

**BUTTE COUNTY PLANNING COMMISSION
AGENDA REPORT – April 22, 2010**

Applicant:	Ronald Slaton	Supervisor	
File #:	DET10-0004	District:	1
Request:	A request by for a Legal Lot Determination on a 10.29-acre parcel.	Parcel Size:	±10.29 acres
		Location:	The project parcel is located at the end of Maple Lane off of Hurleton-Swedes Flat Rd, about 1.5 miles west of Rackerby
G.P.:	AR (Agricultural Residential)	Planner:	Stacey Jolliffe, Principal Planner
		Attachments:	
Zoning:	M-R (Mountain – Recreation)	A:	Resolution
		B:	Vicinity Map and General Plan/Zoning Map
Zone Date:	December 9, 1969	C:	Site Plan
APN:	028-460-008		

SUMMARY AND RECOMMENDATION:

The subject property was determined to have been created by a deed that was recorded on August 28, 1984 (Document Number 84-30958 in book 2981, page 110). The parcel does not have the required 60’ access easement to a county-maintained road. The applicant has requested a Legal Lot Determination in order to receive a Certificate of Compliance. Staff recommends that the Planning Commission determine that the action is categorically exempt from review under the California Environmental Quality Act (CEQA), and approve the Conditional Certificate of Compliance.

SITE CHARACTERISTICS AND SURROUNDING USES:

- The project parcel is approximately ±10.29 acres. The parcel is not developed.
- Surrounding uses include residential and undeveloped parcels.

ANALYSIS:

- The subject property was created August 28, 1984 (Document Number 84-30958 in book 2981, page 110).by deed. At the time of parcel creation, a 60-foot access easement was required.
- The parcel was consistent with the size requirement of the zoning of M R (Mountain-Recreation, 5-acre minimum) at the time of creation.
- The parcel size was conditionally consistent with the General Plan land use designation of AR (Agricultural Residential) at the time of creation.

- The project was reviewed by the Butte County Public Works Department, Environmental Health Division, Cal-Fire/Butte County, Agricultural Commissioner's Office and the Assessor's Office; none of which expressed any concerns that the granting of a Conditional Certificate of Compliance for the parcel would be detrimental to the health, safety and welfare of the surrounding area.

Staff is recommending approval of the Legal Lot Determination, subject to five conditions.

CEQA ISSUES:

This project has been determined to be categorically exempt from the California Environmental Quality Act (CEQA) provisions under Section 15303(a) of the CEQA Guidelines (Class 3 Exemption). This section exempts limited uses including one single-family residence and a second dwelling unit.

Construction of a single family residence and a second unit also assumes the construction of a driveway to serve the home site.

RESOLUTION ___ - ___

**A RESOLUTION OF THE BUTTE COUNTY PLANNING COMMISSION APPROVING
LEGAL LOT DETERMINATION DET10-0004**

WHEREAS, the Planning Commission has considered Legal Lot Determination DET10-0004 for Ronald Salton, in accordance with Chapter 20, Section 160 of the Butte County Code on Assessor's Parcel Number 028-460-008; and

WHEREAS, the Planning Commission has determined the Conditional Certificate of Compliance is categorically exempt in accordance with the California Environmental Quality Act; and

WHEREAS, said Conditional Certificate of Compliance was referred to various affected public and private agencies, County departments, and referral agencies for review and comments; and

WHEREAS, a public meeting was held on April 22, 2010; and

WHEREAS, the Planning Commission has considered public testimony and a report from the Planning Division.

NOW, THEREFORE, BE IT RESOLVED, that the Planning Commission:

- I. Finds this project is categorically exempt from the California Environmental Quality Act (CEQA) provisions under 14 CCR Section 15303(a). Section 15303(a) exempts limited uses including one single-family residence and a second dwelling unit.
 - A. Because the project is exempt from the provisions of CEQA, the payment of fees pursuant to Fish and Game Code Section 711.4 and 14 CCR 753.5 is not required.
 - B. The custodian of the record is the Department of Development Services. The location of the record is 7 County Center Drive, Oroville CA 95965.
- II. Makes the following findings and approves Conditional Certificates of Compliance DET10-0004, with the conditions set forth in the attachment (Exhibit A) to the resolution.
 - A. The parcel was consistent with the size requirement of the zoning of M-R (Mountain-Recreation, 5-acre minimum) at the time of creation.
 - B. The parcel size was conditionally consistent with the General Plan land use designation of AR (Agricultural Residential) at the time of creation.
 - C. With the conditions required in Exhibit A to this resolution, issuance of the Conditional Certificate of Compliance for the parcel will not be detrimental to the health, safety and welfare of the surrounding area.

DULY PASSED AND ADOPTED this 22nd day of April, 2010, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

CHUCK NELSON, Chair
Planning Commission
County of Butte, State of California

ATTEST:

KIM MCMILLAN, Secretary
Planning Commission
County of Butte, State of California

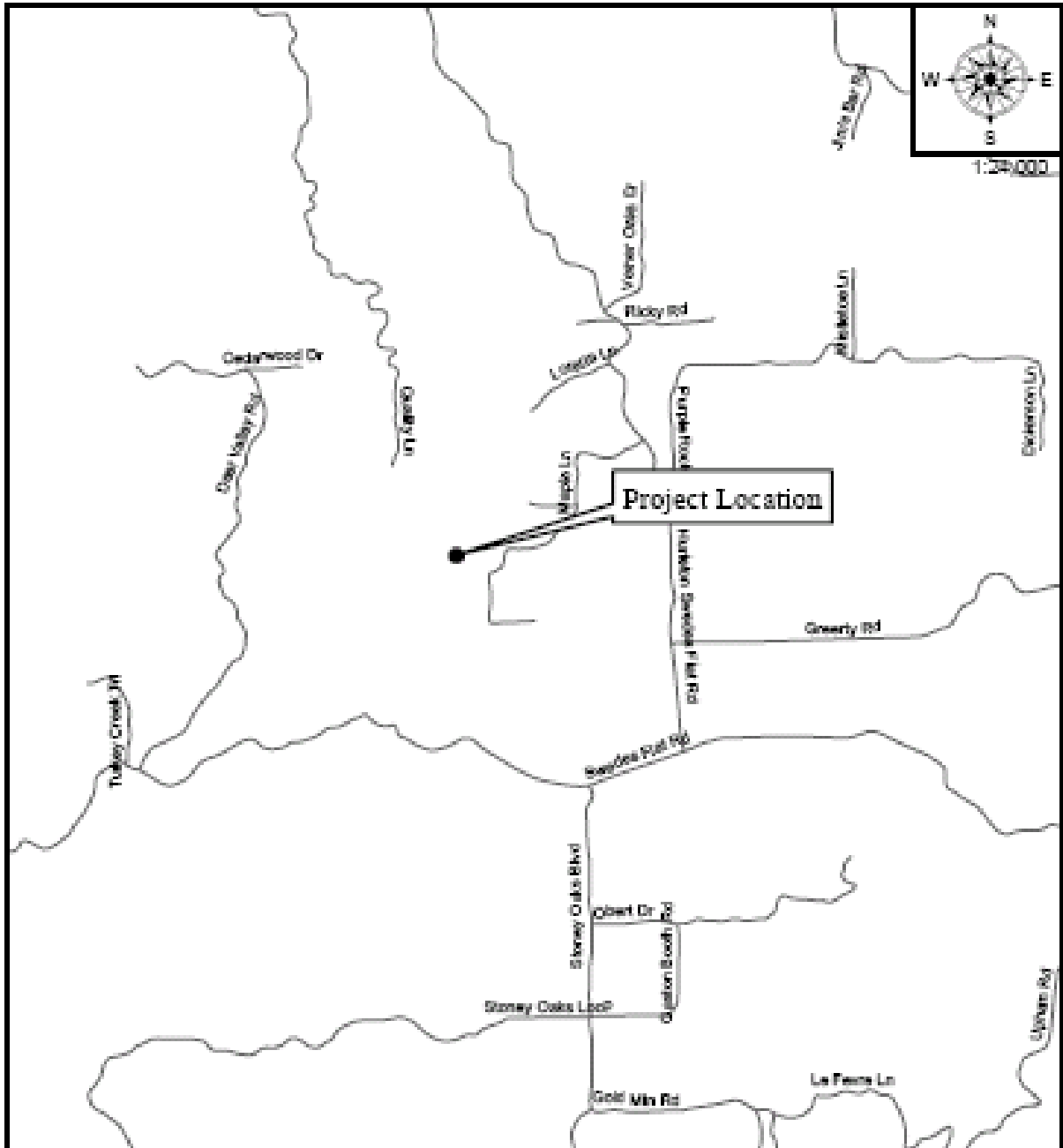
EXHIBIT A

Legal Lot Determination/Conditional Certificate of Compliance, APN 028-460-008 (DET10-0004) for Ronald Slaton.

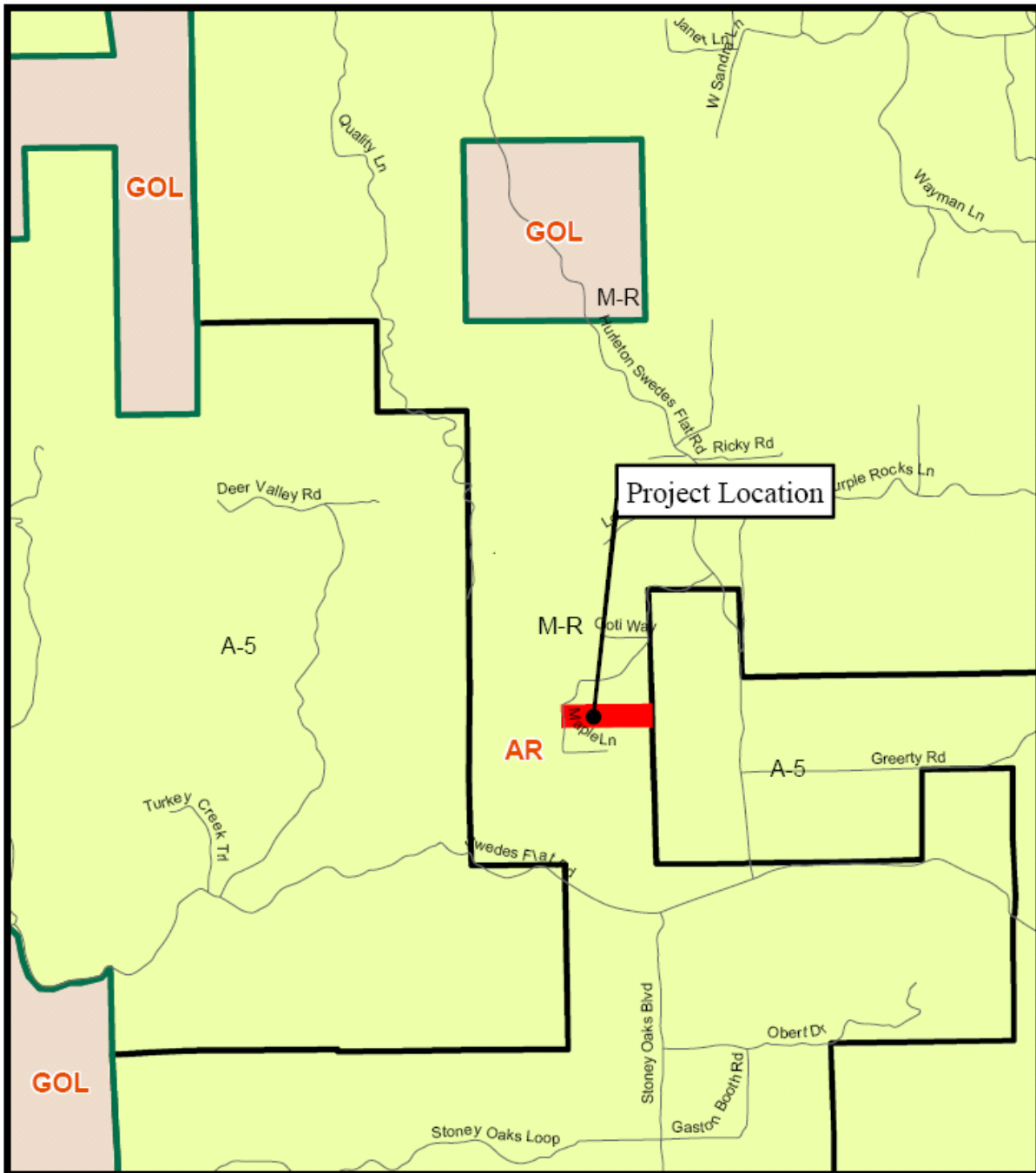
I. CONDITIONS OF APPROVAL:

- 1) Pay the recording fee in effect at the time the Certificate of Compliance is recorded. The current fee is \$14.00 for the first sheet plus \$3.00 for each additional sheet. The estimated current cost for recording this Certificate is \$17.00 without conditions, \$20.00 with conditions. This cost estimate is based on 1 page notification (first sheet), 1 page of legal description attached as Exhibit "A", and 1 page of conditions attached as Exhibit "B".
- 2) Provide two-way traversable access to the parcel from a publicly maintained road or state highway as defined in the County Code.
- 3) Provide approved access to the parcel from a publicly maintained road or state highway in accordance with the County code. Minimum easement width is to be 60 feet.
- 4) File a record of survey on the property.
- 5) Prior to recordation of the Conditional Certificate of Compliance or the Certificate of Compliance, pay any outstanding project-related processing fees.

- II.** If this entire matter or any finding, action or condition of this matter is appealed to the Board of Supervisors, the applicant or any other developer/operator other than the applicant agrees to defend, indemnify and hold the County of Butte harmless from liability or loss related to the approval of this project and agrees to sign an indemnification agreement in a form approved by County Counsel before the Board's appeal hearing. If the application is not appealed, this condition is deemed satisfied.



**VICINITY MAP
DET10-0004 (SLATON)
APN 028-460-008**



BUTTE COUNTY PLANNING COMMISSION		 Supervisoral District #1
Applicant: Ronald Slaton	File/Project: DET10-0004	
Owner: Same	APN: 028-460-008	
Hearing Date: April 22, 2010	Existing General Plan/Zone: AR(Agriculture Residential)/M-R Mountain Recreation	
Request: A request for a Legal Lot Determination on a 10.29 acre parcel.		

