

Butte County Department of Development Services
TIM SNELLINGS, DIRECTOR | PETE CALARCO, ASSISTANT DIRECTOR



7 County Center Drive
Oroville, CA 95965
(530) 538-7601 Telephone
(530) 538-7785 Facsimile

ADMINISTRATION * BUILDING * PLANNING

BUTTE COUNTY PLANNING COMMISSION
ACTION MINUTES

January 24, 2013

TIME: 9:00 am

Vice-Chair Kennedy 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 Grossberger, Nelson, Wilson and Vice-Chair Kennedy.

Absent: Chair Becker

Others in attendance:

<i>County Counsel:</i>	<i>Felix Wannemacher, Counsel</i>
<i>Public Works:</i>	<i>Tom Fossum, Manager, Land Development</i>
<i>Environmental Health:</i>	<i>Vance Severin, Deputy Director</i>
<i>Development Services:</i>	<i>Chuck Thistlethwaite, Manager, Planning Division</i>
	<i>Mark Michelena, Senior Planner</i>
	<i>Dan Breedon, Principal Planner</i>
	<i>Pete Calarco, Assistant Director</i>

III. SELECTION – Selection of Chair, Vice Chair and Second Vice Chair for 2013.

A motion to nominate Vice-Chair Kennedy as Chair for 2013 was made by Commissioner Wilson and seconded by Commission Nelson.

Vote

Ayes: Commissioners Grossberger, Nelson, Wilson and Vice Chair Kennedy

Noes: None

Absent: Chair Becker

Abstain:

A motion to nominate Commissioner Nelson as Vice-Chair was made by Commissioner Wilson and seconded by Commissioner Grossberger.

Vote

Ayes: Commissioner Grossberger, Nelson, Wilson and Vice-Chair Kennedy

Noes: None

Absent: Chair Becker

Abstain: None

A motion to nominate Commissioner Grossberger as second Vice-Chair was made by Commissioner Wilson and seconded by Commissioner Nelson.

Vote

Ayes: Commissioners Grossberger, Nelson, Wilson and Chair Kennedy

Noes: None

Absent: Commissioner Becker

Abstain: None

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

A motion to accept the agenda was made by Commissioner Nelson and seconded by Commissioner Wilson.

Vote

Ayes: Commissioners Grossberger, Nelson, Wilson and Chair Kennedy

Noes: None

Absent: Commissioner Becker

Abstain: None

V. 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).

Chuck Thistlethwaite welcomed April Grossberger as the new 5th District Planning Commissioner.

VI. 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. [UP11-0002 Pristine Sun](#)

Applicant: Pristine Sun

Project: This application is a request for a Conditional Use Permit by Pristine Sun to develop a 0.5 megawatt (MW) (500 kilowatt, kW) Solar Energy Generation Facility, for wholesale electrical production, composed of 2,016 pole-mounted, single

axis tracking photovoltaic modules to be situated on approximately 5.0 acres of the southeastern portion of the 40.91-acre site. Access to the site is immediately off of Cox lane, at the southeastern-most portion of the project parcel. The proposal includes development of a graveled access driveway along the east side of the project site with a hammerhead turn-around. The applicant believes that grading will not be required, as the site is relatively flat. Also, the solar unit trackers to be used are mounted into the ground with minimally-sized I-Beams.

Planner: Mark Michelena **APN:** 027-220-084

G.P.: AG (Agriculture)

Zoning: AG-20 (Agriculture 20 acre minimum)

Location: 943 Cox Lane, Palermo between Lone Tree Rd. and Arabian Way, southeast of Palermo

Staff Recommendation: Adopt the Resolution adopting a Mitigated Negative Declaration pursuant to the California Environmental Quality Act (CEQA) and approving Use Permit UP11-0002, subject to findings and conditions.

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

Mark Michelena presented this project to the Commission.

A motion of intent to adopt a mitigated negative declaration and approve UP11-0002 for Pristine Sun subject to conditions and findings in the report and the corrections which include moving the solar facility north, away from Cox Lane; provide a landscape screen along the fence line facing Cox Lane; and address the site specific soils analysis submitted by NRCS was made by Commissioner Wilson and seconded by Commissioner Nelson.

Vote

Ayes: Commissioners Grossberger, Nelson, Wilson and Chair Kennedy

Noes: None

Absent: Commissioner Becker

Abstain: None

B. 10:00 AM – Draft Butte County Noise Control Ordinance

Applicant: Initiated by Butte County

Project: The Butte County Planning Commission will consider making a recommendation to the Board of Supervisors concerning the adoption of a Draft Noise Control Ordinance. The purpose of the Draft Noise Control Ordinance is to assess complaints of noise alleged to exceed County standards as set forth by the Noise Element of the General Plan and the Draft Noise Control Ordinance and to address violations of these standards. The establishment of a Noise Control Ordinance is directed by Butte County General Plan 2030 Health and Safety Element Action HS-A1.1.

Planner: Dan Breedon

Location: Applicable to all of Unincorporated Butte County

Staff Recommendation: That the Planning Commission recommends to the Board of Supervisors the Adoption of the Draft Noise Control Ordinance as set forth.

Dan Breedon presented this project to the Commission.

A motion to recommend to the Board of Supervisors an adoption of the Draft Noise Ordinance as set forth under the attached resolution, Attachment A, and the project is categorically exempt from the CEQA guidelines with the following changes;

- 1) Include in the ordinance language directing staff to report back to the Planning Commission on the effectiveness of the Noise Control Ordinance one year following the adoption of the Noise Ordinance and every three years thereafter unless otherwise directed;*
- 2). Include in the ordinance language indicating that timber management uses and operations are exempt from the Draft Noise Ordinance in zones where Timber Management and operations are allowed was made by Commissioner Wilson and seconded by Commissioner Nelson.*

Vote

Ayes: Commissioners Grossberger, Nelson, Wilson and Chair Kennedy

Noes: None

Absent: Commissioner Becker

Abstain: None

C. [1:00 pm – Draft Environmental Impact Report for Whisper Ridge Golf Resort at Lake Oroville UP12-0006, REZ12-0001, LLA12-0010 & LLA12-0011](#)

Applicant: Loafer Creek, LLC

Project: Use Permit, Rezone for Recreation Commercial Overlay and Lot Line Adjustments for the development of a golf course and hotel resort.

Planner: Pete Calarco, Assistant Director **APN:** 072-180-012, -014, -015, -016, -017, -029, -030, -053, -054, and 072-570-001

G.P.: Agriculture, Foothill Residential, Medium High Density Residential, Recreation Commercial; Deer Herd Migration Overlay; Stringtown Mountain Specific Plan (existing); Stringtown Mountain Specific Plan Overlay (future)

Zoning: Agriculture (AG-80); Foothill Residential (FR-40), Recreation Commercial (REC), Medium High Density Residential (MHDR).

Location: The project site approx. six miles east of the City of Oroville. The project site is located northeast of the intersection of State Route 162 and Forbestown Road on the south side of Lake Oroville.

Proposal: Review of Draft Environmental Impact Report (Draft EIR) for proposed project. The project includes grading and construction of a golf course including club house, maintenance buildings and relate structures, nine golf cottages; a hotel complex with 82 rooms and a wellness center.

Staff Recommendation: Receive oral and written comments on the Draft EIR for the proposed project.

Pete Calarco presented this project to the Commission.

Mark Adams, NorthStar Engineering and Grant Hornbeak, Representative for applicant presented an overview of the project.

Public testimony was received from the following parties; please see meeting notes on the Draft EIR, below for additional information.

Jackie Wright

William Standlee

Chair Kennedy closed the public hearing.

Detailed minutes for this matter are attached.

VII. 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 have 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

Pete Calarco presented the Director's Report to the Commission.

- *Brown Act Training to be schedule sometime in March 2013.*
- *Appeal hearing on the Helena Chemical project to go before the Board of Supervisors on January 29, 2013.*
- *Status of Durham Villas.*
- *Zoning Administrator function and process.*
- *Butte Climate Action Plan work to begin soon. Expect to be before the Planning Commission in October 2013.*

B. General Plan Follow-up and Implementation Program

None

C. Update on Recent Board of Supervisors' Actions

None

D. Legislative Case Law Update

None

E. Planning Commission Concerns

None

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

IX. MINUTES – [August 23, 2012](#); [September 13, 2012](#); [October 11, 2012](#); [November 8, 2012](#); [December 13, 2012](#)

A motion to approve the August 23, September 13, October 11, November 8 and December 13, 2012 minutes, was made by Commissioner Nelson which was seconded by Commissioner Wilson

Vote

Ayes: Commissioners Nelson, Wilson and Chair Kennedy

Noes: None

Absent: Commissioner Becker

Abstain: Commissioner Grossberger

X. ADJOURNMENT

Chair Kennedy adjourned the meeting at 2:00 pm

Chair Kennedy

**Butte County Planning Commission
January 24, 2013 Draft EIR Hearing Notes
Whisper Ridge Golf Resort at Lake Oroville (UP12-0006/REZ12-0001/LLA12-0010 &
12-0011)
Butte County Development Services**

The following are meeting notes for the January 24, 2013 Planning Commission hearing to receive comment on the Draft EIR for the Whisper Ridge Golf Resort at Lake Oroville Use Permit 12-0006/Rezone 12-0001/Lot Line Adjustments 12-0010 & 12-0011 (SCH#2012102036).

January 24, 2013 – 1:00 pm at the Board of Supervisors Chambers, 25 County Center Drive, Oroville, CA.

Chair Mary Kennedy of the Butte County Planning Commission introduced the agenda item. Pete Calarco, Assistant Director, introduced the meeting topic and gave a brief presentation of the EIR process and project information. Mr. Calarco introduced the project engineer Mark Adams, NorthStar Engineering, to give an overview of the project description. Mr. Adams introduced Grant Hornbeak representing the project applicant. After the project overview from Mr. Adams and Mr. Hornbeak, Commissioner Nelson had a question about timing of the project. Mr. Hornbeak stated that they would like to begin construction this year in order to open the golf course in May, 2014.

Public Comment:

1. **Jackie Wright**, lives on Lost Horizon Road stated concern with the sewer line extension. She indicated that there are stream habitats and Indian artifacts in the area. She stated that the heavy equipment needed to install the sewer line would tear up the property and this needs review for Indian artifacts. She stated additional concerns if the sewer line is going to be above ground including conflicts with firefighting access and impacts to deer and turkey migration. She also asked what was needed for easements for the sewer line and how this would affect her property value.
2. **William Standlee**, a retired fireman who lives on Harry Lane, has concerns about the sewer line if proposed above ground and how big is the line. He stated that all support facilities should come out of Saddle Dam indicating that all water and sewer lines should be in the same ditch. He asked about the impacts from the water line connecting to Lake Wyandotte. He stated that turkeys have a tendency to not cross above ground pipe lines, that the line should be buried. Further that cattle grazing helps keep the fire hazard down and the line may also inhibit grazing. If a pipe line

goes in, he suggested that there be hydrants attached so that this would be available for firefighting and that guzzlers be install to help the wildlife with a water source. He stated concerns about a dirt road that was previously constructed

without dips or cross drains that would have helped to prevent erosion. As a result sediment gets washed down onto Hurleton Road.

There being no additional speakers, the Planning Commission closed the public comment section of the hearing. The Commissioners discussed the EIR process and closed the hearing.
