

BUTTE COUNTY PLANNING COMMISSION MINUTES

June 9, 2005

- I. PLEDGE OF ALLEGIANCE:** The Meeting convened at 9:00 a.m.
- II. ROLL CALL: PRESENT:** Commissioners Leland, Wilson, Lambert, and Chairman Marin
- ABSENT:** Commissioner Nelson
- ALSO PRESENT:** Felix Wannemacher, Deputy County Counsel
Doug Fogel, Environmental Health
Stu Edell, Public Works
Mark Michelena, Associate Planner
Carl Durling, Associate Planner
- III. ACCEPTANCE OF AGENDA:** Commission members and staff may request additions, deletions, or changes in the Agenda order.

It was moved by Commissioner Lambert, seconded by Commissioner Wilson, and unanimously carried to accept 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.

Bill Lacs, Legal Lot Determination/Conditional Certificate of Compliance on property zoned AR-1 (Agricultural Residential – 1 acre parcels). The property is located on the west side of Canyon Drive, approximately 1,800 feet north of Ward Blvd., Oroville. APN 068-030-072 (MM) (DET 05-06)

Mr. Michelena gave a brief summary and power point presentation on the history of the parcel.

Mr. Fogel changed the wording on Condition 8 to add “free” after “leachfield.”

The hearing was opened to the public.

Mr. Evans, Evans Fun Works, agreed with the conditions.

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

Mr. Michelena said this change will bring the smaller parcel into conformity with the zoning.

Commissioner Lambert asked if there are two parcels involved, why is only one listed in the report.

Mr. Michelena explained that parcel 073 is already a legal parcel. He said they are here to make Parcel 068-030-072 into a legal parcel. He said to make this parcel legal, the applicant will have to satisfy the conditions.

It was moved by Commissioner Wilson, seconded by Commissioner Leland, and unanimously carried to approve a Legal Lot Determination and Conditional Certificate of Compliance for Bill Lacs subject to the following findings and conditions, changing Condition 8 to add “free” after “leachfield.”

- I. Approve the Legal Lot Determination and Conditional Certificate of Compliance for Bill Lacs on APN 068-030-072, File No. DET 05-06, 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 parcel size of 0.45 ^(±) acres was in conformance with the Butte County Zoning Code at the time of creation.
 - C. The parcel has adequate area and soil depth to support septic systems.

EXHIBIT A

Legal Lot Determination/ Conditional Certificate of Compliance on APN 027-040-066, DET 04-06

- 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”.
Public Works
 2. Record Lot Line Adjustment (LLA 05-13) for APN 068-030-072 and 068-030-073 for access purposes.
 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 15 feet.

Planning

5. A 50-foot no disturbance area is required from the centerline of the seasonal swale/drainage way.
6. Proposed access easement will need to be located outside the 50-foot no disturbance area.

California Department of Forestry

7. 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.”

Environmental Health

8. A 50-foot septic and leachfield free setback is required from any seasonal swale/drainage way.
9. Provide a “will serve” letter from South Feather Power & Water (SFP&W) verifying the property is within their district boundaries and that they are willing and able to provide water service to the subject parcel.
10. Development of the project parcel will require connection to a public water supply.

County Counsel

11. 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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Carol Gray, proposed **Negative Declaration** with mitigation measures regarding environmental impacts, **Tentative Parcel Map** to divide a 300-acre parcel into four parcels: 5 acres, 20 acres, 20 +/- acres and 250 +/- acres. **Exception** request to prove usable sewage disposal area on proposed Parcel 1 as required by Appendix VII of the Butte County Subdivision Ordinance. The property is zoned AR-5 (Agricultural Residential – 5 acre parcel) and is located on the west side of Dunstone Road, approximately 0.57 miles south of Foothill Boulevard, at 215 and 216 Dunstone Road, southeast of Oroville. APN 027-010-004 (MM) (TPM 04-17)

Mr. Michelena gave a brief summary of the project.

Mr. Wannemacher commented that the Initial Study was inadvertently left out of the packets. He said the Commission can not adopt a document they did not review. He discussed continuing this item to the next meeting.

The hearing was opened to the public.

Mr. Evans agreed with a continuance. He said that Condition 11 should be deleted as all parcels front on Dunstone.

The Commission decided to break from 9:20 to 9:50 to allow time to read the Initial Study so this item would not have to be continued.

After the Break, Mr. Michelena said he talked with Public Works and Condition 11 can be deleted.

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

It was moved by Commissioner Leland, seconded by Commissioner Lambert, and unanimously carried to grant an exception to Appendix VII requirements to prove usable sewage disposal area on proposed Parcel 1 and approve the Tentative Parcel Map TPM 04-17 for Carol Gray subject to the findings and conditions listed below deleting Condition 11 and re-numbering the remaining conditions.

- I. Grant an exception to the Appendix VII requirements to prove usable sewage disposal area on proposed Parcel 1, subject to the following findings:
 - a. That there are special circumstances or conditions of topography or size or shape or location or 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:
 1. The special conditions that apply are the existing septic systems on the project site, which were installed under permit from the Butte County Environmental Health Division and are functioning as designed.
 - 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:
 1. The existing septic systems do not create any water quality problems.
 2. There is adequate area for replacement leachfield area for the existing septic systems.
 3. The Butte County Environmental Health Division evaluated the exception request and does not object to it.

- II. 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 Carol Gray, Planning Division File No. TPM 04-17, 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. Adopt the Mitigated Negative Declaration regarding environmental impacts, with Mitigation Measures 1 through 10, as detailed in the Agenda Report dated May 26, 2005.
- III. The design of the proposed project improvements has the potential to significantly impact blue oak habitat, stream habitat, and deer herd movements. The collection of fees pursuant to Fish and Game Code Section 711.4 and 14 CCR 753.5. is required.
- IV. Approve Tentative Parcel Map 04-17 for Carol Gray, subject to the conditions found in Exhibit "A" and the following findings:
 - A. The proposed map is consistent with the following Butte County General Plan Goals and 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 subdivision 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.
- D. The design and improvements of the project will not cause public health or safety problems 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 or a 100-year flood zone.
- G. The project would not have an impact to any aircraft operations because the project site is not located within an Airport Compatibility Zone.
- H. 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.
- I. The project is conditionally consistent with the Agricultural Residential General Plan land use designation.
- J. The project would not cause a significant impact to adjacent agricultural operations because new dwellings on the project site are required to be located at least 300 feet from any existing field crop, row crop, or orchard use.
- K. The future residents of the project site would not be exposed to significant impacts related to agricultural practices.
- L. The roads in the project area have the capacity to handle the minor increase in vehicular traffic generated by the project.
- M. The project will not have any impact on the Dunstone House, a structure of local historic importance.

EXHIBIT A

Tentative Parcel Map for Carol Gray on APN 027-010-004, File # TPM 04-17: An application for a Tentative Parcel Map to divide a 300+ acre parcel into four parcels: 5 acres, 20 acres, 20± acres, and 250± acres on property zoned AR-5 (Agricultural Residential, 5-acre minimum).

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: "All new residential structures shall be located at least three hundred (300) feet from any field crop, row crop, or orchard use(s) on adjacent parcels."

Plan Requirements: The note shall be placed 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.

Timing: Requirements of the condition shall be adhered to at all times.

Monitoring: The Planning Division and the Public Works Department shall ensure that the note is placed on a separate document which is to be recorded concurrently with the map or on an additional map sheet. The Building and Planning Divisions shall check building plans/site plans to ensure that residential structures are not within 300 feet of any field crop, row crops, or orchard use on the adjacent parcels. Building inspectors shall spot check and shall ensure compliance on-site.

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: "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. Water shall be applied by means of truck(s), hoses, and/or sprinklers as needed prior to any land clearing or earth movement to minimize dust emissions.
- b. Post a publicly visible sign with the telephone number and person to contact regarding dust complaints. This person shall respond and take corrective action within 24 hours. The telephone number of the Butte County Air Quality Management District shall be visible to ensure compliance with BCAQMD Rule 200 & 205 (Nuisance and Fugitive Dust Emissions).
- c. Existing roads and streets adjacent to the project shall be cleaned at least once per day if dirt or mud from the project site has been tracked onto these roadways, unless conditions warrant a greater frequency.

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

3. **Mitigation Measure # 3:**

Prior to any development activity and prior to issuance of any development permit, including but not limited to, grading permit, well permit, septic system permit, and building permit, a blue oak 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 plan shall show the location of oaks deemed suitable for retention, and oaks to be removed, in those areas proposed for development, using the factors set out below.
- Factors used to assess suitability of oaks 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.
- The applicant shall minimize the removal of blue oaks deemed suitable for retention.
- A minimum of 3 native oak trees of 5 gallons or larger size shall be planted for each oak tree removed that is greater than or equal to 4-inches diameter at breast height (DBH). The trees shall be planted in areas deemed appropriate by the Plan, considering future lot development, interference with foundations, fencing, roadways, driveways, and utilities. Trees planted shall be protected from livestock and other animals.
- Each oak 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.
- 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 any development activity and prior to

issuance of any development permit.

Monitoring: The Department of Development Services shall ensure compliance through routine inspection and review.

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: “Fencing for areas other than residential areas shall be limited to a maximum of five (5) wire strands. The lowest strand shall be at least sixteen (16) inches above the ground and the upper strand shall be no higher than forty-eight (48) inches above the ground.”

Plan Requirements: The note shall be placed 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.

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

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. Building inspectors shall spot check; 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 that states: “At the time of building permit application, pay the applicable Deer Herd Impact fee(s) currently in effect.”

Plan Requirements: The note shall be placed on a separate document which is to be recorded concurrently with the map or on an additional map sheet.

Timing: The required fee shall be paid at time of building permit issuance, if adopted or in force at the time of application.

Monitoring: The Department of Public Works and the Planning Division shall ensure that the note is placed on a separate document which is to be recorded concurrently with the map or on an additional map sheet. The Building Division shall collect the fees at the time of building permit issuance if the County adopts the fees.

6. **Mitigation Measure # 6:**

Show on a separate document which is to be recorded concurrently with the map or on an additional map sheet a 50-foot “No Development Area” from both sides of the two blue line streams as shown on the USGS Bangor Quad map and as shown on the Tentative Parcel Map. The distance shall be measured from the top of bank or outer edge of the riparian vegetation along these drainages, 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 road/driveway crossings and wells and waterline installation/repair, no development including structures, dumping, fill material, vegetation removal and/or excavation, shall occur within the “No Development Area” 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.”

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

Timing: The requirements of this mitigation measure shall be adhered to at all times.

Monitoring: The Planning Division and the Public Works Department shall ensure that the note is placed on a separate document which is to be recorded concurrently with the map or on an additional map sheet. The Department of Development Services shall ensure that the note is placed on all building and site plans. Building inspectors shall spot check and shall ensure compliance on-site.

7. **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: “Prior to construction of a road/driveway across any stream that lies within the “No Development Area” the developer shall contact the California Department of Fish and Game to determine if a Streambed Alteration Permit is required. The developer shall provide the Planning Division with a copy of the approved Streambed Alteration Permit or documentation from the Department of Fish and Game stating that a Streambed Alteration Permit is not required. No driveway crossings or roads shall be constructed within the “No Development Area” until the Permit or the documentation stating otherwise is reviewed by the Planning Division.”

Plan Requirements: The note shall be placed 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.

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

Monitoring: The Planning Division and Public Works Department shall ensure that the note is placed on a separate document which is to be recorded concurrently with the map or on an additional map sheet. The land owner shall be responsible for obtaining the Streambed Alteration Permit. The Department of Development Services shall not approve a building permit for any structure(s) that require a stream crossing until such time as a Streambed Alteration Permit is approved or official documentation is provided by the landowner that states a Streambed Alteration Permit is not required.

8. **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: “Should development 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 placed on a separate document which is to be recorded concurrently with the map or on an additional map sheet and shall be shown on all site development and building plans.

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

Monitoring: The Planning Division and Public Works Department shall ensure that the note is placed on a separate document which is to be recorded concurrently with the map or on an additional map sheet. The Department of Development Services shall ensure that the note is placed on all building and site development plans. Should cultural resources be discovered, the landowner/developer shall notify the Planning Division and a professional archaeologist. The Planning Division shall coordinate with the landowner/developer and appropriate authorities to avoid damage to cultural resources and determine appropriate action.

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.”

Public Works

10. 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.
11. Pay the recording fees in effect at the time the Parcel Map and related documents are recorded.
12. 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 Dunstone 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.

13. Show on the additional map sheet of the Parcel Map a 20 ft. building setback from the right-of-way line of Dunstone Road based on Butte County Code Section 24-75(d).
14. 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).”
15. Show all easements of record on the Parcel Map.
16. Prior to or concurrently with the recordation of the Parcel Map, pay in full any and all delinquent, current and estimated taxes and assessments as specified in Article 8 of Chapter 4 of Division 2 of Title 7, of the California Government Code commencing with Section 66492.

Butte County Fire/California Department of Forestry

17. **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: “The building setback from all property lines shall comply with the requirements of Public Resources Code 4290 and 4291 (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 on all building and site development plans.

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

Monitoring: The Butte County Fire Department/CDF and Public Works Department shall ensure that the note is placed on a separate document which is to be recorded concurrently with the map or on an additional map sheet. The Department of Development Services and the Butte County Fire Department/CDF shall ensure that the note is placed on all building and site development plans. The Butte County Fire Department/CDF will review all of building and site plans for compliance with PRC 4290 and 4291. The Butte County Fire Department/CDF, Building Division, and the Planning Division shall check building and site plans for compliance prior to issuance of a building permit. Building inspectors shall ensure compliance by conducting an on-site inspection prior to the Parcel inspection.

18. **Mitigation Measure # 10:**

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 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.

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

Monitoring: The Butte County Fire Department/CDF and the Public Works Department shall ensure that the note is placed on a separate document which is to be recorded concurrently with the map or on an additional map sheet. 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.

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

Environmental Health Division

21. Prior to recordation, identify on the map sheet a 100-foot leachfield free setback from each existing well.
22. Prior to recordation, identify on the additional map sheet a 50-foot leachfield free setback from the drainage way on lots 2, 3, & 4.
23. Prior to recordation, identify on the additional map sheet a 200-foot leachfield free setback from the high-water line of the reservoir on lot 1.
24. Prior to recordation, identify on the map sheet usable sewage disposal areas proven to meet the requirements of County Improvement Standards, Appendix VII.

Processing Fees

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

County Counsel

- 26. 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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VI. GENERAL BUSINESS - *This section of the agenda is to be utilized by the Planning Commission and Director of Development Services on items of interest, general discussion, or items for which staff has been directed to do research and bring back to the Commission. Items A, B, & C may not always be addressed at every hearing, but will always be listed as part of the agenda.*

A. Directors' Report

Ms. Christopher announced her resignation and the Commission said they were sorry to see her go. She gave an update on the Planning Manager recruitment. She said the Assistant Director is being handled by Administration. She said there is an open recruitment for a Senior Planner. She said there will be open recruitment in July for an Associate Agricultural Planner.

B. General Plan/Zoning Ordinance Update

Ms. Christopher said the General Plan is still on track with the open comment period being right now. She said they are trying to get the background and re-codification phase to the Planning Commission in July and to the Board of Supervisors in August. She said that staff and the consultant will respond to comments from the Planning Commission meeting before the Board meetings.

Ms. Christopher said they have done a contract change to include a work plan for Phase 2 of the General Plan Update with Mintier.

C. Legislative Case Law update

D. Planning Commission Concerns

Chairman Marin asked about the May 12th minutes and expressed his concerns.

Mr. Wannemacher said there were only four Commissioners present at that meeting and there was a tie vote. He said the only way to resolve the tie vote is to bring in the 5th member, he would have to be able to know what occurred at that meeting in order to be able to participate or the presenters at the meeting would need to be told that the Commissioner can not know because it is not available to him because the tape did not record and there are no minutes. He said at that point they will have to notify the applicant that they need to present the materials again and notify anyone else that spoke, if we have their names and addresses, to let them know to come to the next hearing.

Chairman Marin said in all fairness to the applicant they should re-hear the project.

Ms. Christopher said staff should send out written invitations to the speakers to come to the continued meeting.

Mr. Wannemacher said they need to contact the person from Fish and Game to explain the deer herd requirements.

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Chairman Marin asked Counsel what happens if there is no quorum to act on the agenda.

Mr. Wannemacher explained that the meeting would be re-scheduled to the next date. He said that is the only action they can take. He said the meeting will need to be re-posted if continued longer than 5 days. He said the meeting can be continued by the clerk if none of the Commissioner's are present.

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Commissioner Lambert said she received a call from North State Hulling Co-op. She said they made an application for an agricultural exempt building permit, ordered the building, and needed 60 feet between the building and the property line. She said they have only 40 feet between the building and the property line. She asked about a variance or easement to help them out with the season for almonds getting ready to start.

Ms. Christopher said there is no variance procedure in this case. She said it is a building problem. She discussed not allowing agricultural exempt buildings in a flood plain. She said that North State Hulling needs 60 feet to the property line on all sides of the building to enlarge it. She said they can put in a foundation 40 feet from the line, build the building within 60 feet of the property line, and then try to get 20 more feet from Blue Diamond. She said the only other option is for the Board to amend the County wide ordinance which affects agricultural exempt buildings in the floodplain. She said the problem is being in a floodplain.

Commissioner Lambert said that North State Hulling told her they are not in a floodplain, that they were above it.

Ms. Christopher said with a floodplain you are either in it or out of it, that it is not about the elevation of the property. She said a letter was sent yesterday outlining the problems with the floodplain and the setbacks needed. She said this does not fall under the zoning variance provisions.

Commissioner Leland asked if when people go in for an agricultural building without building permits, can they build whatever they want.

Ms. Christopher explained that there are no inspections and no review with exempt agricultural buildings. She said the department only responds if there is a complaint that the building is not being used for agriculture. She said the whole agricultural exempt program needs to be looked at.

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Chairman Marin asked about what is happening with the Paradise Rod and Gun.

Mr. Wannemacher said the lawsuit was appealed to the District Court and was ruled in the County's favor. He said there was a petition that there were errors on the part of the County. He said the next step would be to the Supreme Court.

VII. MINUTES - None

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

IX. ADJOURNMENT

There being no further business, the Planning Commission adjourned at 10:40 a.m.

Chairman Marin

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