

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 – AMENDED

August 26, 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. DET10-0010**
Name: Shirley Cunningham **Project:** Legal Lot Determination
Planner: Mark Michelena **APN:** 061-440-030 **Zoning:** U

¶

Location: The parcel is located between Stephens Ridge Road and Bonnie Meadow Lane, approximately 2.1 miles west of the Oro Quincy Highway, in the Berry Creek area.

Proposal: Legal Lot Determination/Certificate of Compliance

Staff Recommendation: Approve Conditional Certificate of Compliance

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. UP09-0005 (Continued open from July 22, 2010)

Name: Dennis & Patricia Webber-Smith

Project: Use Permit

APN: 027-100-028

Zoning: A-5

Planner: Mark Michelena

Location: The project site is located on the south side of She-Yo Lane (a private road) approximately 600 feet east of Reservoir Road (county-maintained) at 42 She-Yo Lane, Oroville.

Proposal: This is an application for a Use Permit for an existing retail sales and storage of hay/feed. Butte County Code Section 24-90 (c)(3) requires a Use Permit to establish a feed/hay store in this zone. Existing buildings are set back at least 10 feet from property lines (required side and rear yard setbacks in the A-5 zone are 5 feet). Hours of operation for the business are proposed to be 8 am to 6 pm, Monday through Saturday, and Sunday 10 am to 6 pm. Access to the business is located along the eastern edge of the parcel.

Staff Recommendation: Approval subject to conditions

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

B. TPM09-0001

Name: Triple D LLC

Project: Tentative Parcel Map

APN: 041-030-145

Zoning: U (Unclassified)

Planner: Mark Michelena

Location: The project site is located just off Pentz Road with access by way of Miocene Circle (County-maintained), 800' north of Mesilla Valley Road and approximately 1.5 miles north of Highway 70 in central Butte County.

Proposal: A Tentative Parcel Map to divide an approximately 100.5± acre parcel into two parcels of 47.4 and 53.1 acres in size.

Staff Recommendation: Approval subject to conditions

C. RA10-0001

Name: Rachel Warner for Helena Chemical, Inc.

Project: Road Abandonment

APN: No APN has been assigned to this UPRR right-of-way. It is adjacent to and west of APN 038-260-013

Zoning: A-40 (Agricultural 40-acre minimum)

Planner: Stacey Jolliffe

Location: East of the Midway, on the eastern edge of the Union Pacific Railroad and north of Nelson Road in the Town of Nelson.

Proposal: Vacation of a 23 foot by 880 foot strip of unconstructed right-of-way

Staff Recommendation: Forward a recommendation to the Board of Supervisors that the abandonment is not inconsistent with the Butte County General Plan.

D. TSM 06-01

Name: Steve Jasco

Project: Tentative Subdivision Map

APN: 079-300-005 and 068-360-062

Zoning: A-R (Agricultural Residential)

Planner: Stacey Jolliffe

Location: On the west side of Oakvale Avenue, south of the Ophir School, about 4,000 feet south of State Highway 162, east of the community of Oroville.

Proposal: To divide two parcels into 30 single-family lots, averaging 14,660 sq. ft.

Staff Recommendation: The Department is recommending that Planning Commission deny this application without prejudice, allowing the applicant to re-apply when the required wetlands information can be provided.

E. RP10-0001

Name: Butte County

Project: Reclamation Plan

APN: 041-080-027

Zoning: FR-40 (Foothill Residential – 40 acre)

Planner: Chris Thomas

Location: 4095 Dry Creek Road, approximately 2.5 miles north of its intersection with Messilla Valley Road, in the canyon between Morgan and Lime Ridge, approximately 13 miles north of the City of Oroville.

Proposal: Approval of a Reclamation Plan for surface mining disturbances occurring at the New Era Mine between 2007 and 2009.

Staff Recommendation: The Department is recommending that Planning Commission approve the Reclamation Plan subject to the recommended conditions.

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. July 22, 2010

X. ADJOURNMENT