

BUTTE COUNTY PLANNING COMMISSION MINUTES
MARCH 10, 2005

- I. PLEDGE OF ALLEGIANCE:** The Meeting convened at 9:00 a.m.
- II. ROLL CALL: PRESENT:** Commissioners Lambert, Leland, Nelson, and Chairman Marin
- ABSENT:** Commissioner Wilson
- ALSO PRESENT:** Yvonne Christopher, Director Development Services
Mark Michelena, Associate Planner
Felix Wannemacher, Deputy County Counsel
Stu Edell, Land Development
Doug Fogel, Environmental Health

Commissioner Nelson was absent at this time.

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

It was moved by Commissioner Lambert, seconded by Commissioner Leland, and unanimously carried to accept the agenda as presented.

- 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

Robert L. and Sandra L. Minton, proposed **Negative Declaration** with mitigation measures regarding environmental impacts and **Tentative Parcel Map** to divide a 4.9-acre parcel into one parcel of 1.03 acres and one parcel of 3.88 acres, in the North Chico Specific Plan (CSA87) area. Parcel 1 (3.88 acres) has an existing house, an agricultural building,

corrals, and a potential second dwelling. The property is zoned SR-1 (Suburban Residential – 1 acre parcels) and is located at the east end of Parsley Drive off of Highway 99, approximately 750 feet north of Keefer Road, north of Chico. APN 047-460-025 (MM) (TPM 04N-28)

Mr. Michelena gave a brief summary of the project. He said that the bunkhouse building existed prior to the Parsley Parcel Map.

Mr. Wannemacher agreed that the bunkhouse was there prior to the parcel map. He said the record does not identify where the corral was located prior to the parcel map.

Commissioner Leland said that a nonconforming use is usually caused by a change in zoning. He said in this case it is nonconforming because a road was put in. He asked if they have the authority to grant a waiver.

Mr. Wannemacher said the County did not do anything about the house becoming nonconforming when the road was approved. He said there was no discussion of them moving the house.

Commissioner Leland said the last time the Planning Commission looked at this they imposed a condition of removing the bunkhouse. He asked what is different now. He said he did not feel bound by the previous conditions because this is a different situation.

Mr. Edell said there have been other instances where a road is put in and causes the buildings to be in the setback. He gave some examples.

Mr. Michelena said that Public Works is satisfied with the road improvements that are in and in favor of approving the request for an exception to the road standards. He explained the difference between LD3 and LD4 road standards.

Mr. Edell explained that the difference is the width and the amount of chip seal. He said he has approved the road as it is built.

Commissioner Leland asked what is road standard NSCP-8.

Mr. Edell said that is the new standard for divisions of land within the North Chico Specific Plan area.

Ms. Christopher asked about the previous condition that talked about the NCSP-8, it also talked about submitting road and drainage plans to the Department of Public Works for plan checking and approval prior to construction, and whether this portion of the condition was still needed.

Mr. Edell said if the County is going to accept the previously approved plans, Condition 11 could be deleted.

Commissioner Lambert said that one of the things mentioned was the appropriateness of the existing road because it serves fewer than twelve parcels. She asked about when the cul-de-sac is built out would this road still be appropriate.

Mr. Edell said if the previous map had not been conditionally approved, or if this was another lot or

a lot that did not have part of the conditions met and then was not finished, Public Works would be recommending the NCSP-8 or 10 road standard.

Commissioner Nelson was present at this time.

The meeting was opened to the public.

Doug Sutherland, NorthStar Engineering, said the applicant is asking for one less parcel than was approved on the previous map that was not recorded.

Commissioner Lambert asked about the corral having been moved or torn down and rebuilt.

Mr. Sutherland said there was a portion of the corral torn down and there was litigation over it. He said as for the corral being in a portion of the PG&E right-of-way, he believes that right-of-way came after the corral being built. He said the applicant has agreed to move the corral out of the right-of-way. He noted that the RS 8 LD 3 and LD 4 standards call for a chip seal roadway and the road the applicant put in is paved.

The hearing was closed to the public and comments confined to the Commission and staff.

Mr. Michelena said that staff is recommending that the Planning Commission adopt a mitigated negative declaration, find that the project is de minimis, grant the exception to remove Condition 11, and approve the Tentative Parcel Map.

It was moved by Commissioner Leland, seconded by Commissioner Lambert, and unanimously carried to approve the Tentative Parcel Map for Robert and Sandra Minton, subject to the findings and conditions listed below, deleting Condition 11 and re-numbering the remaining conditions:

- I. Adopt a Mitigated Negative Declaration with the following findings:
 - A. An Initial Study was completed in compliance with the California Environmental Quality Act. Said study identified significant environmental effects and included mitigation measures that would mitigate such effects below significant levels; a Mitigated Negative Declaration is proposed.
 - B. The Planning Commission has considered the proposed Mitigated Negative Declaration, together with comments received during the review process.
 - C. On the basis of the whole record before the Planning Commission, including the Initial Study and any comments received, there is no substantial evidence that the Tentative Parcel Map for Richard & Sandra Minton, Planning Division File No. TPM 04N-28, would have a significant effect on the environment. The custodian of the record is the Land Development Division of the Public Works Department. The location of the record is 7 County Center Drive, Oroville CA 95965.
 - D. The proposed Mitigated Negative Declaration reflects the independent judgment and analysis of the County, which is the Lead Agency.
- II. The design of the proposed project will not cause environmental damage to fish and wildlife

or their habitat, and a "de minimis" exemption regarding impact to fish and wildlife or their habitat is recommended. The collection of fees pursuant to Fish and Game Code Section 711.4 and 14 CCR 753.5, is not required at this time. The project site is not known to contain any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Game or U.S. Fish and Wildlife Service. The project will not have a substantial adverse effect on any riparian habitat; have a substantial adverse effect on federally protected wetlands as defined by Section 404 of the Clean Water Act; conflict with any local policies or ordinances protecting biological resources; or, conflict with the provisions of an adopted Habitat Conservation Plan.

III. Approve Tentative Parcel Map 04N-28 for Robert & Sandra Minton, subject to the conditions found in Exhibit "A" and the following findings:

A. The project is consistent with the five development criteria for parcels located in the Agricultural Residential General Plan land use designation as supported by the following:

1. Compatible with neighboring agricultural activities.

The project is not adjacent to agricultural uses. An existing orchard is located to the west across State Highway 99. Upon review of the area, existing residential surrounds the project parcel. The proposed project will not create any additional impact to the existing orchard.

2. Evidence of adequate water and sewage disposal capacity.

Based on information received from the Butte County Environmental Health Division, the project meets the County's water and sewage disposal requirements. Parcels will be provided with individual wells and septic tanks.

3. Availability of adequate fire protection facilities.

CDF requires that fire suppression sprinkler systems be installed in all new residential structures, unless a pressurized community water system with hydrant is installed. The requirement is a condition of the Parcel Map. The closest fire station is County Station #41 on State Highway 99 approximately 0.9 miles to the south.

i. Adequately maintained approved road access with sufficient capacity to service area.

Access will be from Highway 99 on a cul-de-sac designed to County standards.

The proposal will create two (2) parcels, with the potential for one (1) additional residential dwelling, which has the potential to generate

approximately 9.55 additional vehicle trips per day (1 dwelling unit × 9.55 vehicle trips per dwelling unit) as projected by the Institute of Traffic Engineers. Under the proposed second dwelling ordinance (BCC 24-280), permanent second dwellings will not be permitted within the North Chico Specific Plan area.

The nearest Butte County Department of Public Works traffic count was done in (2003) at the intersection of Keefer Road and Highway 99, which had an average daily traffic volume of 1,725 trips, at Highway 99 (Level of Service of "A" according to Circulation Element Table 8 and the Department of Public Works).

The number of vehicle trips generated by this project is not expected to significantly impact the local circulation system or levels of service.

- ii. Reasonable accessibility to commercial services and schools.

The nearest commercial services are located in the City of Chico approximately 3.7 miles to the south. Elementary, Intermediate, and high school services are also located in Chico.

- B. The proposed tentative parcel map is consistent with the Goals and Policies of the Butte County General Plan and Policy 3.2.a of the Land Use Element which requires that residential densities be correlated to soil, slope and other natural site characteristics. The project does not contain any characteristics that preclude it from being developed at the proposed density of 1.6 dwelling units per gross acre.
- C. The proposed tentative parcel map is consistent with the Goals and Policies of the Butte County General Plan and Policy 3.2.b of the Land Use Element which requires residential densities to be correlated to the availability of water and sewage disposal and proximity to other facilities.
- D. With the addition of Department of Public Work's Conditions #5 through 16 regarding access, drainage and improvement standard, and Environmental Health Division Condition #20 regarding septic systems, water supplies, and wells, the project is physically suitable for the use and density of the proposed development.
- E. With the additions of California Department of Forestry/Butte County Fire Department Conditions #17 through #19 regarding compliance with the Fire Safe Regulations and other fire safety measures, the project conforms to the fire requirements of the Butte County Fire Department.
- F. Approval of this project will not be detrimental to the general health, safety and welfare of the public because the mitigation measures identified by the project initial study have been incorporated into the project as conditions of approval. The conditions must be satisfied or the parcel map will not be allowed to be recorded.

EXHIBIT A

Tentative Parcel Map for Robert & Sandra Minton on APN 047-460-025,

File # TPM 04N-28: An application for a Tentative Parcel Map to divide a 4.9-acre parcel into two parcels (1.0 acre and 3.9 acres) on property zoned SR-1 (Suburban Residential, 1-acre minimum) in the North Chico Specific Plan area.

I. CONDITIONS OF APPROVAL:

Planning Division

1. Place a note on a separate document which is to be recorded concurrently with the map or on an additional map sheet and on all building and site development plans that states: “Dust generated by the development activities shall be kept to a minimum with a goal of retaining dust on the site. Follow the dust control measures listed below.” (Mitigation Measure # 1)
 - a. Post a publicly visible sign with the telephone number and person to contact regarding dust complaints. This person shall respond and take corrective action within 24 hours. The telephone number of the Butte County Air Quality Management District shall be visible to ensure compliance with BCAQMD Rule 200 & 205 (Nuisance and Fugitive Dust Emissions).
 - b. All visibly dry disturbed soil surface areas of operation shall be watered to minimize dust emissions.

Plan Requirements: The above note shall be placed on a separate document which is to be recorded concurrently with the map or on an additional map sheet and all building and site development plans.

Timing: Requirements of the condition shall be adhered to throughout all grading and construction periods.

Monitoring: The Department of Development Services shall ensure that this note is placed on a separate document which is to be recorded concurrently with the map or on an additional map sheet and all building plans and site development plans and shall spot check and shall ensure compliance on-site. Butte County Air Quality Management District inspectors shall respond to nuisance complaints.

2. Place a note on a separate document which is to be recorded concurrently with any future map or on an additional map sheet that states: “Should grading activities reveal the presence of cultural resources (i.e., artifact concentrations, including arrowheads and other stone tools or chipping debris, cans, glass, etc.; structural remains; human skeletal remains), work within 50 feet of the find shall cease immediately until a qualified professional archaeologist can be consulted to evaluate the remains and implement appropriate mitigation procedures. Should human skeletal remains be encountered, State law requires immediate notification of the County Coroner. Should the County Coroner determine that such remains are in an archaeological context, the Native American Heritage Commission in Sacramento shall be notified immediately, pursuant to State law, to arrange for Native American participation in

determining the disposition of such remains.” (Mitigation Measure # 2)

Plan Requirements: The above note shall be placed on a separate document which is to be recorded concurrently with the Parcel Map or on an additional map sheet and all building and site development plans.

Timing: This measure shall be implemented during site preparation and construction.

Monitoring: The Department of Development Services and Public Works Department shall ensure the note is placed on a separate document which is to be recorded concurrently with the Parcel Map or on an additional map sheet and all building plans and site development plans. The developer shall be responsible for notifying the Department of Development Services and a qualified archaeologist in the event cultural resources are discovered. The Department of Development Services shall coordinate with the developer and appropriate authorities to avoid damage to cultural resources and determine appropriate action.

3. Prior to recordation of the Parcel Map, the existing accessory structures (corrals/carport and second dwelling) on proposed Lot 1 must meet the required 20-foot building setback from the access road right-of-way (North Chico Specific Plan), unless they can prove to have existed prior to the recording of the Darrel Parsley Parcel Map (Book 92 Page 55).
4. Prior to recordation of the Parcel Map, obtain necessary building permits for conversion of the accessory building into a residential dwelling on proposed Parcel 1.

Public Works

5. Prior to or concurrently with the recordation of the Parcel Map, provide a fully executed road maintenance agreement for all non-publicly maintained access roads on the County approved form. A note shall be placed on a separate document which is to be recorded concurrently with the map or on an additional map sheet of the Parcel Map stating: “In accordance with Civil Code Section 845, maintenance of the road as shown hereon shall be shared by those properties with a legal interest in it.”
6. Prior to recordation of the Parcel Map, provide street name signs per requirements of the Department of Public Works. Street names shall be reviewed by the County Address Coordinator and one name for each new street shall be recommended to the Board of Supervisors for approval prior to recordation of the Parcel Map. A minimum of five alternate names for each new street shall be submitted.
7. Provide a cul-de-sac designed and constructed as specified in the County Improvement Standards. The Parcel Map shall show the cul-de-sac.
8. All access rights shall be reserved by deed per County Ordinance, offered for dedication, and depicted on the Parcel/Final Map. For each private access within the map boundary, place the following note on the Parcel/Final Map: “Parsley Lane is a non-exclusive easement for ingress, egress, road and public services purposes, to be reserved in deeds and is hereby offered for dedication to the County of Butte.”
9. Prior to final road inspection, install all necessary traffic safety signs including stop signs. A

note shall be placed on a separate document which is to be recorded concurrently with the map or on an additional map sheet of the Parcel Map stating: “No public entity shall be responsible for the maintenance of the traffic safety signs including stop signs. In accordance with Civil Code Section 845, maintenance of the traffic safety signs shall be shared by those properties with a legal interest in them.”

10. Prior to or concurrently with the recordation of the Parcel/Final Map, pay in full any and all delinquent, current and estimated taxes and assessments as specified in Article 8 of Chapter 4 of Division 2 of Title 7, of the California Government Code commencing with Section 66492.
11. Relinquish abutters’ rights to Caltrans along the State Highway 99 frontage of Parcel 1, except at approved access points.
12. Show on the additional map sheet of the Parcel Map a 50 ft. building setback from the centerline of Parsley Lane.
13. Prior to grading, a Construction Storm Water Permit will be required by the State Water Resources Control Board if the project results in a disturbance (including clearing, excavation, filling, and grading) of one or more acres. The Permit must be obtained from the State Water Resources Control Board prior to construction. Place a note on an additional map sheet that states: “The development of this Parcel Map requires a construction storm water permit. Construction activities that result in a land disturbance of less than one acre, but which are part of a larger common plan of development, also require a permit. Development of individual lots may require an additional permit(s).”
14. Prior to approval of the improvement plans, a plan for a permanent solution for drainage shall be submitted to and approved by the Department of Public Works. The drainage plans shall detail existing drainage conditions and shall specify how drainage waters shall be detained or retained on-site and/or conveyed to the nearest natural or publicly maintained drainage channel or facility and shall provide that there shall be no increase in the peak flow runoff to said channel or facility. Show all easements of record on the Parcel Map.
15. Prior to or concurrently with the recordation of the Parcel/Final Map, pay in full any and all delinquent, current and estimated taxes and assessments as specified in Article 8 of Chapter 4 of Division 2 of Title 7, of the California Government Code commencing with Section 66492.

Butte County Fire/California Department of Forestry

16. Construction, installation or development of structures or facilities on the parcels/lots shall comply with the latest California Fire Safe Regulations, (Public Resources Code 4290), and all other applicable State and County codes, ordinances and regulations in effect at the time of application for permits.
17. Place a note on a separate document which is to be recorded concurrently with the parcel map or on an additional map sheet stating that “Building identification and/or addresses shall be installed in conformance with Public Resources Code 4290 and shall be posted at the time

of permit issuance and maintained continuously thereafter.”

18. Place a note on a separate document which is to be recorded concurrently with the parcel map or on an additional map sheet stating that “Fire suppression sprinkler systems shall be installed in all new residential structures in accordance with the National Fire Protection Association Standard for the installation of sprinkler systems in one and two family dwellings and mobile homes, NFPA Standard 13D, unless a pressurized community water system, with hydrants that meet Fire Department specifications, serves the parcels.” Additionally, this note is to be added to all building plans.”

Environmental Health Division

19. Prior to recordation of the Parcel Map, locate and if necessary relocate and/or abandon any portion of the septic system for the “apartment” on proposed parcel #1 that is within any leach field free setback area. All work must be done under permit from the Environmental Health office.

Pacific Gas and Electric Company

20. Any relocation or rearrangement of any existing PG&E facilities in the area to accommodate this project will be at the expense of the developer.
21. There shall be no building of structures, or the storage of materials allowed over or under any existing PG&E facilities, or inside any easement that exist.

Processing Fees

22. Prior to recordation of the Parcel Map, pay any outstanding project-related processing fees.

County Counsel

23. 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 indemnify the County of Butte 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.

II. NOTATION

- A. Minor changes may be approved administratively by the Directors of Development Services, Environmental Health, or Public Works upon receipt of a substantiated written request by the applicant, or their respective designee. Prior to such approval, verification shall be made by each Department or Division that the modification is consistent with the application, fees paid and environmental determination as conditionally approved. Changes deemed to be major or significant in nature shall require a formal application for amendment.

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

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Bill Caspers, Request for an Extension of time to File Final Map, APN 068-030-131, for a Tentative Parcel Map dividing a 10.68-acre parcel into two parcels of 2.65-acres and 8.03-acres. The property is zoned AR-1 (Agricultural Residential – 1 acre parcels) and is located on the west side of Field Drive, approximately 650 feet north of Ward Blvd., southeast of Oroville. (DB) TPM 03-03)

Originally Approved: January 9, 2003
Two years to complete: January 9, 2005
Grant five year extension to: January 9, 2010

Mr. Michelena gave a brief summary of the project. He noticed that the condition listed in the findings was #21 and in the conditions it was #20. He asked for a few minutes to consult with the planner.

There was a 10 minute break.

Mr. Michelena said the condition number in the findings should be #20.

The hearing was opened to the public.

No one was present to speak on this item.

The hearing was closed and comments confined to the Commission and staff..

It was moved by Commissioner Leland, seconded by Commission Lambert, and unanimously carried to approve the request extending the time to record TPM 03-03, APN 068-030-131, for Bill Casper subject to the findings and conditions listed below, and changing Finding B to read Condition 20.

- A. Approval of this request for a five (5) year time extension will not be detrimental to the public health, safety and welfare provided the required conditions and mitigation measures are complied with.
- B. With the removal of Butte County Fire/California Department of Forestry condition #20, improvement standards required for this project have not changed since the initial approval of this tentative parcel map.

EXHIBIT A

Tentative Parcel Map for Bill Casper on APN 068-030-131, TPM 03-03: A request for a Tentative Parcel Map to Tentative Parcel Map request dividing a 10.68-acre parcel into two parcels of 2.65-acres and 8.03-acres. This project is located in Supervisorial District 1.

I. CONDITIONS OF APPROVAL:

Planning Division Conditions

1. Place a note on a separate document which is to be recorded concurrently with the map or on an additional map sheet that states: "Dust generated by the development activities shall be kept to a minimum with a goal of retaining dust on the site. Follow the dust control measures listed below:
 - a. During clearing, grading, earth moving, excavation, or transportation of cut or fill materials, water trucks or sprinkler systems are to be used to prevent dust from leaving the site and to create a crust after each day's activities cease.
 - b. During construction, water trucks or sprinkler systems shall be used to keep all areas of vehicle movement damp enough to prevent dust from leaving the site. At a minimum, this would include wetting down such areas in the later morning and after work is completed for the day and whenever wind exceeds 15 miles per hour.
 - c. Soil stockpiled for more than two days shall be covered, kept moist, or treated with soil binders to prevent dust generation."

Plan Requirements: All requirements shall be shown on grading and building plans.

Timing: Condition shall be adhered to throughout all grading and construction periods.

Monitoring: The Department shall ensure that measures are indicated on the plans. Public Works Grading and Building inspectors shall spot check; Grading and Building shall ensure compliance on-site. Butte County Air Pollution Control District inspectors shall respond to nuisance complaints.

2. Place a note on a separate document which is to be recorded concurrently with the map or on an additional map sheet that states: "A plan prepared by a certified arborist, botanist or landscape architect that shows the existing on-site mature blue oak trees, located in any area proposed for buildings and vehicular access, and provides for methods to protect the trees identified to be preserved, shall be submitted for review and approval by the Planning Division prior to the issuance of building permits and/or prior to grading or vegetation removal. The removal of mature blue oak trees shall be minimized, where possible. A mature tree shall be defined as a tree with a trunk measuring 4 inches in diameter, 4 feet from ground level. Mature blue oak trees removed shall be replaced on a 3-to-1 ratio, utilizing existing oak tree stock. Each blue oak tree to be preserved shall be surrounded by a circular zone (minimum 40-foot radius) identified by an orange fence during construction activities. No vegetation removal, soil disturbance, or other

development activities shall occur within the fenced area.”

Plan Requirements: The above note shall be placed on the Final Map.

Timing: The Planning Division shall review and approve the tree plan prior to recordation of the Final Map.

Monitoring: The Department of Development Services and Public Works Department shall ensure the note is placed on the Final Map. Public Works Grading and Building inspectors shall spot check; Grading and Building shall ensure compliance on-site.

3. Place a note on a separate document which is to be recorded concurrently with the map or on an additional map sheet that states: “The building setback from the side and rear property lines shall be at least thirty (30) feet to satisfy Public Resources Code 4290 (Fire Safe Regulations).”

Plan Requirements: The required note shall be placed on the Final Map. The Fire Department and Public Works Department shall ensure that the note is placed on the Final Map.

Timing: At the time of building plan checking, building and site plans shall be checked for compliance with the condition.

Monitoring: The Building Division and the Planning Division shall check building and site plans for compliance prior to issuance of a building permit. Building inspectors shall ensure compliance by conducting an on-site inspection prior to the final inspection.

4. Place a note on a separate document which is to be recorded concurrently with the map or on an additional map sheet that states: “Fire suppression sprinkler systems shall be installed in all new residential structures in accordance with the National Fire Protection Association Standard for the installation of sprinkler systems in one and two family dwellings and mobile homes, NFPA Standard 13D, unless a pressurized

community water system, with hydrants that meet Fire Department specifications, serves the parcels.”

Plan Requirements: The note shall be placed on the Final Map.

Timing: Interior fire sprinkler systems shall be installed in all new residential structures at the time of building construction.

Monitoring: Building Division plan checkers shall ensure that the building plans for residential structures include interior fire sprinkler systems. Building inspectors shall ensure all residential structures have a functioning interior fire sprinkler system

prior to the final inspection, by conducting an on-site inspection.

5. Place a note on a separate document which is to be recorded concurrently with the map or on an additional map sheet that states: "A development impact fee for Sheriff's facilities shall be paid pursuant to the provisions of Chapter 3, Article II of the Butte County Code, prior to issuance of building permits. The fee amount will be determined and calculated as of the date of application for the building permit."
6. Place a note on a separate document which is to be recorded concurrently with the map or on an additional map sheet that states: "A development impact fee for school facilities shall be paid prior to issuance of building permits. The fee amount would be determined and calculated as of the date of application for the building permits."
7. Prior to recordation of the Final Map, pay any outstanding project-related processing fees, and/or Department of Fish and Game fees.

Land Development Division Conditions

8. Prior to or concurrently with the recordation of the Parcel Map, provide a fully executed road maintenance agreement on a County-approved form.
9. Provide street name signs per requirements of the Department of Public Works prior to recordation of the Parcel Map. Street names shall be approved by the County Address Coordinator prior to the recordation of the Parcel Map.
10. Provide a cul-de-sac, designed and constructed to County standards as specified in the County Improvement Standards. The Parcel Map shall show the cul-de-sac.
11. Prior to the recordation of the Parcel Map, prove, to the satisfaction of the Director of Public Works, that there is approved access conforming to County standards to each parcel from a publicly maintained road.
12. The developer shall provide all necessary traffic safety signs including stop signs. A note shall be placed on a separate document which is to be recorded concurrently with the map or on an additional map sheet of the Parcel Map stating: "No public entity shall be responsible for the maintenance of the stop sign. In accordance with Civil Code Section 845, maintenance of the road, including the stop sign shall be shared by those properties with a legal interest in the private right-of-way or easement."
13. Pay the recording fees then in effect for recording the Parcel Maps and related documents.
14. Prior to recording the Parcel Map, provide two-way traversable access to each parcel from a County maintained road or from a state highway. Improve parcel frontage to RS-8 LD-III and access road to parcel being divided to RS-8 LD-II. Submit road and drainage plans to the Department of Public Works for plan checking and approval

prior to construction.

15. Prior to the recordation of the Parcel Map, obtain an encroachment permit and construct a standard S-18B road approach, in accordance with County Improvement Standards. Adequate sight distance at the intersection of access road and Ward Boulevard shall be provided.
16. Show on the additional map sheet of the Parcel Map a 50 ft. building setback from the centerline of the new road.
17. Show all easements of record on the Parcel Map.
18. Prior to or concurrently with the recordation of the Parcel Map, pay in full any and all delinquent, current and estimated taxes and assessments as specified in Article 8, of Chapter 4 of Division 2 of Title 7, of the California Government Code commencing with Section 66492.

Fire Department Conditions

19. Place a note on a separate document which is to be recorded concurrently with the map or on an additional map sheet that states: "Building identification and/or addresses shall be installed in conformance with Public Resources Code 4290 and shall be posted at the beginning of building construction and maintained continuously thereafter."
20. In lieu of hydrant installation, payment may be made into the OWID hydrant fund at a cost of \$1.72 per lineal foot of street frontage prior to recordation of the final map. The estimated fee amount is \$1,050.92.
21. Place a note on a separate document which is to be recorded concurrently with the map or on an additional map sheet that states: "Construction, installation or development of structures or facilities on the parcels/lots shall comply with the latest Fire Safe Regulations (Public Resources Code 4290), and all other applicable State and County codes, ordinances and regulations in effect at the time of application for improvement permits."
22. Place a note on a separate document which is to be recorded concurrently with the map or on an additional map sheet that states: "Building identification and/or street addresses shall be installed in conformance with Public Resources Code 4290 and shall be posted at the beginning of building construction and maintained continuously thereafter."

County Counsel

23. 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 subdivider other than the applicant, agrees to indemnify the County of Butte 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.

Environmental Health

24. Identify on the additional map sheet the usable sewage disposal area proven to meet the requirements of County Improvement Standards Appendix VII. Combine with adjacent parcels any parcel not proven to contain the usable sewage disposal area.
25. Prior to recordation of the final map provide a letter from O.W.I.D. stating that they are willing and able to supply domestic water to Parcel 1.
26. Place a note on the additional map sheet that states: "Development of Parcel 1 will require connection to a public water supply."

II. NOTATION

- A. Minor changes may be approved administratively by the Directors of Development Services, Environmental Health, or Public Works upon receipt of a substantiated written request by the applicant, or their respective designee. Prior to such approval, verification shall be made by each Department or Division that the modification is consistent with the application, fees paid and environmental determination as conditionally approved. Changes deemed to be major or significant in nature shall require a formal application for amendment.

There is a 15-day appeal period on all decisions with the Clerk of the Board

- 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 A, B, & C may not always be addressed at every hearing, but will always be listed as part of the agenda.*

- A. Directors' Report

Ms. Christopher gave an update on staff recruitment.

Ms. Christopher said the General Plan update is progressing. She said they are working on the policy document and hope to have it to the Board on April 12, 2005 so the Board can determine if they want to release the document to the public.

Chairman Marin asked if people who work in the County have to live in the County.

Ms. Christopher said no. There was a brief discussion on what was being done to hire an Assistant Director and Planning Manager.

B. General Plan/Zoning Ordinance Update

Ms. Christopher said the three Zoning Code Amendments heard at the Commission will be going to the Board on March 22, 2005. She said that Public Works is working on a number of ordinances that actually affect multi-agencies. One has to do with the flood plains administrator duties and one has to do with grading and erosion control.

Mr. Wannemacher said he has not seen these ordinances, but they will only come to the Commission if they impact the work done here. He said the grading ordinance might come to the Commission.

Commissioner Nelson asked the status on the M & T mining project.

Mr. Wannemacher said the applicants met with the Department of Conservation and worked out an arrangement whereby they could attempt to get a partial cancellation on some of the property. He said M & T has not applied for the partial cancellation with the County as yet.

Commissioner Leland discussed the findings needed for an immediate cancellation of a Williamson Act contract.

Chairman Marin asked the status of the Sobrero project.

Ms. Christopher said the project has been continued because the Board wanted more information on the "unusual circumstances" to reduce the 300-foot setback.

Mr. Michelena said it is for the applicant to prepare information before the meeting to justify why they have "unusual circumstances" in this case.

Ms. Christopher discussed another project adjacent to Paradise that has the 300-foot buffer issue. She said she has been talking at staff level about bringing the older projects forward for denial to clean up some of the work load. She said that Butte County has a history of trying to work with applicants and has tried not to just run them through the process and bring them to the Commission for denial.

Chairman Marin said that he has tried to help people, and to establish a precedent that we are trying to help the public.

Mr. Wannemacher explained that a project, even if it is for denial, needs to come through the Commission because there are a lot of issues that can be worked out at this level before the item is appealed to the Board.

Commissioner Leland said he would like the Commission to spend time on the 300-foot issue.

Mr. Wannemacher said there are implementing guidelines being developed and when those are ready they will initially be presented to the Board stating that staff would like to send them out to the public agencies to review and the guidelines will then be brought before the Commission.

Commissioner Nelson said they are never going to make the 300-foot policy simple. He asked if staff was looking at some kind of variance process to handle the 300-foot buffer problem.

Mr. Wannemacher said there is a difference between the application for a ministerial project such as a building permit and the application for a discretionary project. He said if there is a problem with an existing lot and the lot is not enjoying the same development as surrounding parcels, they can look at a variance. He said the problem is with the new division of lands.

Mr. Price, Agricultural Commissioner, said he has looked at all aspects on the 300-foot buffer issue.

Chairman Marin asked why would they bring projects through the Commission if the only thing they can do is deny the application.

Ms. Christopher said there could be some issues that can be worked through and the possibility that the Commission could make findings for an approval.

Ms. Christopher announced that she has no plan checkers at this time and that she will be handling the small permits.

C. Legislative Case Law update

D. Planning Commission Concerns

Chairman Marin wished Carl Durling well from the Commission. Mr. Durling had been ill recently.

Commissioner Lambert asked if the conference was budgeted.

Ms. Christopher said there was money in this year's budget for this conference. She said the secretary would get the figures on how much there is and how many Commissioner's can go. She said in the next budget cycle, the conferences may be cut.

VII. MINUTES - February 24, 2005

It was moved by Commissioner Lambert, seconded by Commissioner Nelson, and unanimously carried to approve the minutes as presented.

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

IX. ADJOURNMENT

There being no further business, the Planning Commission adjourned at 10:20 a.m.

Chairman Marin

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