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ADMINISTRATION * BUILDING * PLANNING

BUTTE COUNTY PLANNING COMMISSION AGENDA

July 25, 2013

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 Donati, Grossberger, Nelson, Wilson and Chair Kennedy.

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. 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. [TENTATIVE PARCEL MAP TPM12-0002 \(Tugel\)](#), continued from 6/6/13

Applicant: Howard Tugel

Project: A Tentative Parcel Map to divide a 5.01-acre parcel into three (3) parcels (two at 1.0 acre each and one at 3.01 acres) and exception requested to the road improvement standards for Lindenbaum Lane and a proposed cul-de-sac.

Planner: Mark Michelena

APN: 055-310-026

G.P.: VLDR

Zoning: VLDR (Very Low Density Residential – 1-acre minimum)

Location: Southeast corner of Pentz Road and Lindenbaum Lane, across from Canyon Ranch Road, south of the Town of Paradise.

Staff Recommendation: Adopt the Resolution: (1) adopting a Mitigated Negative Declaration pursuant to the California Environmental Quality Act (CEQA); (2) deny the exception request to the road improvement standards for Lindenbaum Lane; (3) grant the exception request to the internal access road; and (4) approving Tentative Parcel Map TPM12-0002 for Howard Tugel, subject to the findings and conditions.

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

B. USE PERMIT UP13-0003 (Pristine Sun LLC - Foote)

Applicant: Pristine Sun LLC

Project: A Conditional Use Permit to develop a 0.25 megawatt (MW) (250 kilowatt, kW) Solar Energy Generation Facility, for wholesale electrical production, comprised of 1,152 pole-mounted, single axis tracking photovoltaic modules to be situated on approximately 3 acres in the northwestern portion of the 10-acre site.

Planner: Mark Michelena

APN: 025-270-011

G.P.: Agriculture

Zoning: AG-40 (Agriculture – 40-acre minimum)

Location: The project parcel is located on the southwest corner of East Hamilton Road and Larkin Road, at 3961 Larkin Road, northeast of Biggs

Staff Recommendation: Staff recommends adoption of the attached resolution, adopting the Mitigated Negative Declaration pursuant to the California Environmental Quality Act (CEQA), and approving Conditional Use Permit UP13-0003 with findings and conditions.

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

C. CONDITIONAL USE PERMIT UP13-0004 (Pine Ridge Park & Mini-Storage)

Applicant: Pine Ridge Park & Mini Storage

Project: A Conditional Use Permit to allow a 4,764 square foot expansion to an existing Mini Storage.

Planner: Mark Michelena

APN: 055-290-039

G.P.: Retail and Office

Zoning: NC (Neighborhood Commercial)

Location: The project parcel is located on the southeast corner of Pentz Road and Wilderness Way, at 5088 Pentz Road, south of the Town of Paradise

Staff Recommendation: Staff recommends that the Planning Commission find the project to be Categorically Exempt from CEQA and approve the Use Permit subject to findings and conditions.

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

D. REQUEST FOR DETERMINATION RFD13-0015 (Butte County)

Applicant: Butte County c/o General Services

Project: General Plan Consistency Determination for acquisition of two properties for communications facilities

Planner: Stacey Jolliffe **APN:** 056-050-047 and 072-230-057

G.P: Agriculture

Zoning: A-160 and A-40 (Agriculture – 160-acre minimum parcel size and Agriculture – 40-acre minimum parcel size)

Location: 4157 Altatina Drive, Forest Ranch; and Bobbie's Blue Ledge, Oroville

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

1:00 pm

E. 2013 Zoning Ordinance and Map Amendments

Applicant: Butte County

Planner: Dan Breedon

Location: Countywide

Staff Recommendation: That the Planning Commission recommends to the Board of Supervisors the approval of the Amendments to the Zoning Ordinance, and other modifications as directed by the Planning Commission, and the approval of an EIR Addendum to the General Plan 2030 EIR and Supplemental EIR for the Zoning Ordinance Amendments prepared in accordance with the California Environmental Quality Act (CEQA).

The following amendments to the Butte County Zoning Ordinance and Map are proposed for the consideration of the Planning Commission:

- 1) **Article 6. Residential Zones.** Changes in the Butte Valley area to include new Rural Country Residential and Foothill Country Residential zones in place of the previous Rural Residential and Foothill Residential zones on the Zoning Map and other related changes in the Zoning Ordinance. The new RCR and FCR zones would eliminate conditionally allowed uses and heavy equipment parking;
- 2) **Article 7. Commercial and Mixed Use Zones.** Changes to address permit processes for preexisting vacation cabins and restrictions on commercial uses in the Recreation Commercial zone in the Jonesville area;
- 3) **Article 7. Commercial and Mixed Use Zones.** Amending the Mixed Use Zone to allow the "Commercial Recreation, Outdoor" use as defined under the Zoning Ordinance in the Mixed Use Zone subject to a Minor Use Permit;
- 4) **Article 10. Section 24-40 Recreation Commercial Overlay Zone.** Amending the Recreation Commercial Overlay Zone to restrict this Overlay Zone from being combined with the Agriculture, Agriculture Services, Timber Production, Public, and Airport Base Zones;
- 5) **Article 18. Clustered Development.** Reduction of open space requirements from 50 to 40 percent for clustered development;
- 6) **Article 25. Section 24-157. Alternative Energy Structures.** Various changes concerning maximum heights, parcel sizes, and minimum setbacks based upon parcel size; allowance of building-integrated photovoltaic systems on Tier 1 Solar Energy Systems, and allowance of no more than 50 percent of power generated being used off-site for Tier 2 Solar Energy Systems;
- 7) **Article 25. Section 24-175. Winery, Olive Oil, Fruit and Nut, Micro-Brewery, and Micro-Distillery Production Facilities.** Various changes concerning Table 24-175-1 –Permits Required and related sections,

regarding, maximum attendance at events, minimum parcel sizes, permit types and amplified music;

- 8) **Article 30. Site Development Permits.** Deletion of Article 30;
- 9) **Article 42. Glossary.** Including a definition for Firewood Storage, Processing and Sales on a site occupying no more than 20 percent of a parcel's total size or 2-acres, whichever is less, where firewood is stored, processed and sold. Adding this use to the Use Tables under Part 2 of the Zoning Ordinance to be permitted with a Minor Use Permit in the Agriculture (AG), Agriculture Services (AS), Timber Mountain (TM), Timber Production (TP), Foothill Residential (FR), Rural Residential (RR), General Industrial (GI) and Heavy Industrial (HI) zones.
- 10) **Minor Amendments** necessary to conform the Zoning Ordinance to Butte County Code Section 41A. Noise Control;
- 11) **Minor Amendments** to the Zoning Ordinance involving various corrections and edits; and,
- 12) **Minor Corrections to the Zoning Ordinance Map including:** 1) A minor map correction to address existing conditions and land use. Specifically, a change from AG-80 (Agriculture, 80-acre minimum parcel size) to AG-20 (Agriculture, 20-acre minimum parcel size) in the Palermo area of Butte County, 2) A minor map correction to address existing conditions and land use. Specifically, a parcel near the community of Dayton that is zoned General Commercial and is proposed to be rezoned to Community Commercial; and, 3) Other corrections of a minor nature to address zoning map boundary errors.

An Addendum to the previously Certified General Plan 2030 Environmental Impact Report (EIR) and Supplemental EIR for the proposed Amendments to the Butte County Zoning Ordinance has been prepared for this project consistent with the requirements of the California Environmental Quality Act.

There is a 10-day appeal period on decision 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 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
- B. General Plan Follow-up and Implementation Program
- C. Update on Recent Board of Supervisors' Actions
- D. Legislative Case Law Update
- E. Planning Commission Concerns

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

VIII. MINUTES – [April 25, 2013](#), [May 23, 2013](#) and [June 6, 2013](#)

IX. ADJOURNMENT