



## OROVILLE PLANNING COMMISSION/ HISTORICAL ADVISORY COMMITTEE

Council Chambers  
1735 Montgomery Street  
Oroville, CA. 95965

**September 28, 2023  
REGULAR MEETING  
6:00 PM  
AGENDA**

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### 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](mailto:publiccomment@cityoforoville.org)
2. Attend in person

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

### CALL TO ORDER / ROLL CALL

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

### OPEN SESSION

Pledge of Allegiance

## **PUBLIC COMMUNICATION - HEARING OF NON-AGENDA ITEMS**

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

## **CONSENT CALENDAR**

There are no Consent Calendar items this meeting.

## **PUBLIC HEARINGS**

- There are no Public Hearings this meeting.

## **REGULAR BUSINESS**

### **1. Historic Preservation Award Discussion**

The Planning Commission will discuss its new Historic Preservation Award Program, including promotion, timing, and judging.

### **2. Workshop on Three Upcoming Ordinances -- Discussion Only**

The Planning Commission will discuss in workshop format with no decisions the following draft ordinances:

- Food Truck Village
- Oak Tree Mitigation
- Second Dwelling (ADU) Ordinance

The Commission may also discuss again the Al Fresco dining Ordinance -- recommended by the commission on August 24 to forward to City Council.

## **REPORTS / DISCUSSIONS / CORRESPONDENCE**

1. Commissioner Reports
2. Historical Advisory Commission Reports
3. Staff Reports
4. Name DRC member from the Planning Commission to replace Commissioner Jenkins

## **ADJOURN THE MEETING**

The meeting will be adjourned. A regular meeting of the Oroville Planning Commission will be held on October 26, 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](http://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.

**17.48.160 Mobile food vending Village.****Commented [LM1]:** Based on Santa Rosa MFV ord.

**A. Intent** Notwithstanding any other provisions of the City Code, 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:

**B. Definition.** Mobile food vending villages are defined as more than one mobile food vending vehicle parked on a private property for more than one hour at a time.

**C. Permit requirements.**

1. 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. Operation of a mobile food facility shall not be permitted on public property under this Section and California Senate Bill No. 946, as specified in [Government Code](#) Sections 51036 – 51039, Sidewalk Vendors).
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 the mobile food vending vehicle.
4. 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 facility.
5. Permit and license display. At all times while vending, a valid business license shall be displayed at the mobile food vending vehicle.

**D. Location, concentration (number of allowed mobile food vendors) and hours of operation.**

1. Location. No mobile food vendor shall locate within 300 feet of any residential use or as determined by the Minor Use Permit.
2. Concentration. No mobile food vendor shall locate within 200 feet of another approved mobile food vending location on a separate parcel as measured between the mobile food vendors. The permitted number of mobile food vendors within each MCUP will be determined in the MCUP.
3. Hours. Hours of operation for mobile food vending businesses shall be between 7:00 a.m. and 10:00 p.m.

**Commented [LM2]:** Let's discuss measured distance what is the goal?

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

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

City of Oroville Draft MFV Village Ordinance - August 2, 2023

2. The proposed location is on an improved property that is entirely paved and does not interfere with the operation of any approved uses on the site.
3. Mobile vendors shall maintain their immediate sales location in a clean and hazard free condition.
4. Mobile vendors shall maintain covered garbage, recycling, and compost container(s) immediately adjacent to the vending location for customer use. Prepared food served to customers shall be in disposable food service ware excluding polystyrene foam. No drinking straws shall be provided by any mobile food vendor.
5. Applications for mobile food vending villages shall include the location and description of any proposed outdoor dining area, including tables, chairs, and shade structures.
6. No 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.
7. Outdoor music is permitted consistent with the normally acceptable decibel levels outlined in the Noise and Safety Element of the Oroville General Plan, and as determined by the Minor Conditional Use Permit. No more than two hundred (200) square feet on-site shall be occupied by musical instruments, equipment, or bandstand.
8. Portable handwashing stations and portable public toilets shall be installed and maintained on the site by the property owner. These sanitary facilities shall be installed prior to operation of any mobile food vending vehicle on-site. An agreement for the use of properly operating restroom facilities within proximity of the mobile food vendor location is not acceptable.
9. All signage shall be located on the vending equipment and is subject to the requirements of Chapter 17.20, Signs.
10. No mobile food vendor shall sell alcoholic beverages, non-food items, cannabis products, or illegal drugs.
11. Mobile vendors cooking food shall at all times maintain a working fire extinguisher(s) of the appropriate type and rating at the vending location.
12. Mobile food vendors operating within a parking lot shall not inhibit traffic circulation and shall maintain the minimum required on-site parking spaces for the principal use on the property; and
13. After the permitted hours of operation, all mobile food vending equipment and trash containers, excluding the mobile vehicle itself, shall be stored off-site or within an approved, enclosed structure on site.
14. 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

**Commented [LM3]:** Paved, what is the City's pleasure? Also, any comments on driveway cut requirement?

**Commented [LM4]:** This use should be independent of other uses. This will limit pedestrian traffic across arterial streets. An off-site manager may arbitrarily decide to prohibit use of the off-site facilities.

**Commented [LM5]:** Do you want to permit A frame signs?

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.

**Commented [LM6]:** City to determine deposit amount, City should not lose money if it has to have container removed from site.

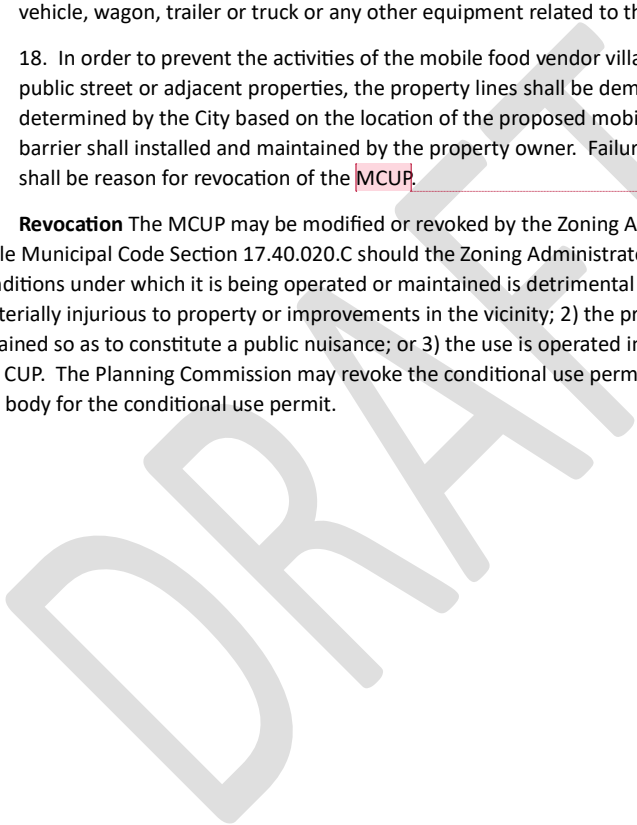
16. Mobile food vendors are required to obtain a hazardous materials permit when using or storing quantities of liquid propane gas equal to or exceed ten (10) gallons for their business on-site.

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. In order 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 barrier determined by the City based on the location of the proposed mobile food vendor village. This barrier shall installed and maintained by the property owner. Failure to maintain the barrier shall be reason for revocation of the MCUP.

**Commented [LM7]:** The city may want to specify a type of barrier, or only require one on corner lots. The purpose is to protect private properties and direct traffic to the on-site driveways.

**F. 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.





# City of Oroville

## PLANNING AND DEVELOPMENT SERVICES

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**Patrick Piatt**  
 DIRECTOR

## DEVELOPMENT REVIEW COMMITTEE MEMORANDUM

**TO: Development Review Committee**

**FROM: Wes Ervin**

**DATE: September 14, 2023**

**RE: Draft Ordinance – Food Truck Court or Village**

### Project Description

The city has been approached by two developers interested in creating sites for multiple food trucks – a “court” or “village”. The city has no regulations to cover this contingency. The attached ordinance is the first draft for comment by DRC members. Once discussed internally, the draft ordinance will be circulated to the public, then presented to the Planning Commission for their review.

### Features and discussion points

1. Allowed with Minor Use Permit in most non-residential zones.
2. More than 1 truck/trailer in one place for more than 1 hour.
3. Separations from residential and each other.
4. 7am-10 pm.
5. Private property only, barriers if needed from streets & public ROW.
6. Site must be empty and paved and not interfere with other commercial.
7. Garbage, etc shall be controlled operationally.
8. No alcoholic beverages or drugs.
9. Clean up and secure all at closing.
10. One storage container on site only @ <=200 sf.

**SECTION 17-12.060****TREE PRESERVATION**~~17-12.060 — Tree Preservation~~~~A. — Applicability.~~

- ~~3. — The requirements of this section shall apply to any protected tree.~~
- ~~4. — A protected tree is defined as:
  - ~~. — Any tree on public property; or~~
  - ~~. — Any tree on private property that has a trunk diameter of at least 24 inches at 54 inches above grade.~~~~
- ~~7. — **Permit Required.** The removal of any protected tree requires approval of a tree removal permit, as provided in Section 17.48.070.~~
- ~~8.1. **Removal Without a Permit.** If personal injury or property damage is imminently threatened, the fire chief, the chief of police or the zoning administrator may authorize the removal of a protected tree without obtaining the required permit. The removal shall be reported to the zoning administrator within 5 business days. (Ord. 1749 § 4)~~

DRAFT



## SECTION 17-12.065 OAK TREE LOSS MITIGATION

### 17-12.065 Oak Tree Loss Mitigation

#### A. Purpose.

Oroville's native oak trees provide wildlife habitat, control erosion, maintain water flow and quality, moderate temperatures, improve air quality, and contribute to the aesthetic character of the area. The purpose of this section is to preserve Oroville's valuable native oak trees by protecting them during grading and construction, minimizing their removal, replacing them when removal is approved, and monitoring them to ensure that they are maintained.

#### B. Applicability.

The requirements of this section apply to any native oak tree on public or private land with the following minimum diameter at breast height (dbh) (i.e., 4.5 feet from the ground):

1. Single main trunk: 6 inches.
2. Multiple trunks (in aggregate): 10 inches.

"Native oak tree" means an oak tree that is native to Butte County's natural oak communities, including valley oak, black oak, blue oak, interior live oak, and canyon oak.

#### C. Permits Required.

1. **Tree Removal.** The city requires a tree removal permit in accordance with Section 17.48.070 to remove any oak tree that meets the applicability criteria above in subsection B (Applicability). The property owner must file a tree survey and an oak tree preservation plan with the community development department before the city will issue a permit. The plan shall describe all efforts to preserve trees to the extent feasible, replace trees that are removed, and maintain replacement trees. In addition, the plan shall address replacing any replacement trees that do not survive.
2. **Grading.** Grading projects shall retain oak trees wherever possible. To receive a grading permit, applicants must address oak tree preservation in their grading plan by identifying methods to:
  - a. Identify trees to be retained, through flagging or other obvious marking methods, prior to any grading.
  - b. Avoid compaction of the root zone and mechanical damage to trunks and limbs by installing temporary fencing along the outermost edge of the dripline of each retained tree or group of trees.
  - c. Avoid trenching within driplines of retained trees. Any required utility line poles within the dripline should be installed by boring or drilling through the soil.
3. **Heritage Trees.**
  - a. Grading, filling, trenching, paving, irrigation, and landscaping plans shall avoid the removal of or damage to the health of a heritage tree.
  - b. A heritage tree may only be removed when approved as appropriate by a certified arborist, and upon receiving a tree removal permit in accordance with subsection (C)(1).

D. **Mitigation Options.** An applicant who has received a tree removal permit shall mitigate the removal by completing one or a combination of the following options, as well as paying a monitoring fee per tree as set by the city council.

1. **On-Site Replacement.** Where physically feasible, a tree removed under a tree removal permit shall be replaced on the same property, in accordance with the standards in subsection F (Replacement Standards).
2. **In-Lieu Fee.** When replacing a tree on site is not feasible, an applicant granted a tree removal permit may pay an in-lieu fee as set by the city council.
3. **Off-Site Replacement.** When replacing a tree on site is not feasible, an applicant granted a tree removal permit may plant replacement trees off site if:
  - a. The off-site location is permanently protected under a conservation easement that includes a maintenance plan that meets the requirements in subsection F (Replacement Standards).
  - b. The off-site location is appropriate for oak tree plantings, as determined by the director of ~~public works~~ or designee.
  - c. The off-site location is sufficient to plant and maintain replacement trees in accordance with the standards in subsection F (Replacement Standards).

~~E. **Exceptions to Permits and Mitigation Requirements.** Mitigation is not required for trees removed due to poor tree health or because removal furthers urban forestry or land management practices that support the health of native plant communities, as determined by the director of parks and trees or designee. A tree removal permit or mitigation shall not be required for the following circumstances:~~

- ~~2. When removal is determined to be necessary by fire department personnel actively engaged in fighting a fire.~~
- ~~3. When removal is determined to be necessary by fire department personnel to comply with fuel modification requirements or defensible space requirements, as detailed in a defensible space inspection/report.~~
- ~~4. Routine trimming, pruning, or maintenance which does not cause damage or death of a tree.~~
- ~~5. Removal of an oak tree that is dead, dying, or in poor health as determined by a certified arborist.~~
- ~~6. Removal of an oak tree on a property developed with a single-family dwelling unit, provided that the following criteria is met:~~
  - ~~a. The developed lot is not greater than 10,000 square feet in area and is zoned either RR-10, RL, R-1, or R-2.~~
  - ~~b. The developed lot is located outside of the Foothill Overlay (F-O) district.~~
    - ~~(1) If the developed lot is located within the Foothill Overlay (F-O) district, the oak tree(s) proposed to be removed must be located within the rear or side yard not abutting a street.~~

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~~F.~~

1. **Replacement Ratio.** Each inch in dbh of oak removed shall be replaced by ~~2 1~~ inches of native oaks (~~1:1 ratio~~), using trees planted at a minimum size of ~~one-15~~ gallons. ~~For example, a 6-inch dbh tree may be replaced by four 1 3-inch trees or 2 1 2 three-one-inch trees.~~
2. **Timeframe.** ~~A replacement tree shall be planted within 90 days of the removal of the original tree. The schedule for planting of the replacement trees shall be subject to approval by the review authority as detailed in Section 17.48.070(C)(3).~~
3. **Maintenance.** The applicant is responsible for protecting the health of a replacement tree. Replacement trees shall be irrigated in accordance with Oroville Municipal Code Section 17.12.050 (Landscaping standards). A replacement tree that dies within 5 years shall be replaced on a one-to-one basis.
4. **Monitoring.** The applicant shall monitor the replacement tree and report its health status to the community development department annually, or upon request, for 5 years following planting.
5. **Damage.** Purposeful damaging or neglect of a replacement tree will invalidate the tree removal permit.

~~F.~~ **Oak Tree Maintenance Fund.** The city shall place in-lieu tree-removal fees in an oak tree maintenance fund to be expended only for the following:

1. **Planting New Trees.** Planting oak trees on public and private property within Oroville. These expenditures may include purchasing and planting trees, preparing the land for planting, and installing irrigation improvements. Private property owners may apply to have an oak tree planted on their property at public expense, provided the expense does not exceed the in-lieu fee amount.
2. **Maintaining Existing Trees.** Caring for and preserving existing oak trees on public property or easements.

~~G.~~ **Monitoring.** The community development department shall prepare an annual report that addresses the following topics:

1. **Tree Inventory.** The report shall inventory all replacement trees, including their type and health status, as reported by an applicant.
2. **Fund Accounting.** The report shall account for the balance in the oak tree mitigation fund and summarize the use to which the fund was put during the preceding year.

~~H.~~ **Fines.** The city may issue a fine for the destruction of an oak tree in violation of this section. Fines may be as high as the cost to replace and maintain up to 3 times the number of trees required by this section. The city shall deposit funds received from fines in the oak tree mitigation fund. (Ord. 1819 § 3, 2017).

**SECTION 17-48.070 TREE REMOVAL PERMITS**

17-48.070 Tree Removal Permits

A. Purpose. The purpose of requiring tree removal permits is to preserve the city’s mature trees by placing appropriate restrictions on their removal, while also allowing the removal of trees when necessary to protect the health, safety and welfare of the public.

B. Applicability. ~~The removal of any protected tree requires approval of a tree removal permit. The requirements of this section shall apply to any protected tree.~~

- 1. A protected tree is defined as:
  - a. Any tree on public property; or
  - b. Any tree on private property that has a trunk diameter of at least 24 inches at 54 inches above grade.
  - ~~a-c. An oak tree meeting the criteria of Section 17.12.065.~~

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B.C. Application.

- 1. Application for a tree removal permit shall be made in a form prescribed by the zoning administrator and accompanied by a fee established by resolution of the city council. Only the owner of the site or their authorized agent may apply for a tree removal permit.
- 2. The application for a tree removal permit shall include a map depicting the location, size and type of all trees within or immediately adjacent to the subject property. The map shall also depict any permanent buildings or structures on the subject property.
- 3. The review authority for a tree removal permit shall be determined as follows:
  - a. For trees on public property, unless the removal is associated with a proposed development that requires planning commission approval, the director of ~~public works and trees~~ public works or design shall be responsible for issuing tree removal permits.
  - b. For trees on private property, unless the removal is associated with a proposed development that requires planning commission approval, the zoning administrator shall be responsible for issuing tree removal permits.
  - c. For any proposed development that requires planning commission approval, the planning commission shall review the trees being removed, and approval of the project shall also be approval to remove all specified trees.

B.D. Required Findings.

- 1. A tree removal permit shall not be issued unless the review authority finds, based on substantial evidence, that the owner has demonstrated that the removal is necessary in order to accomplish any one of the following objectives:
  - a. To ensure public safety as it relates to the health of the tree, potential hazard to life or property, and proximity to existing or proposed structures, and interference with utilities or sewers.

- b. To allow reasonable enjoyment of the property, including sunlight access and the right to develop the property.
- c. To pursue good, professional practices of forestry or landscape design.

2. Any action regarding the issuance of a tree removal permit may be appealed, as provided in Section 17.56.100. Subject trees shall not be removed prior to the completion of the required appeal period. (Ord. 1749 § 4; Ord. 1762 § 12)

2.E. **Removal Without a Permit.** If personal injury or property damage is imminently threatened, the city administrator, director of public works, director of community development, public safety personnel, code enforcement officer, or their designees may authorize the removal of a protected tree without obtaining the required permit. The removal shall be reported to the zoning administrator within 5 business days. (Ord. 1749 § 4).

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# City of Oroville

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**Patrick Piatt**  
 DIRECTOR

## DEVELOPMENT REVIEW COMMITTEE MEMORANDUM

**TO: Development Review Committee**

**FROM: Wes Ervin**

**DATE: September 14, 2023**

**RE: Draft Ordinance – ADU (Accessory Dwelling Unit) Ordinance Update**

### Project Description

The city has had a “Second Home” ordinance for several years to encourage and regulate small detached and attached ADU’s on residential lots. However, in the meantime the State Legislature has actively promoted ADU’s as one way to encourage new housing and has passed a series of laws changing – mostly loosening -- the requirements. HCD has published its Accessory Dwelling Unit Handbook to clarify the large spate of bills.

The attached ordinance is the first draft to bring out codes into conformance with the ADU Handbook. We present it for comment by DRC members. It will then be presented to the Planning Commission for their review.

### Features and discussion points

1. Ministerial permits only.
2. Defined as detached (ADU) or attached (JADU)
3. ADU maximum 1,200 square feet, can be 2 stories.
4. JADU maximum 500 square feet if created in an existing residence, is attached to main dwelling unit.
5. JADU can be up to 1,000 sf and 2 bedrooms if attached to a new structure AND up to 16 feet high.
6. ADU of up to 800 sf is “exempt” and cannot be denied. It can be 16 feet high and 4’ from a side or rear property line.

7. A single-family residential lot can have 1 main structure with a JADU, plus 1 detached ADU.
8. A multi-family lot may have up to 2 detached ADU's.
9. Cannot require an additional parking space for an ADU as long as property is within ½ mile of an established bus stop. Then we can.
10. ADU's are subject to all building and other fees, however, if under 750 sf, impact fees cannot be charged.
11. Deed restriction to guarantee non-transient habitation.
12. Garage conversions are allowed as long as not an expansion, then use permit required.

## Oroville, California Municipal Code

### Title 17 ZONING

#### Chapter 17.16 USE-SPECIFIC REGULATIONS

##### 17.16.010 Second dwelling units.

1. **Purpose.** Accessory dwelling units are intended to increase the supply of non-transient housing. All accessory dwelling units must be rented out for terms longer than thirty (30) days. A natural person with legal or equitable title to the property must reside on the property as the person's legal domicile and permanent residence. Any accessory dwelling unit may be rented separate from the primary residence but may not be sold or otherwise conveyed separate from the primary residence except when the primary dwelling and the ADU are built by a qualified non-profit corporation and the ADU will provide low-income housing in accordance with California Government Code Section 65852.26. This does not apply if the property is entirely owned by another governmental agency, land trust, or housing organization.

2. **Permit Required.** For any parcel in any residential zoning district that is currently occupied by a single-family or multifamily residence, a ministerial permit is required to establish a new second dwelling unit. If no residence exists on a subject parcel, a permit may be applied for along with a building permit for a new residence to be constructed on the same parcel. A certificate of occupancy for an accessory dwelling unit shall not be issued before the certificate of occupancy is issued for the primary dwelling. An existing legally permitted accessory structure, accessory living unit, family care unit may be converted into an accessory dwelling unit consistent with the provisions of the Chapter. Accessory dwelling units shall comply with applicable local building code requirements. Fire sprinklers, however, shall not be required in an ADU or JADU if they are not required in the existing single-family or multifamily dwelling.

3. **Addressing Accessory Dwelling Units.** All accessory dwelling units shall be assigned an address. The Building Department will inform local agencies, service providers, and the United States Postal Service of the address of the proposed accessory dwelling unit followed by an identifying letter or number.

4. **Accessory dwelling unit (ADU).** A secondary dwelling unit that may be constructed within the existing building walls of a residence or garage, or as a detached structure.

5. **Junior accessory dwelling unit (JADU).** A specific type of conversion of existing space that is contained entirely within an existing or proposed single-family residence. Only one JADU is allowed on a parcel.

- a. JADUs can only be constructed on a site with a proposed or existing single-family dwelling.

**Commented [LM1]:** Government Code section 65852.2, subdivision (e)



- b. No JADU may occupy more than 500 square feet of an existing residence.
- c. A JADU may be located within an existing legally-authorized single-family dwelling that does not meet setback requirements and it would not be considered an expansion of a legal non-conforming structure unless the conversion increases the non-conformity of the structure.
- d. No additional on-site parking is required for a JADU.
- e. A separate entrance to the JADU shall be provided.
- f. A JADU may share a bath with the single-family dwelling or have its own bath.
- g. A JADU is required to include an efficiency kitchen as defined in Section ??
- h. For the purposes of fire and life protection ordinances and regulations, a JADU is to be considered part of the single-family dwelling.
- i. A JADU may not be sold separately from the primary residence.
- j. After January 1, 2025, a JADU may only be established when either the single-family residence in which the JADU is created, or the JADU, will be occupied by a natural person with legal or equitable title to the property who must reside on the property as the person's legal domicile and permanent residence, either in the primary residence or the JADU.
- k. A property with a primary residence, an ADU and a JADU. A natural person with legal or equitable title to the property must reside on the property as the person's legal domicile and permanent residence, either in the primary residence or the JADU. Prior to obtaining a building permit for a JADU, a deed restriction, approved by the City, shall be recorded with the County Recorder's office, which shall include the pertinent restrictions and limitations of a JADU including, but not limited to, the prohibition on use of the unit for transient habitation, restrictions on size, and prohibition on sale separate from the sale of the single-family dwelling, which shall run with the land, and be binding upon any future owners, heirs, or assigns.

Commented [LM2]: 65852.26, subdivisions (a)(1-5)

6. **Statewide Exempt Accessory Dwelling Unit.** A statewide exemption ADU, found in Government Code section 65852, subdivision (e), is an ADU of up to 800 square feet, 16 feet in height, and with four-foot side and rear yard setbacks. No City lot coverage, floor area ratio, open space, or minimum lot size restrictions will preclude the construction of a statewide exemption ADU.

7. **Maximum Number of All Units.** There are four categories of the allowed number of ADUs and JADUs on a single parcel. (A) One ADU and one JADU are permitted per lot within the proposed space of a single-family dwelling or existing space of a single-family dwelling or accessory structure that meets specified requirements such as exterior access and setbacks for fire and safety. (B) One detached new construction ADU that does not exceed four-foot side and rear yard setbacks. This ADU may be combined on the same lot with a JADU and may be required to meet a maximum unit size requirement of 800 square feet and a height

limitation of 16 feet. (C) Multiple ADUs within the portions of multifamily structures that are not used as livable space at the time of the conversion of the non-residential floor space to an ADU are permitted, and in up to 25 percent of the existing multifamily structures. (D) Up to two detached ADUs on a lot that has existing multifamily dwellings that are subject to height limits of 16 feet and four-foot rear and side yard setbacks.

8. **Location.** A second dwelling unit may be either attached to or detached from the primary dwelling unit on the parcel.
9. **Development Standards.** ADUs shall conform to height, setback, site plan review, fees, charges and other zoning requirements generally applicable to residential construction within the zone in which the ADU is located with the following exceptions:
- a. The total floor area for a detached ADU shall not exceed 1,200 square feet, except that in districts with a minimum lot size of at least 5 acres, the floor area shall not exceed 2,000 square feet.
  - b. For an attached ADU, total floor space may not exceed one thousand (1,000) square feet or fifty (50) percent of the floor space of the existing or proposed single-family dwelling, whichever is less. In no instance shall the floor space of an attached ADU be restricted to less than one thousand (1,000) square feet for an attached ADU that provides more than one (1) bedroom or less than eight hundred fifty (850) square feet for an attached ADU that provides one (1) or less bedroom.
  - c. Notwithstanding any other provision of this section, an attached unit that qualifies as an efficiency unit, as defined in Section 17958.1 of the [Health and Safety Code](#), shall be allowed regardless of the ratio between its floor area and the living area of the existing dwelling unit.
  - d. The maximum height limits of an ADU shall sixteen feet (16'), eighteen feet (18') is allowed if the proposed ADU is within ½ mile of public transit or the property already has a multi-family dwelling two stories high.
  - e. The combined site coverage of the primary dwelling unit, the ADU and any accessory structures on the parcel shall not be limited to the maximum allowable site coverage in the underlying zone district. A minimum setback of no more than four (4) feet from the side and rear lot lines shall be required for an ADU.
  - f. An existing legally-authorized accessory structure which does not meet front, rear or side yard setback requirements may be converted to an ADU or reconstructed to the same dimensions as the existing structure and converted to an ADU and would not be considered an expansion of a legal, non-conforming use unless the conversion increases the non-conformity of the structure.
  - g. For an ADU, off-street parking shall be provided in accordance with the provisions of Section

17.12.070, except that in districts with a minimum lot area of at least 5 acres, parking spaces for the ADU may be surfaced with gravel. One (1) parking space is required per ADU and the space may be provided through tandem parking. Parking for ADUs is allowed in front, rear and side setback areas. ADUs located: within one-half (½) mile walking distance of a public transportation stop along a prescribed route according to a fixed schedule, or located within one (1) block of a car share parking spot, or located entirely within the primary residence and the ADU does not result in a net increase in habitable floor area on the property, or located in an area where on-street permit parking is required, but such permits are not available to the tenant, or located within a designated historic district, are exempt from providing an additional off-street parking space.

- h. All ADUs approved prior to January 1, 2020, are subject to the owner-occupancy requirement that was in place when the ADU was approved.
- i. The construction of ADUs units shall comply with City Building Code requirements in effect at the time of construction.

10. **Fees.** ADUs up to 750 square feet are exempt from impact fees, and ADUs that are 750 square feet or larger may be charged impact fees but only such fees that are proportional in size (by square foot) to those for the primary dwelling unit. The construction of ADUs shall be subject to the payment of all fees applicable to the construction of a single-family dwelling on the same property. (Ord. 1749 § 4; Ord. 1770 § 2)

11. **Use Restriction.**

- a. Prior to obtaining a building permit for an ADU or JADU, a deed restriction, approved by the City, shall be recorded with the County Recorder's office, which shall include the prohibition on the use of any dwelling on the subject parcel for transient habitation.
- b. The deed restriction may be removed if the owner eliminates the ADU or JADU, as evidenced by, for example, removal of the kitchen facilities. To remove the deed restriction, an owner may make a written request of the zoning administrator, providing evidence that the ADU or JADU has in fact been eliminated. The City Building Department shall confirm this evidence in writing. The zoning administrator may then determine whether the evidence supports the claim that the ADU or JADU has been eliminated. Appeal may be taken from the zoning administrator's determination consistent with other provisions of this code. If the ADU or JADU is not entirely physically removed, but is only eliminated by virtue of having a necessary component of an ADU or JADU removed, the remaining structure and improvements must otherwise comply with applicable provisions of this code.
- c. The deed restriction is enforceable by the zoning administrator or his/her designee for the benefit of the city. Failure of the property owner to comply with the deed restriction may result in legal action against the property owner, and the city is authorized to obtain any remedy available to it at law or

equity, including, but not limited to, obtaining an injunction enjoining the use of the ADU or JADU in violation of the recorded restrictions or abatement of the illegal unit.

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