

BUTTE COUNTY PLANNING COMMISSION MINUTES

January 10, 2008

I. PLEDGE OF ALLEGIANCE

II. PRESENT: Commissioners Nelson, Leland, Wilson and Chair Lambert

ABSENT: Commissioner Marin

ALSO PRESENT:

*County Counsel
Development Services*

Felix Wannemacher, Deputy County Counsel
Pete Calarco, Assistant Director
Stacey Jolliffe, Principal Planner, Current Planning
Dan Breedon, Principal Planner, Advance Planning
Mark Michelena, Senior Planner
Chris Thomas, Associate Planner
Tina Bonham, Commission Clerk
Doug Fogel, Program Manager
Eric Schroth, Civil Engineer, Associate

*Environmental Health
Public Works*

III. SELECTION- Selection of Chair and Vice Chair for 2008.

It was moved by Commissioner Nelson, and seconded by Commissioner Leland and carried by the following vote

Ayes: Commissioners Nelson, Leland, Wilson, and Chair Lambert

Noes: None

Absent: Commissioner Marin

Abstain: None

to nominate and accept Harrel Wilson as the Chair for the 2008 Butte County Planning Commission.

It was moved by Commissioner Leland, and seconded by Commissioner Nelson and carried by the following vote

Ayes: Commissioners Nelson, Leland, Lambert, and Chair Wilson

Noes: None

Absent: Commissioner Marin

Abstain: None

to nominate and accept Fernando Marin as the Vice Chair for the 2008 Butte County Planning Commission.

It was moved by Commissioner Lambert, and seconded by Commissioner Nelson and carried by the following vote

Ayes: Commissioners Nelson, Leland, Lambert, and Chair Wilson

Noes: None

Absent: Commissioner Marin

Abstain: None

to nominate and accept Richard Leland as the Second Vice Chair for the 2008 Butte County Planning Commission.

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

It was moved by Commissioner Nelson, and seconded by Commissioner Lambert and carried by the following vote

Ayes: Commissioners Nelson, Leland, Lambert, and Chair Wilson

Noes: None

Absent: Commissioner Marin

Abstain: None

to accept the agenda as presented.

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)

None

VI. CONSENT AGENDA Consent items are set for approval in one motion. These items are considered non controversial. No presentations will be made unless the item is pulled from the Consent Agenda for discussion. Any person may pull an item from the consent agenda.

A. [MEXT07-0011](#) – staff recommended approval

Name: Timothy Giordano (Burton) Project: Map Extension

Planner: Mark Michelena **APN:** 069-440-001 **Zoning:** AR-1

Location: The project is located off of La Mirada, approximately 700 feet south of Skyline Blvd. at 90 La Mirada Avenue, Oroville.

Proposal: A request for a map extension for TPM 05-20 to December 8, 2012.

Mr. Mark Michelena requested a continuance to the February 14, 2008 meeting due to a noticing error.

It was moved by Commissioner Nelson, and seconded by Commissioner Lambert and carried by the following vote

Ayes: Commissioners Nelson, Leland, Lambert, and Chair Wilson

Noes: None

Absent: Commissioner Marin

Abstain: None

to continue MEXT07-0011 for Timothy Giordano (Burton) until February 14, 2008.

VII. PUBLIC HEARINGS The Chair will call for staff comments. The hearing will be opened to the public for proponents, opponents, comments, and rebuttals. The hearing will be closed to the public and discussion confined to the Commission. The Commission will then make a motion and vote on the item.

It is requested that public initiated presentations be 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.

The recommendation of County staff is indicated below. It is only a recommendation and has not yet been considered by the Planning Commission. Copies of the Staff Report are available at the Planning Division Office

A. [UP 06-02](#) - staff recommended continuing item off calendar

Name: Sean Plummer/K-9 Crossroads **Project:** Use Permit

Planner: Chris Tolley **APN:** 058-660-008 **Zoning:** FR-10

Location: The parcel is located at 91 Mortar Rock Road (approximately 750 feet south of Rich Gulch Road), in the community of Yankee Hill. (Section 16, T21N, R4E).

Proposal: A Use Permit to operate a non-profit organization that rescues, trains and places service dogs with disabled individuals, including onsite training and lodging facilities, and dog obedience training for the general public.

Ms. Stacey Jolliffe requested a continuance off calendar due to the applicant needing to raise the funds to pay for the Fish and Game fees.

It was moved by Commissioner Nelson, and seconded by Commissioner Lambert and carried by the following vote

Ayes: Commissioners Nelson, Leland, Lambert, and Chair Wilson

Noes: None

Absent: Commissioner Marin

Abstain: None

to continue off calendar UP 06-02 for Sean Plummer/K-9 Crossroads.

B. [UP06-0019](#) - staff recommended approval

Name: Clearwire LLC **Project:** Use Permit

Planner: Chris Thomas **APN:** 018-500-086 **Zoning:** AR

Location: The parcel is located at 4439 Highway 32, approximately 2 miles east of the Bruce Road/Highway 32 intersection in Chico.

Proposal: A Collocation on an existing tower of 3 panel antennas and 4 microwave dishes, and placement of two 3'X6' equipment cabinets in a leased area next to tower.

Mr. Chris Thomas gave a summary of the project. He said that a neighbor did call to request that a landscaped screen be conditioned for the tower, but staff does not think a screen is needed due to the project's distance from adjacent residences.

Chair Wilson opened the public hearing.

There was no one there to speak on the item.

Commissioner Lambert asked if the guy wires are strong enough and, if the tower were to fall, would it fall within the least area.

Mr. Thomas said he doesn't have an answer about the guy wires, but that the requirements for a building permit would ensure the structure and guy wires meet International Building code

standards. The tower is tall enough that if it fell it would fall outside of its boundaries, but would not hit any structures.

Ms. Jolliffe said the code states there be a one to one fall ratio setback, but this is an existing nonconforming situation. The Planning Commission is asked to take action on the collocation, not on the existing tower.

Chair Wilson closed the public hearing and confined comments to Commission and staff.

It was moved by Commissioner Nelson, and seconded by Commissioner Lambert and carried by the following vote

Ayes: Commissioners Nelson, Leland, Lambert, and Chair Wilson

Noes: None

Absent: Commissioner Marin

Abstain: None

to approve UP06-0019 for Clearwire LLC, adopting the Negative Declaration and adopting Resolution PC 08-01.

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

VIII. 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 A, B, & C may not always be addressed at every hearing, but will always be listed as part of the agenda.

A. Directors' Report

B. General Plan/Zoning Ordinance Update

Mr. Dan Breedon gave a summary of the handout given to the Commission. He said he expects the Alternatives Report to be in excess of two hundred pages. Staff plans to send out a newsletter to all residents of Butte County by the end of the month. That will be approximately 80,000 people. He said that the next Citizens Advisory Committee meeting is January 17, 2008.

Commissioner Leland asked what the cost is to mail out 80,000 newsletters.

Mr. Breedon said that staff is looking at several options and it does not appear to be as expensive as originally thought.

C. Update of Board of Supervisors' Actions

Mr. Pete Calarco gave an update on the M & T Chico Ranch Mine project. The Board of Supervisors heard comments from 52 members of the public on January 8, 2008, closed the public comment and continued the item to January 29, 2008.

Ms. Jolliffe said the Board of Supervisors made a decision that there will no longer be Agricultural Exempt buildings. There is now a Limited Agricultural Permit.

Commissioner Leland asked about the current Agricultural Exempt buildings.

Mr. Calarco said there is a one year amnesty period where people can pay for the permit, but not incur any penalty fees.

Commissioner Nelson asked if the Agricultural Exempt buildings were inspected.

Mr. Calarco said no. It was a one page application without plan check or inspections.

Commissioner Nelson asked if it would now be like building a house.

Mr. Calarco said that staff has committed to a one-week turn around for first plan check, but it will be a full application process.

Commissioner Nelson asked what would encourage people to come in and pay the fees for the Agricultural Exempt buildings.

Mr. Calarco said that staff is hoping that by doing a public outreach and not charging penalty fees for the first year it will encourage people to come in.

Chair Wilson asked if there was a cutoff on how old the building is.

Mr. Calarco said that research would need to be done on the building. Butte County began collecting building permit fees in 1969.

D. Legislative Case Law Update

D. Planning Commission Concerns

Commissioner Lambert asked that the Planning Commission By-laws be reviewed since it was discovered that there are several different versions.

Mr. Felix Wannemacher said he will have to research what is the most current version.

Commissioner Lambert would like to hear a discussion and have materials on Agricultural Worker housing.

Ms. Jolliffe said she can provide an overview of the regulation, but County Counsel would have to provide information regarding potential changes.

The Commission agreed to cancel the following Planning Commission meeting dates: January 24, 2008, June 26, 2008, November 27, 2008 and December 25, 2008 meetings.

Mr. Breedon said that he wants to schedule a full day for a Special Study Session meeting on May 9, 2008.

Ms. Jolliffe said that the February 14th and February 28th meetings will have full agendas.

Commissioner Leland and Commissioner Nelson will not be able to attend the February 14th meeting.

IX. CLOSED SESSION

X. MINUTES –

It was moved by Commissioner Lambert, and seconded by Commissioner Nelson and carried by the following vote

Ayes: Commissioners Nelson, Leland, Lambert, and Chair Wilson

Noes: None

Absent: Commissioner Marin

Abstain: None

to approve the November 15, 2007 minutes as presented.

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

None

XII. ADJOURNMENT

Meeting adjourned at 10:02 a.m.

Chair Wilson