

**BUTTE COUNTY PLANNING COMMISSION
AGENDA REPORT – May 27, 2010**

Applicant:	Mathieu Bosschart	Supervisor	
File #:	DET10-0007	District:	3
Request:	A request by for a Legal Lot Determination on a ±5.5-acre parcel.	Parcel Size:	±5.5 acres
		Location:	The project parcel is located, approximately 650 feet north of Villas Road, Cohasset.
G.P.:	AR (Agricultural Residential)	Planner:	Mark Michelena, Senior Planner
		Attachments:	
Zoning:	TM-5 (Timber Mountain 5-acre minimum)	A:	Resolution
		B:	Vicinity Map and General Plan/Zoning Map
Zone Date:	August 20, 1974	C:	Site Plan
APN:	056-150-082	D:	Access Easement Exhibit

SUMMARY AND RECOMMENDATION:

The subject property was determined to have been created by a deed that was recorded on February 9, 1972 (Document Number 1734 OR 460). The parcel did not have the required 60' access easement to a county-maintained road at the time of creation. The access easement was acquired in September 22, 2009 (Document Number 2009-0035107). 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 Certificate of Compliance subject to conditions.

SITE CHARACTERISTICS AND SURROUNDING USES:

- The project parcel is approximately ±5.5 acres. The parcel is not developed.
- Surrounding uses include rural residential and undeveloped parcels.

ANALYSIS:

- The subject property was created by deed (Document Number 1734 OR 460) on February 9, 1972. The parcel did not have approved access to a county-maintained road. In 1972, a 60-foot access easement was required.
- A portion of the required 60-foot access easement (Document Number 2009-0035107) was acquired on September 22, 2009. A condition has been included that requires obtaining the remaining 60-foot access easement.
- The parcel size of ±5.5 acres was consistent with the TM-5 (Timber Mountain, 5-acre square foot minimum parcel) zone at the time of the parcel's creation.

- The parcel size was consistent with the land use designation of Grazing and Open Land (1 to 5 acres per dwelling unit) 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 three standard conditions. The applicant will be required to provide two-way traversable access to the parcel from the publicly maintained road prior to recordation of the final Certificate of Compliance (see Condition No. 2, attached).

CEQA REVIEW:

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 DET10-0007**

WHEREAS, the Planning Commission has considered Legal Lot Determination DET10-0007 for Mathieu Bosschart, in accordance with Chapter 20, Section 160 of the Butte County Code on Assessor's Parcel Number 056-150-082; 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 May 27, 2010; and

WHEREAS, the Planning Commission has considered 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 DET10-0007, with the conditions set forth in the attachment (Exhibit A) to the resolution.
 - A. The parcel was consistent with the parcel size requirement of the zoning of TM-5 (Timber Mountain, 5-acre minimum) at the time of creation.
 - B. The parcel was consistent with the parcel size requirement of the General Plan land use designation of Grazing and Open Land (1 to 5 acres per dwelling unit) at the time of creation.
 - C. The parcel has acquired the required 60-foot easement to a county-maintained road.
 - D. 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 27th day of May, 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

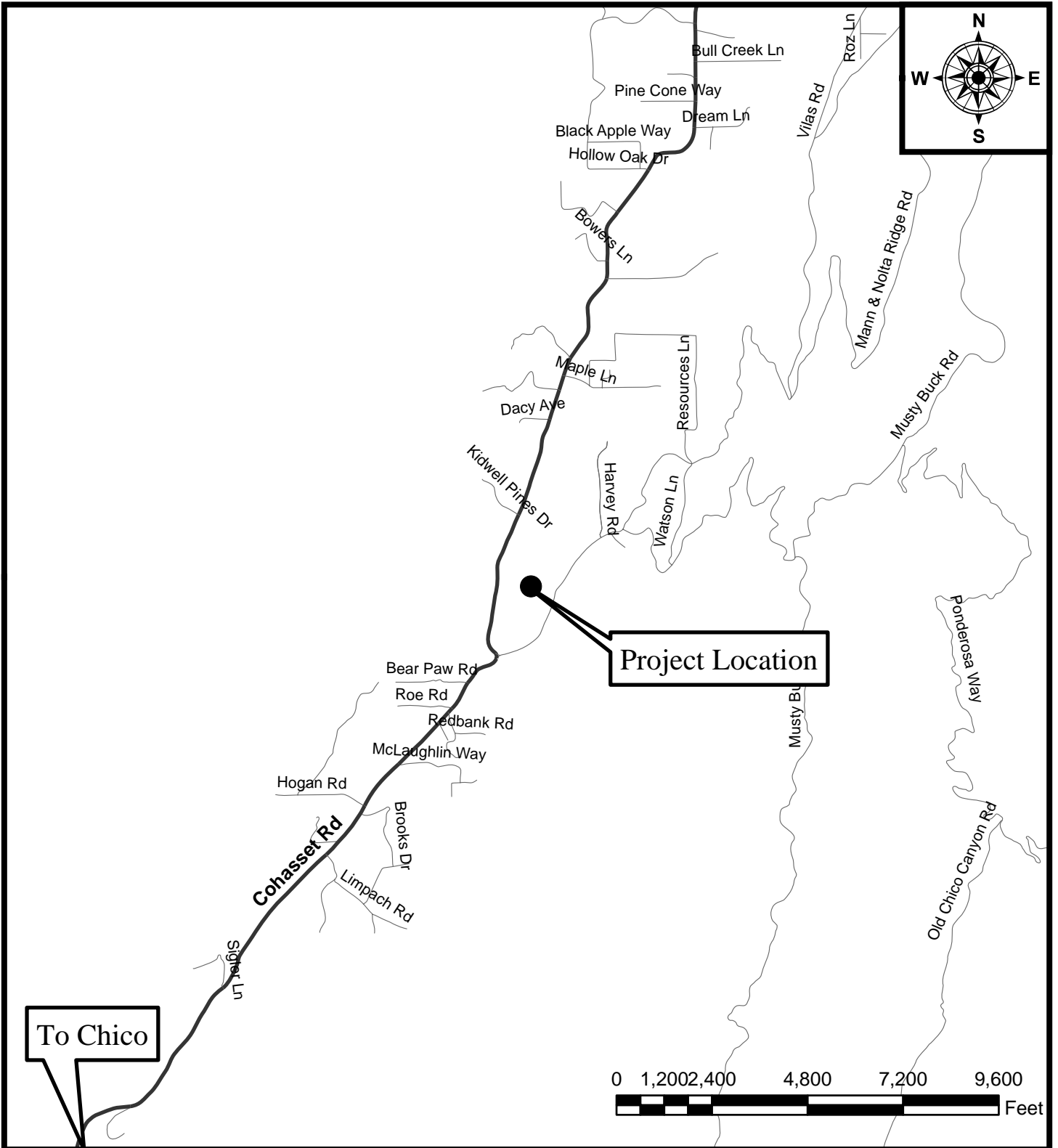
EXHIBIT A

Legal Lot Determination/Conditional Certificate of Compliance, APN 056-150-082 (DET10-0007) for Mathieu Bosschart.

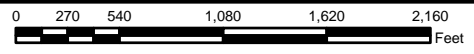
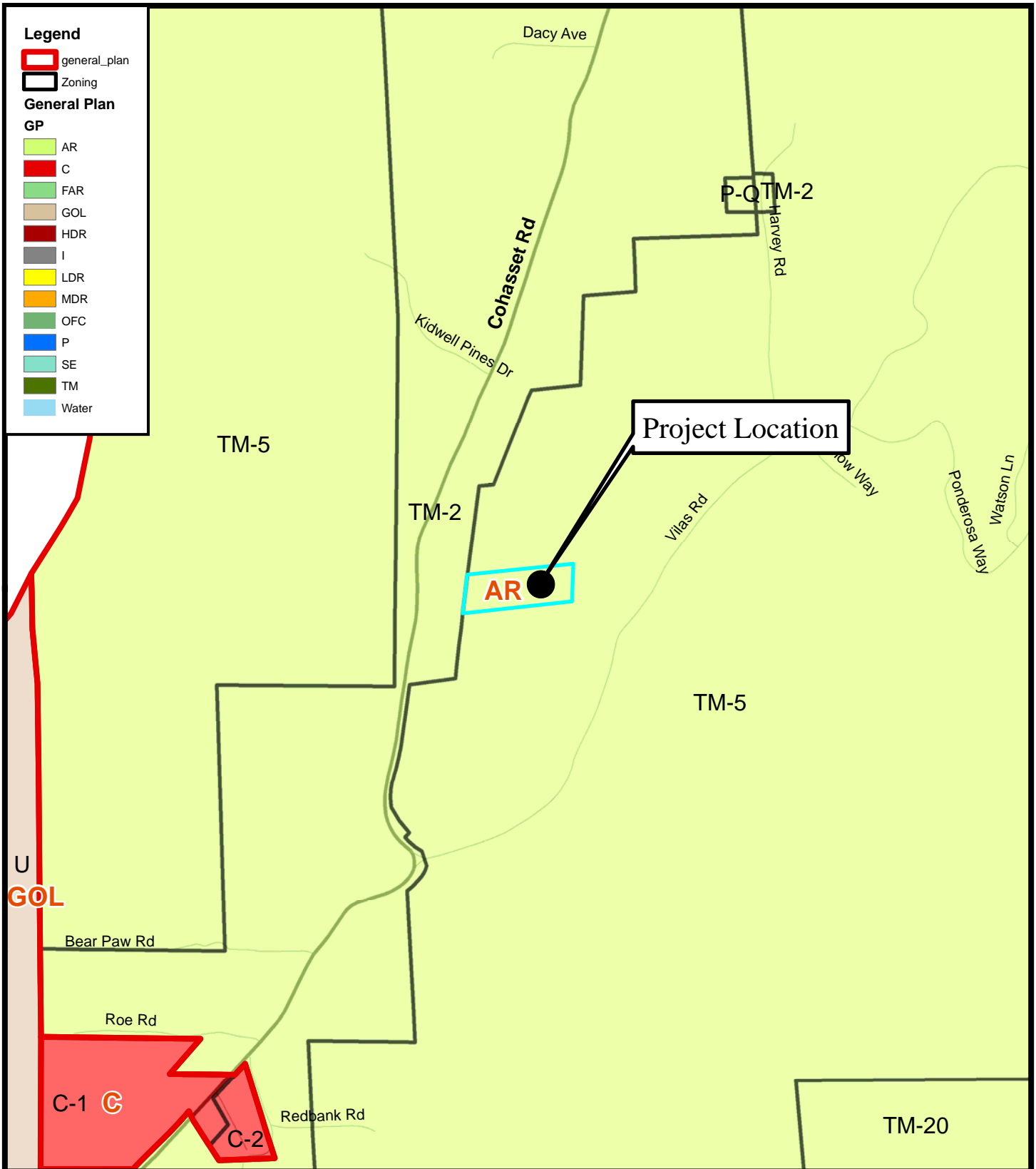
I. CONDITIONS OF APPROVAL:

- 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 County Code. Minimum easement width to be 60 feet.
- 4) 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.

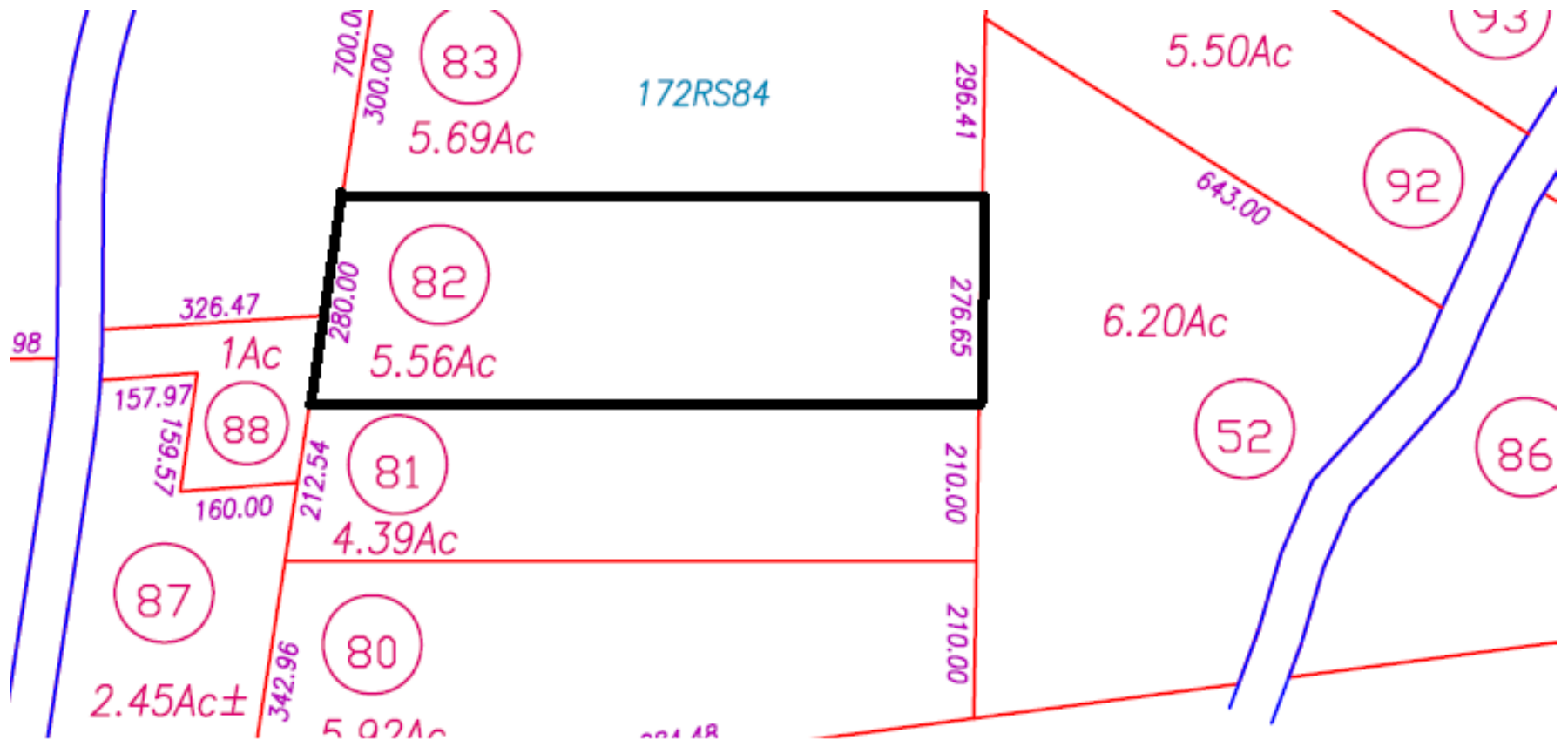


**VICINITY MAP
DET10-0007 (BOSSCHART)
APN 056-150-082**



BUTTE COUNTY PLANNING COMMISSION	
Applicant: Mathieu Bosschart	File/Project: DET10-0007
Owner: Harold Bettencourt, Etal	APN: 056-150-082
Hearing Date: May 27, 2010	Existing General Plan/Zone: AR (Agricultural Residential)/TM-5 (Timber Mountain - 5 ac
Request: A request by for a Legal Lot Determination on a +5.5-acre parcel.	

Supervisoryal
District #3



PCL 4
156-MAPS-77



SCALE:
1"=120'

CURVE TABLE

	RADIUS	DELTA	LENGTH
C1	120.00	70°06'38"	146.48'
C2	970.00	01°03'47"	18.00'
C3	180.00	70°06'38"	220.26'

60 FOOT EASEMENT
FOR ROAD AND PUBLIC
UTILITY PURPOSES PER
2589 OR 163

PCL 2
156-MAPS-77

BETTENCOURT
APN 056-160-053
5.32 ACRES

PCL 1
156-MAPS-77

LINE TABLE

L1	N. 82°34'51" E.	60.65'
L2	S. 00°57'10" W.	10.81'
L3	S. 69°09'28" E.	81.64'
L4	S. 20°50'32" W.	42.00'
L5	N. 69°09'28" W.	81.80'
L6	N. 00°57'10" E.	1.98'

TPOB

60 FOOT EASEMENT
FOR ROAD AND PUBLIC
UTILITY PURPOSES PER
1736 O.R. 005

LEGEND

- MONUMENT PER 156-MAPS-77
- TPOB TRUE POINT OF BEGINNING
- ▨ AREA OF EASEMENT (16304 SQ.FT.)

VILAS ROAD

EXHIBIT "A"
SHEET 2 of 2

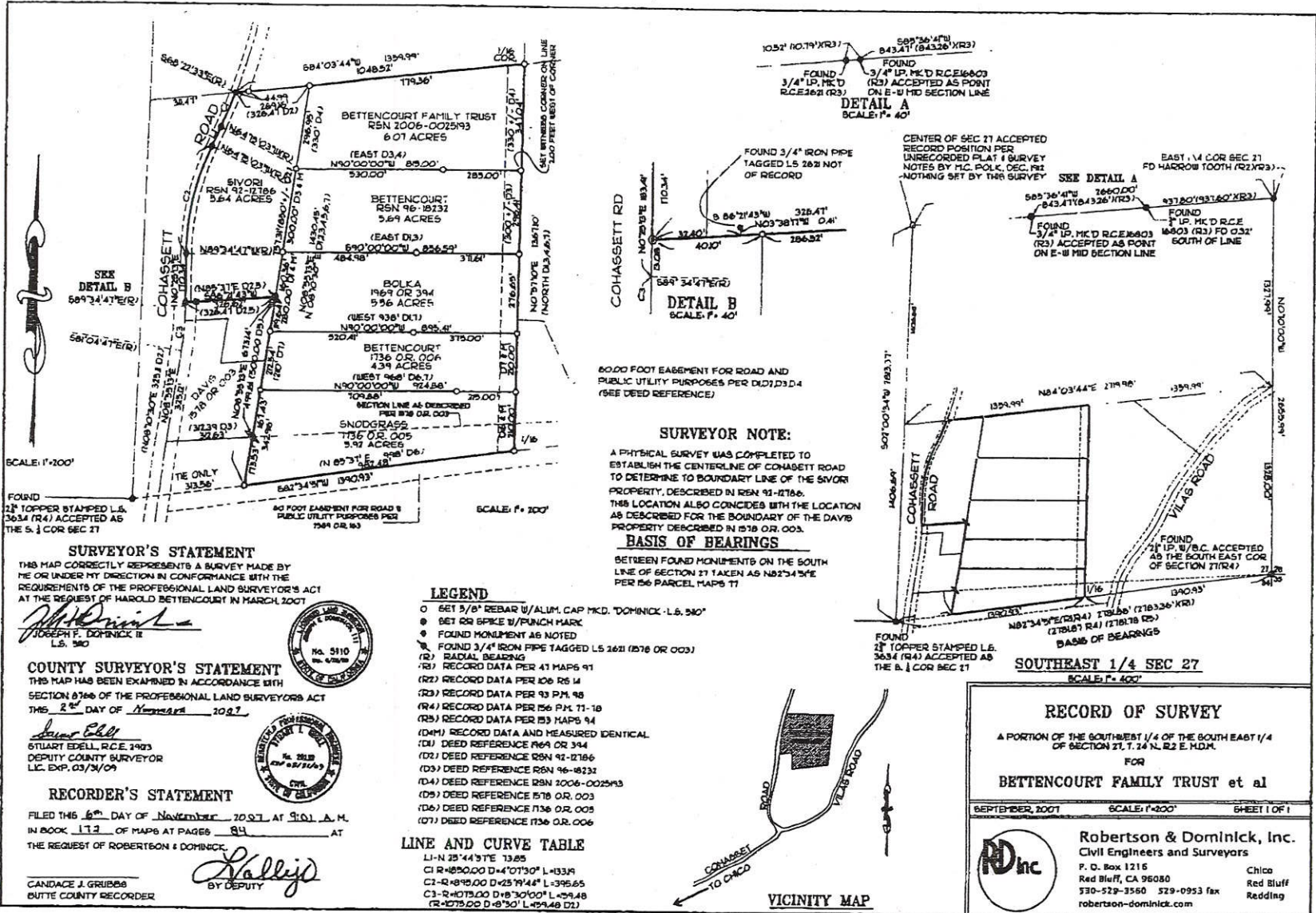
DRAWN BY: AA
DATE: 06-03-09
SCALE: 1"=120'
APPROVED BY: MJM

ROAD AND PUBLIC
UTILITY EASEMENT
PARCEL 1
156-MAPS-77



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Description: Butte, CA Record Map - Book Page 172.84 Page: 1 of 1
Order: gman Comment:



70. DASNEAD #200

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BUTTE COUNTY
MAY - 7 2010
DEVELOPMENT SERVICES