

BUTTE COUNTY PLANNING COMMISSION MINUTES
FEBRUARY 9, 2006

- I. PLEDGE OF ALLEGIANCE:** The Meeting convened at 9:00 a.m.
- II. ROLL CALL: PRESENT:** Commissioners Lambert, Marin, Leland, Wilson, and Chairman Nelson

ALSO PRESENT:
County Counsel Felix Wannemacher, Deputy County Counsel
Development Services Tim Snellings, Development Services Director
Pete Calarco, Assistant Director
Chuck Thistlethwaite, Planning Manager
Dan Breedon, Principal Planner
Steve Troester, Associate Planner
Mark Michelena, Senior Planner
Carl Durling, Associate Planner
Gwyn Benedict, Secretary
Environmental Health Doug Fogel
Public Works Stu Edell
Eric Schroth

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

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

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Mr. Snellings introduced Chuck Thistlethwaite as the new Planning Manager.

- IV. BUSINESS FROM THE FLOOR ON ITEMS NOT ALREADY ON THE AGENDA:**

None

- V. PUBLIC HEARINGS:**

Name: William Baker **Project:** Tentative Subdivision Map TSM 05-12
Planner: Mark Michelena **APN:** 030-160-006 **Zoning:** A-R
Location: on the east side of Tenth Street, approximately 0.34 miles north of Oroville Dam Boulevard West (SR-162), Thermalito
Proposal: Tentative Subdivision Map to divide a 4.4-acre parcel into 18 lots ranging in size from 7,773 to 11,867 square feet.

Mr. Michelena gave a brief summary of the project. He noted a change to Condition 21 changing “Thermalito-East” to “Thermalito-Southeast” and change the amount from “\$9,201” to “\$2168”.

Mr. Calarco said there had been some discussion at the last meeting regarding how our reports evaluate the potential for second dwelling units in residential zones and as a result staff has queried other counties as to how they handle this. He said there are different approaches to the second dwelling problem ranging from considering the potential second dwelling unit as speculative at the time of the subdivision and considering it less than significant and not evaluating them to some jurisdictions have considered double the build out.

Commissioner Lambert said on Page 23 of the Initial Study the figures used on the vehicles trips per day, if rounded off to 10, with 18 parcels that would be 180 trips per day and with second dwellings the potential would be 360. She said the numbers in the Initial Study do not come out right. She did not know if this needed to be corrected or not.

Mr. Michelena felt that the calculations were accurate.

Commissioner Lambert asked if they need to address the figures.

Mr. Michelena said they could change the “153” to “172” trips per day

Commissioner Lambert asked where they are talking about a cul-de-sac for 18 parcels, are they all allowed second dwelling unit. She asked how they can change the cul-de-sac wording to units to address the second dwelling unit issue.

Chairman Nelson said there is a concern about density. He said the average person is buying a single family home, not two units.

Commissioner Lambert said if two people build second dwelling units, which is all that can be put in without going over the cul-de-sac limit.

Commissioner Leland said that is the flaw in the second dwelling ordinance. He said if the purpose of the 20 parcel restriction is 20 units; it conflicts with the second dwelling ordinance that would allow 40 units.

The hearing was opened to the public.

James Renfrow, Engineering Group, said he did not object to 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 Lambert, and unanimously carried to approve the Tentative Subdivision Map for William Baker, adopting Resolution PC 06-10, subject to the findings and conditions, changing Condition 21 to show “Thermalito-Southeast” and the amount to read “\$2168”.

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

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J. Celentano, request for an Extension of time to File a Final Map, APN 027-110-029, for a Tentative Parcel Map dividing a 20-acre parcel into two parcels of 10 acres each on property zoned A-5 (Agricultural – 5 acre parcels). The property is located on the west side of Crossacountre road, approximately ¼ mile south of Grubbs Road, east of Palermo. (MM) (TPM 03-13)

Originally approved: January 13, 2004
Two years to complete: January 13, 2006
Grant five year extension to: January 13, 2011

Mr. Michelena gave a brief summary of the project.

The hearing was opened to the public.

Mike Evans asked that the extension be granted.

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

It was moved by Commissioner Lambert, seconded by Commissioner Leland, and unanimously carried to approve the Request for a Time Extension for J. Celentano, to January 13, 2011.

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

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Name: Robert Woodworth **Project: Abandonment 06-02**
Planner: Carl Durling **APN: 079-200-001** **Zoning: PUD**
Location: on the north side of Phaeton Drive, approximately 900 feet west of Coach Drive, 2606 Phaeton Drive, in Oroville.
Proposal: Abandonment of a 20-foot Public Utility Easement on the west side of Lot 1 of Carriage Manor Subdivision (66 M 48).

Mr. Durling gave a brief summary of the project.

Commissioner Leland asked who owns the easement rights.

Mr. Durling said PG&E and LOAPUD. He said upon approval of the Board of Supervisors the utility companies will relinquish their rights to the easement.

Commissioner Leland asked why this item is before the Planning Commission if it is a matter between two private parties.

Mr. Durling said the easement is between the property owner and utility companies.

Commissioner Leland asked what the Commission should be looking for.

Mr. Durling said the Code states Abandonments are reviewed by the Planning Commission for consistency with the General Plan.

Mr. Edell said the County accepted the easement on behalf of the utility companies.

Commissioner Wilson said it appears there is another easement back by Oro Bangor Highway, and asked if that easement has been abandoned.

Mr. Durling said that easement has not been abandoned and has no bearing on this property.

Commissioner Wilson asked if he was to assume that the easement between these two has been abandoned.

Mr. Durling said “no.”

Commissioner Wilson asked what a light and air easement was for.

Mr. Durling said the easement was to protect the open space.

The hearing was opened to the public.

Robert Woodworth said he needs this abandonment to put in an addition on his mobile home.

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

It was moved by Commissioner Wilson, seconded by Commissioner Marin, and unanimously carried to approve the Abandonment for Robert Woodworth as follows:

- I. Find that this project is exempt from the provisions of the California Environmental Quality Act under Section 15305. The payment of fees pursuant to Fish and Game Code Section 711.4 and 14 CCR 753.5 is not required.
- II. Report to the Board of Supervisors on the General Plan consistency of the request by Sharon and Robert Woodworth to abandon the 20-foot public utility easement encumbering the west 20 feet of Lot 1, of Carriage Manor Subdivision (Book 66 of Maps, Pages 48-49).
 - A. The proposed abandonment does not conflict with any goal or policy of the Butte County General Plan.
 - B. The abandonment of the easement will not have an impact because the easement is not needed for public utility purposes.

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Name: Robert D. Hill **Project: Legal Lot Determination, DET**
Planner: Mark Michelena **APN: 062-200-068** **Zoning: "U"**
Location: on an un-named road, approximately a quarter mile north of Black Bart Road, east of Oroville.
Proposal: Legal Lot Determination/Conditional Certificate of Compliance

Mr. Michelena gave a brief summary of the project.

The hearing was opened to the public.

Mr. Hill said the parcel was created by his father. He had no objections to the conditions. He questioned the 60 foot deeded right-of-way.

Mr. Michelena said the 60-foot easement would be handled through Public Works with the Certificate of Compliance.

Mr. Hill asked what the width of the road would be.

Mr. Schroth said the road would need to be graveled if over 15% grade. He said the road has to be two way traversable.

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

It was moved by Commissioner Wilson, seconded by Commissioner Marin, and unanimously carried to approve the Legal Lot Determination for Robert Hill, adopting Resolution PC 06-11.

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

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Name: Elmo West/Mark West **Project: Letter of Public Convenience or Necessity**
Planner: Steve Troester **APN: 040-520-103** **Zoning: "U"**
Location: at the Tuscan Ridge Golf Course, 3100 Skyway, in Paradise
Proposal: Request that the Butte County Planning Commission issue a letter of Public Convenience or Necessity to the Bureau of Alcoholic Beverage Control regarding application for "on-sale" beer-only license, for Elmo Myrrl West and Mark Paul West.

Mr. Troester gave a brief summary of the letter.

Commissioner Leland asked what is the relation of the original use with this letter. He asked does this mean that once this is done they can sell alcohol?

Mr. Troester said there has been a lot of progress with the original Use Permit and it is time for an in-depth assessment. He said the applicant can not sell any food or alcohol without approval from Environmental Health.

Chairman Nelson said the applicant wants to sell beer after the eighteenth hole without a full kitchen.

Mr. Troester said that is correct.

There was a brief discussion on getting the liquor license.

Mr. Troester said all physical structures are in place.

Commissioner Lambert asked about the roads.

Mr. Thristlethwaite said the roads are not really a part of what is before them. He said the Alcohol department wants to know that a license would be supported.

Commissioner Lambert said she had no object to allowing beer to be sold, but 250 people in the club house would impact the roads.

Mr. Troester said the adequacy of the road can not be linked to the sale of alcohol. He said the facility is not yet as large as it may be.

This item was opened to the public.

Moe West said he purchased the golf course with his son and they have made some improvements. He said the former owner let the liquor license lapse. He is asking for a reinstatement of the previous license. He said staff has discussed the conditions of the Use Permit with him. He said he has no objections working with staff and is willing to submit regular reports.

Commissioner Marin asked if the facility had power to it.

Mr. West said it was still on generators, but they have made an application to PG&E. He said PG&E would need to put in a sub-station.

Commissioner Marin said he appreciated the improvements that have been made.

Chairman Nelson asked about a club house.

Mr. West said there was only a 1600 square foot pro shop. He said the shop would be full with 15-30 people.

Jim Stevens, NorthStar Engineering, gave a little history about the disposal of waste water. He said the previous owner opened the golf course without following all the procedures correctly. He said the State is the controlling agency regarding the waste water system. He went on to give a report on the status of the Use Permit and mentioned that street modifications would be done.

Commissioner Marin asked what is the capacity of the extra waste water holding tank.

Mr. Stevens said the capacity is 8000 gallons, and the tanks will be plastic.

Mark Stenbeck said as a golfer he is in support of this request.

Everett Almond said he is a member of the golf course. He said most golfers drink beer and if there is a liquor license there will be more control. He said he has not had a problem with the traffic during peak times.

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

Commissioner Lambert said she did not have a problem. She said her concern was the load on the road with 250 people using them.

Chairman Nelson asked what staff needs from the Commission on this item.

Mr. Troester said he would work with the owner to receive regular reports.

It was moved by Commissioner Lambert, seconded by Commissioner Wilson, and unanimously carried to approve the Letter of Public Convenience or Necessity for Elmo West/Mark West as follows, directing the applicant to provide quarterly reports to development services:

- I. Approve the request for Letter of Public Convenience or Necessity to the Bureau of Alcoholic Beverage Control regarding application for “on-sale” beer-only Type 40 license, for Elmo Myrrl West and Mark Paul West, at the Tuscan Ridge Golf Course, 3100 Skyway, Paradise, APN 040-520-103.
- II. Direct Development Services Staff to work with the applicant to establish timelines and deadlines for the completion of infrastructure improvements required by UP 99-10.
- III. Direct the applicant to submit quarterly written progress reports to the Department of Development Services on progress toward completing all conditions of UP 99-10, including Conditions #8 and #18.

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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

Mr. Snellings said he was excited to have Chuck Thristlethwaite on board as the Planning Manager. He said they had a follow up meeting to the last Planning Commission meeting to figure out a way to streamline the processing. He agreed that County Counsel would review projects prior to the meetings. He noted that previous concerns were brought up about the staff reports and that the purpose of the Planning Commission meeting is not to correct reports.

Chairman Nelson said this is the reason IDR was formed.

Mr. Snellings explained that there is an IDR completeness review process where all entities and departments attend. Once the staff report was done the report was sent to County Counsel and that step was eliminated. County Counsel will review staff reports at any IDR meeting.

Chairman Nelson asked if the planners will bring the items to the IDR and the Planning Manager will review them.

Mr. Snellings said that is correct. He noted that the Planning Manager will not have a project workload.

Commissioner Lambert said the process is new and if it doesn't work, they can make changes.

Mr. Snellings said he is trying to get away from changing or amending reports at the Planning Commission meetings.

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Mr. Snellings informed the Commission that he went to an Agricultural Conference with Steve Troester and Richard Price, the Agricultural Commissioner. He noted that Dennis O'Brian, Department of Conservation, will be in Butte County, Durham, for a LCA workshop. He said he would circulate for review and comments on the Agricultural Element as it works its way through to the Board.

Chairman Nelson asked him to inform the Commission also.

Mr. Snellings said he would.

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Commissioner Lambert said she is working on the upcoming Planning Commissioners Conference on April 8, 2006, at Sierra Nevada Brewery.

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Mr. Snellings mentioned a training opportunity for the Commissioners on April 20th with regards to zoning. He touched briefly on the General Plan. He said the planners had a meeting and yes he will do an update and what is being done with the "Technical update". There was a brief discussion on what is going on.

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Commissioner Lambert asked about the Legislative Bulletins they used to receive copies of. She noted that they are now on-line. She said she did not have access.

Mr. Thristlethwaite said he would be happy to print and distribute the CSAC bulletins.

Commissioner Lambert said she would like a copy of the January 6th bulletin.

- B. General Plan/Zoning Ordinance Update
- C. Legislative Case Law update
- D. Planning Commission Concerns

VII. MINUTES – None

VIII. Planning Commission Concerns

IX. COMMUNICATIONS: *Communications received and referred. (Copies of all communications are available in the Planning Division Office.)*

None

X. ADJOURNMENT

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

Chairman Nelson

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