

Oroville Planning Commission  
Monday, April 19, 2021

Meeting was held via ZOOM.

The meeting was called to order at 4:40 by Arnie Marchand.

Commissioners Present: Arnie Marchand, Luis Perez, Valorie Johnson, Suzi Seger, and Heather Marthaller

Absent: N/A

Staff present: Kurt Danison, Emily Finsen

Arnie called for any corrections to March 2021 meeting's minutes and, hearing none, approved the minutes for the March 15, 2021 meeting.

A Public Hearing for Outdoor Mobile Vendors and text amendments to the City Zoning Code was opened with the following:

"The Public Hearing on the allowance of use of Mobile Vendors in the City of Oroville is now open. The purpose of the hearing is to take testimony and establish the record proposed text amendment.

"Everyone present will be given an opportunity to be heard. The hearing is being recorded; therefore, when you address the Planning Commission, begin by stating your name and address. Speak slowly and clearly. Only one person will be allowed to speak at a time.

"Are there any Commission members present that need to excuse themselves, for any reason, from this hearing? If so, please state your reason for being excused." There was none.

"The concern is that his hearing be fair in form and substance as well as appearance. Therefore, I would like to ask if there is anyone in the audience who objects to my participation as chair, or any Commission members' participation in this proceeding. If any of the Commission members have an interest in this property or issue, stand to gain or lose financial benefit as a result of the outcome of this hearing, or do not believe that you can hear and consider this in a fair and objective manner, then please state that fact now." There was none.

"Has any member of the Planning Commission engaged in communication outside of this hearing with opponents or proponents on this issue to be heard? If so, that Commission member must place on the record the substance of any such communication so that other interested parties may have the right at this hearing to rebut the substance of the communication.

"The purpose of this hearing is for the planning Commission to hear and consider the pertinent facts relating to the text amendments, and to approve, deny, or approve with conditions. Before hearing from the audience, I am going to introduce Planner Kurt Danison, who will present the staff report."

Kurt then gave the staff report that contained the background information, application process

that contained the proposed amendments, comment sheets, SEPA Checklist, and DNS that were sent for comments to the list of agencies and organizations noted in the project file. A notice of application was published in the Gazette-Tribune on March 24, 2021 as was a SEPA Determination of Non-Significance and a Notice of Public Hearing including a link to the Planning Commission Zoom meeting was published on March 24, 2021. Included was also Staff Recommendations and Findings of Facts.

Following the Staff Report, the hearing was open to both public and Commission comment; Linda Schwilkie of Oroville had a concern regarding sanitary conditions of the mobile vendors, Kurt reiterated that there will be requirements in the Mobile Vendors' contracts stating that they will either need written consent of the landowner to use their facilities or seek some other properly maintained means of sanitary disposal for the vendor/customers use.

Motion to approve the Mobile Vendor proposal by Luis, seconded by Heather that the Planning Commission move to recommend that the proposed amendments to Chapters 17.06, add new Chapter 17.56, and amend Chapters 17.36.020, 17.40.020, 17.44.020, 17.48.020, and 17.52.030 as set forth in Exhibit A, be adopted by the City Council. Hearing no objections, motion passed.

Next was the Public Hearing for the amendment of the text of chapter 17.36.020 OMC to add single-family residences as an allowed use was opened with the following:

"The Public Hearing on the amendment of the C2 zoning code text of the City of Oroville to add single-family residences is now open. The purpose of the hearing is to take testimony and establish the record proposed text amendment.

"Everyone present will be given an opportunity to be heard. The hearing is being recorded; therefore, when you address the Planning Commission, begin by stating your name and address. Speak slowly and clearly. Only one person will be allowed to speak at a time. Are there any Commission members present that need to excuse themselves, for any reason, from this hearing? If so, please state your reason for being excused." There was none.

"The concern is that his hearing be fair in form and substance as well as appearance. Therefore, I would like to ask if there is anyone in the audience who objects to my participation as chair, or any Commission members' participation in this proceeding. If any of the Commission members have an interest in this property or issue, stand to gain or lose financial benefit as a result of the outcome of this hearing, or do not believe that you can hear and consider this in a fair and objective manner, then please state that fact now." There was none.

"Has any member of the Planning Commission engaged in communication outside of this hearing with opponents or proponents on this issue to be heard? If so, that Commission member must place on the record the substance of any such communication so that other interested parties may have the right at this hearing to rebut the substance of the communication.

"The purpose of this hearing is for the planning Commission to hear and consider the pertinent facts relating to the text amendments, and to approve, deny, or approve with conditions. Before hearing from the audience, I am going to introduce Planner Kurt Danison, who will present the staff report."

Kurt then gave the staff report that contained the background information, application process that contained the proposed amendments, comment sheets, SEPA Checklist, and DNS that were sent for comments to the list of agencies and organizations noted in the project file. A notice of application was published in the Gazette-Tribune on March 24, 2021 as was a SEPA Determination of Non-Significance and a Notice of Public Hearing including a link to the Planning Commission Zoom meeting was published on March 24, 2021. Included was also Staff Recommendations and Findings of Facts.

Following the Staff Report, the hearing was open to the applicant. Gordon Taylor of Calgary, Alberta thanked the Planning Commission for entertaining his proposed amendment and respectfully passed the discussion on to Jimmy Souza to speak on his behalf.

Jimmy Souza of Calgary, Alberta started with thanking the public and list of agencies and organizations for their comment submissions. They want to utilize the property they have and create a single-family home environment while still incorporating a commercial component.

Commissioner Luis asked how many homes they are intending to build, Kurt replied saying that it will depend upon how the Planning Commission would like to amend the text in the C2 zone to allow for single-family homes and the required setbacks.

Commissioner Heather reminded everyone that changing the C2 code will change the entire C2 district and that we need to be cautious in how we proceed. Jimmy spoke up saying that they would be interested in establishing a Conditional Use Permit entity in the C2 code so that future projects can be taken on a case-by-case basis.

Tamara Porter of Oroville spoke next stating that she has worked with Mr. Gordon Taylor and feels that he is committed to investing into this project and feels that by changing our C2 zone to allow for both commercial and single-family entities will benefit our community.

Linda Schwilkie of Oroville spoke next saying she does not feel like Commercial Property mixed with single-family residences is compatible based on experience. She says she lives within the C2 zone and the heavy traffic mixed with families with children does not seem like a good thing. She would prefer the commercial zone to stay as is and see the available properties be utilized to better the community on a business aspect.

Arnie agreed that we can entertain the idea and investigate ideas of how to proceed. Kurt added he could create some examples to amending the text with comparing to other current situations in nearby cities.

Suzi spoke with concerns that there is not much commercial property available and feels that a parcel right on main with riverfront views should be kept commercial for a future business to establish itself in a prime location.

Arnie suggested for anyone with comments or ideas on the matter to send to Kurt and entertains the motion to postpone the discussion until the May 17<sup>th</sup> Meeting, motion by Suzie, seconded by Luis, hearing no objections the motion passed.

Next is the Public Hearing on a requested Conditional Use Permit for the operation of an indoor

mushroom growing operation, is now open. The purpose of the hearing is to take testimony and establish the record proposed amendment.

"This Public Hearing will proceed in an orderly fashion, and I would like everyone's cooperation in the following procedure:

"Everyone present will be given an opportunity to be heard. The hearing is being recorded; therefore, when you address the Planning Commission, begin by stating your name and address. Speak slowly and clearly. Only one person will be allowed to speak at a time.

"Are there any Commission members present that need to excuse themselves, for any reason, from this hearing? If so, please state your reason for being excused.

"The concern is that this hearing be fair in form and substance as well as appearance. Therefore, I would like to ask if there is anyone in the audience who objects to my participation as chair, or any Commission members' participation in this proceeding." There was none.

"If any of the Commission members have an interest in this property or issue, stand to gain or lose financial benefit as a result of the outcome of this hearing, or do not believe that you can hear and consider this in a fair and objective manner, then please state that fact now." There was none.

"Has any member of the Planning Commission engaged in communication outside of this hearing with opponents or proponents on this issue to be heard? If so, that Commission member must place on the record the substance of any such communication so that other interested parties may have the right at this hearing to rebut the substance of the communication.

"The purpose of this hearing is the Planning Commission to hear and consider the pertinent facts relating to this CUP, and to approve, deny, or approve with conditions.

"Before hearing from the audience, I am going to introduce Planner Kurt Danison, who will present the Staff Report.

Kurt then gave the staff report that contained the background information, application process that contained the proposed amendments, comment sheets, SEPA Checklist, and DNS that were sent for comments to the list of agencies and organizations noted in the project file. A notice of application was published in the Gazette-Tribune on March 24, 2021 as was a SEPA Determination of Non-Significance and a Notice of Public Hearing including a link to the Planning Commission Zoom meeting was published on March 24, 2021. Included was also Staff Recommendations and Findings of Facts.

Following the Staff Report, the hearing was open to the applicant, followed with any public or Commissioners' comment, there was none.

Kurt suggested we pass the CUP on to the City Council with the following conditions;

1. Indoor agriculture production shall be limited ton non-recreational and/or medicinal agricultural produce, mushrooms, flowers and other commodities;
2. Use of growing mediums that produce undue odors detectable beyond the property where

- the use is located is prohibited;
3. The indoor agriculture production operation shall have a retail component that fronts on Main Street and operates during normal business hours;
  4. That on-site storage of items, materials, vehicles not related to the permitted indoor agriculture production is prohibited;
  5. That premises will be kept week and trash free;
  6. The permit shall be subject to an annual inspection for compliance with permit conditions, any violations are subject to fines with repeated violations subject to possible revocation of permit;
  7. Provide an analysis of the quantity and quality of wastewater to be discharged into the City's wastewater collection and treatment system;
  8. Provide a plan and program for the disposal of growing medium and other waste generated by the use.

Luis made the motion to pass, Suzi seconded, hearing no objections the motion passed.

The meeting was adjourned at 5:55. Next meeting will be May 17, 2021.