

Butte County Department of Development Services
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ADMINISTRATION * BUILDING * PLANNING

BUTTE COUNTY PLANNING COMMISSION AGENDA

November 12, 2009

TIME: 9:00 a.m.

Meeting was called to order at 9:04 am by Vice-Chair Nelson.

PLACE: Board of Supervisors' Room
County Administration Center
25 County Center Drive
Oroville, CA 95965

I. PLEDGE OF ALLEGIANCE

II. ROLL CALL - Commissioners Becker, Moore, Nelson, Wilson and Chair Marin

Present: Commissioners Becker, Moore, Wilson and Vice-Chair Nelson

Absent: Chair Marin

County staff in attendance:

County Counsel:

Development Services:

Environmental Health:

Public Works:

Felix Wannemacher, County Counsel

Chuck Thistlethwaite, Planning Division Manager

Stacey Jolliffe, Principal Planner

Mark Michelena, Senior Planner

Kim McMillan, Administrative Assistant, Senior

Doug Fogel, Program Manager

Eric Schroth, Associate Civil Engineer

III. ACCEPTANCE OF AGENDA - Commission members and staff may request additions, deletions, or changes in the Agenda order.

A motion to accept the agenda was made by Commissioner Wilson and seconded by Commissioner Moore.

Ayes: Commissioners Becker, Moore, Wilson and Chair Nelson

Noes: None

Absent: Chair Marin

Abstain: None

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).

None.

V. PUBLIC HEARINGS The Chair will call for staff comments. The hearing will be opened to the public for proponents, opponents, comments, and rebuttals. The hearing will be closed to the public and discussion confined to the Commission. The Commission will then make a motion and vote on the item. It is requested that public initiated presentations be 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.

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/2009agendas>

A. TPM07-0004 (Continued from meeting of October 22, 2009)

Name: Aida L. Merrill (formerly Oswood)

Project: Tentative Parcel Map

Planner: Mark Michelena

APN: 068-341-027

Zoning: A-R/H-C

Location: The project parcel is located at 3864 Olive Highway (0.30 mile east of the Olive Highway and Arbol Avenue intersection), east of the City of Oroville.

Proposal: 1.) A Tentative Parcel Map to divide a 10.39± acre parcel into two parcels; one at 0.98 acres and the other at 9.41 acres. The site is developed with an existing single-family dwelling, accessory structures, 60 RV sites, 5 mobilehomes, a laundromat, office and undeveloped campground on the 9.41 acre parcel. 2.) An exception request to frontage improvements (Condition #5).

Recommendation: Denial of the exception request and Approval of the tentative parcel map, subject to conditions.

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

A motion to approve the project, removing Cal-Fire Condition #11 and granting the exemption request to frontage improvements (Condition #5), with a finding that the granting of the exemption would not be detrimental to public welfare or injurious to other property in the territory in which the property is located was made by Commissioner Wilson and seconded by Commissioner Becker.

Ayes: Commissioners Becker, Wilson and Chair Nelson

Noes: Commissioner Moore

Absent: Chair Marin

Abstain: None

B. UP08-0006

Name: Kuehner

Project: Use Permit

Planner: Stacey Jolliffe

APN: 062-730-009

Zoning: U

Location: 10 Menzie Lane (cross street: Bald Rock Road); Berry Creek,

Proposal: The project is a Use Permit to allow an existing 800 square foot (sf)

building plus a 14 sf expansion with a 346 sf storage building to be used as a café/restaurant; open daily between the hours of 6:00 AM to 9:00 PM. The applicant has requested that requirements for frontage improvements be waived.

Recommendation: Find the project categorically exempt from CEQA per a class 3 exemption, grant the request for waiver of requirements of County improvement standards, and approve Use Permit UP08-0006, subject to conditions.

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

A motion to find the project categorically exempt from CEQA per a class 3 exemption, grant the request for waiver of requirement of County improvement standards, and approve UP08-0006, subject to conditions and findings was made by Commissioner Wilson and seconded by Commissioner Becker.

Ayes: Commissioners Becker, Moore, Wilson and Chair Nelson

Noes: None

Absent: Chair Marin

Abstain: None

C. UP06-0017

Name: Omnipoint Communications **Project:** Use Permit

Planner: Stacey Jolliffe **APN:** 069-360-008 **Zoning:** AR-1

Location: 135 Riverview Drive, (east side of Riverview Drive, 0.2-mile north of its intersection with, the Gleness Drive) east of the City of Oroville.

Proposal: Construct and operate a 120' wireless communications tower with 12 panel antennas and associated ground equipment.

Recommendation: Deny the Use Permit without prejudice.

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

A motion to deny UP06-0017 without prejudice was made by Commissioner Moore and seconded by Commissioner Becker.

Ayes: Commissioners Becker, Moore, Wilson and Chair Nelson

Noes: None

Absent: Chair Marin

Abstain: None

D. TPM09-0003

Name: Edward & Richard Fish

Project: Tentative Parcel Map

Planner: Mark Michelena

APN: 063-040-060 **Zoning:** TM-5 & TM-

20

Location: The project parcel is located approximately 0.3 miles east of State Highway 32 (Deer Creek Highway) at 5053 Schott Road, Forest Ranch. Portion of the NE ¼ of Section 5, T23N, R3E, MDB&M.

Proposal: A Tentative Parcel Map to divide a 40.03-acre parcel into two parcels (20.01 and 20.02 acres). The applicants have also requested an exception to length of a cul-de-sac (Butte County Code 20-133).

Recommendation: Adopt a Mitigated Negative Declaration prepared pursuant to

CEQA and approve the Tentative Parcel Map, subject to conditions.

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

A motion to adopt a Mitigated Negative Declaration, grant the exception request to Butte County Code 20-133 regarding cul-de-sac requirements and approve the Tentative Parcel Map for Richard and Edward Fish subject to conditions that include clarification of language regarding Condition #4 to read that non-development areas will allow for the removal of brush for fire purposes and Timber Harvesting plans, prepared pursuant to CEQA was made by Commissioner Wilson and seconded by Commissioner Moore.

Ayes: Commissioners Becker, Moore, Wilson and Chair Nelson

Noes: None

Absent: Chair Marin

Abstain: None

E. TSM07-0009

Name: Michael Dequine & Associates, Inc/Hemstalk Enterprises, Inc.

Project: Tentative Subdivision Map

Planner: Mark Michelena

APN: 079-300-046 **Zoning:** A-R

Location: The site is located on the east side of Oakvale Avenue across from Tucker Avenue, approximately 1.4 miles southeast of the city of Oroville and 1.1 miles south of State Route 162.

Proposal: Tentative Subdivision Map to divide a 5.31-acre parcel into thirteen (13) residential parcels ranging in size from 8,104 square feet to 22,251 square feet and one 8,369 square foot open space/detention pond lot.

Recommendation: Adopt the Mitigated Negative Declaration prepared pursuant to CEQA and approve the Tentative Subdivision Map, subject to conditions.

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

A motion to adopt a Mitigated Negative Declaration prepared pursuant to CEQA and approve TSM07-0009, subject to conditions was made by Commissioner Wilson and seconded by Commissioner Becker.

Ayes: Commissioners Becker, Moore, Wilson and Chair Nelson

Noes: None

Absent: Chair Marin

Abstain: None

F. TSM08-0004

Name: Robert Walsh

Project: Tentative Subdivision Map

Planner: Mark Michelena

APN: 055-300-054 **Zoning:** AR-1

Location: East side of Pentz Road, approximately 0.2 miles north of Largo Vista Way, south of the Town of Paradise (Section 31, T22N, R4E, MDB&M)

Proposal: Tentative Subdivision Map to divide a 7.9-acre parcel into four lots ranging in size between 1.09 and 2.07 acres, served by individual septic system and public water (Del Oro Water Company).

Recommendation: Adopt the Mitigated Negative Declaration prepared pursuant to CEQA and approve the Tentative Subdivision Map, subject to conditions.

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

A motion to adopt the Mitigated Negative Declaration prepared pursuant to CEQA and approve the Tentative Subdivision Map, replacing the old oak tree mitigation language with the current oak tree ordinance subject to conditions was made by Commissioner Wilson and seconded by Commissioner Moore.

Ayes: Commissioners Becker, Moore, Wilson and Chair Nelson

Noes: None

Absent: Chair Marin

Abstain: None

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 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

2010 Planning Commission Calendar was presented to the Planning Commission.

B. Status Report on Butte County General Plan 2030

Chuck Thistlethwaite presented the Commission with the 65th update of the Butte County General Plan 2030.

C. Status Report on Interim Amendments to Butte County Code

None.

D. Update on Recent Board of Supervisors' Actions

Chuck Thistlethwaite briefed the Planning Commission on the new Lighting Ordinance and Generator Noise Ordinance that was recently adopted by the Board of Supervisors.

E. Legislative Case Law Update

The Revised Statement of Decision on Dry Creek Coalition of Butte County, et al. vs. Butte County Board of Supervisors et al. mine was discussed by Felix Wannamacher.

F. Planning Commission Concerns

None.

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

VIII. MINUTES

A. October 22, 2009 Meeting

Motion to approve the October 22, 2009 action minutes was made by Commissioner Moore and seconded by Commissioner Becker.

Ayes: Commissioners Becker, Moore and Chair Nelson

Noes: None

Absent: Chair Marin

Abstain: Commissioner Wilson

IX. ADJOURNMENT

Meeting adjourned at 12:07 pm