

BUTTE COUNTY PLANNING COMMISSION MINUTES
MAY 26, 2005

- I. PLEDGE OF ALLEGIANCE:** The Meeting convened at 9:00 a.m.
- II. ROLL CALL: PRESENT:** Commissioners Leland, Wilson, Nelson, and Chairman Marin
- ABSENT:** Commissioner Lambert
- ALSO PRESENT:** Felix Wannemacher, Deputy County Counsel
Doug Fogel, Environmental Health
Stu Edell, Public Works
Dan Breedon, Principal Planner
Mark Michelena, Associate Planner
Carl Durling, Associate Planner

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.

Commissioner Leland said he would like to move Items D & E to the beginning of the agenda because he has to leave at 11:00 a.m.

It was moved by Commissioner Leland, seconded by Commissioner Wilson, and unanimously carried to move Item D & E to the beginning of the agenda.

- 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.

Kewel Khangura (Item determined to be categorically exempt from environmental review),
Legal Lot Determination/Certificate of Compliance on property zoned A-40 (Agricultural –

40 acre parcels). The property is located at the northeast corner of Larkin Road and Chandon Avenue, southeast of Gridley. APN 024-200-053, 055 (CD) (DET 04-05)

Mr. Durling gave a brief summary and background of the project. He did a power point presentation. He said it is the County's position that a canal that is for the transport of water is the same as a road for the transport of vehicles.

Mr. Wannemacher added the following Item I. D. to read: "Direct the Department of Public Works to include the following statement on the Certificate of Compliance legal description, "The herein described Lots 21, 22, and 23, including the land lying on both sides of the canal, are merged as one and constitute one single parcel of real property for the purposes of sale, lease or finance."

Commissioner Nelson was present at this time.

The hearing was opened to the public.

John Christofferson, GDA, said they were here today to discuss the non-approval of the application as submitted to Development Services. He said he is not here today to argue the Gardner vs. Sonoma issues of this project. He said Mr. Durling did a good job of explaining how the conveyances were made earlier. He said it wasn't until 2003 that the Gardner vs. Sonoma decision came down and said that what was done in the past was illegal. He said he has a problem with the Gardner vs. Sonoma decision. He said that in the early 1900's the owner of the Shannon Ranch conveyed a strip of land to a farming company. He said the strip of land was 80-foot wide and bisected the lands that are now owned by Mr. Khangura. He said the conveyance was in fee title. He believed this action would bisect the ownership. He said the Subdivision Map Act does not speak to this issue very well. It states that "Lands are not divided by streets, roads, or railroads." It does not address strips of land that are conveyed in fee title to other entities. He explained that roads and railroads were mostly given by easements, giving someone the right to use the property, but not own it. He mentioned that he asked the Sutter County Counsel their opinion on the interpretation. He said Counsel at Sutter County disagreed with Butte County Counsel. He said it is his opinion that by the conveyance of the canal strip it bisects the ownership and did so because the sale of the land was in fee title. He said that staff is recommending approval for 1 parcel, and it is his contention that there are 2 parcels and that is what their application is for.

Commissioner Leland said in his opinion a physical barrier between the sides of the property does not create separate parcels. He said the concept seems the same to him whether it be a canal or a road. He said he did not see this as two parcels.

Commissioner Nelson said he was concerned with using this as one contiguous parcel to farm.

Mr. Christofferson explained fee title ownership.

Commissioner Leland said right or wrong the County has rules for subdividing parcels. He said that stating that this is two parcels would be a way to circumvent those rules.

Mr. Christofferson said the strip was deeded in 1911 and this situation has existed for over 90 years. He said this application has been at the County for the past 19 months.

Mr. Wannemacher said one of the issues the Commission needs to discuss is the canal. He said a similar canal issue was raised in Glen County and the question was whether canal strips granted in fee, separate property or made the property non-contiguous. He said the Attorney General's office determined that property on either side of a strip of land that was for canal purposes did not lose contiguity. Section 66424 of the Subdivision Map Act was discussed. He said in this case you have a long strip of land that bisects hundreds of properties in two counties and it's not just a fee grant that separates off two parts of one individual's property. He said the other issue is what the applicant asked for in the first place. He said Public Works has, from the beginning, asked for clarification from the applicant as to whether they were asking for one or two parcels.

Mr. Durling said under the application it states the site size is 57.8 acres.

Mr. Christofferson said he was familiar with the Attorney General's opinion on the Glen County situation. He said the application is clear that there is a Parcel A and a Parcel B with separate legal descriptions.

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

Chairman Marin said it concerned him that there was two different opinions from two different counties. He felt they should all be on the same page.

Commissioner Leland said this case is legislation driven. He said it was his inclination to approve this for the one parcel and not for two separate parcels. He said they should accept the application as asking for two separate parcels, but deny the application because creating the canal did not separate the parcels back in the 1900s.

Commissioner Wilson asked if the property has always been under one ownership.

Mr. Wannemacher said he believed it has been under the same ownership.

It was moved by Commissioner Leland, seconded by Commissioner Nelson, and unanimously carried to approve the Legal Lot Determination and Conditional Certificate of Compliance for Kewal S. Khangura, DET 04-05, subject to the following findings and conditions, clarifying that this is for one parcel, adding I. D. to read: "Direct the Department of Public Works to include the following statement on the Certificate of Compliance legal description "The herein described Lots 21, 22, and 23, including the land lying on both sides of the canal are merged as one and constitute one single parcel of real property for the purposes of sale, lease or finance."

- A. This project is exempt from environmental review under the General Rule exemption Section 15061(b)(3). This section states that CEQA applies only to projects which have the potential for causing a significant effect on the environment. Because the project is exempt from the provisions of CEQA, the payment of fees pursuant to Fish and Game Code Section 711.4 and 14 CCR 753.5 is not required.
- B. DEPICTED Parcels "A & B", having a total of 57.8 acres, are one legal parcel, encompassing Lots 21, 22 and 23 of the Chandon Ranch map recorded May 11, 1908 at Book 6, Page 97, Official Records of Butte County Recorder's office, excepting the Canal recorded in Book 120 of Deeds, page 61.

- C. Lots 21, 22 and 23 were conveyed by Grant Deed recorded in the Official Records of Butte County at 94-33299, on August 8, 1994. This parcel was created in violation of the Subdivision Map Act and County Code. This is the only parcel entitled to a Certificate of Compliance.
- D. The herein described Lots 21, 22, and 23, including the land lying on both sides of the canal are merged as one and constitute one single parcel of real property for the purposes of sale, lease or finance.

EXHIBIT A

Legal Lot Determination/ Conditional Certificate of Compliance on APN 024-200-053, DET 04-05

I. APPROVAL:

- 1. Pay the recording fee in effect at the time the Conditional Certificate of Compliance is recorded. The current fee is \$7.00 for the first sheet plus \$3.00 for each additional sheet. The estimated current cost for recording this Certificate is \$13.00 with conditions. This cost estimate is based on 1 page notification (first sheet), 1 page of legal description attached as Exhibit "A", and 1 page of conditions attached as Exhibit "B".

County Counsel

- 2. If this entire matter or any finding, action or condition of this matter is appealed to the Board of Supervisors, the applicant or any other developer/operator other than the applicant agrees to defend, indemnify and hold the County of Butte harmless from liability or loss related to the approval of this project and agrees to sign an indemnification agreement in a form approved by County Counsel before the Board's appeal hearing. If the application is not appealed, this condition is deemed satisfied

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

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Oscar Lacs, proposed **Negative Declaration** with mitigation measures regarding environmental impacts and **Tentative Parcel Map** to divide a 5.02-acre parcel into four parcels, two at 1.01 acres, one at 1.15 acres, and one at 1.8 acres on property zoned A-R (Agricultural Residential). The property is located on the southwest corner of Oakvale Avenue and Gopher Road, east of Oroville. APN 068-360-126 (CD) (TPM 04-24)

Mr. Durling gave a brief summary of the project.

Commissioner Nelson asked how staff was dealing with the lineament (unidentified fault line).

Mr. Durling said there is a 60-foot no-development area along the fault.

Mr. Fogel added "a" under Condition 29 to read: "Prior to recordation show on an additional map sheet Lots 1, 2, 3, & 4 are required to be connected to public sewer and public water."

Mr. Durling noted that the fault line was not active. He said the area also functions as a drainage swale.

The hearing was opened to the public.

Mike Evans, Evans Fun Works, said he read the staff report and had no issue with the conditions.

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

It was moved by Commissioner Leland, seconded by Commissioner Nelson, and unanimously carried to approve a Tentative Parcel Map for Oscar Lacs subject to the findings and conditions listed below adding an “a” to Condition 29 to read: “Prior to recordation show on an additional map sheet Lots 1, 2, 3, & 4 are required to be connected to public sewer and public water.”

- 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 Oscar Lacs, Planning Division File No. TPM 04-12, 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.
 - E. The Mitigated Negative Declaration regarding environmental impacts, with Mitigation Measures 1 through 7, are detailed in the Agenda Report dated May 26, 2005.
- II. The design of the proposed project improvements will have the potential to significantly impact oak woodland habitat. The collection of fees pursuant to Fish and Game Code Section 711.4 and 14 CCR 753.5 is required.
- III. Approve Tentative Parcel Map 04-24 for Oscar Lacs subject to the conditions found in Exhibit “A” and the following findings:
 - A. The proposed map is consistent with the Butte County General Plan Goals and Policies, particularly Land Use Element Policies:

- 3.2.a. Residential densities shall be correlated to soil, slope and other natural site characteristics.
- 3.2.b. Correlate residential densities to availability of water and sewage disposal and proximity to other public facilities.
- 3.2.c. Relate residential densities to intensity and compatibility of adjacent uses.
- 3.2.d. Balance residential densities with traffic-carrying capacities of existing and proposed circulation plans.
- 7.1.a. Consider fire hazards in all land use and zoning decisions, environmental review, subdivision review and the provision of public services.
- B. The design and improvements of the proposed land division are consistent with County standards and policies provided all conditions of project approval are complied with.
- C. The project is physically suitable for the use and density of the proposed development because the project site has gentle to moderate slopes not exceeding eight (8) percent, and the parcels will be served by public sewer and public water.
- D. The design and improvements of the project will not cause public health or safety problems due to the large parcel sizes, and because the project site does not contain any physical characteristics that could cause health or safety concerns with the provided mitigations.
- 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 provided the attached conditions are met.
- F. The project site is not located within a 100-year flood zone, or an Airport Compatibility Zone. The project has an unidentified earthquake fault zone which is mitigated by a 60 foot setback.
- G. Approval of this project will not be detrimental to the public health, safety, and welfare provided the required conditions and mitigation measures are complied with.

EXHIBIT A

Tentative Parcel Map for Oscar Lacs on APN 068-360-126, File # TPM 04-12: An application for a Tentative Parcel Map to divide a 5.02-acre parcel into four parcels, two at 1.01 acres, one at 1.15 acres and one at 1.8 acres.

I. CONDITIONS OF APPROVAL:

Planning Division

1. **Mitigation Measure # 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 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: The note shall be placed on the additional map sheet, or document to be recorded concurrently with the Parcel Map, and improvement plans. All requirements shall be shown on building plans.

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

Monitoring: The Planning Division and Public Works Department shall ensure the note is placed on the additional map sheet, or document to be recorded concurrently with the Parcel Map. Building inspectors shall spot check and shall ensure compliance on-site. Butte County Air Pollution Control District inspectors shall respond to nuisance complaints.

2. **Mitigation Measure #2:**

Prior to recordation of the Parcel Map, a tree plan prepared by a certified arborist, botanist or landscape architect shall be provided to the Planning Division. The Plan shall be prepared in accordance with the following:

- The applicant shall minimize the removal of trees deemed suitable for retention. The plan shall show the location of trees deemed suitable for retention, and trees to be removed.

- Factors used to assess suitability of trees shall include health, location (in relation to proposed improvements and adjacent residences), and size of the tree. Trees deemed to be unsafe or unhealthy shall be removed.
- Each tree to be preserved shall be surrounded by a tree zone identified by the drip line of the tree. An orange plastic fence or other suitable type of fence shall be used to identify the tree zone during construction activities.
- A minimum of 3 native trees shall be planted for each tree removed. The trees shall be planted in areas deemed appropriate by the Plan, considering future lot development, interference with residential foundations, fencing, roadways, driveways, and utilities.
- No vegetation removal, soil disturbance, or other development activities shall occur within the tree zone in order to protect root systems and minimize compaction of the soil.
- If any private or public subdivision road easement interferes with the tree zone of any tree deemed suitable for retention, the tree zone can be reduced to accommodate the easement.

Plan Requirements: No vegetation removal, grading, road construction, or other earthwork shall be permitted until the tree plan is submitted and approved.

Timing: The tree plan shall be submitted prior to site development and recordation of the Parcel Map.

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

3. **Mitigation Measure #3:**

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 the Department of Development Services is notified and 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”.

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: 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 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.

4. **Mitigation Measure #4:**

Show on an additional map sheet, or on a separate document which is to be recorded concurrently with the map, a 60-foot “No Disturbance Zone” along the designated Lineament Line shown on Parcels 1, 2, 3, and 4. The 60-foot “No Disturbance Zone” shall be measured from the Lineament course. Place a note on a separate document which is to be recorded concurrently with the map or on an additional map sheet that states: “Except driveway or road crossings, no structures, dumping, fill material, and/or excavation shall be allowed within the 60-foot “No Disturbance Zone” as depicted. Limited vegetation removal necessary for flood control is permissible within the “No Disturbance Zone.”

Plan Requirements: The above note shall be placed on the Parcel Map or on an additional map sheet.

Timing: Building plans shall show the boundaries of the No Disturbance Zone.

Monitoring: The Department of Development Services and Public Works Department shall ensure the note is placed on the Parcel Map or on an additional map sheet. Public Works

Grading, and Development Services Building inspectors shall spot check; Grading and Building shall ensure compliance on-site.

5. **Mitigation Measure # 5:**

Place a note 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 that states: "Structures constructed on Parcel 1 shall be designed to minimize grading and to utilize the existing grade to the extent feasible through the use of multi level structures."

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: This measure shall be implemented during plan check for building permits.

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 map or on an additional map sheet and all building plans and site development plans. Building inspectors shall spot check and shall ensure compliance on-site.

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

Land Development Division

7. 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."
8. All access rights shall be reserved by deed per County Ordinance, offered for dedication, and depicted on the Parcel Map. For each private access within the map boundary, place the following note on the Parcel Map: "approved road name 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 or concurrently with the recordation of the Parcel Map, relinquish abutter's rights of access to Butte County, along the Oakvale Ave. frontage of parcel 1, except at approved access points.
10. 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.

11. 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."
12. Prior to recordation of the Parcel Map, obtain an encroachment permit and improve all new and existing driveway approaches to publicly maintained roads as specified in the County Improvement Standards and the terms of the encroachment permit.
13. Prior to the recordation of the Parcel Map, obtain an encroachment permit and construct a standard S-18A road approach in accordance with County Improvement Standards. Adequate sight distance at the intersection of access road and Oakvale Ave. shall be provided.
14. Provide a cul-de-sac designed and constructed as specified in the County Improvement Standards. The Parcel Map shall show the cul-de-sac.
15. 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-9 LD-I and access road to parcel being divided to RS-9 LD-I.
16. Show on the additional map sheet of the Parcel Map a 50 ft. building setback from the centerline of Gopher Rd. and a 65 ft. building setback from the centerline of Oakvale Ave. based on Butte County Code Section 24-75 (A).
17. Prior to recordation of the Parcel Map, 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.
18. 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)."
19. Show all easements of record on the Parcel Map.
20. 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.

21. Pay the recording fees in effect at the time the Parcel Map and related documents are recorded.

Fire Department

22. **Mitigation Measure # 6:**

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: “The building setback from the property lines must satisfy Public Resources Code 4290 (Fire Safe Regulations).”

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. The Fire Department and Public Works Department shall ensure that the note is placed on the Parcel Map.

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

Monitoring: The Department of Development Services shall ensure the 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. The California Department of Forestry, Butte County Fire Chief, or designee, 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.

23. All buildings must conform to Public Resources Code 4291 (Fire Safe Regulations).
24. 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.
25. Fire hydrant identification, reflector or post reflectors shall be installed acceptable to the County Fire Chief.
26. **Mitigation Measure #7:**
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 required notes shall be placed a separate document, or on an additional map sheet, and on grading plans and building plans.

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

Monitoring: The Department of Development Services 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.

27. In lieu of hydrant installation, payment may be made into the SFWP (OWID) hydrant fund at a cost of \$1.72 per lineal foot of street frontage. The estimated fee amount is \$1221.12.

Environmental Health Division

28. Prior to recordation of the Parcel Map provide a letter or other documentation from the South Feather Water and Power Company stating that they are willing and able to supply domestic water to Lots 1, 2, 3 & 4.
29. Prior to recordation of the Parcel Map provide a letter or other documentation from Lake Oroville Area Public Utility District stating that they are willing and able to supply sewer service to Lots 1, 2, 3 & 4.
 - a. Prior to recordation show on an additional map sheet Lots 1, 2, 3, & 4 are required to be connected to public sewer and public water.

Pacific Gas and Electric

30. 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.
31. Place a note on a separate document to be recorded with the Parcel Map or on additional sheets that states: There shall be no building of structures, or the storage of any materials allowed over or under any existing PG&E facilities, or inside any easements that exist.

County Counsel

32. 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.

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Mr. Durling asked that Item C for Silveira be taken next out of order. The Chairman agreed.

Mark Silveira, proposed **Negative Declaration** with mitigation measures regarding environmental impacts and **Tentative Parcel Map** to create 3 residential parcels from a 0.66-acre parcel on property zoned A-R (Agricultural Residential). The property is located on the west side of 14th Street, approximately 300 feet south of Grand Avenue, at 1571 Fourteenth Street, Oroville. APN 030-110-076 (CD) (TPM 04-12)

Mr. Durling gave a brief summary of the project.

Mr. Wannemacher added to the end of I. C. the following: “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.” He corrected Condition 8 to delete “Prior to tentative approval” and add “Prior to recordation.”

The hearing was opened to the public.

Mark Silveira asked that this project be approved. He agreed with the conditions.

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

It was moved by Commissioner Leland, seconded by Commissioner Nelson, and unanimously carried to approve the Tentative Parcel Map for Mark Silveira subject to the findings and conditions listed below. Add to I. C. “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.” Change Condition 8 to read “Prior to recordation. . .”

- 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 Mark Silveira, Planning Division File No. TPM 04-12, 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.
 - E. The Mitigated Negative Declaration regarding environmental impacts, with Mitigation Measures 1 through 3, as detailed in the Agenda Report dated May 12, 2005.
- III. The design of the proposed project improvements will have the potential to significantly impact the Ruddy Creek habitat. The collection of fees pursuant to Fish and Game Code Section 711.4 and 14 CCR 753.5 is required.
- III. Approve Tentative Parcel Map 04-12 for Mark Silveira subject to the conditions found in Exhibit "A" and the following findings:
- A. The Agricultural Residential General Plan land use designation minimum parcel size is 20 acres. The resulting sizes of the project parcels are found to be consistent because they meet the following five General Plan criteria:
 - 1. Compatible with neighboring agricultural activities.
The Agricultural Commissioner determined that there are no adjacent agricultural operations and there are no adverse agricultural impacts.
 - 2. Evidence of adequate water and sewage disposal capacity.
The Butte County Environmental Health Division determined that the lots can be served by Thermalito Irrigation District for sewer and water.
 - 3. Availability of adequate fire protection facilities.
The Butte County Fire Department (CDF) determined that the project conforms to Department requirements.
 - 4. Adequately maintained approved road access with sufficient capacity to service area.
14th Street is a public road. The proposed lots will have frontage on 14th street.

5. Reasonable accessibility to commercial services and schools.

The project parcels are within 2 miles of commercial shopping and schools in Thermalito and Oroville.

- B. The design and improvements of the proposed land division are consistent with County standards and policies provided all conditions of project approval are complied with.
- C. The project is physically suitable for the use and density of the proposed development because the majority of the project site does not contain steep slopes, Ruddy Creek will not be impacted with implementation of Mitigation Measure #2, and the parcels will be served by public sewer and public water.
- D. The design and improvements of the project will not cause public health or safety problems due to the large parcel sizes, and because the project site does not contain any physical characteristics that could cause health or safety concerns with the provided mitigations.
- 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 provided the attached conditions are met.
- F. The project site is not located within an earthquake fault zone, but the westerly portion is located within a 100-year flood zone (easement for Ruddy Creek), and within zone C of the Airport Compatibility Zone but found consistent by the ALUC.
- G. Approval of this project will not be detrimental to the public health, safety, and welfare provided the required conditions and mitigation measures are complied with.

EXHIBIT A

Tentative Parcel Map for Mark Silveira on APN 030-110-076, File # TPM 04-12: An application for a Tentative Parcel Map to divide a 0.66-acre parcel into three parcels ranging in size from 0.183 to 0.281 acres on property zoned A-R (Agricultural Residential).

I. CONDITIONS OF APPROVAL:

Planning Division

1. **Mitigation Measure # 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:

- 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: 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. **Mitigation Measure #2:**

Place a note 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 that states: “All private uses, such as fencing or structures, which would impede water flow, are prohibited within the Ruddy Creek easement area reflected on the map, and recorded previously at Map Book 42, page 76.”

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: Requirements of the condition is permanent.

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 Parcel 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. Building inspectors shall spot check and shall ensure compliance on-site.

3. **Mitigation Measure #3:**

Place a note 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 that states: "Should any archaeological artifacts be discovered during construction or excavation, the Planning Division shall be notified immediately, and all work shall cease until a qualified archaeologist has examined the artifacts and the site and submitted his or her findings to the Planning Division, and recommended clearance to continue. Recommencement of construction

shall be upon the approval of the Planning Division.”

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..

Land Development Division

4. Prior to recordation of the Parcel Map, obtain an encroachment permit and improve all new and existing driveway approaches to publicly maintained roads as specified in the County Improvement Standards and the terms of the encroachment permit.
5. Prior to recordation of the Parcel Map, submit road and drainage improvement plans for the installation and construction of the street frontage improvements on 14th Street to RS-2A County Improvement Standards. Improve parcels 1, 2 and 3 Street frontage to a ½+ 12’ street section on 14th Street to an RS-2A road standard including, but not limited to curb, gutter and sidewalk for parcels with gross acreage of one acre or less.
6. Show on the additional map sheet of the Parcel Map a 20 ft. building setback from the ultimate right-of-way line of 14th Street based on Butte County Code Section 24-95.10(a).
7. Prior to recordation of the Parcel Map, 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.
8. Prior to recordation of the Parcel Map, establish 100 year flood plain elevations and the lowest floor elevations for any structures, in accordance with Butte County Code §26-25. Show on the additional map sheet the elevations (by contours) and the location of an accepted NGVD29 (National Geodetic Vertical Datum of 1929) benchmark and a temporary benchmark on-site.
9. Prior to, or concurrently with the recordation of the Parcel Map, pay the applicable drainage fees in effect at the time of recordation of the Parcel Map for the Thermalito drainage area.
10. Show all easements of record on the Parcel Map.
11. 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.

12. Pay the recording fees in effect at the time the Parcel Map and related documents are recorded.
13. Prior to the recordation of the Parcel Map, prove to the satisfaction of the Director of Public Works that the parcel to be divided is a legal parcel.

Fire Department

14. 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.
15. Place a note on a separate document which is to be recorded concurrently with the 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."
16. In lieu of hydrant installation, payment may be made into the TID hydrant fund at a cost of \$1.72 per lineal foot of street frontage. The estimated fee amount is \$233.13.
17. Provide an all weather access of at least 10 feet wide and with a vertical clearance of 15 feet that will accommodate a 40,000 pound fire apparatus to all structures

Environmental Health Division

18. Prior to recordation of the Parcel Map provide a letter or other documentation from the Thermalito Irrigation District stating that they are willing and able to supply domestic water to Lots 1, 2 & 3.
19. Prior to recordation of the Parcel Map provide a letter or other documentation from Thermalito Irrigation District stating that they are willing and able to supply sewer service to Lots 1, 2 & 3.
20. Place a note on the map that Parcel 1, 2 and 3 must connect to community sewer and water.

Pacific Gas and Electric

21. 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.
22. Place a note on the Parcel Map or on additional sheets that states: There shall be no building

of structures, or the storage of any materials allowed over or under any existing PG&E facilities, or inside any easements that exist.

Building Division

- 23. Relocate utilities to Parcel 1 that will serve the existing manufactured home.
- 24. Prior to recording the Parcel Map, obtain a building permit to either move the accessory building located on the south end of the existing parcel (on proposed Parcel 3) to proposed Parcel 1, or destroy the accessory building.

County Counsel

- 25. 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.

* * * * *

Juli White Reise (Item determined to be a General Rule Exemption from environmental review), Legal Lot Determination/Conditional Certificate of Compliance on property zoned TM-1 (Timber Mountain – 1 acre minimum). The property is located on the southeast corner of Lakeside Way and Forest Inn Drive, approximately 2,000 feet east of Oroville Quincy Highway, Berry Creek. APN 062-180-034 (MM) (DET 05-02)

Mr. Michelena gave a brief summary of the project and a power point presentation. He distributed a corrected staff report and a colored map of the site.

Commissioner Leland asked what the County’s interest was in requiring an abandonment of the easement.

Mr. Edell, Public Works, said the only way to develop the property with a single family residence is to abandon the easement to allow either placement of the residence or placement of the sewage disposal lines.

Commissioner Leland asked if the leachlines could be put under the easement.

Doug Fogel, Environmental Health, said the leachlines have to be maintained on the property. He said in this situation they try to keep the systems shallow because of the lake.

Mr. Edell said the right-of-way is for everyone in the subdivision to use and everyone would have to agree to the abandonment which is a difficult process.

Commissioner Leland said what the applicant has to do is a quiet title action and serve everyone in the subdivision. He felt that most of the people will not care about the abandonment and won't even answer and then the applicant would get a court order to approve the abandonment.

The hearing was opened to the public.

Julie Reise said that no one will ever use the easement because it serves no purpose. She described the property.

Commissioner Nelson asked if the Commission has the power to abandon the easement if they want to.

Mr. Edell said the Commission can not grant the abandonment because it was not granted to the public. The easement was not deeded to the public.

Commissioner Wilson asked if there was a road around the property.

Mr. Michelena said yes there are separate roads for access. He said the easement limits the County's ability to issue building permits, etc.

Commissioner Leland said the parcel needs to be developable before we can approve this application. He asked if the County needs to wait for a judge to grant an abandonment on the easement before Ms. Reise can build a home.

Ms. Reise said that no one would object to an abandonment.

Mr. Wannemacher discussed the notice process for people who have an interest in the easement that you intend to abandon. He said the Map Act requires that easements of record be placed on documents like this.

Mr. Edell said the Map Act requires they show all easements of record on parcel maps or subdivision maps prior to recordation, or that you specifically note that you are not showing the easements. He said this request is for a Certificate of Compliance which does not require the showing of the easements because there is no map to show them on.

Mike Beers said that Lake Madrone Water District deals with the roads.

Commissioner Nelson asked if the Water District could abandon the easement.

Mr. Wannemacher said he did not know if the Water District Board could make the decision to abandon the easement. He said the easements are held by the property owners.

Mr. Edell said the District Board owns the land, sub owners own the easement over the land.

Mr. Beers said his property does not show an easement in the deed over this property.

Commissioner Nelson said the Commission is doing everything they can do, but the applicant will need to get the abandonment.

Commissioner Leland said they need to do a quiet title action to get rid of the easement.

David Reise said it does not make sense that an item this small can be such a problem. He said he has been working on this for two years. He felt the Commission should be able to deal with this problem.

Commissioner Nelson explained that this is private property and a private easement. He said the Commission has no jurisdiction over the easement.

Mr. Edell commented that this parcel was created without County review or approval and that is why we are here today.

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

Chairman Marin concurred with Commissioner Leland that you should be able to put the leachlines under the road. He said there are leachlines and gas lines under roads in some places.

Commissioner Leland said it is different in this situation because of the proximity of the lake. There was a brief discussion on roads and utilities.

Mr. Edell explained that public utilities are allowed in public rights-of-way.

Mr. Wannemacher said they are reviewing this parcel today because it was created illegally. He discussed the size of the building envelop and the problems with needing the area of the easement in order to build.

Mr. Michelena corrected Condition 4 to change "60" to "40." He gave a summary of the exception request.

Mr. Edell said it makes sense to grant the exception to the right-of-way standard requirement of the Butte County Code to reduce the 60-foot right-of-way standard per the Code to the existing 40-foot right-of-way..

Mr. Wannemacher said that under II. E. it should read "Conditional Certificate of Compliance."

It was moved by Commissioner Leland, seconded by Commissioner Nelson, and unanimously carried to approve the Legal Lot Determination/Conditional Certificate of Compliance for Juli White

Reise subject to the findings and conditions listed below, changing II. E. to add “Conditional” before “Certificate”, and on Condition 4 change “60” to “40.”

I. Grant the exception request to reduce the required 60-foot right-of-way to the existing 40-foot right-of-way. In order for the property referred to in the petition to come within the provisions of this section (Butte County Code Section 20-4), the hearing body must find that all of the following facts apply with respect to the subject property;

A. That there are special circumstances or conditions of existing development affecting the property, which circumstances, conditions or development existed at the time the application for the map was determined or deemed to be complete.

The existing 40 foot right-of-way was approved through two previous subdivisions (Feather River Forest Homes Cascade Addition and Spring Valley Addition). The existing access road is private and improved to a higher standard, paved versus not paved, than would be normally required.

The existing development, parcels owned by other individuals and the lake would make it difficult to obtain the extra 20 feet of right-of-way to a publicly maintained road.

B. That the granting of the exception will not be detrimental to the public welfare or injurious to other property in the territory in which the property is situated.

The proposed Legal Lot Determination/Certificate of Compliance will allow for the potential development of one residential dwelling. The additional dwelling would not be detrimental to the public welfare or cause injury to the other property in the area.

II. Approve the Legal Lot Determination/Conditional Certificate of Compliance (DET 05-02), subject to the following findings and Conditions of Approval in Exhibit A:

A. The project is exempt from environmental review under the General Rule exemption Section 15061(b)(3). This section states that CEQA applies only to projects which have the potential for causing a significant effect on the environment. Because the project is exempt from the provisions of CEQA, the payment of fees pursuant to Fish and Game Code Section 711.4 and 14 CCR 753.5 is not required.

B. The entire parcel size of 0.38 (+) acres was in conformance with the Butte County General Plan at the time of creation.

C. Surrounding parcels created by the Feather River Forest Homes Cascade and Spring Valley Additions are similar or smaller in size than the project parcel.

D. The Conditional Certificate of Compliance for the parcel will not be detrimental to the health, safety and welfare of the surrounding area provided the property is merged into one single parcel of real property.

E. Direct the Department of Public Works to include the following statement on the Conditional Certificate of Compliance legal description “The herein described

parcels one and two are merged as one and constitute ONE single parcel of real property for the purposes of sale, lease or finance.”

EXHIBIT A

Legal Lot Determination/ Conditional Certificate of Compliance on APN, DET 05-02

I. CONDITIONS OF APPROVAL:

1. Pay the recording fee in effect at the time the Conditional Certificate of Compliance is recorded. The current fee is \$7.00 for the first sheet plus \$3.00 for each additional sheet. The estimated current cost for recording this Certificate is \$10.00 without conditions, \$13.00 with conditions. This cost estimate is based on 1 page notification (first sheet), 1 page of legal description attached as Exhibit “A”, and 1 page of conditions attached as Exhibit “B”.
2. Abandonment of an existing right-of-way easement (the old Forest Inn Drive), which was part of the Feather River Forest Homes Cascade Addition Subdivision (recorded February 2, 1930).

Public Works

3. Provide two-way traversable access to the parcel from a publicly maintained road or state highway as defined in the County Code.
4. Provide approved access to the parcel from a publicly maintained road or state highway in accordance with the County Code. Minimum easement width to be 40 feet.

California Department of Forestry

5. Place the following informational note on the Conditional Certificate of Compliance: “All new structures must meet Fire Safe Regulations of the Butte County Code and Public Resources Code 4290 and 4291.”

Agricultural Commissioner

6. Pay applicable Agricultural Commissioner’s application fee.

County Counsel

7. If this entire matter or any finding, action or condition of this matter is appealed to the Board of Supervisors, the applicant or any other developer/operator other than the applicant agrees to defend, indemnify and hold the County of Butte harmless from liability or loss related to the approval of this project and agrees to sign an indemnification agreement in a form approved by County Counsel before the Board's appeal hearing. If the application is not appealed, this condition is deemed satisfied

Commissioner Leland was absent at this time.

* * * * *

Chris Carter, Request for an Extension of Time for a Tentative Parcel Map to divide a 30-acre parcel into 29 residential lots ranging in size from 0.23 acres to 5 acres in three development phases on property zoned A-R (Agricultural Residential). The property is located on Oakvale Avenue, approximately 1,600 feet south of Hildale Avenue, Oroville. APN 068-360-116 (DB) (TSM 03-03)

Originally approved on: May 8, 2003
Two years to complete on: May 8, 2005
Grant five year extension to: May 8, 2010

Mr. Breedon gave a summary of the project. He said the conditions have been updated to reflect today's language. He said Public Works added two conditions 26 and 27 and Condition 23 was amended for street lighting. He said there was a late memo from the City of Oroville.

Mr. Wannemacher said he understood that Public Works is working with the City of Oroville to have more uniformed standards.

The hearing was opened to the public.

Tim Wood, Engineer, said he is just trying to get an extension to finish the subdivision. He said they do not anticipate taking the full 5 years to complete the project.

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

It was moved by Commissioner Nelson, seconded by Commissioner Wilson, and carried to approve a Time Extension to 2010 subject to the findings and conditions listed below:

- 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. The improvement standards required for this project have not changed since the initial approval of this tentative subdivision map.

I. CONDITIONS OF APPROVAL – CHRIS CARTER TSM 03-03

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.” **(Mitigation Measure #1)**

Plan Requirements: The note shall be placed on the Final Map. All requirements shall be shown on building plans.

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

Monitoring: The Planning Division and the Public Works Department shall ensure that the note is placed on the Final Map. Building inspectors shall spot check and shall ensure compliance on-site. Butte County Air Pollution Control District inspectors shall respond to nuisance complaints.

2. Prior to recordation of the Final Map, a tree plan prepared by a certified arborist, botanist or landscape architect shall be provided to the Planning Division. The Plan shall be prepared in accordance with the following:
 - The applicant shall minimize the removal of trees deemed suitable for retention. The plan shall show the location of trees deemed suitable for retention, and trees to be removed.
 - Factors used to assess suitability of trees shall include health, location (in relation to proposed improvements and adjacent residences), and size of the tree. Trees deemed to be unsafe or unhealthy shall be removed.
 - Each tree to be preserved shall be surrounded by a tree zone identified by the drip line of the tree. An orange plastic fence or other suitable type of fence shall be used to identify the tree zone during construction activities.
 - A minimum of four ornamental or native trees shall be planted per parcel after site development in areas deemed appropriate by the Plan, considering future lot development, interference with residential foundations, fencing, roadways, driveways, and utilities.

- No vegetation removal, soil disturbance, or other development activities shall occur within the tree zone in order to protect root systems and minimize compaction of the soil.
- If any private or public subdivision road easement interferes with the tree zone of any tree deemed suitable for retention, the tree zone can be reduced to accommodate the easement. **(Mitigation Measure #2)**

Plan Requirements: No vegetation removal, grading, road construction, or other earthwork shall be permitted until the tree plan is submitted and approved.

Timing: The tree plan shall be submitted prior to site development and recordation of the Final Map.

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

3. Show on an additional map sheet, or on a separate document which is to be recorded concurrently with the map, a 50-foot “No Disturbance Zone” along the drainage swale on Lots 1, 2, and 3 of Phase III. The 50-foot “No Disturbance Zone” shall be measured from the top of the bank or outer edge of riparian vegetation, whichever is greater. Place a note on a separate document which is to be recorded concurrently with the map or on an additional map sheet that states: “Except for one road crossing, no structures, dumping, fill material, and/or excavation shall be allowed within the 50-foot “No Development Zone” as depicted. Limited vegetation removal necessary for flood control is permissible within the “No Development Zone”; 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 #3)**

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.

4. Prior to any development activity within the drainage swale on Lots 1, 2, and 3 of Phase III, the California Department of Fish and Game shall be notified per Department of Fish and Game requirements (Fish and Game Forms FG 2023 and FG 2024). If required by the Department of Fish and Game, a Streambed Alteration Agreement shall be signed. Place a note on a separate document which is to be recorded concurrently with the map or on an additional map sheet that states: “Prior to any development activity within a streambed, including vegetation removal, the California Department of Fish and Game shall be notified. Contact the California Department of Fish and Game for further information regarding

notification requirements.” **(Mitigation Measure #4)**

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

Timing: The Streambed Alteration Agreement shall be approved by the Department of Fish & Game prior to any development activity within the streambed, if deemed necessary.

Monitoring: The Department of Development Services and Public Works Department shall ensure the note is placed on the Final Map. The landowners of Parcels 1, 2, and 3 of Phase III, or in the event the parcels have not been sold, the developer, shall be responsible for contacting the California Department of Fish and Game prior to any activity with the drainage swale.

5. In the event archaeological remains or historic resources are encountered during grading or other soil work, work shall be stopped immediately or redirected until a qualified archaeologist is retained by the applicant to evaluate the significance of the find. If such remains or resources are found to be significant, the applicant shall fund a study to identify and allow for implementation of avoidance measures or appropriate mitigation. **(Mitigation Measure #5)**

Plan Requirements/Timing: This condition shall be printed on all building and grading plans.

Timing: The mitigation shall be in effect during all periods of construction and ground disturbance.

Monitoring: Development Services shall check plans prior to approval and shall spot check in the field.

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: “During construction, should any archaeological artifacts be discovered, the Planning Division shall be notified immediately, and all work shall cease until a qualified archaeologist has examined the artifacts and the site and submitted his or her findings to the Planning Division, and recommended clearance to continue. Recommencement of construction shall be upon the approval of the Planning Division.” **(Mitigation Measure #6)**

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

Timing: The mitigation shall be considered complete at the time the note is placed upon the map or additional map sheet.

Monitoring: The Planning Division shall ensure the note is placed upon the map or additional map sheet as required.

7. Show on an additional map sheet, or on a separate document which is to be recorded

concurrently with the map, a 50-foot building setback from the centerline of each secondary lineament. Place a note on a separate document which is to be recorded concurrently with the map or on an additional map sheet that states: "No structures shall be placed within the 50-foot secondary lineament building setback as depicted." **(Mitigation Measure #7)**

Plan Requirements: The requirements of the condition shall be adhered to at all times.

Timing: Prior to approval of a building permit

Monitoring: Planning Division staff and Public Works Department staff shall ensure that the required note is placed on the Final Map. Building Division plan checkers shall ensure that no buildings are placed within the setback. Building inspectors shall conduct on-site inspections.

8. A note shall be placed on the final map 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."
9. 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 would be determined and calculated as of the date of application for the building permit."

Department of Public Works

10. Prior to recordation of the Final Map, 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. **(Mitigation Measure #9)**

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

Timing: The drainage plan shall be submitted and approved prior to recordation of the Final Map, and the required drainage improvements constructed or bonded for prior.

Monitoring: The Public Works Department shall ensure that the required plan is submitted and the drainage improvements are constructed or bonded for.

11. Prior to Final Map recording, upgrade Oakvale Avenue to provide a separate left-turn lane and a right-turn lane onto State Route 162 or as approved by CalTrans and the Department of Public Works. **(Mitigation Measure #13)**

Plan Requirements: The Public Works Department and CalTrans shall review pro-rata

share calculations for the improvements.

Timing: The upgrades shall be developed or bonded for prior to recordation of the final map.

Monitoring: The Department of Public Works shall ensure completion of the upgrades.

12. Prior to Final Map recording, pay a pro-rata share for the installation of a traffic signal at the intersection of Oakvale Avenue and State Route 162. **(Mitigation Measure #14)**

Plan Requirements: Pay pro-rata share for the installation of a traffic signal.

Timing: The pro-rata share shall be submitted prior to Final Map recording.

Monitoring: The Department of Public Works shall ensure payment of the pro-rata share.

13. Prior to or concurrently with the recordation of the Final Map for Phase III, 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 Final 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."
14. Prior to recordation of the Final 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 Final Map. A minimum of five alternate names for each new street shall be submitted.
15. Provide a cul-de-sac designed and constructed as specified in the County Improvement Standards. The Final Map shall show the cul-de-sac.
16. All access rights shall be reserved by deed per County Ordinance, offered for dedication, and depicted on the Final Map. For each private access within the map boundary, place the following note on the Final Map: "approved road name 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."
17. Pay the recording fees in effect at the time the Final Map and related documents are recorded.
18. Prior to or concurrently with the recordation of the Final Map, Deed to Butte County in fee simple 30 feet of right-of-way from the centerline of Oakvale Avenue along the entire property frontage. The right-of-way shall be sufficient for the installation of Improvement Standard No. S-5 at all street intersections.

19. Prior to the recordation of the Final map, construct, or provide a performance bond and labor and material bond for the construction of, a full street section on Streets A and B to an RS-3B geometric standard. Minimum structural section to be 2" AC, and 8" AB, prime coat, fog seal and 95 % relative compaction. Submit design to Land Development Division for approval. "R" value determination and other data may be required to support the section design.
20. Prior to the recordation of the Final map, construct, or provide a performance bond and labor and material bond for the construction of, a full street section on Street C to an RS-7A road standard. Place appropriate notes on plans and maps.
21. Prior to or concurrently with the recordation of the Final Map, relinquish abutter's rights of access to Butte County, along the Oakvale Avenue frontage of Phase I parcels 1-4, except at approved access points.
22. Show on the additional map sheet of the Final Map a 50 ft. building setback from the centerline of all subdivision roads based on Butte County Code Section 24-75(d).
23. Street lighting shall be provided in accordance with Butte County requirements, accepted design criteria, and recommendations of Pacific Gas & Electric Company. If the developer chooses to install the streetlights and pay energy costs through a County Service Area (CSA) or Landscaping & Lighting District, he/she must complete the formation of the CSA prior to recordation of the Final Map. The CSA formation process will require the Developer to fund the service until the beginning of the first fiscal year in which service charges can be collected for the CSA, and agree to an annual maximum service charge to ensure continued operation of the facilities. The formation of a CSA would require an addendum to the environmental document to ensure compliance with the California Environmental Quality Act (CEQA).
24. Show all easements of record on the Final Map.
25. Prior to or concurrently with the recordation of the 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.
26. 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 Final 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)."
27. 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 Final 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."

Environmental Health Division

28. Prior to the Final Map provide a letter or other documentation from the Lake Oroville Area Public Utility District stating that they are willing and able to supply sewer service to all parcels.
29. Place a note on the additional map sheet that states "Development of parcels will require connection to a public sanitary sewer".
30. Prior to recordation of the Final Map provide a letter or other documentation from the South Feather River Water and Power District stating that they are willing and able to supply domestic water to all lots within the subdivision.
31. Place a note on the additional map sheet that states "Development of parcels will require connection to a public water supply".

California Department of Transportation

32. Prior to the recordation of the Subdivision Map, drainage plans, storm water runoff calculations, and a hydrologic/hydraulic study shall be submitted to Caltrans for review and approval as per their August 31, 2001, letter. A copy of the approved drainage plans, calculations, and hydrologic/hydraulic study shall be submitted to the Butte County Department of Public Works. The developer must ensure that the following criteria are met:
 - a. Runoff from the proposed project that would enter the State's right-of-way and/or Caltrans drainage facilities, whether discharged directly or indirectly, must meet all Regional Water Quality Control Board (RWQCB) water quality standards prior to entering the State's right-of-way or Caltrans drainage facilities. The developer is responsible for insuring that runoff from the site meets these clean water standards (i.e., is free of oils, greases, metals, sands, sediment, etc.). This may be accomplished through the implementation of appropriate storm water quality Best Management Practices (BMPs) (i.e., oil/water separators, clarifiers, infiltration systems, etc.) as applicable.
 - b. No net increase to the storm water peak runoff discharge (100-year storm event) within the State's right-of-way and Caltrans drainage facilities may be realized as a result of the completion of the project. The developer is responsible for ensuring that increases in storm water runoff discharge from the project site that would enter the State's right-of-way and/or Caltrans drainage facilities, whether discharged directly or indirectly, does not increase peak flows within the State's right-of-way or the Caltrans drainage facility. This may be accomplished through the implementation of storm water management BMPs (i.e., detention/retention ponds or basins, sub-surface galleries, onsite storage and/or infiltration ditches, etc.) as applicable.

- c. The proponent/developer must perpetuate, maintain or improve existing drainage patterns and/or facilities affected by the proposed development/project to the satisfaction of the State and Caltrans. This includes, but is not limited to, altering storm water pathways and storage areas, whether engineered or naturally occurring. Altering existing drainage patterns and/or facilities without proper mitigation may lead to adverse drainage impacts to State facilities or to other local public or private properties. The proponent/developer may be held liable for future damages caused by diverted or increased drainage flows determined to be the result of the proposed development/project that were not properly mitigated for.
- d. No drainage plans, drawings or calculations were received with the IGR-CEQA project package. Likewise, no hydrologic/hydraulic study or report was received with the package. In order to adequately evaluate project impacts upon the State's right-of-way and Caltrans drainage facilities, the aforementioned documents shall be provided by the project proponent for review and approval by Caltrans 0-3 Hydraulics in Marysville prior to final project approval.
- e. Plans submitted with the IGR-CEQA package did not show the "pre-construction" coverage quantities for buildings, streets, parking, etc. and, no "post-construction" coverage quantities were provided.
- f. The cumulative effects of development within the project area would result in a significant increase to the impervious surface area while greatly decreasing available area for runoff detention and infiltration. Close attention should be paid to these cumulative effects to avoid over development of the basin. **(Mitigation Measure #10)**

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

Timing: The required items shall be reviewed and approved prior to recordation of the Final Map, and the required drainage improvements constructed or bonded for.

Monitoring: Caltrans shall approve of the required plans and studies. The Butte County Department of Public works shall not record the Final Map until receipt of the approved plans and studies.

California Department of Forestry/Butte County Fire

- 33. A pressurized community water system for fire protection is required. The specific locations and fire flow requirements shall be in accordance with the Fire Department specifications and to the satisfaction of the County Fire Chief. Average required hydrant spacing shall be 400 feet, hydrant size shall be 6-inches, and residual fire flow shall be 1,000 gallons per minute. Submit plans to the Fire Department for review and approval prior to construction of facilities. **(Mitigation Measure #11)**

Plan Requirements: A pressurized water system will be included on the final map.

Timing: It will be completed by earlier of one year or prior to occupation of any structure built on the site.

Monitoring: By the Building Division.

34. Place a note on a separate document which is to be recorded concurrently with the map or on an additional map sheet that states: "For Lots 1, 2, 3 and 4 of Phase III, 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)." (**Mitigation Measure #8**)

Plan Requirements: All requirements shall be shown on the final 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.

35. 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 improvement permits.
36. 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.
37. Fire hydrant identification, reflector or post reflectors shall be installed acceptable to the County Fire Chief.

Oroville-Wyandotte Irrigation District

38. A pipe shall be installed to contain the Palermo Canal through the extent of the subdivision. The pipe design shall be in accordance with the Oroville-Wyandotte Irrigation District specifications.

Pacific Gas & Electric

30. Dedicate a 10 foot wide P.U.E along street frontage of subdivision and along Oakvale Avenue. Dedicate Street C for public utility purposes.

County Counsel

40. 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

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

AYES: Commissioners Nelson and Wilson, and Chairman Marin

NOES: No one

ABSENT: Commissioners Lambert and Leland

ABSTAINED: No one

* * * * *

Cadruvi, Request for an Extension of Time for a Tentative Parcel Map to divide a 38.3 acre parcel into three parcels, one of 2.5 acres, one of 5 acres, and one of 30.8 acres on property zoned TM-2 (Timber Mountain – 2 acre parcels). The property is located north of Chico, on the west side of Cohasset Road, approximately one mile north of the intersection of Cohasset Road and Vilas Road, at 9477 Cohasset Road, Cohasset. APN 056-140-005 (CD) (TPM 03-06)

Originally approved on: April 24, 2003

Two years to complete on: April 24, 2005

Grant five year extension to: April 24, 2010

Mr. Durling gave a brief summary of the project. He said there was a lot of junk on the property, but the applicant is cleaning up the area. He said a lot of the cars still need to be removed. He said the conditions have been updated to today's language. He said he visited the site yesterday and did not know if anyone was living in the trailers.

Commissioner Nelson questioned enforcement on Condition 31 for weekly trash pickup.

The hearing was opened to the public,

Tom Wrinkle, Sierra West Surveying, asked that the applicant be allowed to change their parcel configuration. He submitted new maps.

Mr. Durling pointed out that this hearing today is for a time extension for the existing approved map. He said just recently we were asked to change the configuration. He said there is a procedure to do that and this is not it. He said the applicant can do a Lot Line Adjustment or apply for a map amendment. He said with the change CEQA would need to be looked at.

Commissioner Nelson asked why CEQA would be any different if they were just changing the configuration around. He said he was looking for a reason to not accept this re-configuration.

Mr. Fogel said the new configuration might need to be looked at for sufficient sewage area.

Mr. Wrinkle said the new maps were submitted to Environmental Health for review and he talked to Cliff Bottenfield. He said if the final map is substantially in conformance with the tentative map it can be recorded, and this revision is.

Commissioner Nelson said he has no problem with this change as long as staff has no problem.

Mr. Wannemacher said if the revision was a question of substantial compliance, it would not come to the Planning Commission. He said the Planning Commission is asked to take action because the change is not minor. He said what they are asking for today is for more time to do what was already approved.

Mr. Wrinkle asked how he goes about doing the survey, setting the property corners, finish the map, take it into Public Works for them to say they need the other agencies approval again, who's to say that Planning is going to say no, that they don't think it substantially complies because we approved a 2 ½ acre piece and now he wants to do a 15 acre parcel. He discussed what happens if he disagrees with staff's decision if they find this is a substantial change.

Mr. Wannemacher said the Final Subdivision Map goes to the Board of Supervisors for final approval. He said he did not know if there could be an appeal of the decision by the County surveyor.

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

It was moved by Commissioner Nelson, seconded by Commissioner Wilson, and carried to approve the Extension of Time for Steve Cadruvi subject to the findings and conditions listed below:

- 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. The removal of Butte County Fire Department/California Department of Forestry and Fire Prevention condition # 23 would not have a significant impact because the water tender fee that was required to be paid under this condition is now incorporated into the residential development impact fee.
- C. The one new condition of project approval requested by the Public Works Department is necessary in order to protect the health, safety, and welfare of the residents of Butte County.

EXHIBIT A

NEW CONDITIONS OF PROJECT APPROVAL

Planning Division

1. **Mitigation Measure # 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: The note shall be placed on the Parcel Map. All requirements shall be shown on building plans.

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

Monitoring: The Planning Division and the Public Works Department shall ensure that the note is placed on the Parcel Map. Building inspectors shall spot check and shall ensure compliance on-site. Butte County Air Pollution Control District inspectors shall respond to nuisance complaints.

2. **Mitigation Measure # 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: "At the time of building permit application, if a Deer Herd Impact fee(s) is currently in effect, it shall be paid prior to the issuance of the building permit."

Plan Requirements: The required notes must be placed upon the recorded map or on an additional map sheet.

Timing: The notes shall be completed prior to recordation.

Monitoring: The Department of Public Works and the Planning Division shall ensure that the required notes are placed upon the map. The Building Division shall collect the fees at the time of building permit issuance if the County adopts the fees.

3. **Mitigation Measure # 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: "Fencing for areas other than residential areas shall be limited to a maximum of 5 wire strands. The lower strand shall be at least 16" above the ground and the upper strand shall be no higher than 48" above

the ground.”

Plan Requirements: The required notes must be placed upon the recorded map or on an additional map sheet.

Timing: The notes shall be completed prior to recordation.

Monitoring: The Department of Public Works and the Planning Division shall ensure that the required notes are placed upon the map. The Planning Division shall ensure compliance through routine monitoring.

4. **Mitigation Measure # 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: “Should soil disturbance 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. Recommencement of development activities shall not occur until clearance is provided by the Butte County Department of Development Services. 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.”

Plan Requirements: This note shall be required to be placed on the Parcel Map or on a separate instrument recorded with the Parcel Map.

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

Monitoring: Should cultural resources be discovered, the developer/property owner shall notify the Planning Division. The Planning Division shall coordinate with the developer/property owner and appropriate authorities to avoid damage to cultural resources and determine appropriate action.

5. **Mitigation Measure # 6:** Prior to recordation of the Parcel Map, prepare a Best Management Plan to address erosion control during site preparation and building construction. The erosion control methods proposed shall be methods accepted by professional civil engineering practices and prepared by a registered civil engineer. The plan shall make provisions to stabilize all disturbed soil that is subject to erosion, prior to the onset of the rainy season (November 15). If work is to be done during the winter (November 15 to April 15), a temporary erosion control plan shall be established and implemented on a daily basis to provide for interim measures for periods of rain. The plan shall be submitted to the Department of Public Works for review and approval. The applicant shall provide copies of the approved Best Management Plan to the Building Division and the Planning Division. No clearing or land disturbance, other than that allowed under an approved Timber Harvest Plan, shall take place until the Best Management Plan has been approved.

Plan Requirements: The Butte County Public Works Department shall review the Best Management Plan.

Timing: The requirements of the Best Management Plan shall be adhered to at all time during site construction activities.

Monitoring: The Department of Development Services and the Department of Public Works shall ensure compliance through routine inspection. Public Works shall ensure compliance with any Erosion Control Plan.

6. **Mitigation Measure # 7:** Place a note on a separate document which is to be recorded concurrently with the map or on an additional map sheet that states: "All development of parcels shall be subject to the erosion control measures established in the Best Management Plan developed for the site, a copy of which can be obtained at the Butte County Building Division."

Plan Requirements: The required note shall be placed on the Parcel Map. The Butte County Planning Division and the Butte County Public Works Department shall ensure that the note is placed on the Parcel Map.

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

Monitoring: The Department of Development Services and the Department of Public Works shall ensure compliance through routine inspection. Public Works shall ensure compliance with any Erosion Control Plan.

7. **Mitigation Measure # 8:** 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 removal of vegetation shall be limited to what is necessary for the creation of a homesite, accessory buildings, vehicle access, and fire safety regulations, or under an approved Timber Harvest Plan or three-acre conversion exception."

Plan Requirements: The required note shall be placed on the Parcel Map. The Butte County Planning Division and the Butte County Public Works Department shall ensure that the note is placed on the Parcel Map.

Timing: The requirements of the condition shall be adhered to at all time during site construction activities.

Monitoring: The Building Division and the Planning Division shall ensure compliance through routine monitoring.

8. Place a note on a separate document which is to be recorded concurrently with the map or on an additional map sheet that states: "Prior to building permit issuance for a new residential dwelling unit(s), the applicant shall pay all applicable development fees at the rate in effect at the time of acceptance of the application. Such fees, may include, but not be limited to: Sheriff Fee, Park Fee, School Fee, Drainage Fee, Permit and Plan Checking Fees, Water and

Sewer Service Fees, and Fire Protection Fees.”

9. 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.”
10. Prior to recordation of the Parcel Map, all junk on the property shall be removed to the satisfaction of the Director of Development Services and Environmental Health Division. All junk shall be disposed of in a legal manner.
11. Prior to recordation of the Parcel Map, prove to the satisfaction of the Director of Development Services that all occupied dwellings on the site were legally permitted. Dwellings not proven to have been legally permitted shall be removed from the property.
12. Prior to recordation of the Parcel Map, pay any outstanding project-related processing fees, and/or Department of Fish and Game fees.

Land Development Division

13. Prior to or concurrently with the recordation of the Parcel Map, Deed to Butte County in fee simple 30 feet of right-of-way from the centerline of Cohasset Road along the entire property frontage. The right-of-way shall be sufficient for the installation of Improvement Standard No. S-5 at all street intersections.
14. Prior to recordation of the Parcel Map, obtain an encroachment permit and improve all new and existing driveway approaches to publicly maintained roads as specified in the County Improvement Standards and the terms of the encroachment permit.
15. Show on the additional map sheet of the Parcel Map a 65 ft. building setback from the centerline of Cohasset Road based on Butte County Code Section 24-75(d).
16. 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).”
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.
19. Pay the recording fees in effect at the time the Parcel Maps and related documents are

recorded.

20. Prior to the recordation of the Parcel Map, prove, to the satisfaction of the Director of Public Works that the parcel to be divided is a legal parcel.

Fire Department

21. **Mitigation Measure # 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: “The building setback from the side and rear property lines shall be at least 30 feet to satisfy Public Resources Code 4290 (Fire Safe Regulations).”

Plan Requirements: The required note shall be placed upon the Parcel Map and shown on all building plans.

Timing: This Mitigation shall be implemented at the time of site construction and prior to issuance of final building permits.

Monitoring: The Butte County Fire Department/CDF shall ensure that the required note is placed on the Parcel Map. The Butte County Building Division plan checkers shall ensure that the building plans for structures meet the setback requirement. Building inspectors shall ensure all specified structures meet the setback requirement by conducting an on-site inspection.

22. **Mitigation Measure # 9.** 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 Parcel Map and on all building and site development plans.

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.

23. Place a note on a separate document which is to be recorded concurrently with the map or on an additional map sheet which states: “Construction, installation or development of buildings and/or roads, driveway, gates and bridges shall comply with the latest California Fire Safe Regulations - Public Resources Code 4290 or the 2002 Butte County Improvements Standards, whichever is stricter.”

24. Prior to construction, provide an all weather access of at least 10 feet wide and vertical clearance of 15 feet that will allow for ingress and egress and accommodate a 40,000 pound fire apparatus to with 150 feet of all structures.
25. Place a note on a separate document which is to be recorded concurrently with the Parcel Map or on an additional map sheet stating: "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.

Environmental Health Division

26. Identify on the additional map sheet a 100-foot leachfield free setback from each existing well.
27. Identify on the additional map sheet a designated sewage disposal area for Parcel 2. This designated area shall have a minimum soil depth of 5 feet to rock base.
28. Identify on the additional map sheet that no water well may be located within 100 feet of the usable sewage disposal area on Parcel 2.
29. Meet the environmental health requirements of the Development Policies for the Cohasset Area (Appendix E of the Butte County Zoning Ordinance).
30. Prior to the issuance of a building permit prove that the required quantities of domestic water are available to Parcels 2 and 3.
31. Prior to issuance of building permits or prior to recordation of the Parcel Map, whichever comes first, the existing well on Parcel 3 shall be destroyed under permit from the Environmental Health Division or if to be used, shall be brought up to current standards and proven to have sufficient yield and pass bacteriological tests.
32. Place a note on the additional map sheet that states: "Water wells may need to be drilled deeper than 700 feet in order to obtain the required amounts of domestic water."
33. Place a note on a separate document which is to be recorded with the map or on an additional map sheet of the Parcel Map stating "Solid waste disposal shall be the responsibility of each property owner. Trash and debris shall be picked up weekly by either a trash collection company approved by the County of Butte or the property owner shall assume the responsibility for taking trash and debris to a County approved landfill."
34. Prior to recordation of the Parcel Map, identify on the additional map sheet usable sewage disposal areas on Parcel 1 proven to meet the requirements of the Development Policies for the Cohasset Area (Appendix E of the Butte County Zoning Ordinance). Combine with adjacent parcel(s) any parcel not proven to contain usable sewage disposal area.

County Counsel

35. 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.

* * * * *

Robert Robichaud (Item determined to be a General Rule Exemption from environmental review), Legal Lot Determination/Certificate of Compliance on property zoned A-R (Agricultural Residential). The property is located on the north side of Grand Avenue Approximately 120 feet west of 10th Street, Thermalito area. APN 031-251-030, Lot 19 (CD) (DET 05-04)

Mr. Durling gave a brief summary of the project.

The hearing was opened to the public.

The applicant was present, but did not speak on this item.

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

It was moved by commissioner Nelson, seconded by Commissioner Wilson, and unanimously carried to approve the Legal Lot Determination/Conditional Certificate of Compliance for Robert Robichaud on AP 031-251-030, Lot 19, subject to the findings and conditions:

- I. Approve the Legal Lot Determination and Certificate of Compliance for Robert Robichaud on APN 031-251-030, File No. DET 05-04, subject to the following findings:
- A. This project is exempt from environmental review under the General Rule exemption Section 15061(b)(3). This section states that CEQA applies only to projects which have the potential for causing a significant effect on the environment. Because the project is exempt from the provisions of CEQA, the payment of fees pursuant to Fish and Game Code Section 711.4 and 14 CCR 753.5 is not required.
- B. PROPOSED Parcel 19 of "Map of Thermalito," filed in the office of the County Recorder June 8, 1887, is consistent with the LDR (Low Density Residential)

designation of the General Plan because it exceeds the minimum parcel size of 6,500 square feet.

- C. PROPOSED Parcel 19 of "Map of Thermalito," filed in the office of the County Recorder June 8, 1887, is consistent with the AR (Agricultural Residential) zone because the parcel exceeds the minimum lot size of 6,500 square feet which is equivalent to the R-1 zone.

EXHIBIT A

Legal Lot Determination/ Certificate of Compliance on APN 031-251-030, Lot 19, DET 05-04

I. APPROVAL:

- 1. Pay the recording fee in effect at the time the Certificate of Compliance is recorded. The current fee is \$7.00 for the first sheet plus \$3.00 for each additional sheet. The estimated current cost for recording this Certificate is \$13.00 with conditions. This cost estimate is based on 1 page notification (first sheet), 1 page of legal description attached as Exhibit "A", and 1 page of conditions attached as Exhibit "B".

County Counsel

- 2. If this entire matter or any finding, action or condition of this matter is appealed to the Board of Supervisors, the applicant or any other developer/operator other than the applicant agrees to defend, indemnify and hold the County of Butte harmless from liability or loss related to the approval of this project and agrees to sign an indemnification agreement in a form approved by County Counsel before the Board's appeal hearing. If the application is not appealed, this condition is deemed satisfied.

* * * * *

Robert Robichaud, (Item determined to be a General Rule Exemption from environmental review), Legal Lot Determination/Certificate of Compliance on property zoned A-R (Agricultural Residential). The property is located on the north side of Grand Avenue, approximately 120 feet west of 10th Street, Thermalito. APN 031-251-030, Lot 18 (CD) (DET 05-05)

Mr. Durling gave a brief summary of the project.

The hearing was opened to the public.

The applicant was present, but did not speak on this item.

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

It was moved by commissioner Nelson, seconded by Commissioner Wilson, and unanimously carried to approve the Legal Lot Determination/Conditional Certificate of Compliance for Robert Robichaud on AP 031-251-030, Lot 18, subject to the findings and conditions:

- I. Approve the Legal Lot Determination and Certificate of Compliance for Robert Robichaud on APN 031-251-030, File No. DET 05-05, subject to the following findings:
 - A. This project is exempt from environmental review under the General Rule exemption Section 15061(b)(3). This section states that CEQA applies only to projects which have the potential for causing a significant effect on the environment. Because the project is exempt from the provisions of CEQA, the payment of fees pursuant to Fish and Game Code Section 711.4 and 14 CCR 753.5 is not required.
 - B. PROPOSED Parcel 18 of "Map of Thermalito," filed in the office of the County Recorder June 8, 1887, is consistent with the LDR (Low Density Residential) designation of the General Plan because it exceeds the minimum parcel size of 6,500 square feet.
 - C. PROPOSED Parcel 18 of "Map of Thermalito," filed in the office of the County Recorder June 8, 1887, is consistent with the AR (Agricultural Residential) zone because the parcel exceeds the minimum lot size of 6,500 square feet which is equivalent to the R-1 zone.

EXHIBIT A

Legal Lot Determination/ Certificate of Compliance on APN 031-251-030, Lot 18, DET 05-04

- I. APPROVAL:
 1. Pay the recording fee in effect at the time the Certificate of Compliance is recorded. The current fee is \$7.00 for the first sheet plus \$3.00 for each additional sheet. The estimated current cost for recording this Certificate is \$13.00 with conditions. This cost estimate is based on 1 page notification (first sheet), 1 page of legal description attached as Exhibit "A", and 1 page of conditions attached as Exhibit "B".

County Counsel

2. If this entire matter or any finding, action or condition of this matter is appealed to the Board of Supervisors, the applicant or any other developer/operator other than the applicant agrees to defend, indemnify and hold the County of Butte harmless from liability or loss related to the approval of this project and agrees to sign an indemnification agreement in a form approved by County Counsel before the Board's appeal hearing. If the application is not appealed, this condition is deemed satisfied.

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
None
- B. General Plan/Zoning Ordinance Update
- C. Legislative Case Law update
- D. Planning Commission Concerns

VII. MINUTES - None

Mr. Wannemacher announced that there were technical difficulties at the meeting in the City of Oroville Council Chambers and it may be hard to come up with a set of minutes. He said they may have to re-do the continued hearing on LeFevre if the minutes are not sufficient.

Mr. Wannemacher said that Ms. Christopher will be at the next meeting, but he will not.

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 11:50 p.m.

Chairman Marin

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