

Butte County Department of Development Services

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ADMINISTRATION * BUILDING * PLANNING

BUTTE COUNTY PLANNING COMMISSION AGENDA

April 28, 2011

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, Kennedy, Marin, Nelson and Chair Wilson.
- 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. Items removed from the consent calendar will be heard during the public hearings portion of the agenda. 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>.
- 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 be then be closed to the public and

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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. DET10-0006

Name: Gerry Fagoaga **Project:** Legal Lot Determination

Planner: Mark Michelena **APN:** 065-203-005

Zoning: RT-1A/WP (Residential-Mobile Home 1-acre minimum/
Watershed Protection)

Location: The property is located approximately 480' northeast of the intersection of the Skyway and Perry Road, Magalia.

Proposal: A request for a Legal Lot Determination and Conditional Certificate of Compliance on the subject property which was created by deed, without access, on October 30, 1956. At the time of its creation, the property should have had a minimum 40-foot access easement to a publicly maintained roadway as required by Butte County Code and was therefore created inconsistent with County Code and the Subdivision Map Act. The applicant is requesting an exception to permit a 25-foot access easement.

Staff Recommendation: Adopt the resolution finding that the proposed Legal Lot Determination and Conditional Certificate of Compliance are categorically exempt from review under the California Environmental Quality Act; grant the exception request for a 25-foot access easement and approve the Certificate of Compliance, subject to conditions listed in Exhibit A to the proposed resolution.

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

B. TSM10-0002

Names: Mohamed Bashiran and Muhammad Hussain **Project:** Tentative Subdivision Map

Planner: Mark Michelena **APN:** 040-150-027 and 040-150-110

Zoning: A-10 (Agricultural, 10-acre minimum)

Location: The project site is located on the west side of Esquon Road, approximately ¼ of-a-mile north of Durham-Dayton Highway, in the community of Durham.

Proposal: A request for a Tentative Subdivision Map to divide two parcels totaling approximately 64 acres into 6 parcels ranging in size from 10.32 acres to 10.89 acres. The applicants are requesting exceptions to the Butte County improvement requirements along the project's frontage on Esquon Road and to defer required improvements for a proposed private road (cul-de-sac).

Staff Recommendation: Adopt the resolution adopting the Initial Study and Mitigated Negative Declaration pursuant to the California Environmental Quality Act, find the proposed Tentative Subdivision Map conditionally consistent with the Orchard and Field Crop (OFC) General Plan designation in place at the time the application was determined to be complete, grant the exception requests and approve the Tentative

Subdivision Map, subject to findings and conditions in the proposed resolution and Exhibit A thereto.

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

C. RP10-0002

Names: Franklin Construction, Inc. **Project:** Amendment to Reclamation Plan

Planner: Chris Thomas **APN:** 063-290-056 and 063-290-057

Zoning: U (Unclassified)

Location: The project site is located off Canyon Shadows Road, approximately 1.3 miles below and east of its intersection with Humboldt Road, just south of its intersection with Highway 32, approximately 3.5 miles east of the City of Chico.

Proposal: A request to amend a Reclamation Plan for the Little Chico Creek Quarry that has seasonally operated since 2004 under Mining Permit 99-02 and its reclamation plan, approved by the Butte County Board of Supervisors on December 11, 2001. The approved reclamation plan stated that mining would be completed by the end of 2009. However, mining did not commence until 2004, and due to recent decreased demand, only about half of the permitted area has been mined. The operator has requested a new anticipated end date of January 31, 2031. This application only pertains to the amended Reclamation Plan. No changes to the mining operation permitted under Mining Permit 99-02 are proposed; the methods, rate and extent of the operation (about 8.3 acres) would not change with approval of the proposed amendment to the Reclamation Plan. In addition to the change in the anticipated end date for mining, the proposed amendment to the Reclamation Plan provides some new information with regards to revegetation and a geologic engineering analysis of the final quarry pit walls.

Staff Recommendation: Adopt the resolution adopting the Initial Study and Mitigated Negative Declaration pursuant to the California Environmental Quality Act, and approve Reclamation Plan RP10-0002, including all attachments thereto.

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

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 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

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

IX. MINUTES

A. March 24, 2011

X. ADJOURNMENT