

# **Butte County Department of Development Services**

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ADMINISTRATION \* BUILDING \* PLANNING

## **BUTTE COUNTY PLANNING COMMISSION ACTION MINUTES**

April 26, 2012

**TIME:** 9:00 am

*Chair Becker called the meeting to order at 9:05 am*

**PLACE:** Board of Supervisors' Room  
County Administration Center  
25 County Center Drive  
Oroville, CA 95965

### **I. PLEDGE OF ALLEGIANCE**

### **II. ROLL CALL** – Commissioners Kennedy, Marin, Nelson, Wilson and Chair Becker.

*Present: Commissioners Kennedy, Marin, Nelson, Wilson and Chair Becker.*

*Absent: None*

*Others in attendance:*

*County Counsel:*

*Felix Wannemacher, Counsel*

*Public Works:*

*Eric Schroth, Associate Civil Engineer*

*Environmental Health:*

*Vance Severin, Deputy Director*

*Development Services:*

*Stacey Jolliffe, Principal Planner*

*Mark Michelena, Senior Planner*

*Chris Thomas, Senior Planner*

*Kim McMillan, Administrative Assistant, Senior*

### **III. ACCEPTANCE OF AGENDA** – Commission members and staff may request additions, deletions or changes in the Agenda order.

*Agenda accepted as stands.*

### **IV. BUSINESS FROM THE FLOOR ON ITEMS NOT ALREADY ON THE AGENDA** (Presentations will be limited to five minutes. The Planning Commission is prohibited by State Law from taking action on any item presented if it is not listed on the Agenda).

*Mr. John Scott addressed the Commission regarding his comments at the October 13, 2011 meeting regarding the water situation in Butte Valley. Mr. Scott said that at the end of his talk the Commission voted to not change the zoning in Butte Valley. He stated that he believes Commissioner Nelson looked directly at Tim Snellings and Dan Breedon and said he wanted to make sure that this recommendation was forwarded to the Butte County Board of Supervisors. On March 28, 2012, the Butte Valley Coalition met with Tim, Dan and Chuck and discussed the concerns in Butte Valley. They again met on April 23, 2012 to discuss the same concerns. One of the concerns was the fact that going through the records, history and audio tapes Mr. Scott could not find any reference to his speaking at the October 13, 2011 meeting. Staff doesn't believe it ever happened because they can't find any documents that said it happened.*

*Quick history - March 11, 2010 (Butte College) Citizens Advisory Committee the citizens of Butte Valley said leave our valley alone and that was the Committee recommendation. November 10, 2010 (Butte College) Butte Valley Coalition had another meeting with Development Services and Department of Water Resources and voiced that exact same opinion. There was one additional meeting with those two entities at Butte College. At the October 13, 2011 Planning Commission meeting there was no change to the zoning. Mr. Scott believes it's really important to find out what happened to the tape (audio minutes). It's not on the audio. Mr. Scott is not suggesting that Tim, Dan or his staff did anything but believes it needs to be part of the official record.*

*To change subjects really quickly - existing wells in Butte Valley. Mr. Scott stated he sent a letter to Dan Breedon and Paul Gosselin asking if they could help determine how many wells there are in Butte Valley. Mr. Scott received a report stating that in Butte Valley there are approximately 288 wells for residential. They include industrial wells, agricultural wells for Foothill & Wheelock trailer parks. There are significant water problems. DDS in their latest plan wants to add 812 new sites to the Clark corridor. If this wasn't so serious it would be a big joke. Mr. Scott requested that the County please consider a well drilling moratorium in Butte Valley until somebody knows what is going on with water science in the area. Mr. Scott requested that the Commission direct Development Services to determine what happened to his comments made on October 13, 2011. Chair Becker indicated that the Assistant Director of Development Services has heard his comments and advised Mr. Scott that the Planning Commission does not direct the work of Development Services.*

*Lucy Cook said it may be reasonable for an individual lot to prove water however she is worried about the cumulative effect of additional wells in the area.*

- V. PUBLIC HEARINGS AND OTHER MATTERS FOR DISCUSSION** – The Chair will call for a presentation of the report of staff. The hearing will then be opened to the public for proponents, opponents, comments, and rebuttals. The hearing will be then be closed to the public and discussion confined to the members of the Planning Commission and staff. The Commission will then make a motion and vote on the item. It is requested that individual public comments be addressed to the Chair and limited to a maximum of 5 minutes so that all interested parties will have an opportunity to address the Commission. Following your presentation, please print your name and address on the speakers sheet so that the record will be accurate.

- A. TPM11-0005 Continued from 03/29/2012**  
**Applicant:** Dwayne K. Tanabe **Project:** Tentative Parcel Map  
**Planner:** Mark Michelena **APN:** 025-180-001  
**G.P.:** Agriculture **Zoning:** A-40 (Agriculture, 40-acre min)

**Location:** The project parcel is located on the southeast corner of Larkin Road and Steadman Road, northeast of Gridley.

**Proposal:** Request for a Tentative Parcel Map to divide a 94.7± acre parcel into two parcels; Parcel 1 is 50± acres and Parcel 2 is 44.7± acres.

**Staff Recommendation:** Adopt the Mitigated Negative Declaration and approve the project with findings and conditions.

There is a 10-day appeal period on decisions with the Clerk of the Board.

*Mark Michelena presented this project to the Commission.*

*Chair Becker pointed out two corrections to the agenda report that need to be modified;*

- 1) *Page 34 states that a residence is currently under construction. Chair Becker drove by the property and there is currently no construction.*
- 2) *Page 36 states the property is located in the Biggs/Durham High School District. The property is only in the Biggs School District.*

*Commissioner Marin made a motion to adopt the Mitigated Negative Declaration and approve the project with findings and conditions (with corrections to the agenda report as identified by Chair Becker) was seconded by Commissioner Kennedy.*

*Vote*

*Ayes: Commissioners Kennedy, Marin, Nelson, Wilson and Chair Becker*

*Noes: None*

*Absent: None*

*Abstain: None*

**B. MIN09-0001 Draft EIR for Power House Expansion**

**Applicant:** Granite Construction

**Project:** Mining Permit

**Planner:** Chris Thomas

**APN:** 025-160-046 & 025-160-066

**G.P.:**AG (Agriculture)

**Zoning:** U (Unclassified)

**Location:** Approximately 7 miles southwest of downtown Oroville, between Highway 70 and the Feather River, just south of Oroville Wildlife Area access road and east of the Wildlife Area Mine. The nearest intersection is Highway 70 and Power House Hill Road.

**Proposal:** Review of Draft Environmental Impact Report (Draft EIR) for proposed mining and reclamation project.

**Staff Recommendation:** Receive oral and written comments on the Granite Construction Draft EIR for the proposed Power House Project.

*Chris Thomas presented this project to the Commission. Chris Thomas introduced – Bruce Stubbing, Bob Delp and Christie Siefert as staff of Benchmark Resources.*

*The Commission heard oral comments on the project from the following members of the public:*

*Harold Galliett*

*Yasha Saber*

*Jace Rash*

*Jane Hernandez*

*Bill Childs*

Harold McCarthy  
Mike Hering

**C. COR11-0001**

**Applicant:** Black

**Planner:** Mark Michelena

**G.P.:** Agriculture

**Location:** The parcel is located at the northeast end of Paul Place, approximately 900 feet east of Darby Road, Bangor.

**Proposal:** A Certificate of Correction to amend the home-site location on the remainder parcel of a recorded map (Book 141 Pages 48 & 49).

**Staff Recommendation:** Find the project is categorically exempt from review under the California Environmental Quality Act (CEQA) and approve the Certificate of Correction with findings and conditions.

**Project:** Certificate of Correction

**APN:** 028-220-046

**Zoning:** A-5 (Agriculture, 5-acre min)

There is a 10-day appeal period on decisions with the Clerk of the Board

*Mark Michelena presented this project to the Commission.*

*Commissioner Nelson made a motion to find the project categorically exempt from review under the California Environmental Quality Act (CEQA) and approve the Certificate of Correction with findings and conditions which was seconded by Commissioner Marin.*

*Vote*

*Ayes: Commissioner Kennedy, Marin, Nelson, Wilson and Chair Becker*

*Noes: None*

*Absent: None*

*Abstain: None*

**D. DET12-0001**

**Applicant:** Black

**Planner:** Mark Michelena

**G.P.:** Agriculture

**Location:** The parcel is located at the northeast end of Paul Place, approximately 900 feet east of Darby Road, Bangor.

**Proposal:** A Legal Lot Determination/Certificate of Compliance (DET12-0001) on a subject property that was created as a remainder parcel of a recorded map (Book 141 Pages 48 & 49).

**Staff Recommendation:** Find the project is categorically exempt from review under the California Environmental Quality Act (CEQA) and approve the Certificate of Compliance with findings and conditions.

**Project:** Legal Lot Determination

**APN:** 028-220-046

**Zoning:** A-5 (Agriculture, 5-acre min)

There is a 15-day appeal period on decisions with the Clerk of the Board

*Mark Michelena presented this project to the Commission.*

*Commissioner Nelson made a motion to find the project categorically exempt from review under the California Environmental Quality Act (CEQA) and approve the Certificate of Compliance with findings and conditions which was seconded by Commissioner Marin.*

Vote

Ayes: Commissioner Kennedy, Marin, Nelson, Wilson and Chair Becker

Noes: None

Absent: None

Abstain: None

**E. GRD11-0001**

**Applicant:** Westervelt Ecological Services **Project:** Grading Permit

**Planner:** Stacey Jolliffe

**APN:** 047-720-003-000 (portion)

**G.P.:** AG Agriculture

**Zoning:** Agriculture, 40-acre minimum

**Location:** 15449 Meridian Road, approximately 1 mile east of Highway 99 at its intersection with Hamilton Nord Cana Hwy, five miles north of the City of Chico

**Proposal:** A grading permit is requested to re-contour and restore a vernal pool and grassland preserve, the Meridian Ranch Mitigation Bank. Approximately 75,000 cubic yards of soil will be moved over a 150-acre area, including approximately 31 acres of excavation and roughly 40 acres of soil deposition in upland areas.

**Staff Recommendation:** Adopt the Mitigated Negative Declaration and approve the project with findings and conditions.

There is a 10-day appeal period on decisions with the Clerk of the Board

*Stacey Jolliffe presented this project to the Commission.*

*Commissioner Kennedy made a motion to adopt a Mitigated Negative Declaration pursuant to CEQA and adopt the Resolution approving GRD11-0001 for Westervelt Ecological Services, subject to the findings and conditions as amended which was seconded by Commissioner Marin.*

Vote

Ayes: Commissioner Becker, Marin, Nelson, Wilson and Chair Becker

Noes: None

Absent: None

Abstain: None

**F. UP09-0012**

**Applicant:** Universal Life Church of Chico **Project:** Use Permit

**Planner:** Charles Thistlethwaite

**APNs:** 063-300-049 & 063-300-051

**G.P.:** Agricultural Residential (AR)

**Zoning:** Scenic Highway (SH) & Unclassified (U)

**Location:** 13524 Autumn Lane, Chico

**Proposal:** Use Permit for the existing Universal Life Church of Chico, including a 1,600 square foot main assembly area, three "sound therapy rooms", library, reading room, two single-family residences, an art studio/shop, a "Sacred Lands" parcel with interment of human ashes and a pet cemetery, and events utilizing the Church facilities.

**Staff Recommendation:** Continue to May 10, 2012

*Chuck Thistlethwaite made his presentation to the Commission*

Commissioner Nelson made a motion to grant a continuance to the May 10, 2012 Planning Commission meeting which was seconded by Commissioner Marin.

Michael Evans (representative for applicant) agreed to the continuance.

Vote

Ayes: Commissioner Becker, Marin, Nelson, Wilson and Chair Becker

Noes: None

Absent: None

Abstain: None

**G.** TPM09-0009

**Applicant:** Giesbrecht

**Planner:** Charles Thistlethwaite

**G.P.:** Agricultural Residential (AR)

**Project:** Tentative parcel Map

**APN:** 079-400-047

**Zoning:** A-5 (Agricultural Residential - 5-ac minimum)

**Location:** 4497 Foothill Boulevard, approximately 3.1 miles southeast of the City of Oroville.

**Proposal:** A request to divide an ±11.6 acre parcel into two parcels containing ±6.2 and ±5.4 acres. The applicant has requested a waiver of Appendix VII design standards as there is an existing septic system on each of the proposed parcels.

**Staff Recommendation:** Adopt the Mitigated Negative Declaration and approve Tentative Parcel Map with findings and conditions.

There is a 10-day appeal period on decisions with the Clerk of the Board

Chuck Thistlethwaite made his presentation to the Commission

Commissioner Wilson made a motion to adopt the Mitigated Negative Declaration and approve the Tentative Parcel Map TPM09-0009, subject to findings and revised conditions in Exhibit A and additional conditions as presented in the memorandum provided this morning with the additional language provided by Environmental Health as follows: "Prior to recordation of the final map remove the mobile home on parcel 1 , or relocate as necessary to connect to the septic system to serve this dwelling under permit procedure. Alternatively the mobile home on parcel 1 may be placed into dead storage with utilities and septic system disconnected and not to be occupied until suitable waste water facilities are provided" was seconded by Commissioner Marin.

Vote

Ayes: Commissioner Becker, Marin, Nelson, Wilson and Chair Becker

Noes: None

Absent: None

Abstain: None

**TIMED ITEM 1:00PM**

**H.** TSM08-0006 & PUD08-0001 Paradise Summit

**Applicant:** Wyckoff & Associates

**Planner:** Pete Calarco

**Project:** Tentative Subdivision Map and Planned Unit Development

**APN:** 055-300-013, -038, -099, -101, -102, -103, -109 and 055-310-023

**G.P.:** Planned Unit Development up to 335 dwellings

**Zoning:** AR-1(Agricultural Residential 1-acre min parcel size) for +/-183 acres; and AR- 2 1/2 (Agricultural Residential 2.5-acre min parcel size) for +/-150 acres

**Location:** Pentz Road at Lago Vista Way and Lindenbaum Lane, approximately 1/5 mile south of the Town of Paradise, within the Paradise Sphere of Influence

**Proposal:** A request for a phased Tentative Subdivision Map to divide +/-333 acres into 312 single-family residential parcels varying in size from 8,738 square feet (SF) to 32,099 SF, and various lettered lots for open space uses. The Tentative Subdivision Map is being processed concurrently with an application for rezone of the site to Planned Unit Development (PUD) to allow for clustering of the 312 residences within a +/-137-acre area of the site, while preserving +/-195 acres as open space.

**Staff Recommendation:** **1.** Adopt resolution certifying the Final EIR, **2.** Adopt resolution approving Tentative Subdivision Map 08-0006 and making a recommendation to the Board of Supervisors regarding the Planned Unit Development PUD08-0001.

*Pete Calarco gave his presentation to the Commission. Jay Oman gave an overview of the project to the Commission.*

*Tom Fossum, Manager, Land Development explained the formation of a CSD or CSA in regards to waste water.*

*Public Comment:*

*Mike Johnson*

*Kathleen Mula*

*Ted Reece*

*Gary Watts*

*Lucy Cook*

*John Scott*

*Scott Wykoff*

*Commissioner Kennedy made a motion to adopt the resolution certifying the Final EIR and adopt the resolution recommending approval of the Planned Unit Development to the Board of Supervisors and approving the TSM08-0006 including clarification of minimum lot width and revised conditions # 57 and # 60 was seconded by Commissioner Wilson.*

*Vote*

*Ayes: Commissioner Becker, Marin, Nelson, Wilson and Chair Becker*

*Noes: None*

*Absent: None*

*Abstain: None*

**VI. GENERAL BUSINESS** - This section of the agenda is to be utilized by the Planning Commission and Director of Development Services on items of interest, general discussion, or items for which staff has been directed to do research and bring back to the Commission. Items may not always be addressed at every hearing, but will always be listed as part of the agenda.

A. Directors' Report

B. General Plan Follow-up and Implementation Program

C. Update on Recent Board of Supervisors' Actions

D. Legislative Case Law Update

E. Planning Commission Concerns

**VII. COMMUNICATIONS** - Communications received and referred. (Copies of all communications are available in the Planning Division Office.)

**VIII. MINUTES**

January 26, 2012 and March 29, 2012.

*A motion to approve the January 26, 2012 minutes was made by Commissioner Wilson and seconded by Commissioner Kennedy.*

*Vote:*

*Ayes: Commissioners Kennedy, Marin, Nelson, Wilson and Chair Becker*

*Noes: None*

*Absent: None*

*Abstain: None*

*A motion to approve the March 29, 2012 minutes was made by Commissioner Wilson and seconded by Commissioner Kennedy.*

*Vote:*

*Ayes: Commissioners Kennedy, Marin, Nelson, Wilson and Chair Becker*

*Noes: None*

*Absent: None*

*Abstain: None*

**IX. ADJOURNMENT**

*Chair Becker adjourned the meeting at 3:10 pm.*

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*Chair Becker*