

BUTTE COUNTY PLANNING COMMISSION MINUTES
FEBRUARY 23, 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
Carl Durling, Associate Planner
Public Works Shawn O'Brien

- 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.

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

None

- V. PUBLIC HEARINGS:**

Name: William E. Oswood **Project:** Use Permit UP 04N-24
Planner: Dan Breedon **APN:** 068-341-027
Zoning: A-R (Agricultural Residential and H-C (Highway Commercial)
Location: on the south side of Olive Highway, approximately 1,600 feet east of Arbol Avenue. The property extends southeasterly to Hildale Avenue, Oroville.
Proposal: Use Permit to expand the Mount Vista RV Park, an existing RV and mobile home park and campground. Existing facilities include 48 RV sites, 5 mobile homes, a laundromat, office and undeveloped campground. The applicant requests to add a total of 12 more RV sites to the 10.3 acre facility.

Mr. Breedon gave a brief summary of the project. He had the following corrections to the Agenda Report: change the footer starting on Page 2 to read "February 23, 2006"; Page 7, E. change "1 through 4" to "1 through 5"; change the second "II" to "III"; change the wording in the first II to read "Adopt a "de minimus" exemption regarding impact to fish and wildlife or their habitat. The

design of the proposed project improvements will not cause environmental damage to fish and wildlife or their habitat. The collection of fees pursuant to Fish and Game Code Section 711.4 and 14 CCR 753.5. is not required. The project site is not known to contain any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Game or U. S. Fish and Wildlife Service. The project will not have a substantial adverse effect on any riparian habitat; have a substantial adverse effect on federally protected wetlands as defined by Section 404 of the Clean Water Act; interfere substantially with the movement of any native resident or migratory fish or wildlife species; conflict with any local policies or ordinances protecting biological resources; or conflict with the provisions of an adopted Habitat Conservation Plan.”; Page 8, add a sentence to read “Mitigation Measure 1 has been set forth which addresses this impact to the satisfaction of the City of Oroville and Development Services.”; Page 11, Condition 1, change “B” to “D”; Condition 2 change to read “Prior to the expansion of the project site or business activity . . .”; Condition 5 change “issuance” to “effectiveness” in line one; Condition 6 change Timing: to read “Prior to the effectiveness of the Use Permit Issuance.”; Condition 14, add to the end of the first sentence “to include the installation of a second fire hydrant per the requirements of the City of Oroville.”

Chairman Nelson asked if the property was going to be annexed to the City of Oroville in the future. He also asked if the property is annexed does it have to conform to the City’s zoning.

Mr. Breedon said there are City water and sewer hookups without being annexed to the City.

Commissioner Lambert said the Use Permit runs with the land. She asked if the property is annexed to the City, do their rules take over.

Chairman Nelson said if annexed, it would still be an established nonconforming use. He asked if they were setting a precedent by approving this.

Mr. Breedon said the General Plan would allow up to 60 dwelling units on this property. He said an RV park is not considered a permanent land use.

Chairman Nelson said the project today is for expansion of a nonconforming use and there are no objections from the City of Oroville.

Mr. Breedon said that is correct.

The hearing was opened to the public.

Mr. Oswood was there to answer questions.

Jeannie Wallace, Edgewood Drive, wanted to know if the development would go to the Hildale side. She said she was glad the applicant will put in a screen on 162. She said she would like to see a solid wall. She mentioned that some oak trees had been cut down. She was concerned with the continuation of a nonconforming use. She said she would like to see a nice single-family development there instead of the RV park.

Bill Oswood said the only trees being removed are the ones that are falling down. He said he does not plan any further expansion of the RV park. He did not think there was a problem with a vegetation fence. He said he has a gardener to keep the growth green.

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

Commissioner Wilson said the vegetation fence is fine. He said the fence there now is well maintained.

It was moved by Commissioner Wilson, seconded by Commissioner Leland, and unanimously carried to approve the Use Permit for William E. Oswood, adopting Resolution PC 06-12, subject to the findings and conditions, with the following changes: “change the footer starting on Page 2 to read “February 23, 2006”; Page 7, E. change “1 through 4” to “1 through 5”; change the second “II” to “III”; change the wording in the first II to read “Adopt a “de minimus” exemption regarding impact to fish and wildlife or their habitat. The design of the proposed project improvements will not cause environmental damage to fish and wildlife or their habitat. The collection of fees pursuant to Fish and Game Code Section 711.4 and 14 CCR 753.5. is not required. The project site is not known to contain any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Game or U. S. Fish and Wildlife Service. The project will not have a substantial adverse effect on any riparian habitat; have a substantial adverse effect on federally protected wetlands as defined by Section 404 of the Clean Water Act; interfere substantially with the movement of any native resident or migratory fish or wildlife species; conflict with any local policies or ordinances protecting biological resources; or conflict with the provisions of an adopted Habitat Conservation Plan.”; Page 8, add a sentence to read “Mitigation Measure 1 has been set forth which addresses this impact to the satisfaction of the City of Oroville and Development Services.”; Page 11, Condition 1, change “B” to “D”; Condition 2 change to read “Prior to the expansion of the project site or business activity . . .”; Condition 5 change “issuance” to “effectiveness” in line one; Condition 6 change Timing: to read “Prior to the effectiveness of the Use Permit Issuance.”; Condition 14, add to the end of the first sentence “to include the installation of a second fire hydrant per the requirements of the City of Oroville.”

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

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Name: SLMC, LLC **Project:** Tentative Subdivision Map TSM 05-07
Planner: Carl Durling **APN:** 055-300-098 **Zoning:** AR-1
Location: on the east side of Pentz Road, approximately 0.35 miles north of Lago Vista Way, South of the Town of Paradise.
Proposal: Tentative Subdivision Map to divide an 11.66 acre parcel into ten (10) parcels.

Mr. Durling submitted a letter from the applicant requesting a continuance to March 9, 2006.

The hearing was opened to the public.

Bob Walsh said he was buying the property. He said he would make his comments at the next meeting.

Commissioner Lambert questioned the need for two access roads onto Pentz Road.

Mr. Durling said because this development would be on a large cul-de-sac, they have two access roads onto Pentz Road. He said there was no problems with Public Works.

It was moved by Commissioner Lambert, seconded by Commissioner Leland, and unanimously carried to continue this hearing open to March 9, 2006.

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Name: Joginder K. Sohal **Project:** Legal Lot Determination, DET 06-13
Planner: Carl Durling **APN:** 024-200-054, 056 **Zoning:** A-40
Location: North side of Chandon Lane, one-quarter mile east of Larkin Road, southeast of Gridley.
Proposal: Legal Lot Determination/Conditional Certificate of Compliance

Mr. Durling gave a brief summary and submitted a revised Agenda Report.

The hearing was opened to the public.

No one was present on this item to speak.

Commissioner Wilson asked if the two parcel numbers would be combined.

Mr. Durling said the two parcel numbers were for tax purposes and that the property is only one parcel if it is sold. He said the house is on a separate parcel.

It was moved by Commissioner Leland, seconded by Commissioner Marin, and unanimously carried to approve the Legal Lot Determination for Joginder Sohal, adopting Resolution PC 06-13, subject to the findings and conditions.

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

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D. General Plan consistency Finding for Proposed Capital Improvement Program for Fiscal Years 2005/2006 – 2006/2007.

Mr. Durling gave a brief summary of the project.

Commissioner Lambert asked how the list is formed.

Mr. O'Brian explained the process. He said the list is prioritized on how Public Works thinks the future will be.

It was moved by Commissioner Leland, seconded by Commissioner Lambert, and unanimously carried to find that the Tier 1 projects as shown on the Capital Improvement Program for fiscal years 2005/2006-2006/2007 are consistent with the General Plan pursuant to Government Code Section 65401.

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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 discussed a potential workshop on March 23, 2006, in the afternoon with both the Board of Supervisors and the Planning Commissioners. He said it will be held at the South Side Center, in Oroville. He said he needs the Commission to request a joint meeting with the Board.

Chairman Nelson discussed the need for an agenda to follow and the need to control the meeting.

Mr. Snellings said the meeting will be structured.

Mr. Snellings said he will bring the agenda for the workshop to the next Planning Commission meeting. He discussed having a steering committee.

Mr. Snellings said there will be a facilitator at the meeting.

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Mr. Snellings said there is going to be a meeting on March 8, 2006, from 4-630 p.m. being put on by the League of Women Voters and he will send the information to the Commission.

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 10:13 a.m.

Chairman Nelson

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