

BUTTE COUNTY PLANNING COMMISSION MINUTES
September 25, 2008

I. PLEDGE OF ALLEGIANCE

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

ABSENT: None

ALSO PRESENT:

<i>County Counsel</i>	Felix Wannemacher, Deputy County Counsel
<i>Development Services</i>	Charles Thistlethwaite, Division Manager
	Dan Breedon, Principal Planner Advance Planning
	Stacey Jolliffe, Principal Planner Current Planning
	Mark Michelena, Senior Planner
	Brett Walker, Associate Planner
	Chris Tolley, Associate Planner
	Tina Bonham, Commission Clerk
<i>Environmental Health</i>	Doug Fogel, Program Manager
<i>Public Works</i>	Eric Schroth, Civil Engineer, Associate

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

It was moved by Commissioner Leland, seconded by Commissioner Lambert and carried unanimously to accept the agenda as presented.

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).
None

V. 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. TPM 06-09 – staff recommended continuance to November 13, 2008

Name: Bob Hennigan/Badland Partnership **Project:** Tentative Parcel Map
Planner: Steve Troester **APN:** 047-130-041, 146, 156 **Zoning:** A-40

Location: The project is located approximately 3,900 feet northwest of the intersection of the Anita Road/Highway 99, approximately 3 miles north of the incorporated limits of the City of Chico.

Proposal: A request for a Tentative Parcel Map to divide 260 acres of land (composed of 3 assessor's parcels) into six (6) forty-acre minimum parcels.

Ms. Stacey Jolliffe gave a summary of the project and why staff was recommending a continuance.

Chair Wilson asked about the letter received that caused the request for continuance.

Ms. Jolliffe said that a letter was received from the Department of Toxic Substance Control. The letter focused on concern of the type of chemicals that may have been used on parcels for agricultural purposes. Staff is working with the Agricultural Commissioner and Environmental Health to find a way to address those concerns.

Chair Wilson opened the public hearing.

There was no one there to speak on the item.

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

It was moved by Commissioner Nelson, seconded by Commissioner Lambert and carried unanimously to continue TPM 06-09 until the November 13, 2008 Planning Commission meeting.

B. RA08-0002– staff recommended a finding that the project is consistent with the General Plan

Name: Costel Angheluta **Project:** Tentative Parcel Map and Road Abandonment

Planner: Brett Walker **APN:** 078-310-003 & 079-030-033 **Zoning:** AR

Location: The project is located on the east side of Lower Wyandotte Road, on the north and south sides of Oroville Garden Ranch Road, south and west of the City of Oroville.

Proposal: A request for a Road Abandonment to vacate a 4,664 sq ft. area.

RA08-0002 was presented with TPM06-0023. Please see item C for discussion.

C. TPM06-0023 – staff recommends approval

Name: Costel Angheluta **Project:** Tentative Parcel Map and Road Abandonment

Planner: Brett Walker **APN:** 078-310-003 & 079-030-033 **Zoning:** AR

Location: The project is located on the east side of Lower Wyandotte Road, on the north and south sides of Oroville Garden Ranch Road, south and west of the City of Oroville.

Proposal: A request for a Tentative Parcel Map to divide two parcels into four parcels ranging in size from 8,375 to 10,280 sq ft.

Mr. Brett Walker gave a summary of both RA08-0002 and TPM06-0023 with a powerpoint presentation. He said that the Commission is being asked to make a consistency finding with the General Plan for RA08-0002. The project TPM06-0023 is relying on that determination for approval.

Chair Wilson asked if there was any history regarding the road.

Mr. Eric Schroth was not sure of the history, but thought that it was originally used in the 1800s as a wagon trail.

Chair Wilson opened the public hearing.

There was no one there to speak on the item.

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

It was moved by Commissioner Nelson, seconded by Marin and carried unanimously to adopt Resolution 08-48 recommending to the Board of Supervisors that RA08-0002 is consistent with the General Plan and to approve TPM06-0023 for Costel Angeluta, adopting the Mitigated Negative Declaration and adopting Resolution 08-49.

There is a 10-day appeal period on decisions regarding TPM06-0023 with the Clerk of the Board.

D. TPM06-0035 – staff recommended approval

Name: William Kelso

Project: Tentative Parcel Map

Planner: Chris Tolley

APN: 040-200-090

Zoning: M-1

Location: The project is located at 9386 Midway (on the east side of Midway, at the southeast corner of Durham-Dayton Road and Midway in Durham), in the unincorporated community of Durham.

Proposal: A request for a Tentative Parcel Map to divide an approximately 1.96-acre parcel into three parcels of 0.56, 0.42 and 0.98 acres. The parcels will utilize individual sewage disposal systems and be provided domestic water by the Durham Irrigation District.

Mr. Chris Tolley gave a summary of the project with a powerpoint presentation.

Chair Wilson opened the public hearing.

There was no one there to speak on the item.

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

Commissioner Leland said that this is a good project for Durham.

It was moved by Commissioner Leland, seconded by Marin and carried unanimously to approve TPM06-0035 for William Kelso, adopting the Mitigated Negative Declaration and adopting Resolution 08-50.

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

E. TPM 03-31– staff recommended denial without prejudice

Name: Dean Ishi et al **Project:** Tentative Parcel Map
Planner: Mark Michelena **APN:** 055-250-028, 055-370-037 **Zoning:** FR-20
Location: The project is located on the west side of Round Valley Ranch Road, approximately 1.3 miles southwest of the intersection with Clark Road, Paradise.
Proposal: One request is for an exception to the requirements of Butte County Code Section 20-133 to allow more than 20 parcels on a cul-de-sac road. The second request is for a Tentative Parcel Map request dividing two parcels totaling 133 acres into four parcels, one at 73 acres and three at 20 acres each.

Mr. Mark Michelena gave a summary of the project with a powerpoint presentation.

Chair Wilson opened the public hearing.

Mr. John Cuseo, a neighbor, said that he is concerned about fire and having the ability to evacuate in the case of an emergency. He said that he doesn't believe that people will buy the parcels to build on, but will buy them with the intent of splitting the parcels further. He isn't against the project but, wants the road to be upgraded to a hard surface. He said that right now there are parts of the road that are gravel and require a strict maintenance schedule.

Chair Wilson asked who does the maintenance.

Mr. Cuseo said that he takes care of it.

Commissioner Nelson asked if there was a road maintenance agreement.

Mr. Cuseo said that there is a neighborhood association, but not a road maintenance agreement. It is all voluntary. Some of the residents have paid to have the road oiled in front of their homes to cut down on dust, some because of their children having asthma and others because they have swimming pools.

Commissioner Lambert asked what the required road improvements would be if the Planning Commission approved the project.

Mr. Eric Schroth said that the road would need to be 25 feet wide, but would not require paving.

Mr. Cuseo said that the road is unable to withstand current traffic conditions. He doesn't see how it can handle additional traffic.

Commissioner Marin asked if L & L Surveying was the last representative and when the last contact was with them.

Mr. Michelena said that L & L Surveying was the last representative and that he faxed them a Resolution in August of 2008.

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

It was moved by Commissioner Marin, seconded by Lambert and carried unanimously to deny without prejudice TPM 03-31 for Dean Ishi et al.

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

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 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. Butte County General Plan 2030 Progress Report

Mr. Dan Breedon went over the handout that was given to the Commissioners regarding the upcoming meetings for the General Plan Update 2030. He said that staff is working on an Agricultural Re-Use program.

Mr. Charles Thistlethwaite said that all the Commissioners are invited to attend the Citizens Advisory Committee meetings or, if they are unable to attend, the meetings can be viewed on Channel 11.

Mr. Breedon said that he expects to provide to the Commissioners approximately 100 pages of information prior to the November 7, 2008 Planning Commission Study Session meeting. There has been a Notice of Preparation sent out to State and local agencies regarding the Environmental Impact Report that will be prepared. This will give the agencies 30 days to give their comments that will then be provided to the Citizen's Advisory Committee.

C. Update of Board of Supervisors Actions

Ms. Jolliffe said that the Board of Supervisors made a motion of intent regarding Signalized Intersection West, LLC GRD 06-01 upholding the Planning Commissions denial. The Kirshner Wildlife Foundation appeal was continued open until November 4, 2008.

Commissioner Nelson asked if there were many comments regarding Signalized Intersection West, LLC and what the outcome is expected to be.

Mr. Thistlethwaite said yes, there were many comments. The Board of Supervisors has denied the Grading Permit and also declared the driveway a public nuisance. This will now go through the Public Works Code Enforcement to have it abated.

Commissioner Nelson asked if Public Works had any strategies on how to handle the nuisance. Mr. Schroth said that he was unsure because the issue is being dealt with at a higher level.

D. Legislative Case Law update

E. Planning Commission Concerns

Commissioner Marin wanted to have it on record that he does reside in Paradise. His children go to school in another city because that is where they have friends and are more comfortable. The accusation of not residing in the Town of Paradise or Butte County is not true.

Ms. Jolliffe said that the October 9, 2008 agenda has several items ready, but that October 23, 2008 is looking like a light agenda. She asked if the Commission would prefer to wait and have a larger meeting on November 13, 2008. November and December will only have 1 meeting because of the holidays. She said that the Board of Supervisors chambers has been reserved to only allow for 1 meeting in January. She asked the Commission if they would like to use the next few months as a test to see if it would be more efficient to have one meeting per month.

Mr. Thistlethwaite said that staff is trying to be respectful of the Commissioners' time. The second meetings in November and December are cancelled because of the holidays, but there are special meetings in November due to the General Plan Update. The first meeting in January should not be a problem, but the Board of Supervisors needs the room on January 22, 2009.

Commissioner Lambert asked how it would affect the backlog of projects.

Mr. Thistlethwaite said that staff does not believe that this will have an adverse effect. It would increase the number of items on the meetings that are scheduled.

It was agreed to cancel the October 23, 2008 and January 22, 2009 meetings.

Chair Wilson asked staff for clarification that the next 4 months the Planning Commission will meet on the 2nd Thursday of the month, but not the 4th.

Ms. Jolliffe said that is correct except for the Special Study Sessions on November 7th and November 14th.

VII. MINUTES – 8/14/08

It was moved by Commissioner Lambert, seconded by Commissioner Leland and carried unanimously to approve the August 14, 2008 minutes with a correction to page 1 line 24 deleting Commissioner Marin from the 'Ayes' votes.

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

None

IX. ADJOURNMENT

Meeting adjourned at 10:14 a.m.

Chair Wilson