

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 AGENDA

November 18, 2010

TIME: 9:00 a.m.

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

- I. PLEDGE OF ALLEGIANCE**
- II. ROLL CALL** - Commissioners Becker, Marin, Moore, Wilson and Chair Nelson.
- III. ACCEPTANCE OF AGENDA** - Commission members and staff may request additions, deletions, or changes in the Agenda order.
- 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).
- V. CONSENT CALENDAR** – Items placed on the Consent Calendar are considered routine and non-controversial. Any member of the Planning Commission, any interested person or staff may request that an item be removed from the consent calendar in order to address the Commission. 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 between 8:00 a.m. and 12:00 p.m. Monday through Friday, or on the Butte County Department of Development Services website at <http://tinyurl.com/pcagendas>.
 - A. DET10-0011**
Name: Nina Lambert
Project: Legal Lot Determination
Planner: Stacey Jolliffe
APN: 039-100-006 (portion of)

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Zoning: A-10

Location: The parcel is located on Liberty Lane approximately 1,250 feet south of River Road, in unincorporated west Chico

Proposal: Legal Lot Determination/Certificate of Compliance

Staff Recommendation: Approve the Certificate of Compliance, subject to conditions.

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

VI. PUBLIC HEARINGS - 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 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. MUP10-0001

Name: AT&T Mobility (c/o Frank Schabarum)

Project: Minor Use Permit

APN: 007-390-001

Zoning: C-2 (General Commercial)

Planner: Mark Michelena

Location: The project site is located at 3415 Silverbell Road, approximately 500 feet south of Eaton Road, Chico.

Proposal: A Minor Use Permit to collocate on an existing 120-foot communication tower and occupying a 1,725 square foot lease, including a 240 square foot area for the ground equipment in an existing building.

Staff Recommendation: Approval of the Minor Use Permit, subject to findings and conditions.

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

B. ZCA10-0004 – Draft Wind Turbine Ordinance

Name: Butte County c/o Department of Development Services

Project: Zoning Code Amendment ZCA10-0004

APN: Numerous

Zoning: All designations

Planner: Stacey Jolliffe

Location: County-wide (unincorporated Butte County)

Proposal: A Board of Supervisors initiated request to amend the Zoning Ordinance (Title 24 of Butte County Code) to regulate the design, permitting and placement of wind turbines

Recommendation: Forward a recommendation for adoption of the Draft Wind Turbine Ordinance to the Board of Supervisors.

VII. OTHER ITEMS: Any member of the public can address the Commission on these items. Please fill out a comment card and provide it to the Commission

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Secretary. The Chair will call for a presentation of the report of staff. The Chair will then allow anyone who has submitted a card to speak on this matter. 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.

A. Oaks Communciations Tower Acquisition

Name: Butte County, c/o Department of General Services

Project: General Plan Consistency Determination

Planner: Stacey Jolliffe

APN: 069-520-038

Zoning: A-R

Location: 1 Lariet Loop Drive, Oroville; adjacent to the Village Oak neighborhood park.

Proposal: The Planning Commission is asked to determine whether the proposed County acquisition of the existing Oaks Communications Tower is consistent with the Butte County General Plan.

Staff Recommendation: Staff recommends the Planning Commission forward a determination of General Plan consistency to the Board of Supervisors.

B. Draft Medical Marijuana Cultivation Ordinance

Name: Butte County, c/o Office of the County Counsel.

Project: Medical Marijuana Cultivation Ordinance

Staff: Bruce Alpert/Kathleen Greeson

APN: Various

Zoning: Various

Location: County-wide (unincorporated Butte County)

Proposal: Butte County has proposed an ordinance regulating medical marijuana gardens consistent with State law in order to protect public health, safety and welfare that: restrict the quantity of plants that may be grown based upon acreage; requires growers to be County residents; requires registration of growers; requires setbacks for marijuana cultivation based upon acreage; requires setbacks for marijuana cultivation from property lines, identified land uses and that plants not be visible from public rights of way and roads; establishes a zip-tie program to prevent unnecessary confiscation and destruction of medical marijuana plants; requires renters and lessees to provide proof of permission from the land owner to grow medical marijuana; and requires a six-foot high opaque, adequately secured fence surrounding the cultivation area. The Draft Ordinance also proposes that any marijuana garden in violation of its provisions would be declared a public nuisance, and could be abated in accordance with procedures as set forth. The Draft Ordinance specifically provides that it does not supplant any existing legal remedies for illegal marijuana cultivation, nor is it intended to interfere with the existing authority of the Butte County Sheriff or District Attorney.

Staff Recommendation: Staff recommends the Planning Commission review the requirements of the Draft Medical Marijuana Cultivation Ordinance, receive feedback from all interested members of the public, and recommend approval as appropriate to the Board of Supervisors.

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 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 Status Report
- C. Status Report on Interim Amendments to Butte County Code
- D. Update on Recent Board of Supervisors' Actions
- E. Legislative Case Law Update
- F. Planning Commission Concerns

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

X. MINUTES

- A. October 28, 2010

XI. ADJOURNMENT