

BUTTE COUNTY PLANNING COMMISSION MINUTES
APRIL 14, 2005

- I. PLEDGE OF ALLEGIANCE:** The Meeting convened at 9:00 a.m.
- II. ROLL CALL: PRESENT:** Commissioners Lambert, Leland, Wilson, Nelson, and Chairman Marin
- ALSO PRESENT:** Yvonne Christopher, Director Development Services
Stephen Betts, Senior Planner
Felix Wannemacher, Deputy County Counsel
Doug Fogel, Environmental Health
Dan Breedon, Principal Planner

Commissioner Nelson was present after the Pledge of Alliance.

- 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)

Michael Evans, Evans Fun Works, thanked the Commission for their resolution of appreciation for his service on the Planning Commission and asked Ms. Christopher to take his picture with the Commission, Stephen Betts, and the clerk.

- 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

Nextel of California, Minor Use Permit to collocate 8 panel antennas at the 120-foot level and 4 panel antennas at the 98-foot level on an existing 140-foot tall communications monopole. A 54 square foot equipment cabinet is proposed to be placed at the base of the monopole. The property is zoned C-1 (Light Commercial) and is located on the north side of Nord Avenue (SR-32),

approximately 0.23 miles north of West Sacramento Avenue, at 1298 Nord Avenue, Chico. APN 043-200-005 (SB) (MUP 05-02)

Mr. Betts gave a brief summary of the project.

The hearing was opened to the public.

Doug Murphy, of Nextel, said he was here to answer questions. He said he reviewed and agreed to the conditions. He discussed this being the last addition to this particular pole.

Commissioner Lambert asked if the 140 foot pole could be heightened in the future.

Mr. Murphy said it was hard to say, but he did not think so.

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

It was moved by Commissioner Lambert, seconded by Commissioner Nelson, and unanimously carried to approve the Minor Use Permit for Nextel of California, subject to the findings and conditions listed below:

- I. Find that this project is exempt from the provisions of the California Environmental Quality Act under Section 15311. Section 15311 consists of construction of minor structures accessory (appurtenant) to existing facilities. Antennas placed on an existing communications monopole are considered to be accessory structures. The payment of fees pursuant to Fish and Game Code Section 711.4 and 14 CCR 753.5 are not required.
- II. Approve Minor Use Permit 05-02 for Nextel of California, subject to the following findings and the conditions in Exhibit "A":
 - A. The proposed location, size, design, and operating characteristics of the proposed use are in accordance with the purpose of this Ordinance, the purpose of the zone in which the site is located, the Butte County General Plan, and the development policies and standards of the County because:

Conditions of approval have been applied to this project pursuant to the applicable requirements of Section 24-262 (Wireless Communication Facilities). The project is in accordance with the purpose of the zone in which the land lies and the Butte County General Plan because the project site is designated Commercial and is zoned C-1. The Commercial land use designation allows public utilities as Secondary Uses. The C-1 zone allows collocations with approval of a Minor Use Permit.
 - B. The location, size, design, and operating characteristics of the proposed use would be compatible with, and would not adversely affect, or be detrimental to adjacent uses, residents, buildings, structures, or natural resources, with consideration given to:
 1. Harmony in scale, bulk, coverage, and density:

The proposed antennas would not increase the height of the existing communications monopole or extend horizontally beyond the existing antennas.

2. The availability of public facilities, services and utilities:

Electrical power service is already established to the property and no additional services or utilities are required. A water source and a sewage disposal system are not required.

3. The harmful effect, if any, upon desirable neighborhood character:

The project site is already developed with a 140-foot tall communications monopole and accessory ground mounted equipment cabinets and shelters. The radio-frequency emissions from the existing and proposed antennas would meet FCC standards for public exposure. The proposed antennas would not result in a significant visual impact to the neighborhood. The proposed antennas to be mounted on the existing monopole would not have a harmful effect upon the neighborhood character.

Only a minor amount of vehicle traffic would be generated during installation of the antennas and equipment cabinet. The communications facility would be unmanned and only one to two site visits per month would be required after installation of the antennas and equipment cabinet. The proposed antennas and the equipment cabinet would not generate any significant noise levels.

4. The generation of traffic and the capacity and physical character of surrounding streets:

The project would result in approximately one to two site visits per month by maintenance personnel. Nord Highway (SR-32), which would provide access for the project site, would not be impacted by this increase in vehicular traffic.

5. The suitability of the site for the type and intensity of use or development which is proposed:

The site is ideally suited for the project because the proposed antennas would be mounted on an existing communications monopole.

6. Any other relevant impact of the proposed use:

The Planning Division has circulated the proposed communication facility application to County Agencies, Caltrans, and the City of Chico, and has received no evidence that the use would cause any other relevant impact.

- C. Based on the above findings, the proposed location, size, design, and operating characteristics of the proposed use and the conditions under which it would be operated or maintained would not be detrimental to the public health, safety, or welfare, or injurious to properties or improvements in the vicinity.

- D. The proposed use will comply with each of the applicable provisions of Butte County Code Chapter 24, Section 262.
- E. This project would place antennas on an existing communications monopole, which eliminates the need for a new communications tower/monopole to be erected elsewhere in the project area.
- F. The radio-frequency emissions generated by the antennas on the communications monopole would be below the public exposure limits set by the Federal Communications Commission for wireless communication facilities.
- G. The proposed antennas would not create any impacts to aircraft operations because they will not increase the height of the existing communications monopole nor extend horizontally beyond the existing antennas.
- H. Wireless telephone services are regulated by the California Public Utilities Commission and are considered to be a public use.

Conditions of Approval:

Planning Division

1. The project site shall be developed in accordance with the approved project site plan and the conditions contained herein. Said site plan is on file in the Planning Division, is identified as "Attachment E" and date-stamped December 29, 2004, and is incorporated herein by this reference.
2. The Facility must meet or fall within current standards and regulations of the FAA, the FCC, the County, and any other agency of the Federal or State government with the authority to regulate such Facilities.
3. The installation of the Facility shall comply with all applicable building and electrical codes. The Facility operator shall submit certification from a registered structural engineer to the Building Division that all associated monopoles and towers in excess of thirty (30) feet in height will withstand sustained winds as required by the Uniform Building Code.
4. No advertising or display shall be permitted on the Facility.
5. The placement of any antenna or structure shall not adversely affect any on-site sewage disposal system or its repair area without written approval from the Division of Environmental Health.
6. The installation of the Facility shall not violate any existing deed restrictions.
7. The Facility shall have a twelve (12) foot wide all-weather access to a publicly maintained road capable of supporting a forty thousand (40,000) pound fire apparatus with fifteen (15) feet of vertical clearance.
8. There shall be no outdoor vehicle or equipment storage except for emergency purposes.

9. The Facility shall fall within current standards and regulations of the FAA, the FCC, and any other State and/or Federal agency with the authority to regulate such Facility. If such standards and regulations are changed, the property owner or responsible party shall bring the Facility into compliance with such revised standards and regulations within ninety (90) days of the effective date of such standards and regulations, unless a more stringent compliance schedule is mandated by the controlling agency.
10. The Facility or combination of the Facilities on the site shall not generate, at any time, electromagnetic frequency radiation (EMF) or radio frequency radiation (RF) in excess of the FCC adopted standards for human exposure, as amended over time.
11. If it is found that the Facility is or will be detrimental to the health, safety, or welfare of persons working or residing near such facility, then the service provider(s) and property owner shall be jointly and solely responsible for the removal, adjustment, or replacement of the Facility. In no case shall the Facility remain in operation if it is found to create a hazard to health, safety, and welfare. The Facility shall not be found to create a hazard to health, safety, or welfare as a result of EMF or RF emissions from the Facility so long as it meets all current standards established by the FCC, pursuant to FCC OET 65.
12. Prior to issuance of the Minor Use Permit, the applicant shall post a performance security in an amount and form determined by the Director of Development Services that is sufficient to cover the cost of a one-time test by a radio frequency consultant selected by the County, sufficient to determine whether the Facility's RF/EMF emissions comply with FCC standards. If the Facility's emissions are determined to exceed FCC standards, the applicant is required to pay for such other tests and other corrective measures as are necessary to establish compliance with FCC OET 65 and its successors and such noncompliance shall constitute sufficient grounds to commence a permit revocation hearing which may lead to permit revocation. The applicant shall cooperate in all respects with the County's consultant to assist the consultant to reach his/her conclusion.
13. All Facilities that are not in continual use for a period of six (6) months shall be considered abandoned. Abandoned Facilities are hereby designated as unlawful and as public nuisances, requiring no amortization period.
14. The Facility may not encroach into, under, over, above, or upon any public street in the unincorporated area of the County in the absence of a valid encroachment permit from the County.
15. The owner/operator of the Facility shall annually submit a written verification, attested to under penalty of perjury, signed by both the owner/operator and an FCC licensee in the employ of or retained by the owner/operator, that the radio frequency radiation/electromagnetic frequency (RF/EMF) emitted by the facility conforms to safety standards set forth in FCC OET 65. The reports prepared for the Facility shall conform to reporting requirements set by the FCC and the County. The reports shall be submitted to the Planning Division no later than January 31 of each year.
16. The Facility shall be secured at all times to prevent access by the public.

Environmental Health Division

17. Prior to issuance of a building permit, provide a completed Hazardous Materials and Emissions Questionnaire.

County Counsel

18. 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.

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

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George Kerley, Tentative Parcel Map dividing a 24.94-acre parcel into 2 parcels of 10 and 14.94 acres. The property is located at the terminus of Golddigger Lane, approximately 1,750 feet south of Foothill Boulevard at 3546 Foothill Boulevard, Oroville. APN 036-220-158 (DB) (TPM 04-11)

Mr. Breedon gave a brief summary of the project. He made the following corrections to the Agenda Report: Add a condition to read "No oak trees will be removed as a part of this project."; in the Initial Study there is a finding that the California Department of Fish and Game fees are applicable to the project, but the Agenda Report indicates that Fish and Game fees are not applicable, so he changed Page 4, Finding II, to read "Find that Department of Fish and Game fees are required pursuant to Department of Fish and Game Code Section 711.4 and 14CC&R 753.5 due to the potential impact to riparian resources." He explained the reason for this change. He said the following changes were recommended by Public Works: Page 6, Condition 1 under Plan Requirements: add to the end "and on additional map sheet." and under Monitoring: delete the word "Grading"; Page 7, Condition 2, under Plan Requirements: add to the beginning "Placement of note on map sheet"; Page 8, Condition 4, under Plan Requirements: delete "Recorded Map" and insert "additional map sheet".

Mr. Wannemacher said on Page 7, Condition 2, the monitoring language should be changed to match the wording in the Initial Study as follows: "The Planning Division shall ensure compliance through routine inspections and review."

Mr. Fogel said on Page 10, Condition 22, he would like "leach field" to be one word and the word "free" added after leachfield.

Mr. Breedon continued with the corrections by Public Works. Page 9, Condition 18, under Plan Requirements: change "final map" to "additional map sheet"; Page 10, Condition 19, under Plan Requirements: change "Parcel Map" to "additional map sheet" and "final map" to "additional map sheet."

Commissioner Leland asked when the trees were removed.

Mr. Breedon said the trees were removed when the mobile home was installed for a second dwelling. He said at the time the application was deemed complete the trees had already been removed.

Commissioner Lambert asked staff to go over the Oroville Urban Reserve requirements and do they only apply to the 10 acre minimum, or is there anything to do with streets or drainage, etc.

Mr. Breedon said only if they go below 10 acres. He said if the density is higher than 10 acres, the Urban Reserve policy states that they would need the urban services in place.

In answer to a question by Chairman Marin, Mr. Breedon explained the requirement for the Fish and Game fees to protect the riparian habitat.

The hearing was opened to the public.

Mike Evans, Evans Fun Works, said they reviewed and agree to the changes to the conditions. He said that the oak trees were removed prior to the Initial Study. He asked that Condition 17 be deleted as this has already been established as a legal parcel. He said this is a legal parcel of a prior parcel map.

Chairman Marin said he had no problem with deleting the condition if County Counsel agrees.

Ms. Christopher agreed that the condition was redundant and could be deleted.

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

It was moved by Commissioner Leland, seconded by Commissioner Lambert, and unanimously carried to approve the Tentative Parcel Map for George Kerley subject to the findings and conditions listed below with the following changes: Finding II change to read "Find that Department of Fish and Game fees are required pursuant to Department of Fish and Game Code Section 711.4 and 14CC&R 753.5 due to the potential impact to riparian resources." Page 6, Condition 1 under Plan Requirements: add to the end "and on additional map sheet." and under Monitoring: delete the word "Grading"; Page 7, Condition 2, under Plan Requirements: add to the beginning "Placement of note on map sheet"; Page 8, Condition 4, under Plan Requirements: delete "Recorded Map" and insert "additional map sheet". Page 7, Condition 2, the monitoring language should be changed to match the wording in the Initial Study as follows: "The Planning Division shall ensure compliance through routine inspections and review."; delete Condition 17 and re-number the remaining conditions; Page 9, Condition 18, under Plan Requirements: change "final map" to "additional map sheet"; Page 10, Condition 19, under Plan Requirements: change "Parcel Map" to "additional map sheet" and "final map" to "additional map sheet."; Page 10, Condition 22, he would like "leach field" to be one word and the word "free" added after leachfield;

Mr. Wannemacher added another correction to the motion to add to Finding I C that "The custodian of the records is the Land Development Division of Public Works which is located at 7 County Center Drive, Oroville."

This addition was accepted by Commissioner Leland and Commissioner Lambert.

The motion with the amendment was approved unanimously.

- 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 George Kerley, Planning Division File No. TPM 04-11, would have a significant effect on the environment. The custodian of the records is the Land Development Division of Public Works which is located at 7 County Center Drive, Oroville.
 - D. The proposed Mitigated Negative Declaration reflects the independent judgment and analysis of the County, which is the Lead Agency.
- II. Find that Department of Fish and Game fees are required pursuant to Department of Fish and Game Code Section 711.4 and 14CC&R 753.5 due to the potential impact to riparian resources.
- III. Approve Tentative Parcel Map 04-11 for George Kerley, subject to the conditions found in Exhibit "A" and the following findings:
 - A. The proposed tentative subdivision 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.
 - B. The proposed tentative subdivision 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.
 - C. With the addition of Department of Public Work's Conditions #5 – 17 regarding access and drainage, and Environmental Health Division Conditions #21 – 24

regarding septic systems and wells, the project is physically suitable for the use and density of the proposed development.

- D. With the additions of California Department of Forestry/Butte County Fire Department Conditions #18 - 20 regarding compliance with the Fire Safe Regulations, fire hydrant identification, and other fire safety measures, the project conforms to the fire requirements of the Butte County Fire Department.
- E. The design and improvements of the project will not conflict with easements acquired by the public at large for access through or use of property within the proposed subdivision because the County does not own any public easements within the land division.
- 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 final map will not be allowed to be recorded.

EXHIBIT A

Tentative Parcel Map for George Kerley, TPM 04-11

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 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.

(Mitigation Measure # 1)

Plan Requirements: All requirements shall be shown on grading and building plans and an additional map sheet.

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

Monitoring: The Department of Development Services shall ensure that measures are indicated on the plans. Public Works and Building inspectors shall ensure compliance through routine inspection. 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 and on all building and site development plans which states, "Structures, dumping, fill material, vegetation removal and/or excavation shall not be allowed within the 50 foot *No Disturbance Setback* as depicted." The 50 foot "No Disturbance Setback" shall be measured from the top of bank or outer edge of the riparian vegetation along the unnamed tributary of Wyman Ravine, whichever is greater. Limited vegetation removal necessary for flood control is permissible within the "No Disturbance Setback;" however, all living and thriving native trees shall be retained and all vegetation removal shall be approved by the Department of Fish and Game prior to removal. (Mitigation Measure #2)

Plan Requirements: Place a note on map sheet and avoidance of the 50 foot No Disturbance Setback along the unnamed tributary of Wyman Ravine. All requirements shall be shown on grading and building plans.

Timing: The Mitigation Measure shall be in effect during all times of road construction and subsequent development of single family dwellings.

Monitoring: The Planning Division shall ensure compliance through routine inspection and review.

3. Place a note on a separate document which is to be recorded concurrently with the Final Map or on an additional map sheet and on all building and site development plans that states: "Should grading activities reveal the presence or prehistoric or historic 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 immediately cease until a qualified professional archaeologist can be consulted to evaluate the find 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 the 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 # 4)

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

Timing: This measure shall be implemented during all site development activities.

Monitoring: Should cultural resources be discovered, the landowner shall notify the Planning Division and a professional archaeologist. The Planning Division shall coordinate with the developer and appropriate authorities to avoid damage to cultural resources and determine appropriate action. State law requires the reporting of any human remains.

4. 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: “Limit earthwork to the period between April 1 and Nov. 15, unless an erosion control plan prepared by a registered civil engineer or other qualified professional is provided for wet weather operations. All areas where the soil has been disturbed or where the vegetation has been removed shall be protected from erosion using standard erosion control methods accepted by civil engineers.” (Mitigation Measure # 5)

Plan Requirements: The required note shall be placed on the additional map sheet and on 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 the Final Map. Building inspectors shall spot check; and Building shall ensure compliance on-site.

Public Works

STREETS

5. Prior to, or concurrently with the recordation of the Parcel Map, provide a fully executed road maintenance agreement 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 to county standards 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, and offered for dedication and depicted on the Final Map.
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. Pay the recording fees in effect at the time the Parcel Map and related documents are recorded.
11. Prior to recordation of the Parcel Map, provide approved access to each parcel from a County maintained road or from a State highway. Improve parcel frontage to RS-8 LD-II., and access road to parcel being divided to RS-8 LDI.
12. Show on the additional map sheet of the Parcel Map a 50 ft. building setback from the centerline of Goldigger Lane.

DRAINAGE

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 required 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 the recordation of the Parcel/Final Map, demonstrate to the Department of Public Works that there is approved access conforming to County Code to each parcel from a publicly maintained road.
15. Show all easements of record on the Parcel Map.
16. 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.

Butte County Fire/California Department of Forestry

17. 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: “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).” (Mitigation Measure #6)

Plan Requirements: All requirements shall be shown on the additional map sheet map and on building plans.

Timing: Prior to construction of any new structure.

Monitoring: The Public Works Department and the Butte County Fire Department/CDF shall ensure that the required note is placed on the Final Map. Building Division plan checkers shall ensure that no plans are approved that shows a structure within the setback.

18. Place a note on a separate document which is to be recorded concurrently with the Parcel 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." Additionally this note is to be added to all building plans. (Mitigation Measure #7)

Plan Requirements: The required note shall be placed on the additional map sheet. The Planning Division and the Public Works Department shall ensure that the note is placed on the additional map sheet.

Timing: The required installation shall be required at time of building permit issuance.

Monitoring: The Building Division shall ensure compliance during plan check.

19. 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 Section 4290 and shall be posted at the beginning of building construction and maintained continuously thereafter."

Environmental Health Division

LEACHFIELDS

20. Prior to recordation, Identify on the additional map sheet a 100-foot leachfield free setback from each existing well.
21. Prior to recordation, identify on the additional map sheet a 50-foot leachfield free setback from the drainage way on both parcels.

SEWAGE DISPOSAL AREAS

22. Identify on the additional map sheet usable sewage disposal areas proven to meet the requirements of County Improvement Standards, Appendix VII. Combine with adjacent parcels any parcel not proven to contain usable sewage disposal area.
23. Identify on the additional map sheet that no water well may be located within 100 feet of the usable sewage disposal area on all parcels.

County Counsel

24. 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.

Processing Fees

25. Prior to recordation of the Final Map, pay any outstanding project-related processing fees, and/or Department of Fish and Game fees.

Development Impact Fees

26. Place a note on the Final Map stating the following: “Residential development impact fees are collected at time of building permit issuance and are used to fund library, general government, sheriff, and fire facilities, Sheriff Jail Facilities and for road improvements, in accordance with the Butte County Code.

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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- 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 handed out a copy of the power point presentation on the General Plan update that she gave to the Board of Supervisors Tuesday. She said the biggest change was in the Noise Element, but that other changes are stylistic such as changing “will” to “shall” throughout the document. She discussed the up coming schedule of public meetings and hearings. She explained how they are going to collect feedback. She said she will be taping the public meetings.

Commissioner Lambert said she had read part of the material sent to them and found a lot of “should” that should be changed to “shall” also in the document.

Ms. Christopher said that type of change will be handled in Phase II.

Commissioner Leland noted that a lot of the policies in the existing General Plan are vague.

Ms. Christopher said the General Plan policies need to be black and white. She said they need to be able to enforce the General Plan.

Commissioner Lambert agreed that they need to have a dependable document.

B. General Plan/Zoning Ordinance Update

Ms. Christopher gave an update of what the Board did on adopting the three ordinances; i.e., nonconforming, sign, and second dwelling. She said the nonconforming ordinance was adopted as per the Commission's recommendation. She said she will be bringing back a Code Amendment on nonconforming to change the side yard setback from 10 feet to 5 feet and to look at whether there should be a building envelope or not. She said on the sign ordinance the Board did not set height or size limits on pole signs. She said if they are on commercial property next to residential property, they will require a use permit. On the second dwelling ordinance, the Board went with no difference between rural and urban, they wanted drainage reviewed always, unlimited on the size of the second dwelling and they did not require double the acreage in rural areas.

She noted that a Zoning Code Amendment to the A-R zone for medical clinics will be coming forward.

It was noted that since the Consent Agenda was eliminated it should be deleted from the By-Laws as well.

C. Legislative Case Law update

D. Planning Commission Concerns

1. Discussion – Change of location for the May 12, 2005, Planning Commission meeting to the City of Oroville Council Chambers.

It was moved by Commissioner Nelson, seconded by commissioner Lambert, and unanimously carried to move the location of the Planning Commission meeting for May 12, 2005, to the City of Oroville Council Chambers, 1735 Montgomery Street, Oroville, CA.

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Commissioner Lambert said she had received information on the fall conference and asked if there were the funds available to attend.

Ms. Christopher said she did not know at this time, but would report back at the next meeting.

VII. MINUTES - None

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 10:17 a.m.

Chairman Marin

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