

BUTTE COUNTY PLANNING COMMISSION MINUTES
MARCH 23, 2006

- I. PLEDGE OF ALLEGIANCE:** The Meeting convened at 9:00 a.m.
- II. ROLL CALL: PRESENT:** Commissioners Lambert, Leland, Wilson, and Chairman Nelson
- ABSENT:** Commissioner Marin
- ALSO PRESENT:**
- | | |
|-----------------------------|--|
| <i>County Counsel</i> | Felix Wannemacher, Deputy County Counsel |
| <i>Development Services</i> | Tim Snellings, Development Services Director |
| | Pete Calarco, Assistant Director |
| | Chuck Thistlethwaite, Planning Manager |
| | Carl Durling, Associate Planner |
| | Mark Michelena, Senior Planner |
| <i>Public Works</i> | Eric Schroth |
| <i>Environmental Health</i> | Doug Fogel |
- 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 Wilson, 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: Robert Castleberry	Project: Legal Lot Determination
Planner: Mark Michelena	APN: 071-160-030 Zoning: FR-5
Location: on a private access easement, approximately 700 feet north of Oro Garden Ranch road, Oroville;	
Proposal: Legal Lot Determination/Conditional Certificate of Compliance and 3 requests for exceptions.	

Mr. Michelena gave a brief summary and power point presentation. He said staff supports all three requests for exceptions. He made the following corrections to the report: Page 6, I. add "Find" to the beginning of the first sentence, II. third line delete "was required"; Page 7, III. First line delete "to" and add "and wave"; Page 8, V. A. after "residential" add "zone", V. B. change "LDR" to

MDR” and “Low” to Medium”, Page 10, Condition 2. delete “the” in front of “Civil” and change “as shown hereon” to “as specified on the road maintenance agreement.”

The hearing was opened to the public.

No one was present to speak on this item.

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

Mr. Schroth said the only road improvement required is to the connection to the main road.

Commissioner Nelson asked if they were creating a problem down the road because the property is next to the City regarding road standards.

Commissioner Lambert said after allowing one exception because there was no impact, then allowing two exceptions on the road improvements and was considered no impact, she asked when is there an impact, at what number, and if you have a road maintenance agreement who pays for the road.

Commissioner Leland said by requiring the upgrade on the intersection that the last guy in line to develop has to pay for all of the improvements. He said the house is already there, it is consistent with the zoning, and he is in favor of granting the three requested exceptions. He said he would also be in favor of granting an exception for the improvement of the intersection.

Commissioner Wilson asked if there was a maintenance agreement.

Mr. Michelena said “no.”

Mr. Schroth said the owner would be the only person required to sign a road maintenance agreement. He said there is an acknowledgement that he has to help maintain the road.

It was moved by Commissioner Wilson, seconded by Commissioner Leland, to approve the Legal Lot Determination/Conditional Certificate of Compliance and 3 requests for exceptions, adopting Resolution PC 06-15, subject to the findings and conditions listed in the resolution and Exhibit A with the following changes: Page 6, I. add “Find” to the beginning of the first sentence, II. third line delete “was required”; Page 7, III. First line delete “to” and add “and wave”; Page 8, V. A. after “residential” add “zone”, V. B. change “LDR” to MDR” and “Low” to Medium”, Page 10, Condition 2. delete “the” in front of “Civil” and change “as shown hereon” to “as specified on the road maintenance agreement.”

Commissioner Lambert said she would have preferred that the applicant be here to see if they are in agreement with the changes.

Mr. Thistlethwaite said they had expected the applicant to be here.

Commissioner Leland suggested continuing this to the end of the meeting in case someone shows up.

that Handi-Riders have been operating for under a year and they went from a few cars a day to 25 a day. She said this is a large change.

Commissioner Wilson questioned if the orchard was fenced. He also asked if Ms. Baldwin lived there and is there an easement to use Flag Creek Road.

Ms. Baldwin said her manager lives on the property. She said she has always maintained the road.

Roger Flood said he raises cattle in the area and does graze them year-round. He was concerned that the applicant did not have potable water on their property. He questioned the quality and quantity of the water for this type of use. He was against the project.

Mrs. Flood asked for a full environmental study. She did not believe issues have been fully addressed. She did not believe this project should be approved. She was concerned that if the ownership changed a new owner would make money off the property. She said the parcel shares the easement with agricultural neighbors. She said it is no longer possible to drive the cattle from place to place because of the traffic. She explained that because the land is zoned "U" (Unclassified) the people in the area believe the land would be rezoned before any projects were approved.

Mr. Michelena explained how the "U" zone worked. He said if the property was rezoned to an A zone, the non-profit public/quasi-public use could still apply for and be granted a Use Permit under the "U" zone. He noted that the land in the Williamson Act has been noticed for non-renewal.

Dani Nichols said the water has been tested and is potable. She said there are 2 diversion channels from the Miocene Canal owned by PG&E to the property. She noted that she has two holding tanks for water. She said she will stop use of Flag Creek road when the neighbors are spraying the orchard.

It was moved by Commissioner Lambert, seconded by Commissioner Leland, and unanimously carried to continue this hearing off the agenda for further environmental review, to be re-published and re-noticed.

* * * * *

Name: William & Kathryn Chance Project: Tentative Subdivision Map TSM 04-02
Planner: Mark Michelena APN: 040-310-086 Zoning: M-1
Location: on Sandhill Court, off of Midway, approximately 1,000 feet north of Speedway Avenue, south Chico
Proposal: Tentative Subdivision Map to divide an 8.76-acre parcel into four lots; three lots ranging in size from 1.04 to 1.18 acres and one lot of 5.1 acres

It was moved by Commissioner Lambert, seconded by Commissioner Wilson, and unanimously carried to honor a request to continue this hearing to April 27, 2006.

* * * * *

Name: Darin Williams Project: Tentative Parcel Map TPM 04-15

Planner: Carl Durling

APN: 071-160-030 **Zoning:** FR-5

Location: on the north and south sides of Canfield Drive, approximately 0.45 miles south of Lumpkin Road, west of the Feather Falls area

Proposal: Tentative Parcel Map to divide a 20.43-acre parcel into four 5.1-acre parcels

Mr. Durling gave a brief summary and power point on this project. He had the following corrections: Page 3 of the Agenda Report, third bullet from the bottom, change the two “9.57” to “9.55” and change “47” to “38.2” for a total of 76.4; Page 15, Condition 19 change “Fire Warden” to “Fire Chief” and add a new condition to read “21. **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 on a separate document which is to be recorded concurrently with the map or on an additional map sheet 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.”

Mr. Fogal noted an error on the notation on the map and said the map notation should be changed from “1,000 square feet” to “10,000 square feet.”

Commissioner Wilson asked if the swale at the bottom of the map was a no-development zone or a road.

Mr. Durling said it was a no-development area.

The hearing was opened to the public.

Mike Evans, 1 Nice Place, said this project has been a long time in the works. He gave a background of the area zoning and talked about the creation of Lumpkin Road. He had no problem with the conditions.

Mr. Durling said that Condition 14 on Page 14 should be deleted.

Mr. Evans asked if Condition 23 regarding solid waste was an appropriate condition and is it a new condition.

Mr. Fogel said the condition was not new, but this was the first time the condition is listed on the map.

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

It was moved by Commissioner Wilson, seconded by Commissioner Leland, and unanimously

carried to adopt Resolution PC 06-16 to approve the Tentative Parcel Map for Darin Williams, subject to the findings and conditions, deleting Condition 14, Page 3 of the Agenda Report, third bullet from the bottom, change the two “9.57” to “9.55” and change “47” to “38.2” for a total of 76.4; Page 15, Condition 19 change “Fire Warden” to “Fire Chief” and add a new condition to read “21. **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 on a separate document which is to be recorded concurrently with the map or on an additional map sheet 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.”

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

* * * * *

This item was continued from earlier in the meeting.

Name: Robert Castleberry **Project:** Legal Lot Determination
Planner: Mark Michelena **APN:** 071-160-030 **Zoning:** FR-5
Location: on a private access easement, approximately 700 feet north of Oro Garden Ranch road, Oroville;
Proposal: Legal Lot Determination/Conditional Certificate of Compliance and 3 requests for exceptions.

The motion made earlier in the meeting was as follows:

It was moved by Commissioner Wilson, seconded by Commissioner Leland, to approve the Legal Lot Determination/Conditional Certificate of Compliance and 3 requests for exceptions, adopting Resolution PC 06-15, subject to the findings and conditions listed in the resolution and Exhibit A with the following changes: Page 6, I. add “Find” to the beginning of the first sentence, II. third line delete “was required”; Page 7, III. First line delete “to” and add “and wave”; Page 8, V. A. after “residential” add “zone”, V. B. change “LDR” to MDR” and “Low” to Medium”, Page 10, Condition 2. delete “the” in front of “Civil” and change “as shown hereon” to “as specified on the road maintenance agreement.”

The motion was passed unanimously.

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

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 there was approximately 125 people at the LCA workshop in Durham. He said there was an excellent exchange of information. He noted that there is going to be a Planning Commissioners conference on April 8, 2006.

Mr. Snellings said there is a survey on the web and he gave the Commissioners the web site so they could fill out the survey.

B. General Plan/Zoning Ordinance Update

Mr. Snellings said the next three years will be busy with the General Plan update. He said there will be a discussion item on the April 13 agenda regarding Program 2.2, Agricultural Element. There will be an afternoon workshop at 1:00 p.m. on April 13 separate from the Commission meeting. He said on April 27th there will be a discussion on Guiding Principles. He discussed the concept of a steering committee.

C. Legislative Case Law update

D. Planning Commission Concerns

VII. MINUTES – March 9, 2006

The Commission had the following correction: Page 2, Line 38, add to the end “from other jurisdictions including cities.”

It was moved by Commissioner Lambert, seconded by Commissioner Wilson, and unanimously carried to approve the minutes as corrected.

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 11:30 a.m.

Chairman Nelson

J:\WPDOCS\PLANNING\MINUTES\PC0209.06.DOC