proposes a definition of vending station for clarity.

Mobile food vehicle overnight storage

Mr. Bullard's November 7, 2023, letter requests removal of language regarding the overnight storage of mobile food vendor vehicles. Staff reviewed the mobile food village ordinances from several cities and counties. The requirement to remove the mobile food vehicles from the site overnight is a common requirement in those ordinances, unless the mobile food vendor is vending on the same site as their commissary. Staff agrees that mobile food vehicle owners have a compelling reason to secure their vehicles from theft or vandalism. Staff recommends leaving the requirement that mobile food vendor vehicles be removed from the property unless they are located on the same property as their commissary.

Barriers

The intent of the proposed modifications is to create development standards for two or more MFV on one property whether the property is developed or undeveloped. Developed properties typically have traffic control barriers such as parking aisles and spaces, and curbs, gutter, and sidewalk. Undeveloped properties typically have none of these features. In addition, the 10' vehicle setback from the property line proposed by Mr. Bullard is incorporated into the proposed modifications before the Planning Commission this evening, staff continues to recommend temporary barriers whenever two or more MVF are parked on one property adjacent to the public rights-of-way and on adjacent property lines to protect the public (particularly pedestrians) from vehicles haphazardly entering or exiting the property, as well as confining the MFVV activity to the permitted property. MFVV are attractive to out of school children, and pedestrians as well as motoring traffic and the city is obligated to prevent the creation of public traffic hazards.

Furthermore, some potential applicants have stated that their patrons would be allowed to use the restroom facilities of adjacent businesses. If that statement is part of the use permit application, staff recommends that written authorization from the adjacent businesses and property owners should be provided with the application for a mobile food vendor village to verify this statement.

Health and Safety issues

The City may impose its own requirements as deemed necessary to protect public health, safety, and welfare. Other public agencies which permit MFVVs have imposed conditions regarding propane storage, handwashing stations, placement of fire extinguishers, etc. However, all references to health and safety items such as handwashing stations, fire extinguishers, propane storage and the prohibition of drinking straws and polystyrene foam containers contained in the previous draft ordinance have been eliminated from the attached ordinance as they are covered by existing County and State regulations.

FISCAL IMPACT

None. Any approved mobile food vendor village will be subject to all customary application fees.

PUBLIC NOTICE

The meeting date, time, and project description were published in the Oroville Mercury Register and posted at City Hall.

RECOMMENDATION: That the Planning Commission adopt/modify Resolution P2023-21, based on the findings in that resolution, and forward their recommendation to the City Council for action.

ATTACHMENTS

1. Resolution P2023-21
2. Notice of Exemption (CEQA)
3. Draft changes to Section 17.16.150
4. Letter from Scott Hubbard dated October 18, 2023
5. Letter from Scott Hubbard dated November 7, 2023

ATTACHMENT 1

CITY OF OROVILLE PLANNING COMMISSION RESOLUTION NO. P23-21

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF OROVILLE, CALIFORNIA, recommending to the City of Oroville City Council modifications to Municipal Code Section 17.15.160 regarding mobile food vendors.

WHEREAS, mobile food vendor villages are popular public events which provide economic opportunities throughout California; and

WHEREAS, the City of Oroville Municipal Code Section 17.16.150 currently contains few regulations to protect public safety or protect adjacent properties from activities generated by multiple food trucks at one location; and

WHEREAS, the City of Oroville Planning Commission held a workshop on a draft mobile food vendor village on September 28, 2023; and

WHEREAS, the City of Oroville Planning Commission held a public hearing on proposed modifications to Section 17.16.150 of the City of Oroville Municipal Code, received public comment, and recommended adoption of a Notice of Exemption for modifications to Municipal Code Section 17.15.160, and the modifications to Municipal Code Section 17.15.160 to the City Council on November 16, 2023.

FINDINGS:

1. The draft ordinance is categorically exempt from the California Environmental Quality Act pursuant to Section 15303(a), New Construction or Conversion of Small Structures, Title 14, CCR, §15303. The proposed modifications to Section 17.16.150 of the City of Oroville Municipal Code do not involve new structures per se; they improve regulations for the use of multiple food trucks and possibly metal storage containers for use connected to a mobile food vendor village on individual parcels as approved.
2. The proposed development standards contained in the draft ordinance will protect public safety through development standards to direct pedestrians to safe ingress and egress points, and to prevent traffic nuisances with safe ingress and egress points.
3. The proposed standards contained in the draft ordinance will protect the adjacent properties from litter, noise, and dust.
4. The proposed mobile food vendor villages will be consistent with the underlying commercial and industrial zone districts in which they will be located.

NOW, THEREFORE, BE IT RESOLVED by the Planning Commission as follows:

Section 1. That the Planning Commission recommends the City Council adoption of a Notice of Exemption pursuant to Section 15303(a), New Construction or Conversion of Small Structures, Title 14, CCR, §15303. The proposed modifications to Municipal Code Section 17.16.150 do not involve new structures per se; the changes address the use of multiple food trucks and possibly metal storage containers for use connected to a mobile food vendor village on individual parcels as approved.

Section 2. The Planning Commission recommends that the City Council adopt the proposed modifications to Municipal Code Section 17.16.150 which primarily expand development standards for multiple food vendors at one location.

Section 3. The undersigned shall attest to the adoption of this Resolution.

PASSED AND ADOPTED by the Planning Commission of the City of Oroville at a regular meeting on November 16, 2023, by the following vote:

AYES:

NOES:

ABSTAIN:

ABSENT:

Carl Durling, Chairperson

ATTEST:

Patrick Piatt, Director of Community Development



City of Oroville

COMMUNITY DEVELOPMENT DEPARTMENT

ATTACHMENT 2

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

NOTICE OF EXEMPTION

TO: Butte County Clerk
25 County Center Drive
Oroville, CA 95965

FROM: City of Oroville
1735 Montgomery Street
Oroville, CA 95965

Project Title: Amendments to Section 17.16.150 of the City of Oroville Municipal Code regarding mobile food vendors

Project Location – selected commercial and industrial zones city wide.

Project Location – City: City of Oroville

Project Location – County: Butte

Description of Nature, Purpose, and beneficiaries of project: Adoption of a city-wide ordinance

Name of Public Agency Approving Project: City of Oroville

Name of Person or Agency Carrying Out Project: unidentified applicants for mobile food vendor villages

Exempt Status (Check One):

- Ministerial (Sec. 21080(b)(1); 15268)
- Declared Emergency (Sec. 21080(b)(3); 15269(a))
- Emergency Project (Sec. 21080(b)(4); 15269(b)(c))
- Categorical Exemption: State type & section number:
 - Existing Facilities, Title 14, CCR, §15303(c).
- 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 as follows:

New Construction or Conversion of Small Structures, Title 14, CCR, §15303

15303. NEW CONSTRUCTION OR CONVERSION OF SMALL STRUCTURES

Class 3 consists of construction and location of limited numbers of new, small facilities or structures; installation of small new equipment and facilities in small structures; and the conversion of existing small structures from one use to another where only minor modifications are made in the exterior of the structure. The numbers of structures described in this section are the maximum allowable on any legal parcel. Examples of this exemption include, but are not limited to:

(a) A store, motel, office, restaurant or similar structure not involving the use of significant amounts of hazardous substances, and not exceeding 2500 square feet in floor area. In urbanized areas, the exemption also applies to up to four such commercial buildings not exceeding 10,000 square feet in floor area on sites zoned for such use if not involving the use of significant amounts of hazardous substances where all necessary public services and facilities are available and the surrounding area is not environmentally sensitive. *This project does not involve new structures per se, it involves the use of multiple food trucks and possibly metal storage containers for use connected to a mobile food vendor village on individual parcels.*

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: Wes Ervin

Telephone: (530) 538-2408

Signature: _____

Date: _____

- Signed by Lead Agency
- Signed by Applicant

Proposed changes to Section 17.16.150**Attachment No. 3****17.16.150 Mobile food vending**

A. Purpose. The purpose of these regulations is to promote the health, safety, comfort, convenience, prosperity and general welfare by requiring that new and existing mobile food vendors provide the community and customers with a minimum level of cleanliness, quality and security. These regulations differentiate the difference between a single mobile food vendor at one location, and multiple mobile food vendors at one location.

Single mobile vendors may be permitted to operate by administrative permit approval on private property located within Office (O), Neighborhood Commercial (CN), Limited Commercial (C-1), Highway Commercial (CH), Commercial Light Manufacturing (CLM), Intensive Commercial (C-2), Neighborhood Mixed Use (MXN), Corridor Mixed Use (MXC), Intensive Industrial (M-2), Airport Business Park (ABP), and Open Space (OS) zoning districts subject to the following regulations.

Mobile food vending villages may be permitted to operate by Minor Conditional Use Permit on private property located within Office (O), Neighborhood Commercial (CN), Limited Commercial (C-1), Highway Commercial (CH), Commercial Light Manufacturing (CLM), Intensive Commercial (C-2), Neighborhood Mixed Use (MXN), Corridor Mixed Use (MXC), Intensive Industrial (M-2), Airport Business Park (ABP), and Open Space (OS) zoning districts subject to the following regulations. Mobile food vending villages on city owned property other than public rights-of-way are exempt from the requirement for a Minor Conditional Use Permit but must comply with the same regulations as mobile food vending villages contained in this Section.

B. Definitions. Mobile food vending villages (MFVV) are defined as more than one mobile food vending vehicle parked on a private property for more than one hour at a time. Vending stations are defined as the vehicle the mobile food vendor uses to sell food.

C. Permit requirements.

1. A single mobile food vendor at any one location shall be required to obtain an administrative permit as provided in this chapter. The permit application shall include the authorization of each property owner where the mobile food vendor intends to vend.
2. Minor Conditional Use Permit. Mobile food vending villages shall require the approval of a Minor Conditional Use Permit (MCUP). The approval shall be specific to a location and shall not be transferable to other locations or operators. The permit application shall include the authorization of each property owner where the mobile food vendor intends to vend. Operation of a mobile food vending village shall not be permitted pursuant to California Senate Bill No. 946, as specified in [Government Code](#) Sections 51036 – 51039, Sidewalk Vendors.
3. Business Tax Certificate. Every mobile food vendor shall obtain a Business Tax Certificate prior to operation.
4. Butte County Environmental Health. A valid permit from the Butte County Environmental Health Department is required and shall be displayed at the mobile food vending vehicle.

5. Building Division and Fire Department. All necessary permits and approvals from the Building Division and the Fire Department shall be obtained prior to operation of a mobile food vending village.

6. Permit and license display. At all times while vending, a valid business license shall be displayed at the mobile food vending vehicle.

D. Location and hours of operation.

1. Location. No mobile food vendor village shall be located within 300 feet of any residential use or as determined by the Minor Use Permit.

2. Hours. Hours of operation for mobile food vending businesses shall be between 6:00 a.m. and 10:00 p.m., or as specified in the Minor Use Permit conditions of approval for that site.

E. Condition of Vending Station.

1. All mobile food vendors shall always display a current business tax certificate and the health department permit in plain view on the exterior of the vending station. In addition, the mobile food vendor shall always have a letter of permission from the owner of the subject property available in the mobile food vehicle.

2. The vending station shall always be maintained in operating condition.

3. The vending station shall not include a permanent foundation or other feature that would constitute an improvement to real property.

4. The vending station shall not discharge any materials onto the sidewalk, gutter, or storm drains.

F. Standards and design criteria. The following standards and design criteria shall apply to all mobile food vendors:

1. All mobile food vending shall be conducted entirely upon private property and not within any public right-of-way.

2. On developed lots, individual mobile food vendors in the mobile food vendor village shall not operate in parking spaces required to meet minimum parking requirements for any other business on the subject site; block any parking required to adequately serve other businesses, or any driveways or aisles for vehicular circulation on the subject site.

3. Applications for mobile food vending villages shall include the location and description of any proposed outdoor dining area, including tables, chairs, and shade structures.

4. If the proposed location is on an unimproved property, the area that the mobile food vendors will be parked on shall be paved or chip sealed. Other hard surfaces may be approved by the Zoning Administrator in the conditions of approval for the minor use permit.

5. All mobile food vendors shall maintain a 10-foot minimum setback from the property lines and public sidewalks, curbs, and gutters.

6. No temporary or permanent chairs, tables, shade structures or other site furniture is permitted except as specified in the Mobile Food Vendor Village Minor Conditional Use permit conditions of approval. Shade structures may require prior approval from the Fire Department dependent on shade structure size and materials.

7. Individual mobile food vendors within a mobile food vendor village shall maintain their immediate sales location in a clean and hazard-free condition.
8. Single mobile food vendors shall keep the subject property and adjacent right-of-way free of litter within 200 feet of the vehicle.
9. All refuse shall be removed from the site and properly disposed of daily.
10. All mobile vendors shall provide covered garbage, recycling, and compost container(s) as required by the Butte County Environmental Health Department. No garbage, recycling, and compost containers will be permitted to remain on-site unless it is stored within a solid storage structure.
11. No single mobile vendor shall use, play, or employ any sound outcry, amplifier, loudspeaker, radio or any other instrument or device to produce sound in connection with the promotion of a vending operation.
12. No more than two hundred (200) square feet within a mobile food vendor village site or on property adjacent to a mobile food vendor village site shall be occupied by musical instruments, equipment, or bandstand. No music is allowed if there are less than two mobile food vendors at the site while music is being played or amplified.
13. Signage for single mobile food vendors shall be located on the vending equipment and is subject to the requirements of City of Oroville Municipal Code, Chapter 17.20, Signs. Mobile food vendor villages shall be permitted a maximum of two A-frame signs subject to the requirements of City of Oroville Municipal Code, Chapter 17.20, Signs.
14. No mobile food vendor shall sell alcoholic beverages, non-food items, cannabis products, or illegal drugs.
15. After the permitted hours of operation, all mobile food vendors located on undeveloped property shall remove their mobile food vending equipment and trash containers, including the mobile vehicle itself, off-site or within an approved, enclosed structure on site. Mobile food vendors located on the same property as their commissary may store their vehicles overnight on the same property.
16. Optional on-site storage structures may be permitted as conditioned within the Minor Conditional Use permit. All structures shall be placed on a concrete foundation. Building permits shall be issued for the structures as determined by the City Building Code. One metal storage container no larger than 200 square feet may be placed on-site for use by the mobile food vendors. The storage container shall always be painted dull beige or as specified within the conditions of approval of the MCUP. Any graffiti painted on the storage container shall be repainted with the base wall color within forty-eight (48) hours' notice by the City to the property owner by the property owner. A deposit of \$5,000.00 shall be deposited with the City Finance Department prior to placing the metal storage container on-site to guarantee that the container(s) will be removed from the site when the mobile food vendor use on the site discontinues for more than thirty (30) days.
17. Mobile food vendors will not encroach on a public sidewalk or curb with any part of a vehicle, wagon, trailer or truck or any other equipment related to the operation of the business.
18. To prevent the activities of the mobile food vendor village from intruding onto the public street or adjacent properties, the property lines shall be demarcated by a permanent or temporary barrier determined by the City based on the location of the proposed mobile

food vendor village. This barrier shall be installed and maintained by the property owner. Failure to maintain the barrier shall be reason for revocation of the MCUP if the property owner fails to remedy the barrier condition within fourteen (14) days of receiving written notice from the city to repair/replace the designated barrier.

G. Revocation The MCUP may be modified or revoked by the Zoning Administrator, pursuant to Oroville Municipal Code Section 17.40.020.C should the Zoning Administrator determine that: 1) the use or conditions under which it is being operated or maintained is detrimental to the public health, welfare, or materially injurious to property or improvements in the vicinity; 2) the property is operated or maintained so as to constitute a public nuisance; or 3) the use is operated in violation of the conditions of the CUP. The Planning Commission may revoke the conditional use permit if the Commission was the acting body for the conditional use permit.

H. Approvals. All City issued mobile food vendor permits (administrative, ministerial, or conditional use permit approval) issued after the effective date of this ordinance shall be valid for a period of one year from the date of approval. Any existing City issued mobile food vendor permits as of the date this ordinance becomes effective shall expire 180 days after the date of the effective date of this ordinance. All mobile food vendors must apply for a new mobile food vendor permit within 180 days of the effective date of this ordinance and comply with all regulations in this Section.

HUBBARD

A Professional Corporation

October 18, 2023

via electronic mail only
wervin@cityoforoville.org

Oroville Planning Commission
City of Oroville
1735 Montgomery Street
Oroville, CA 95965
c/o Wes Ervin, Principal Planner

RE: (Draft) Mobile Food Vending Villages Ordinance

Greetings:

On September 26, 2023, the Oroville Planning Commission invited a written response to the proposed ordinance. By way of the instant missive, we are accepting that invitation. Upon review, the Commission will see that we've made three overarching recommendations:

First, we replaced the term *mobile food truck village* with *designate site*; and opened the application process to everyone. Specifically, designated sites are simply properties (pre-approved by the City) that allow additional benefits to mobile food vendors – *e.g.*, expanded hours, on-site storage, use of tables and chairs. While property owners with four or more mobile food vendors on a site are required to apply for “designated” status, owners with three or less may also do so.

Second, we extrapolated requirements from the proposed ordinance, which applied to mobile food vendors regardless of where they are located, and incorporated them (those requirements) into the existing one. In essence, creating two proposed ordinance – one focused solely on mobile food vendors, the other on designated sites.

Finally, we brought the proposed ordinance in-line with existing city and county standards.

All of these issues are discussed in greater detail below. Please feel free to contact me if you have any question or wish to discuss this matter further.

Kindest regards,

HUBBARD, APC



Scotty J. Hubbard

cc (email only):

Josh Hubbard, lawofzen@aol.com

Brian Ring, City Administrator, bring@cityoforoville.org

Scott Huber, City Attorney, cityattorney@cityoforoville.org

HUBBARD
A Professional Corporation

ANALYSIS

Conflicting requirements for mobile food vendors. One of the biggest issues of the proposed ordinance (OMC § 17.16.160) is that it creates different standards for mobile food vendors depending their location. By way of example, mobile food vendors at a designated vending site cannot use polystyrene and drinking straws, but all other vendors can. In another example, vendors at a designated site must obtain a hazardous materials permit if their propane tank exceeds 10-gallons, yet, no such requirement exists for other vendors. In still another example, vendors at a designated site cannot play music, while all other vendors can. Two different standards thus exist for the same vendors and therein lies the rub of the proposed ordinance. If a standard is worth adopting, then it should be applied with equal force to all mobile food trucks – not just those located at designated sites. There are, of course, exceptions to this rule, *e.g.*, when tables and chairs are permitted, but they (the exceptions) should be narrowly tailored and always run with the site. We would recommend a single standard for mobile food vendors (regardless of location) and use § 17.16.160 to carve out exceptions for vendors on designated sites.¹

Ambiguity, (§ D.2). Consistency may be the hobgoblin of little minds, but its invaluable for statutory construction. The proposed ordinance, however, vacillates when identifying multi-vendor food sites, using the terms *mobile food vending villages*, (§ B); *mobile food facility*, (§ C.1); and *mobile food vending location*, (§ D.2) interchangeably. Similarly, the proposed ordinance uses multiple terms for food vendors, including *mobile food vendor*, (§ E.10); *mobile vendor*, (§ E.6); *mobile food vending vehicle*, (§ B); and *mobile food vending businesses*, (§ D.3). To avoid confusion, we recommend amending the new ordinance to use a single term, *designated site*, for the former; and another, *mobile food vendor*, for the latter.²

Hours of Operation, (§ D.3). Hours of operation for mobile food vendors are be between 7:00 a.m. and 10:00 p.m. As explained during the hearing, however, there are instances where expanding the hours of operation are consistent with surrounding community’s activities. For example, Home Depot opens at 6:00 a.m. but mobile vendors outside of the store cannot sell until 7:00 a.m. We recommend permitting operations at designated sites upon an affirmative showing by the property owner that such operations are consistent with surrounding community’s activities.

¹ Suggested changes to bifurcate the proposed ordinance are attached to this response.

² Long term, the City should consider replacing the term, *mobile food vendor*, with, *mobile food facility*, which is consistent with both county regulations and California law. *See, e.g.*, Calif. Health & Safety Code § 113831(a) (“‘Mobile Food Facility’ [] means any vehicle used in conjunction with a commissary or other permanent food facility upon which food is sold or distributed at retail. ‘Mobile food facility’ does not include a ‘transporter’ used to transport packaged food from a food facility, or other approved source to the consumer.”).

Paving, (§ E.2). The proposed ordinance also requires that designated sites be entirely paved. But paving isn't the only way to drain surface-water and prevent soil erosion. Gravel and road base perform the same function at a fraction of the cost. More importantly, they don't trap heat and are friendlier to the environment. For that reason, we'd ask the Commission to expand this ordinance to include other mediums.

No Polystyrene Foam / No Drinking Straws, (§ E.4). Polystyrene and drinking straws are also banned under the proposed ordinances. We believe both bans should be removed. Dealing with each element seriatim, polystyrene is neither illegal in Butte County nor has Oroville taken affirmative steps to eliminate it. Nevertheless, the proposed ordinance bans mobile food vendors at designated sites (and only vendors at those sites) from using polystyrene containers. No other food facilities are affected. Similarly, Assembly Bill (AB) 1884 prohibits full-service restaurants in California from providing single-use plastic straws unless requested by the consumers.³ Again, the law doesn't bar drinking straws – it just prohibits restaurants from handing them out automatically. Nevertheless, like polystyrene, mobile food vendors at designated sites (and only those vendors) are prohibited from offering drinking straws to customers. While there may indeed be a valid reason for banning polystyrene and drinking straws in Oroville, it should be applied with equal force to everyone. We would thus recommend eliminating the ban, or expanding it to all food providers.

Handwashing Stations / Public Toilets, (§ E.8). Property owners are required to install (and maintain) portable handwashing stations and public toilets on the site under the proposed ordinance. By and large, this ordinance mirrors a similar requirement by the County.⁴ Where the two regulations diverge, however, is that the proposed ordinance prohibits the use of restroom facilities already secured by vendors “within proximity” of the site. We suggest removing this distinction. The purpose behind the proposed ordinance is to eliminate pedestrian traffic across arterial streets; and avoid off-site managers arbitrarily denying use of their facilities. Yet, mobile food vendors have secured handwashing stations and public restrooms under the County's requirement for over a decade without incident. We would thus recommend striking this provision in its entirety or, in the alternative, amending the ordinance to mirror county requirements.

³ Stat. 2018, Chap. 576 (AB 1884), § 1.

⁴ *County of Butte, Mobile Food Facility Informational Packet*, p.3 (May 16, 2023) (“Facility [must be] located within 200 feet of available toilet and hand washing facilities.”).

Fire extinguishers, (§ E.11). Mobile vendors cooking food are required to maintain a working-fire extinguishers under the proposed ordinance. But Butte County already requires that mobile food vendors have fire extinguishers.⁵ Nothing is gained by repeating that requirement here and, worse, such repetition risks generating conflicting standards and enforcement. Ergo, we would recommend striking this provision in its entirety or, in the alternative, amending the ordinance to mirror county requirements.

Storage, (§§ E.13 & E.14). While we are not opposed to storage containers on a designated site, they would not be our first choice for a secure location. As such, we request the proposed ordinance be amended to reflect that nothing within that section prohibits other methods to secure property on-site.

Propane Gas, (§ E.16). Mobile food vendors on a designated site are also required to obtain a hazardous materials permit when using or storing quantities of liquid propane gas equal to or exceed ten (10) gallons for their business. This requirement is also problematic, as the State of California Division of Occupational Safety and Health exercises sole jurisdiction over propane tanks, which includes the storage and handling of liquid gas;⁶ and the Division doesn't issue permits for tanks below 125 gallons that are maintained in accordance with DOT regulations.⁷ And while the *Mobile Food Facility Permit Application* does inquire as to whether propane will be used to supply power, that is the extent of Butte County's permitting process on the issue.⁸ In other words, there is no permit to obtain and no process to obtain it. It is for these reasons we suggest removing the hazardous materials permit requirement from the final ordinance.

Property Barrier, (§ E.18). The proposed ordinance also requires a demarcated barrier – determined by the City and installed by the property owner – to prevent “activities” at the designated site from intruding onto the public street or adjacent properties. We disagree. Barrier-free access is a hallmark of any public marketplace. Again, by way of example, farmers markets would be far less attractive if they were surrounded by a permanent fence to prevent those activities – *i.e.*, selling food and goods to the general public – from intruding upon the surrounding streets. We would instead recommend a designed setback, *e.g.*, 10 to 15 feet from the edge of the street to the property – which would allow pedestrian traffic, preserve the integrity of the surrounding public areas, and still create an inviting atmosphere for customers.

⁵ *Id.* at p.5 (May 16, 2023) (“Minimum 10BC fire extinguisher provided for heating and cooking equipment. ... Fire extinguishing capacity is rated in accordance with ANSI/UL 711: Rating and Fire Testing of Fire Extinguishers. The ratings are described using numbers preceding the class letter. The number preceding the B indicates the size of fire in square feet that an ordinary user should be able to extinguish. The letter C indicates that the extinguishing agent will not conduct electricity.”).

⁶ Calif. Code. Reg., Titl 8, §§ 450 *et seq.*

⁷ *Id.* at § 470(a).

⁸ <https://www.buttecounty.net/DocumentCenter/View/3765/Mobile-Food-Facility-Application-PDF?bidId=> (last viewed Oct. 6, 2023).

PROPOSED ORDINANCE

17.16.150 Mobile food vending.

- A. **Purpose.** The purpose of these ordinances is to promote the health, safety, comfort, convenience, prosperity and general welfare by requiring that new and existing mobile food vendors provide the community and customers with a minimum level of cleanliness, quality and security.
- B. **Definition.** “Mobile food vendor” is defined as any vehicle used in conjunction with a commissary or other permanent food facility upon which food is sold or distributed at retail; and is consistent with “mobile food facility,” as defined by Calif. Health & Safety Code § 113831.
- C. **Permit Required.**
1. **Administrative Permit.** Mobile food vendors shall obtain an administrative permit as provided in this chapter. The permit application shall include the authorization of each property owner where the mobile food vendor intends to operate.
 2. **Business Tax Certificate.** Every mobile food vendor shall obtain a Business Tax Certificate prior to operation.
 3. **Butte County Environmental Health.** A valid permit from the Butte County Environmental Health Department is required and shall be displayed at all times.
 4. **Permit and license display.** A valid business license is required and shall be displayed at all times.
- D. **Location.**
1. Mobile food vendors shall be conducted entirely upon private property and visible from the street.
 2. Mobile food vendors shall not: operate in parking spaces required to meet minimum parking requirements for any other business; block any parking required to adequately serve other businesses, or any driveways or aisles for vehicular circulation; or encroach on a public sidewalk, curb or right-of way.
- E. **Condition of Vending Station.**
1. The vending station shall be maintained in operating condition at all times.
 2. No mobile food vendor shall sell alcoholic beverages, non-food items, cannabis products, or illegal drugs.
 3. No permanent foundation (or other feature that would constitute an improvement to real property) is permitted, except when the mobile food vendor is located on a designated site, as define by this chapter.
 4. Mobile food vendors who use, play, or employ any sound outcry, amplifier, loudspeaker, music, or any other instrument or device to promote operations shall do so in a manner consistent with the Noise and Safety Element of the Oroville General Plan.

5. All signage shall be located on the vending equipment, except when the vendor is located on a designated site, as define by this chapter.

F. Condition of Site.

1. Mobile food vendors shall maintain their immediate sales location in a clean and hazard free condition.
2. No chairs, tables, fences or other site furniture, including permanent and temporary furniture, shall be permitted in conjunction with mobile food vendor, except when the vendor is located on a designated site, as define by this chapter.
3. After permitted hours of operation, all equipment and trash containers shall be stored off-site or within an approved on-site structure.

G. Litter Control.

1. The mobile food vendor shall provide a minimum of two 32-gallon litter receptacles within 15 feet of the vending station.
2. The mobile food vendor shall keep the subject property and adjacent right-of-way free of litter within 200 feet of the vehicle.
3. All refuse shall be removed from the site and properly disposed of on a daily basis.
4. The vending station shall not discharge any materials onto the sidewalk, gutter or storm drains.

H. Hours of Operation. The mobile food vendor's operations shall not be conducted before 7:00 a.m. or after 10:00 p.m.

17.16.155 Designated mobile food vending site.

A. **Definition.** “Designated site” is defined as private property approved by the City to allow one or more mobile food vendor(s) to sell goods for more than one hour at a time.

B. **Permit Required.** Designated sites shall obtain a Minor Conditional Use Permit (MCUP), as provided in this chapter, if the property is used by four or more mobile food vendors. Applications shall include the location and description of any proposed outdoor dining area, including tables, chairs, and shade structures. The permitted number of mobile food vendors within each MCUP will be determined in the MCUP. This approval shall be specific to a location and shall not be transferable to other locations or operators. All necessary permits and approvals from the Building Division and the Fire Department shall be obtained prior to operation. Property owners with three or fewer vendors at a site may, but are not required to, obtain a permit under this section.

C. **Location.**

1. Designated sites may be permitted to operate on private property located within Office (O), Neighborhood Commercial (CN), Limited Commercial (C-1), Highway Commercial (CH), Commercial Light Manufacturing (CLM), Intensive Commercial (C-2), Neighborhood Mixed Use (MXN), Corridor Mixed Use (MXC), Intensive Industrial (M-2), and Airport Business Park (ABP) zoning districts.

2. No designated site shall locate within 300 feet of any residential use (or as determined by the Minor Use Permit); or within 200 feet of another approved designated site, as measured between the mobile food vendors.

3. No designated site shall be permitted on public property under this Section and California Senate Bill No. 946, as specified in Government Code Sections 51036 – 51039, Sidewalk Vendors. This prohibition extends to public rights of way.

4. All mobile food vendors at a designated site shall maintain a 10-foot minimum setback from the edge of the property.

D. **Condition of Site.**

1. Exterior storage of refuse, equipment or materials associated with the mobile food vendor is prohibited, except as provided by this section.

2. Chairs, tables, fences or other site furniture, including permanent and temporary furniture, are permitted in conjunction with mobile food vending, subject to MCUP approval.

3. Mobile food vendors may place signs on designated sites, subject to the requirements of Chapter 17.20, Signs, and written approval of the site’s property owner(s).

4. The designated site must be improved to allow surface-water drainage and prevent soil erosion.

E. **Storage.** One metal storage container no larger than 200 square feet may be placed on-site for use by the mobile food vendors. The storage container shall be always painted dull beige or as specified within the conditions of approval of the MCUP. Any graffiti painted on the storage container shall be repainted with the base wall color within forty-eight (48) hours' notice by the City to the property owner by the property owner. A deposit of \$5,000.00 shall be deposited with the City Finance Department prior to placing the metal storage container on-site to guarantee that the container(s) will be removed from the site when the mobile food vendor use on the site discontinues for more than thirty (30) days. Nothing in this section shall prevent a property owner from requesting an alternative storage or other enclosed structure on site.

F. **Hours of Operation.** The designated site's operations shall not be conducted before 7:00 a.m. or after 10:00 p.m. Operations may be conducted beyond those hours, upon an affirmative showing by the property owner that such operations are consistent with surrounding community's activities.

November 7, 2023

via electronic mail only
wervin@cityoforoville.org

Oroville Planning Commission
City of Oroville
1735 Montgomery Street
Oroville, CA 95965
c/o Wes Ervin, Principal Planner

RE: Proposed changes to Section 17.16.150

Greetings:

Thank you for the (revised) changes to OMC § 17.16.150, dated November 6, 2023. As promised, our written response is attached below.

Defined Terms, (§ B). As a preliminary matter, if the Planning Commission is considering a wholesale rewrite of § 17.16.150, we would suggest changing the term, *mobile food vendor*, to, *mobile food facility*, so as to bring it (the term) in-line with state law and county regulations.¹ This change would eliminate any ambiguity and allow the reader to determine whether the code is applicable.

Number of Vendors, (§ B). The new ordinance defines, *mobile food vending villages*, as more than one mobile food vending vehicle parked on a private property for more than one hour at a time. We believe that definition is too broad. Two trucks are not a village. In fact, there are properties in the city successfully operate three trucks without disrupting the surrounding businesses. Our original recommendation was that villages are mandatory for four or more vendors; and optional for three or less. We maintain that recommendation.²

¹ See, e.g., Calif. Health & Safety Code § 113831(a), and *County of Butte, Mobile Food Facility Informational Packet* (May 16, 2023)

² We also renew our suggestion that the Planning Commission adopt the term, *designated site*, instead of *mobile food vending villages*.

Paved or Chip-sealing, (§ F.4). The new ordinance requires that unimproved property be paved if a mobile food vendor will be parked upon it (although the zoning administrator may approve other hard surfaces).³ Speaking from experience, we would ask the Commission to reconsider this requirement. During the California State Fair, our trailers were located on pavement and pavement absorbs heat. That heat all but eliminated foot traffic at the fair and made working within the trailer unbearable. By requiring *all* mobile food vendors pave their locations, the ordinance will create those same unbearable working conditions and dissuade customers from visiting their facilities.⁴ It also dissuades mobile vendors from locating in areas that already underserved – *i.e.*, rural areas without commercial development. And while there may indeed be a need for ground cover (*e.g.*, gravel, road base) in some locations, making pavement the default standard for all locations strikes us as ill-advised and, for these reasons, we maintain our opposition to this standard.

Signage, (§ F.13). The new ordinance requires that all signage be located on the vending equipment and comply with the requirements of Chapter 17.20 of the City of Oroville Municipal Code (Signs). Time constraints preclude me from conducting an in-depth analysis on this language. At first blush, while requiring signage to comply with the Chapter 17.20 seems permissible, prohibiting property owners from placing signs on private property – *i.e.*, promoting the village and vendors located thereon, strikes us as a First Amendment violation. We would recommend you carve out an exception on that ground.

Mobile Vehicle Removal, (§ F.15). Finally, the proposed ordinance requires that mobile vehicles be stored off-site (or within an approved, enclosed structure on-site) after the permitted hours of operation. We recommend eliminating this requirement. Unless the site contains a designated commissary, the mobile food vendor is already required to remove the vehicle under county regulations.⁵ Furthermore, in those instances where a commissary is on-site, the onus falls onto the vendor to ensure that their vehicle is secured. Phrased somewhat differently, inside or out, ordinance or not, it is the vendor’s responsibility to protect their vehicle from break-ins. And it is for this reason that we recommend removing the section.

³ The proposed ordinance allows for pavement *or* chip-sealing. Because our analysis applies with equal force to either, we will apply the singular term, *pavement*, when referring to both.

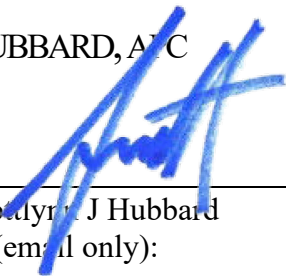
⁴ We are prepared to offer testimony from third-party vendors, who will confirm that they are forced to close during the summer because the heat radiating from the pavement creates an unsafe working environment.

⁵ *County of Butte, Mobile Food Facility Informational Packet*, p.4 (May 16, 2023) (“Operational Requirements -- Report to an approved Commissary each operating day.”)

Property Barrier, (§ F.18). The proposed ordinance continues to require a demarcated barrier to prevent activities from intruding onto the public street or adjacent properties. And, again, we recommend removing that language.⁶ Setting aside the fact that barrier-free access is a hallmark of any public marketplace, demarcated barriers surrounding the property are cost prohibited in large parcels, such as shopping centers with multiple property owners sharing common areas. Furthermore, the boundary of the village is already defined by a 10-foot setback (§ F.5). Adding a physical barrier not only creates a “belt and suspenders” solution to the boundary problem, but makes it more difficult (and needlessly so) for customers to access the trailers in a business model where ease of access is key. It is for these reasons that we maintain our objection to this standard.

Kindest regards,

HUBBARD, A/C



 Scottlyn J Hubbard
 cc (email only):

Josh Hubbard, lawofzen@aol.com
 Brian Ring, City Administrator, bring@cityoforoville.org
 Scott Huber, City Attorney, cityattorney@cityoforoville.org

⁶ Our original response dated October 18, 2023, stated:

Property Barrier, (§ E.18). The proposed ordinance also requires a demarcated barrier – determined by the City and installed by the property owner – to prevent “activities” at the designated site from intruding onto the public street or adjacent properties. We disagree. Barrier-free access is a hallmark of any public marketplace. Again, by way of example, farmers markets would be far less attractive if they were surrounded by a permanent fence to prevent those activities – *i.e.*, selling food and goods to the general public – from intruding upon the surrounding streets. We would instead recommend a designed setback, *e.g.*, 10 to 15 feet from the edge of the street to the property – which would allow pedestrian traffic, preserve the integrity of the surrounding public areas, and still create an inviting atmosphere for customers.

Op.cit (bold omitted) (underline added) (italics in original).



City of Oroville

COMMUNITY DEVELOPMENT DEPARTMENT

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

PLANNING COMMISSION STAFF REPORT

Thursday, November 16, 2023

RE: Use Permit UP23-11	
<p>SUMMARY: Butte County proposes to establish an Integrated Behavioral Health Services Center in an existing 39,700+/- square foot facility at 1875 Feather River Boulevard. The services to be provided include outpatient mental health and substance abuse counseling along with a variety of other support services for Oroville residents. Outpatient services require a Use Permit in the subject Corridor Mixed Use (MXC) zoning district. Staff has identified no major issues, and is recommending approval.</p>	
<p>RECOMMENDATION: Staff recommends the following actions:</p> <ol style="list-style-type: none"> 1. Conduct a Public Hearing on the proposed project; 2. Adopt Resolution No. P2023-27, adopting a Categorical Exemption and conditionally approving Use Permit No. 23-11 	
APPLICANT:	Butte County Department of General Services
LOCATION: 1875 Feather River Boulevard, APN 035-240-099	<p>GENERAL PLAN: Mixed Use ZONING: Corridor Mixed Use (MXC) FLOOD ZONE: Zone X</p>
<p>ENVIRONMENTAL DETERMINATION: Categorically Exempt per Section 15301 of Title 14, California Code of Regulations, "Existing Facilities".</p>	
REPORT PREPARED BY:	REVIEWED BY:
<p>_____ Mark Wolfe, AICP, Principal Planner Community Development Department</p>	<p>_____ Patrick Piatt, Director Community Development Department</p>

DISCUSSION

Project Description

The County intends to utilize the existing building for several community support services including mental health and substance abuse counseling, day care for children whose parents are receiving services, vocational programming, prevention and early intervention services for both youth and adults, and a possible wellness center/resiliency center. It is expected that many of these services will be provided to the homeless population. None of the services will be inpatient. General staff offices will also be located in the facility.

More specifically, the project would include:

- Adult Mental Health Services
- Walk-In Crisis Services - Currently only available in Chico.
- Support, Engagement, Advocacy, Recovery, Community & Housing (SEARCH)
- Substance Use Disorder Outpatient Treatment
- Wellness & Recovery Center
- AB 109 Services
- California Work Opportunity & Responsibility to Kids (CalWorks)
- The Live Spot Youth Center

All of the above services are directed towards improving the lives of people living in the community.

Funding for this project has been secured by the County through the Community Development Block Grant (CDBG) Disaster Recovery Grant program. The federal Department of Housing and Urban Development (HUD) provides these funds to help cities, counties, and states to recover from federally declared disasters.

Staff is recommending approval of the Use Permit, subject to conditions.

Site Conditions and Context:

The project site is developed with a 39,700+/- square foot structure which was previously occupied by the Feather River Parks and Recreation District. The District used the facility as its main office, and operated a number of recreational activities at the site. A shaded parking lot with 100 parking spaces is located between the building and Feather River Boulevard.

Feather River Boulevard across the site's frontage is a two-lane arterial street, and full frontage improvements are already in place.

B-Line transit routes 24 and 25 serve Feather River Boulevard in the vicinity of the project, with several stops within convenient walking distance.

The site fronts on the stretch of Feather River Boulevard between 6th Street and Oro Dam Boulevard addressed in the City's Feather River Boulevard Revitalization Plan. Improvements as called for by the Plan across the site's frontage are already in place.

Surrounding Uses:

North: Vacant/Motel
 South: Vacant/Motel
 East: Multifamily Residential
 West: Cemetery (Across Feather River Boulevard)

Proposed Site Improvements:

No changes to existing site improvements are proposed.

Operational Characteristics:

The County will operate the Center from 8:00 a.m. to 5:00 p.m., seven days a week.

General Plan:

The site's General Plan land use designation for the site is Mixed Use. This designation "...allows and encourages different but compatible uses to be located in close proximity to each other."

Housing Element Goal 1, Program 1.2.1: *"Continue to work with the Butte County Homeless Continuum of Care Coalition to facilitate the provision of shelter and services for individuals experiencing homelessness, with the goal of rapidly re-housing individuals."*

The nature of the use, as all services would be conducted inside the existing facility, would not create any significant conflicts with surrounding uses. To the extent that services will be used by the homeless population, the project would advance the above noted General Plan Goal. Staff concludes that the project would be consistent with Oroville's General Plan.

Zoning:

The project site's zoning is Corridor Mixed Use (MXC). This zoning district is intended to "Support an integrated and attractive network of commercial, employment, and residential uses along Oroville's major thoroughfares." Existing uses along the Feather River Boulevard are largely commercial in nature. As a conditionally permissible use, the proposed Outpatient Services use is supportable so long as any associated impacts on surrounding uses are adequately addressed.

The services to be provided at the Center meet the Municipal Code's definition of "Outpatient Services". Such services are defined as:

"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."

While substance abuse counseling will be provided, it will be limited to roughly 15% of the floor area involved. In the context of the other services to be provided in the remaining 85% of the building, staff recommends that such counseling does not constitute a 'primary use' of the facility.

Staff has identified no significant impacts with the proposal, and concludes that the requested Use Permit is appropriate in this location.

Findings in Support of Use Permit:

Oroville's Municipal Code provides that the Planning Commission may grant a use permit only upon making all of below findings, based on substantial evidence. Staff's recommendations with respect to each of the findings is provided in italics.

- 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. *The proposed use will be operated within an existing facility, and no significant impacts have been identified.*
- 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 facility is located in an area of need for the services it provides, and is located on an arterial street.*
- 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. *All necessary utilities are existing along the site's street frontage.*
- 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 use will be conducted entirely within an existing building, with no significant impacts on abutting properties.*
- e. The subject site is physically suitable for the type and intensity of land use being proposed. *The site is currently developed, and all necessary parking will be provided.*
- 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. *There is a*

need for readily accessible outpatient mental, substance abuse, and other social programs in the community. The project will help to meet these needs.

g. The permit complies with all applicable laws and regulations, including the requirements of the general plan, of this title and of the city municipal code. *The project is consistent with the General Plan and applicable zoning requirements, and will be subject to all applicable City codes.*

Environmental Review:

The proposed project is exempt from review under the California Environmental Quality Act pursuant to Section 15301, "Existing Facilities".

FISCAL IMPACT

None. The project is subject to all customary fees.

PUBLIC NOTICE

A request for comments was prepared and circulated to the local agencies and surrounding property owners within 500 feet of the property. Additionally, the meeting date, time, and project description were published in the Oroville Mercury Register and posted at City Hall.

ATTACHMENTS

1. Project Location
2. Site Plan
3. Notice of Exemption
4. Resolution 23-27



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NOTICE OF EXEMPTION

TO: Butte County Clerk
155 Nelson Ave
Oroville, CA 95965

FROM: City of Oroville
1735 Montgomery Street
Oroville, CA 95965

Project Title: UP 23-011 Oroville Integrated Behavioral Health Center

Project Location – Specific: 1875 Feather River Boulevard

Project Location - City: City of Oroville

Project Location – County: Butte

Description of Nature, Purpose, and beneficiaries of project: Re-use of an existing facility for various outpatient services to include mental health and substance abuse counseling, day care, general office space for staff, vocational programming, prevention and early intervention services with youth and adults, and a possible wellness/resiliency center. None of the services to be provided will be of a locked or inpatient nature.

Name of Public Agency Approving Project: City of Oroville

Name of Person or Agency Carrying Out Project: County of Butte

Exempt Status (Check One):

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

Reasons why project is exempt: This action has been determined to be exempt from the California Environmental Quality Act (CEQA) review as follows:

Existing Facilities; Title 14, CCR, §15301

The proposed project is exempt from review under the California Environmental Quality Act as it involves the re-use of an existing facility with no expansion or significant exterior or site modifications.

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: Wes Ervin

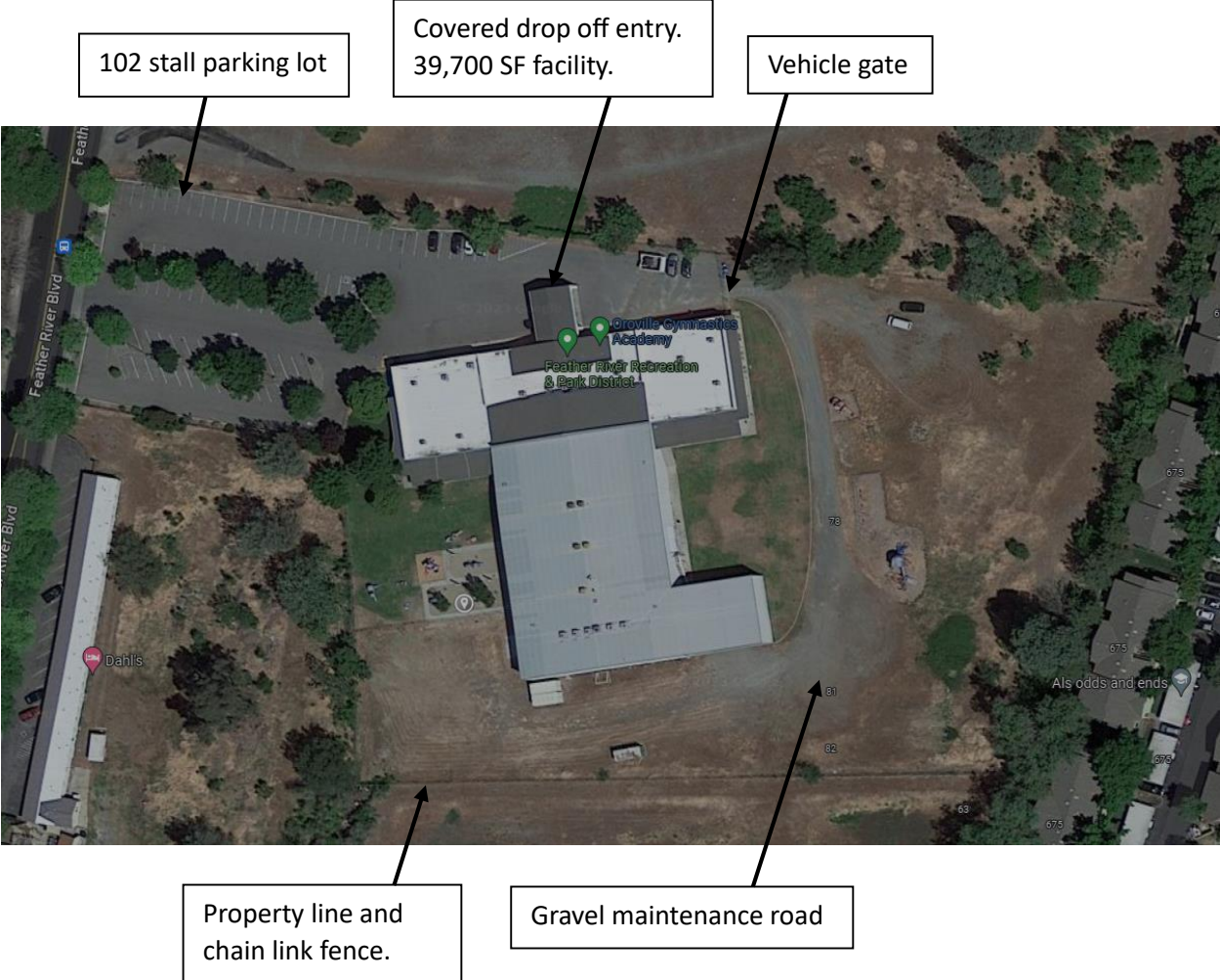
Telephone: (530) 538-2408

Signature: _____

Date: _____

- Signed by Lead Agency
- Signed by Applicant

1600



SITE PLAN

Butte County Integrated Behavioral Health Services Center

Use Permit No. 23-11

**CITY OF OROVILLE PLANNING COMMISSION
RESOLUTION NO. 23-27**

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF OROVILLE, CALIFORNIA, APPROVING USE PERMIT NO. 23-11 FOR THE BUTTE COUNTY INTEGRATED BEHAVIORAL HEALTH SERVICES CENTER AT 1875 FEATHER RIVER BOULEVARD, APN 035-240-099

WHEREAS, the County of Butte has submitted an application for a Use Permit to establish and Integrated Behavioral Health Center within an existing facility at 1875 Feather River Boulevard; and

WHEREAS, there is an acute need for such a facility in the community; and

WHEREAS, the Planning Commission has considered the proposed Use Permit application, City staff's report, and conducted a duly noticed hearing regarding the matter; and

WHEREAS, the Planning Commission finds the proposal would address an urgent need for mental health and other services in the community, and would be consistent with both the City's General Plan and Zoning regulations; and

WHEREAS, the Commission has determined that the project is exempt from review under the California Environmental Quality Act (CEQA) pursuant to Section 15301 ("Existing Facilities") of the Act.

NOW, THEREFORE, BE IT RESOLVED by the Oroville Planning Commission as follows:

Section 1. The Planning Commission hereby adopts a Categorical Exemption for the project pursuant to CEQA, and approves the project based upon the findings in staff's report and subject to the conditions set forth in Exhibit 1 to this Resolution.

Section 4. The Planning Commission Secretary shall attest to the adoption of this Resolution.

PASSED AND ADOPTED by the Planning Commission of the City of Oroville at a regular meeting on November 16, 2023, by the following vote:

AYES:

NOES:

ABSTAIN:

ABSENT:

Carl Durling, Chairman

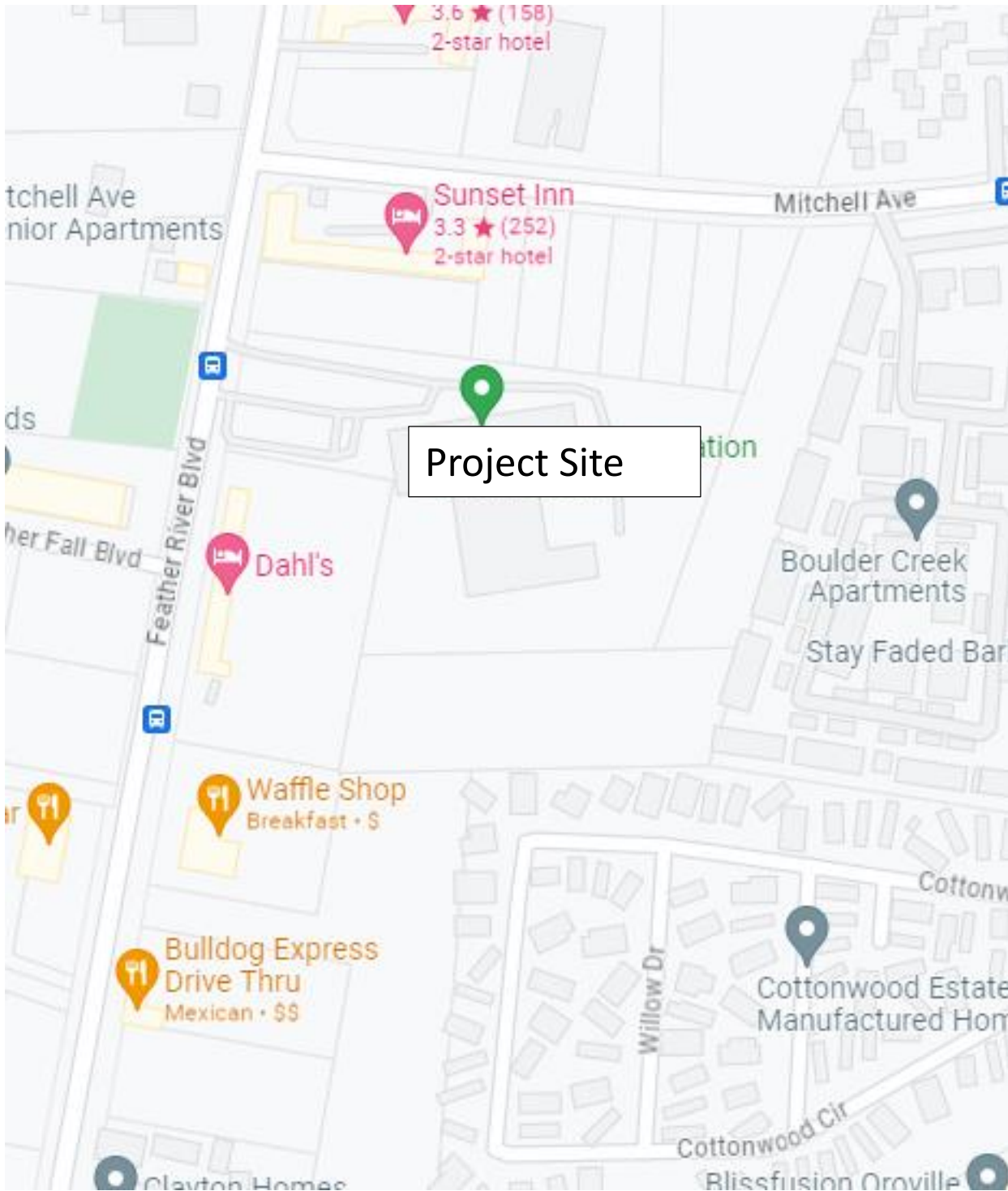
ATTEST:

Patrick Piatt
Community Development Director

EXHIBIT I to Planning Commission Resolution No. 23-27

Conditions of Approval for the Butte County Integrated Behavioral Health Center,
Use Permit No. 23-11 Adopted by Planning Commission November 16, 2023

1. Final plans for construction shall generally comply with those provided in staff's report to the Commission on this item.
2. Hours of operation shall be limited to 8:00 a.m. to 5:00 p.m.
3. All services shall be of an outpatient nature; no inpatient, overnight, or 'locked' services are permitted.



PROJECT LOCATION – USE PERMIT 23-11

1875 Feather River Boulevard

