

**BUTTE COUNTY PLANNING COMMISSION  
AGENDA REPORT – June 10, 2010**

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<b>Applicant:</b>	John McCrillis	<b>Supervisor</b>	
<b>Owner:</b>	John McCrillis	<b>District:</b>	5
<b>File #:</b>	DET10-0008	<b>Parcel Size:</b>	±9.77 acres
<b>Request:</b>	A request by for a Legal Lot Determination on a ±9.77-acre parcel.	<b>Location:</b>	The parcel is located on the southeast corner of Doe Mill Road and Wishing Well Road, approximately 2,800 feet northeast of the intersection of Doe Mill Road and Schott Road, Forest Ranch.
<b>G.P.:</b>	AR (Agricultural Residential)		
<b>Zoning:</b>	TM-10 (Timber Mountain 10-acre minimum)		
<b>Zone Date:</b>	February 10, 1976	<b>Planner:</b>	Mark Michelena, Senior Planner
<b>APN:</b>	063-040-023	<b>Attachments:</b>	
		<b>A:</b>	Resolution
		<b>B:</b>	Vicinity Map and General Plan/Zoning Map
		<b>C:</b>	Site Plan

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**SUMMARY AND RECOMMENDATION:**

The subject property was determined to have been created by a deed that was recorded on November 19, 1969 (Document Number 1592 OR 275). 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 on September 17, 1986 (Document Number 86-31335). 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 ±9.77 acres. The parcel is not developed.
- Surrounding uses include rural residential and undeveloped parcels.

**ANALYSIS:**

- The subject property was created by deed (Document Number 1592 OR 275) on November 19, 1969. The parcel did not have approved access to a county-maintained road. In 1986, a 60-foot access easement was required.

- A 60-foot access easement (Document Number 286-31335) was acquired on September 17, 1986.
- The parcel size of ±9.77 acres was consistent with the A-2 (Timber Mountain, 5-acre square foot minimum parcel) zone at the time of the parcel's creation.
- Could not determine the land use designation at the time of creation.
- The project was reviewed by the Butte County Public Works Department, Environmental Health Division, Cal-Fire/Butte County 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 six conditions. The applicant will be required to provide two-way traversable access to the parcel from the publicly maintained road, provide approved access to the parcel from a publicly maintained road or state highway in accordance with the County Code (minimum easement width to be 60 feet) and provide verification that adequate quantities of potable water are available prior to recordation of the unconditional Certificate of Compliance.

**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 DET10-0008**

WHEREAS, the Planning Commission has considered Legal Lot Determination DET10-0008 for John McCrillis, in accordance with Chapter 20, Section 160 of the Butte County Code on Assessor's Parcel Number 063-040-023; 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 June 10, 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 DET10-0008, 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 A-2 at the time of creation.
  - B. The parcel has acquired the required 60-foot easement to a county-maintained road.
  - 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 10<sup>th</sup> day of June, 2010, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

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

ATTEST:

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

## **EXHIBIT A**

Legal Lot Determination/Conditional Certificate of Compliance, APN 063-040-023 (DET10-0008) for John McCrillis.

### **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 to be 60 feet.
- 4) Provide verification that adequate quantities of potable water are available.
- 5) Prior to recordation of the Conditional Certificate of Compliance or the Certificate of Compliance, pay any outstanding project-related processing fees.
- 6) 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.









