

BUTTE COUNTY PLANNING COMMISSION MINUTES
APRIL 27, 2006

- I. PLEDGE OF ALLEGIANCE:** The Meeting convened at 9:00 a.m.
- II. ROLL CALL: PRESENT:** Commissioners Lambert, Leland, Wilson, and Chairman Nelson
- ALSO PRESENT:**
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| <i>County Counsel</i> | Felix Wannemacher, Deputy County Counsel |
| <i>Development Services</i> | Pete Calarco, Assistant Director |
| | Chuck Thistlethwaite, Planning Manager |
| | Dan Breedon, Principal Planner |
| | Steve Troester, Associate Planner |
| | Mark Michelena, Senior Planner |
| <i>Public Works</i> | Eric Schroth |
| <i>Environmental Health</i> | Doug Fogel |
| <i>Agricultural Commissioner</i> | Richard Price |

Commissioner Marin was absent at this time.

- 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 as presented.

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

John Marques has property on Hurles Circle zoned U and would like to rezone for 5 acre parcels.

Chairman Nelson told him to speak with staff regarding the application process.

Mr. Marques said that he had already spoken with staff but did not want to pay over \$6000.00 in fees with no guarantee that his request will be approved.

Commissioner Leland said that he believes there is an application process for a waiver of the fees.

Mr. Wannemacher said there are no fee waivers except those granted by the Board of Supervisors and that we are required to collect all fees at the time of application unless a fee waiver has been granted by the Board.

Chairman Nelson asked how Mr. Marques could request a fee waiver from the board.

Mr. Wannemacher said there is a code section that covers that. He could probably go to the Clerk of the Board if he wanted to pursue it. Then it could be brought before the Board. Generally the criteria for fee waivers has to do with Non-Profit status. Fee waivers have been granted for hardship in a few instances when people have had permits outstanding, have gotten ill and have not been able to finish them within the time period. They were not required to pay for a renewal of permit. There has to be some demonstration of appropriate circumstances for the Board to grant it. He can apply but there are no guarantees.

Chairman Nelson told Mr. Marques that waiver request goes straight to the Board and that the Planning Commission couldn't do anything even if they wanted to.

Mr. Calarco said under our ordinance the Planning Commission and the Board can direct the department to embark on a change of zone on a property that is almost always declined on the individual owners request.

Chairman Nelson asked that given the fact this is a U zone is this a process that we are going to be pursuing in the next 3 years.

Mr. Calarco said yes it will be addressed in the General Plan Update among other things such as appropriate land use classifications and zoning classifications. Another path with an applicant like Mr. Marques is if they want to participate in the General Plan Update process.

Chairman Nelson asked that since this will be addressed in the next 3 years is that a hardship that Mr. Marques could theoretically apply to the Board. He also asked if this person needs to go to the Clerk of the Board and get an application form.

Mr. Wannemacher doesn't know if Mr. Marques needs to ask for a specific application form from the Clerk of the Board or if he will be directed to write a letter to explain the circumstances and why he believes there should be a fee waiver. It would be something that would be passed on to the Board so they can make a decision.

Commissioner Lambert instructed Mr. Marques that the Clerk of the Board was located just outside of the Board of Supervisors room.

Mr. Marques asked again what he needed to do.

Chairman Nelson told him to find out about waiving the fees for development and ask the Clerk of the Board what information is needed from him to do that.

Chairman Nelson asked if anyone else had business items not already on the agenda. There were none so he said to move on to the Public Hearings.

V. PUBLIC HEARINGS:

Name: Pam Jawad **Project: Use Permit UP 05-15**
Planner: Mark Michelena **APN: 78-040-023 (036-840-023 old) Zoning: M-1**
Location: located on the southwest corner of Lincoln Boulevard and Nelsier Place, south of Oroville.
Proposal: To establish a residential use and structures on a property zoned to allow light industrial uses on a parcel zoned Light Industrial

This item is a Use Permit continued from April 13, 2006 meeting.

Mr. Michelena said that at the April 13, 2006 meeting the Planning Commission did make a motion of intent to approve a Use Permit for a single family dwelling in a light industrial zone. Based on staff recommendations the Commission asked that the application resubmit a new site plan showing the proper set backs and relocation of septic area. Commission should have received the new site plan that was submitted and met all of the requirements by Environmental Health and Planning. Staff is asking for approval of Use Permit 05-15 with resolution and conditions submitted with the April 13, 2006 report and the new site plan.

Chairman Nelson asked if there were any questions.

Commissioner Leland asked what they were supposed to be checking exactly on the new site plan.

Mr. Michelena said there were two things to check. One was a drainage channel along the southern part of the boundary that needed a 25 foot setback. Second was the septic had to be outside of 50 feet from the drainage area. They have septic recovery area available in front of the house. They did identify an adequate active replacement area. They determined there was not a well within 50 feet of septic or leach lines.

Chairman Nelson opened the public hearing. He asked if Ms. Jawad or a representative was there to speak regarding the new requirements and if there are any problems or if everything is okay.

Mr. Dorm Lord is the representative.

Mr. Michelena wanted to thank Mr. Lord on how quickly he got back to him with the changes. He got them back basically the same day.

Chairman Nelson asked Mr. Lord if he had any problems with the application and requirements.

Mr. Lord said no.

Chairman Nelson asked if anyone else wanted to speak regarding this item either for or against it. Seeing none the hearing was closed and comments confined to the Commission and staff.

It was moved by Commissioner Wilson to finalize the motion of intent to grant the use permit UP 05-15 substituting the new site plan.

Commissioner Lambert seconded the motion.

Commissioner Leland said to specify that Commission was following the recommendations in the staff report from last time that are not in front of Commission this time. He asked that Mr. Michelena go over those again.

Mr. Michelena said that staff is recommending that Commission approve and adopt resolution number 06-19 for the Use Permit for single family dwelling determining that the project is exempt from CEQA and to approve it with findings and conditions listed in the resolution and Exhibit A and the new site plan.

Chairman Nelson said they had a motion and a second. UP 05-15 was unanimously approved.

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

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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

This item is a Tentative Subdivision Map continued from Mar 23, 2006 meeting.

Mr. Michelena stated this was continued so that the applicant and their engineer could sit down with Public Works and review some of the conditions to make sure that they wouldn't cause major financial issues with what was already put in place from a previous parcel map. They did have the meeting about a week and a half ago and determined that improvements could be made without major modifications to existing improvements. We are here today to present a tentative subdivision map to divide roughly 8.8 acres into 4 lots. Three of the lots would be a little over one acre and the fourth lot would be 5.1 acres. The reason that it is a subdivision map and only four lots is that Mr. Chance originally divided this area so this triggers more than 5 lots. They are also asking for an exception to Butte County Code 20-133 in an urban designated area which limits the cul de sac length to 500 feet and no more than 20 lots. Currently there is a mini storage on Lot 1 which is the 5 acre lot. It is a light industrial use area designated M-1. Parcels 2, 3, and 4 can be developed too.

Sewage disposal will be handled by individual septic and domestic water will be handled by Cal Water. The Sandhill Court is a paved private road with an existing cul de sac. They will be extending Sandhill Court and adding a second cul-de-sac. All access will be off of Sandhill Court. No access off of Midway. The site as it is developed has one mini storage business on Lot 1 which does have the potential for additional development. It is a flat piece of property that has an average of a 1% slope. It does not contain any drainage, creeks, or wetlands on the site. Currently there is one fire hydrant on the cul de sac and there will be 2 more required by CDF which is one of the justifications for granting the exception that he will get into more detail later. The site is not listed on any California Department of Toxic Control Substance site. Surrounding uses are M-1 to the north, M-1 to the south, and there is a portion across the old rail road right of way (which is part of this project) zoned Agricultural Residential. The site is within the City of Chico sphere of influence and the Chico urban area. The city's pre-zoning is light manufacturing industrial and the general plan calls it as manufacturing/warehousing. It is consistent with potential annexation to the city of Chico. The M-1 zone is a consistent zone where there is no minimum parcel size so the issue on this is if they could meet septic requirements. Environmental Health determined they can. The city of Chico had the following comments. To require all appropriate development fees, sanitary sewer lines, and they requested installation of street improvements up to city standards. Mr. Michelena said we don't really have regulations to implement those requirements but we are conditioning the improvements to meet county standards. The big issue is the exception. He asked the Commissioners to look at their staff report on page 4. The applicant responded saying that the 20-133 is intended for urban residential type of uses which would generate many more vehicle trips than light industrial. They also state that the parcel is shaped so that there is only single access to the parcel and that future light industrial would generate fewer vehicle trips. Staff responded that technically under the initial study and looking under traffic impacts that is not necessarily true. The exception requires that a few conditions be met. One is there are special circumstances for conditional topography size or shape which won't allow a street to go through or connect through. At the end of this industrial zone is a residential subdivision. They can ask for the exception because there is no secondary access and that also it would not be detrimental to the public welfare or territory. Mr. Michelena said his findings may need to be expanded. Typically what he looked at was that there is no access so that is a reason to grant the exception. Another one is that CDF and Public Works will have to look at if there is an issue extending the cul de sac more than 500 feet. CDF said that they are comfortable with it as long as applicant adds the additional 2 fire hydrants. There is less than 20 lots on the site for emergency access so even though it is longer than the 500 feet it wouldn't be an issue because there is a lot less than 20 lots out there and it is industrial type of uses. He said that Public Works brought up the problem on Midway with the tanker when it blocked Speedway. Mr. Michelena said this is irrelevant since it didn't matter if it was a 500 foot or a 1,500 foot cul-de-sac. If the road is blocked it is blocked. The issue is how many parcels are being served. Here you are only looking at up to 7 industrial lots. Staff did do an environmental document. They addressed some potential impacts to aesthetics, air quality, cultural

resources, hydrology, and water quality and have included mitigations to reduce those down to a less than significant level. Based off this being an industrial area there is no sensitive habitat or plant species staff has determined that Fish and Game fees are not required. Staff is recommending that the Planning Commission grant the exception request. The reasons why is (A) location shape of the project parcel precludes a through road being established to other roads, (B) there are less than 20 parcels being served by the cul de sac, (C) CDF is requiring that 2 additional fire hydrants be installed.

Commissioner Leland asked where Mr. Michelena is adding in these reasons.

Mr. Michelena answered that he was adding them to page 6 under number 1. (A) will stay as is, striking (B) and making it (E). (D) would state the project which is not subject to wild land fires or floods which would require an emergency evacuation and (E) granting the exception will not be detrimental to the public welfare and so on. That the Commission also adopt the mitigated negative declaration with the findings, that it does not require fees to be paid to Fish and Game Department, and finally approves subdivision map 04-02 for William and Kathryn Chance subject to the conditions found in exhibit A which is attached to the resolution.

Chairman Nelson asked if there were any questions to staff and if Public Works wanted to add anything.

Mr. Scetroth said they could answer questions if needed.

Chairman Nelson opened the Public meeting.

Mr. Mark Carlson said that he owns the property off the back fence and that he has no problem with any kind of development. His problem is with lights coming into his property from headlights. He asked what kind of fence was going back there.

Chairman Nelson said he would ask the applicant to address that question.

Mr. Michelena said that it was a good point because they only addressed structural lighting not automobile lighting.

Mr. Carlson said that he already has a problem with Smuckers and what they are doing with traffic headlights.

Mr. Bill Chance (William) said he doesn't know what he is going to put on those lots. He said that car headlights could possibly go into Mr. Carlson's property.

Chairman Nelson said that he believed that Mr. Carlson was concerned with headlights and possible noise from trucks.

Mr. Chance said that he had put up chain link fencing with slats at the neighbors request for his mini storage but he hesitates to commit to anything because he does not know yet what he will be putting on those lots.

Commissioner Lambert asked if he would object to placing a fence there regardless of what type of business.

Mr. Chance said that most likely they will put up a fence because of the traffic that is coming back there that they aren't happy with it. But he is reluctant to commit to additional requirements at this time.

Commissioner Lambert said that she thought in exchange for the waiver for the 500 feet he might be willing to agree to a fence. Not pinning him down to a specific type of fence.

Mr. Chance stated again that he wouldn't agree to the condition unless it was something the Planning Commission imposed.

Chairman Nelson asked Mr. Carlson if he was asking for a specific type of fence or wall.

Mr. Carlson said that chain link fencing with slats and landscaping would go a long way to blocking light and noise. He is not concerned about Mr. Chance and how Mr. Chance will handle it. He is concerned that whoever buys the property will not be so easy to work with.

Mr. Thistlethwaite said with regards to the last item and that what is before everyone is a map and we don't know and can't speculate as to which of the permitted uses will be located out on the property. However, we do have built in the zoning where there is industrial lands abutting residential zoning designation that we do require the 100 foot set back. That should help address the noise issue.

Chairman Nelson asked Mr. Thistlethwaite to explain the 100 foot set back.

Mr. Thistlethwaite said that the 100 foot set back is a structural setback and does not preclude vehicles and parking. He said with regards to the lighting this was an issue that was raised on a staff level with proposed development and expansion with property located to the south and east along Speedway. He said the Commission may wish to add an additional condition to require a fence to be installed that obscures lights to the satisfaction of the Director of the Department of Development Services. That can be used as an expansion to the mitigation measure number 1 shown in 4.1 Aesthetic Visual Resources. The fence would be required to either be installed or approved and bonded prior to the recordation of the map. It would become a modification of Condition of Approval number 1 in Conditions of Approval page 10 of staff report under exhibit A.

Commissioner Leland asked if it couldn't be a condition of issuing a final building permit.

Mr. Michelena said the catch 22 is if they improve the road all the way to the end and it can be traversed by cars and so the road will be put in or bonded before it's recorded. He doesn't know what their plans are. But if it is improved then the cars can go pretty much to the end of the property. He also thought about whether it should it be done at building permit level and require the owner to put it in but he thinks there could be impacts prior to that time.

Commissioner Leland asked if it was possible for the Commission to require it at either time.

Mr. Thistlethwaite said that the Commission could require it at either time. It would then be incumbent on staff to make sure that condition is filled prior to issuing building permits.

Mr. Michelena said that it would have to be a separate condition to be placed on the note or the map or record a separate document so that it would show up if someone came in to build on lot 2.

Chairman Nelson said that he had not closed the public hearing and asked if there were additional comments from Mr. Chance or Mr. Carlson and if a new condition was acceptable.

Mr. Chance asked if the Commission was going to put a condition on the map that would require a fence on the final recordation of the map.

Chairman Nelson said there are two options. It can be done either at the map stage or the building stage. One would require Mr. Chance to do it and the other would require the new owner who builds on it to deal with the issue.

Mr. Thistlethwaite asked if this would apply to Lot 2 as well as Lot 1 which already had the mini storage on it.

Commissioner Lambert asked if both Lot 1 and Lot 2 was part of the action.

Mr. Thistlethwaite said yes.

Commissioner Wilson said that most of the time mini storages don't have a lot of action at night. It isn't very noisy at any time, unless you are talking about some full blown manufacturing with big trucks rolling in and out of there all night long. He thinks there is difference between the two business types.

Mr. Chance asked if a design criteria was being set now.

Chairman Nelson said that they could but what the Commission is leaning towards is that as each one of the sites is developed, if they are going to have some impacts to neighbors, then those impacts need to be addressed.

Mr. Chance said that as an example he doesn't want to have to build a 20 foot sound wall when he may only need landscaping.

Commissioner Leland said to show an additional map sheet or document to be recorded concurrently with the final map showing the requirement that as a condition to issuing a building permit on Lot 2, that Lot 2 shall have a fence or a fence/landscaping that provides a visual barrier between Lot 2 activities and the adjacent residential properties.

Mr. Carlson said that it all sounds good.

Chairman Nelson asked if there were any more comments from the public. Seeing none the hearing was closed and comments confined to the Commission and staff.

Commissioner Lambert wanted to ask Public Works about the railroad right-of-way and whether a road will ever be put there.

Mr. Schroth said there is a connection to Speedway to the south but there is no way to connect on the north side of Speedway because of intervening property ownership that is not practical to acquire.

Mr. Michelena said that he has a rezone that is just north of this parcel that was on hold for awhile because the City of Chico was trying to determine whether they wanted to use the old railroad right-of-way for a bike route. After several meetings they finally said that it would not be a usable bike route.

Commissioner Lambert asked if some of the right of way is already in private ownership.

Mr. Michelena said he believes that all of it is in private ownership whether the parcels were created legally or not. Some development has already occurred so it has broken up the old rail road right of way.

Chairman Nelson asked if there were any other questions. There was not. He asked for direction from the Commission.

Commissioner Lambert said the only issue was 500 feet and doubling it to over 1000 feet for the cul de sac.

Commissioner Leland said that he was glad they had good suggestions for conditions on that because just generally saying we are not going to enforce the 500 foot length because there is no way to get a second access just eliminates the rule. Almost every

time it becomes an issue there is no secondary access. He thinks that they have some additional conditions that distinguish this from other cases. He moved that the Planning Commission approve Tentative Subdivision Map 04-02 for William and Kathryn Chance and part of that approval make the findings and take the actions set out in the staff report dated March 23, 2006 with the following changes. To page 1 of the resolution which is page 6 of the staff report add the following additional conditional finding to roman numeral I. The findings being that there are less than 20 parcels on the proposed cul de sac as B. As C finding that the California Department of Forestry has required two fire hydrants and with that condition is satisfied that the fire hazard is adequately mitigated. Finding D that the area is not subject to fires or floods. Add a new condition 19a to page 13 of the staff report to read as follows “show on additional map sheet or on a document to be recorded concurrently with the final map the requirement that as a condition of issuance of a building permit for construction, on Lot 2 will have a fence or a combination of fence and landscaping that will provide a visual barrier between Lot 2 and adjacent residences as approved by the Department of Development Services”.

Mr. Michelena asked if it can be made 5a instead of 19a so that it goes under the planning requirements not the land development.

Commissioner Leland said yes.

Commissioner Lambert seconded the motion.

Commissioner Wilson asked about noise coming through the fence.

Commissioner Leland said that his motion didn't include noise. His standard is just the visual barrier. Dealing with noise would be a sound wall which is very expensive. He said he doesn't think they have the evidence to warrant that kind of expense.

Commissioner Lambert asked if there were still decibel requirements at the property lines.

Mr. Michelena said there is under the noise element. Not a noise ordinance. He said if a business did become a problem they do have some remedy under the General Plan to act upon it.

Commissioner Lambert asked what could be done if a business became too noisy.

Mr. Michelena answered that they would go out and do a noise measurement that is an average over a 24 hour period. If they determine that noise is a problem the business will have to do some reducing of noise impacts to continue the type of use they are doing.

Mr. Wannemacher said that under Butte County Code Section 24-175 (c) (4) it says any use listed could require a use permit. Any of the listed uses for a M-1 zone could require a use permit where adjoining properties are residential.

Chairman Nelson said they had a motion and a second. TSM 04-02 was unanimously approved.

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

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Name: c/o Cindy Santulli, President Rotary Club of Chico, Sunrise, Inc.

Project: Use Permit UP 06-09

Planner: Steve Troester

APN: 039-600-008 **ZONING:** A-40

Location: adjacent to south side of Highway 32 west of Chico, 3/4 mile west of Meridian Road and 1/5 mile east of Seth Lane, 3 miles west of the Chico City limits.

Proposal: construct "Welcome to Chico" service clubs entry sign on 20' x 20' ground site.

Commissioner Leland recused himself from discussion. His family owns the property.

Mr. Steve Troester gave a brief summary of the project. Staff is recommending the Commission approve the use permit. Staff is recommending two changes to the Conditions of Approval on page 6 of staff report. The first change recommended is under Planning division condition number 4 they want to add to the condition that, "no sign lighting has been approved". The second condition is to remove final condition #5 under Public Works (CALTRANS encroachment permit and improvements) condition number 5 as this is a one time only construction of a sign. Public Works is not requiring that the driveway be improved to their standards.

Chairman Nelson asked if there were any questions for staff. He then opened the public hearing.

Mr. Bill Dinsmore of the Chico Sunrise Rotary Club said with the removal of condition five they agreed with the conditions.

Chairman Nelson asked if anyone else wanted to speak regarding this matter. No one responded. He closed the public hearing and confined comments to the Commission and staff.

Commissioner Lambert moved to approve, finding that this project is exempt from the provisions of the California Environmental Quality Act, the use permit 06-09 for Chico Sunrise Rotary Club subject to the findings and conditions located in exhibit A. With the change on page 6 item 4 adding no sign lighting has been approved and deleting under Public Works number 5 and re-numbering 5 down.

Commissioner Wilson seconded.

UP 06-06 was unanimously approved.

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

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Commissioner Leland returned.

Thermalito Irrigation District – General Plan Conformity in accordance with California Government Code Section 65402 for the Thermalito Irrigation District's construction of a water storage tank on a site identified as APN 041-300-019.

Mr. Troester gave a brief summary of the project. Staff has determined and makes the recommendation that this use should be found to be consistent with the General Plan as a secondary use under the grazing and open lands designation. Public Works has explained that this project would result in the creation of what would essentially be a parcel that does not conform to the county's standards for size. However, staff followed up that discussion with the recommendation that Planning Commission include as a condition of its determination that a reversionary provision be required to be recorded on this newly created parcel. Essentially the reversionary provision states that if the use for the intended public purposes ceases, the property is to revert to the grantor or the successor and be recombined with the original parcel from which it was taken.

Staff's assessment of Williamson Act regulations appears to indicate that this use would be consistent with the Williamson Act. However, there is a standard process by which the Thermalito Irrigation District must make a submittal to the Department of Conservation (DOC) which oversees the Williamson Act. The DOC will make their assessment as to the consistency of the proposal and they will provide those comments to the Department of Development Services. Troester referred the Commission to page 5 which details the statutory findings that the Commission is being asked to find that this project is consistent with the Butte County General Plan. He then read the findings required for the location to be consistent with the provisions in the Williamson Act. He said that no CEQA determination is needed at this time, as TID will need to do a full CEQA review before the project can be implemented. On page 6 the action that staff has recommended for Commission's consideration is the entirety of the three paragraphs listed there.

Chairman Nelson asked if Thermalito Irrigation District is purchasing the piece of property and the permit would be with Thermalito Irrigation District.

Mr. Troester said that yes Thermalito Irrigation District is proposing to purchase the footprint of the water tank (approximately 1 acre) and a 40' X 2000' right of way for underground pipe and access road.

Commissioner Lambert asked if this could just as easily be done with an easement without actually separating the land. Her map shows it as an easement.

Mr. Troester said that initially there was talk of only doing an easement but then discussion went to actually acquiring the land. He said that there is a Thermalito Irrigation District representative present to answer any questions.

There was a brief discussion on what was best regarding an easement or acquiring the land. The Department of Conservation will also have to look at this to see what best conforms to the Williamson Act.

Commissioner Lambert said she doesn't have a problem if this action today is not final. She asked if it would be appropriate under the action for consideration to include the words acquisition or easements.

Mr. Thistlethwaite said that it can be done that way but what the Commission has before them today is only request to make a consistency finding with the General Plan. He said staff believes the consistency finding can be made whether there is acquisition in fee title or by easement. There are issues that will have to be addressed during later processes with regards to the LCA lands.

Chairman Nelson opened the public hearing and asked if the applicant was there.

Mr. Gary Alt of the Thermalito Irrigation District was present.

Chairman Nelson asked Mr. Alt if Thermalito Irrigation District intended to purchase the land.

Mr. Alt said that that was the intent of his board.

Chairman Nelson asked why they would do that instead of just getting an easement.

Mr. Alt said he believed the board would be willing to go either way.

Chairman Nelson asked Mr. Alt if he was comfortable with the findings in the report.

Mr. Alt said yes.

Commissioner Wilson asked if a lease had been considered and if it would be consistent with the uses of the Williamson Act.

Mr. Troester said the lease might have some of the same problems as a purchase.

Chairman Nelson asked if there were any other questions for Mr. Alt. He then asked if anyone else wanted to speak regarding this matter. He then closed the public hearing.

Commissioner Lambert asked to insert, in the first paragraph under actions for consideration, the words by acquisition or easement.

Commissioner Wilson made the motion to follow staff recommendation for determining that the acquisition or by easement of the portion of the property by the Thermalito Irrigation District be found consistent with the General Plan as follows:

Determine that the acquisition in fee or in easement of a portion of the property by the Thermalito Irrigation District located on APN 041-300-019 for the development of a public water storage tank is consistent with the Butte County General Plan and therefore conforms with California Government Code Section 65402 (c) as follows:

The Grazing and Open Land (GOL) Butte County General Plan land use designation on this site allows for the following secondary uses, including public and quasi-public utilities: “**Secondary Uses:** Resource extraction and processing, forestry, plant crops, agricultural support services, outdoor recreation facilities, airports, dwellings, utilities, environmental preservation activities, public and quasi-public uses and home occupations (emphasis added).”

To prevent the use of parcels of substandard size resulting from the TID water tank use for non-public purposes and to prevent such a parcel from being conveyed to a private third party, the Planning Commission’s determination of consistency with the Butte County General Plan is conditioned on the recordation with the deed of land conveyance of a reversionary provision reading as follows: “If use for the intended water storage tank and pipeline public purpose ceases, the property is to revert to the grantor or successor and be recombined with the original parcel from which it was taken.” Recordation of this provision is required for the public entity (TID) to remain in compliance with the Map Act and County procedures.

Commissioner Lambert seconded the motion. Motion passes unanimously.

At 10:18 a.m. Chairman Nelson calls for a break to allow staff to prepare for their presentation.

Meeting reconvened at 10:30 a.m.

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.*

Summary of 4/27/06 Minutes

NOTE: Page numbers refer to location found in Verbatim Minutes

(See Pages 16-17-18-19)

Re: One Consultant for both Cities and County

Nina = Bad idea

Tim = Joint City/County Plan in

- a. Spheres of Influence
- b. Suggestion put out to Consultants

Nina = AP Maps of individual parcels with sizes and acreage –**and**– delineation of Spheres of Influence:

- Location related to other uses;
- How much is actually in Sphere;
- Responsibility to City vs. County in spheres for improvements in Spheres destined for annexation;
- County's role in Sphere areas.

Do the Spheres fit what we want for high density growth?
Will it meet what is next to it outside the Sphere?

MAPS – AP Maps with individual parcel sizes, delineation of :

- City Limit Lines;**
- Spheres of Influence Lines;**
- The Greenline;**
- Specific Plan identifications and locations;**
- North Chico specific Plan**
- Durham Dayton Nelson Plan**

Need visual picture of what exists before start playing with Guidelines, what is existing so we can see what needs to be considered for change.

Tim = We have lots of maps you're going to get to see.

Nina = Co-ordination with Lafco

Tim = Lafco is at the table

Nina = Am not opposed to co-ordination with Cities in some areas where zoning means the same thing - but not totally because they deal with high density and they don't deal with rural, they don't deal with ag, they don't deal with Open and Grazing; - and I think to direct everything to coordinate with Cities would not be my purpose. I think we are an entity of our own and I think we need to design the County unincorporated area.

Chuck = Tim is talking about co-ordination with the Cities only in the Spheres –not outside the

Spheres.

- a) Cities should not get involved outside the Spheres;
- b) Agree with Nina one Consultant for both Cities and County won't work;
- c) One Task Force for all the County.
- d)

Tim = Ad Hoc Committees for each of 42 different communities and broken down into 16 different Planning Areas = Concept of Community Planning.

Sub Consultants of the Consultant working with a Sub Consultant of the Cities on planning the Spheres – that is all we are talking about. (For Consultant feedback.)

Harrell Wilson = Certain aspects will apply to every City – but, I agree is not a cookie cutter thing where one Plan will do it all, but no it's not going to be the same all the way around because City and County have different purposes.

Rick = There are some issues in common like Bill Change application requiring City Improvement Standards.

Biggs-Gridley Sphere expanding including large area predominantly Ag. Overlap in Planning process, but whether with one Consultant or two, I don't know.

Nina = Chico currently has Chico Urban Area Standards and the County agrees with those standards.

Public Comments: (Beginning Pg. 19) Can insert Staff's Minutes or Verbatim summary here.

Mike Evans

Bea Hunter

Beginning at (Page 21-22)

Nina = Re: Procedure

Steering Committee report to Board of Supervisors, and reference to Staff's memo and what is proposed as the role of the Planning Commission.

Tim = If we are going to be consistent with our process here, we **could try** going from Steering Committee to Planning Commission and then to the Board of Supervisors – if no reason to bring to Planning Commission, **could eliminate that.**

Nina = Feel it should come to Planning Commission before going to Board of Supervisors.

Tim = Unless you don't want it to come to Planning Commission. We will take it from Steering Committee to Board of Supervisors and then back to Planning Commission.(???)

Nina = Seems like Planning Commission should be in the middle between Steering Committee and Board of Supervisors.

Chuck = That's what he said.

Nina = No...That may be what he is saying now, but not what he said first.

(Top of Page 22)

Tim = Confirmed process would be: Steering Committee to Planning Commission to Board of Supervisors.

Chuck = Suggested various options **by Topic**, Resources, Urban issues, Ag issues.

Various districts in Urban Areas.

Asked if volume was the reason for only one do it all Steering Committee?

Tim = As specific issues come up in various Planning Areas, an Ad Hoc Committee, a sub committee of the Steering Committee would go out and deal with that issue, come back to the Steering Committee for consideration, bring to Planning Commission, then to Board of Supervisors.

Anticipate an issue focused Ag Ad Hoc Committee .

These would be an off shoot of the Steering Committee.

Question is do you take them on as **issues** or as **areas**? His preference is as areas, and Community Planning. Ag issues will probably require it be tackled on a couple of different levels.

Nina = Re: Proposed Guidelines

Asked if the order in which the Framework Guidelines were presented from 1 through 12 had any meaning regarding priorities/

Chuck = Asked if any additional questions regarding the Steering Committee and the make-up of the Steering Committee.

Nina = Asked what is proposed for the make-up of the Steering Committee, what would the make-up of the Steering Committee be based on?

Areas, Subjects, Users Group, or what?

Tim = Discussed application Forms and process of selections, and stated he preferred the members be chosen by the Board of Supervisors.

Nina = Suggested need for a balance of interests, not all Ag, not all residential, not all recreation, need for balanced interests.

Tim = Public members, group representatives, city representatives, a broad cross section.

Chuck = Asked if Planning Commissioners are proposed to serve on the Steering Committee:

Tim = Response was No. Planning Commission could review applications and make recommendations.

Chuck = Opened to the public to address the issue of the Steering Committee and the make-up

of the Steering Committee.

Mike Evans (Pg. 24) = Thinks Steering Committee is good idea with Board of Supervisors making ultimate choices of members. Thinks volunteers and application process is good with clear understanding of the commitment involved.

Suggestions regarding the make-up of the Steering Committee :

- a. Each Planning Area have at least one representative because by population Urban regions may have more representatives vs. mountainous regions;
- b. Each Principle have a sub committee;
- c. Each Planning area will have issues related to each of the 12 stated Guiding Principles;
- d. Feels regionally is good way to go because:
 - (1) Butte County has Farmland, with large corporate farming and small individual farming;
 - (2) Grassland bands through Hwy. 99 and 70 corridors where four to five cities are located;
 - (3) Foothill stretch (not being developed);
 - (4) Mountains

He believes interfaces are the problem areas. Geography makes it easier to connect to which Principles effect which Planning Area.

He believes a Steering Committees the way to go, and they definitely should report to the Planning Commission, - not straight to the Board of Supervisors. Each Area sub committee should give a report to the Planning Commission, then to the Board of Supervisors to serve the public.

Dee Hunter = (Page 25)

Suggested not be too rigid and focused on one area. Planned Communities work to the betterment of the entire community.

End of public comment regarding Steering Committee.

Nina = Could agree with the Steering Committee concept, but does not agree with all of the Guiding Principles as they are proposed.

Chuck = Re: Principles

Asked how the Commission wanted to handle the Principles? Does the Commission want to go through each one?

Principle No. 1 (Page 26)

Tim = Said this is probably not the right time to wordsmith, but just consider the concept.

Chuck = The concept of whether you support Agriculture, and within that whether we should include Agriculture as a Principle – rather than specifics of what we are going to protect.

Tim = First, do you like the concept of having Guiding Principles?

Chuck = Yes, but asked Nina for her comments and concerns now.

Nina = Explained concern regarding the language in the paragraph under the Principle. Stated the language was too general and leaves a lot to interpretation. Gave example of the words “Urban” encroachment, and suggested it be changed to “Residential” encroachment. Asked what does the word “Urban” mean to you, and what does the word “Residential” mean to you?

Further stated you can have “Residential” and not be “Urban”. Asked is “Urban” higher density? Is “Residential” maybe one house?

Chuck = They mean the same thing.

Tim = When you say “Residential” you are confining it. There is commercial encroachment and other types of encroachment besides residential.

Nina = Asked if “Urban” included commercial and other types of encroachment uses?

Tim = Stated “Yes” – “Urban” is the broader term.

Rick = We hear arguments houses on one acre is not “Urban” – so none of the Urban restrictions apply. This is a good point.

Chuck = Sticking to the concept...

Nina = More important, how would the Steering Committee interpret it?

Tim = The Steering Committee will probably re-write the Principles. Just want to deal with the concept.

Rick = Consultants have their own ideas what a General Plan should be and the key is to get the Consultant that’s got the Guiding Principles you want to buy into. I think this is worth doing, but....

Chuck = Do you buy into the concept?

Rick = “How could you not?”

(Page 28- Bottom of the page – and top of Page 29)

Re: Principle #1

Peter Calarco = Suggested removing the word “Urban”...and change language to state Agriculture must be protected from encroachment of incompatible land uses. Then that becomes a **Principle and a Concept**. Through the discovery process of the General Plan Update, we begin to arrive at what the community considers as encroachment.

Harrell – Eliminate the word “Urban”.

Chuck – Ok.

Nina – That is part of it.

Rick – Regarding the last sentence under Agriculture specifying that technique rather than contrasting that to Zoning, for example, zoning restrictions on Ag portions mentioning giving more density to Urban Spheres of Influence instead of down zoning Ag. Don’t know if that is the intention. That is the problem you can get when you mention one tool to the exclusion of others. The implication is that one is more important than the other.

Tim - Ag area outside the Sphere. Principle #3 where there is going to be development that is beneficial to resources, agriculture, infrastructure, or that principle could not be there. It could just as easily say all development should be in the Spheres, there shall be no ... you could be as specific or general at this stage... you would typically want to be kind of general.

Nina - When talking about Rural development outside the Spheres, what are you talking about? Forest Ranch, Cohasset, Bangor, Feather Falls, Berry Creek?

Why are we talking about development in relation to Ag? There shouldn’t be development in Ag if Ag is a primary use in Ag area. I think it should be stated, if it is intended to preserve Ag, it should be stated that it is a primary use and not...

Tim – I don’t think we getting that specific at this level.

Nina – Well, then I guess that’s my point, it doesn’t. It’s too general for a Guiding Principle for a Steering Committee to work with and be able to address the concerns that we have already seen.

(Page 30 – Principle #3)

Tim – I think in Principle #3, what comes to mind for me is south of Lake Oroville where I know the City is talking about their Sphere may actually move to the west. Could result in a larger area with water and sewer in the County. To my knowledge, there is not a lot of ag in that area. Therefore, is not an issue of Ag/Urban, the issue (Principle #3) is how to develop where you have infrastructure in the County.

Nina – If it is in the Sphere, we wouldn’t have...

Tim – This is outside the Sphere.

Nina – But if they enlarged their Sphere, then it wouldn’t be...and the concern would have been addressed before it becomes approved by Lafco to be in the Sphere, would it not?

Tim – The Sphere is not a part of this issue.

Nina – But you said the City is contemplating it.

Tim – But we have areas outside the Sphere now, right?

Nina – (Inaudible)

Tim – Well I’m saying it is going to be further exacerbated in the future with a potential change in their Sphere – potentially – ok?

Nina – Ok.

Tim – We have the issue right now with their existing Sphere where we have essentially Urban level development in the County where there is infrastructure, so the question is what type of Principle do we want to establish for that type of development. Not in a Sphere. That has nothing to do with Agriculture.

Nina – What is Thermalito now? Incorporated or unincorporated? It has Urban services.

Chuck – Don't think Principle #3 is addressing Palermo or that concept. Asked Nina if she had any other comments on other Principles.

Nina – It doesn't sound like the Commission wants to discuss each Principle today and I think we need to. I don't want to belabor it if I am the only Commissioner concerned with Staff's proposed language.

Chuck – I thought today the Commission was only to deal with concepts – not every little Principle, only concepts with a series of Goals on how to deal with Agriculture. Feels Nina was trying to go to Step 2 and Step 3 today, and I thought we want a very general principle. Like in this case, do we feel Agriculture is important to Butte County's economy and lifestyle, do we want to start trying to protect it in certain ways and that is a concept.

Nina - Does this proposed language tell you?

Chuck – It tells you where we want to head.

Nina – Ok, it's not your top priority.

Chuck – It's not going to tell you how you're going to do it today, we are not here today to tell them how they are going to do it today. The Plan is going to do that. **We are giving them a concept that Agriculture is important.**

Nina – I read it that Agriculture is listed as one of the Principle interest and concerns. That is all it tells you.

Chuck – We are not supposed to solve the problem today.

Nina – Then we don't need any of the language under the Topic Headings Number 1 through Number 12.

Chuck – These are the Topics.

Nina – Right, and we don't need any of the language in the paragraphs beneath the Topics.

(Pages 30 – 31)

Rick – It would almost be my inclination to leave the concepts that broad. When you get more detail to the extent you are guiding the Consultant you are foreclosing the legislative process. **Example:** Say we want a Guiding Principle that says no new residences in Ag land. Calling that a Guiding Principle is misleading. That is a legislative act but you are accomplishing the same thing if you send this out to 23 potential Consultants it will come back reflecting that view, and it really shouldn't because it should arise out of the public input process or the legislative process down the road – and not sort of short cutting things by putting it in the Request for Proposal that goes out to Consultants. So, I am towards the broadest language. I would go along with saying Agriculture, it's important, the Element, that's important, Recreation, that's important too.

Chuck – In other words, no Principles at all, just write us a General Plan.

Rick – I think the instructions to the Consultants should be coming out of the public meetings where someone stands up and says no new residences in Ag land, and that gets considered and reviewed and gets proposed back to the legislative bodies sitting in a public hearing posture for approval or rejection. I think these are plenty detailed enough and too detailed.

Harrell Wilson – Working Draft and Framework of Guiding Principles that will be tweaked and bent by Steering Committee, come back to us to be tweaked and bent, and then sent to Board of Supervisors. Do not see problem with what we have as a starting point.

**Chuck – Opened to the Public for Comments.
(Page 33)**

Mike Evans – Need to make sure the Consultant is clear that these are the list of things important to us in Butte County. Don't care what the paragraph says. Just list the Topics as Principles important to us in Butte County.

Principle #1: Is Agriculture important to us? Yes.

Principle #2: Same thing, and for all 12 listed Principle Topics.

Forget all the language to the Consultant so that they address it in their proposal back to Board of Supervisors.

Forget all that language.

Principle 1 – Agriculture

Principle 2 – Development

Principle 3 – Rural Development

Principle 4 –

I feel that is all that should be sent forward today, just a list of Topics that are important to us in Butte County.

Dee Hunter – I agree with Mike Evans. This is a work in progress with public input along the way.

Kent Fowler - Request patience for those less educated and those with less experience. These Principles add dimension and scope to what we are trying to do. Need time to reflect and educate ourselves to fully understand and better define what it is we want.

(End of Public Comment)

(Page 34)

Nina – Regarding the language under Principle Natural Resources stating conserve and protect resources including mineral resources, does that mean you mine them or you don't let them be mined? The heading is fine – **Natural Resources and Environment.**

Dan Breedon – The intent of the Principle was to protect Mineral Resources for use because it is

a Natural Resource that is used.

Nina – So mining it is not using it up?

Dan – It does diminish it, but the intent would be to provide protection for reserves of Mineral Resources where they occur so it will be available and not bring in a use that will be incompatible with a future reserve that will render that reserve unusable for example a subdivision next to an area identified for mining. That is the intent.

(Page 35)

Chuck – Asked what direction the Commission wants to go with this?

Rick – Overall good articulation of concerns that Butte County wants to reflect in its General Plan. In a few cases, got too specific.

Harrell – Feel it is a good Working Draft and should proceed with it as a Working Draft.

Tim – I can present this to the Board of Supervisors reflecting this discussion with a couple of different concepts – one is a shorter version and one a more detailed version.

Chuck - Let's get the concept and stop at the concept.

Rick – Yeah. Should not infer from fact that something is mentioned here that it is endorsed by the County, or that if omitted it is rejected by the County. I think that is implicit in the level of specificity or lack of it in here.

Tim – There is no order of importance that #1 is more important than #12, or vice versa – these are meant to be equal Principles.

(Page 36)

Nina – I handed out documents reflecting revenue and economy to the County. There needs to be some priorities of where revenue and economic base comes from. A comparison is needed of Agriculture vs. Residential development. Ag doesn't ask for services, Residential development requires a great deal of services. So is there a priority?

Is the County interested in who brings in the most money or do they just care about how many people live here, under what lifestyle, and the design of the house?

What are your priorities?

Maybe we do need some criteria, and what does the Board or County want at the end of this?

Tim – That will be part of future discussions of how much is too much. Where are we going to add 20,000 jobs over the next 20 years?

(End of discussion on Principles and Framework of Guiding Principles)

Minutes of April 13, 2006.

(Page 37 – End)

VII. MINUTES – April 13, 2006

The Commission had the following correction: Page 8, Line 37 change “Orchard and Field Crops” to “Grazing and Open Space”. Line 46 change “etc” to “current location or what criteria used”.

It was moved by Commissioner Wilson, seconded by Commissioner Lambert and carried to approve the minutes as corrected by the following vote:

AYES: Commissioners Leland, Lambert, Wilson, and Chairman Nelson

NOES: No one

ABSENT: Commission Marin

ABSTAINED:

VIII. PLANNING COMMISSION CONCERNS

None

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 12:15 p.m.

Chairman Nelson

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