

**BUTTE COUNTY PLANNING COMMISSION MINUTES**  
**JUNE 8, 2006**

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

**ALSO PRESENT:**

<i>County Counsel</i>	Felix Wannemacher, Deputy County Counsel
<i>Development Services</i>	Chuck Thistlethwaite, Planning Manager
	Stacey Jolliffe, Principal Planner
	Meredith Williams, Associate Planner
	Mark Michelena, Senior Planner
	Carl Durling, Associate Planner
<i>Public Works</i>	Eric Schroth
<i>Environmental Health</i>	Doug Fogel
<i>Agricultural Commissioner</i>	Richard Price

- 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:**

Mr. Thistlethwaite introduced Stacy Jolliffe our new Principal Planner and Meredith Williams our new Associate Planner.

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Bruce McClintock said he was concerned with the parcel next to his almond orchard. He said the neighbor is building his house 125 feet from his orchard. He said he has discussed this matter with Richard Price and Development Services. He asked if the County could suspend permits that are in the works and stop this building. He wanted the County to resolve the 300-foot setback issue soon.

Richard Price said he has not reviewed building permits for the last eight months. He acknowledged speaking to Mr. McClintock.

Mr. Thistlethwaite said he has talked to Mr. McClintock and other agencies. He said the permit in question was issued in 2005. He said he has not found any evidence that the building permit was

issued in error. He noted that to get a moratorium to suspend building permits prior to resolving the 300-foot setback issue, they would need to go to the Board of Supervisors under Government Code Section 65858.

Mr. McClintock said when he reads 2.2 he feels it states that no one will be able to build within 300 feet of his orchard. He requested the Commission look into getting the moratoriums.

Chairman Nelson asked staff if the Commission could ask for the moratorium.

Mr. Thistlethwaite asked Mr. McClintock to participate in the 2.2 program discussion as they come up.

Chairman Nelson suggested that Mr. McClintock go to the Board of Supervisors with the problem.

## **V. PUBLIC HEARINGS:**

<b>Name:</b> Chris Sommers	<b>Project:</b> Grading Permit <b>GRD 05-03</b>
<b>Planner:</b> Carl Durling	<b>APN:</b> 028-210-022 <b>Zoning:</b> A-5
<b>Location:</b> on La Porte Road, approximately two miles northeast of Oro Bangor Highway (6193 La Porte Road) Bangor	
<b>Proposal:</b> grading permit to cut a new road and building site on his property	

Mr. Durling gave a brief summary and said a new report was submitted for the May 25, 2006, meeting. He said this request is consistent with the Land Conservation Act (LCA) contract.

Commissioner Lambert asked if there was something in the file that makes it clear that the area is for the owners own personal use.

Mr. Durling said the applicant submitted a letter. He said the owner has to be in conformance with the Williamson Act Contract. He said the site plan reflects the usage of the property.

Mr. Thistlethwaite mentioned that monitoring of the Williamson Act is done by the Assessor's Office.

The hearing was opened to the public.

Mr. Sommers asked for approval.

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

Commissioner Marin commented on the application coming in 2005.

Mr. Durling said this has been a long process.

Mr. Thistlethwaite noted that this is a new grading permit process for the department.





probably have to be through annual reporting requirements to show that it was being used as agricultural worker housing and not through the CEQA process.

Commissioner Lambert said the language on the second page of the report calls for upgrading the driveway.

Commissioner Wilson said the dwellings have not been there long and asked what the road standards were at the time the dwellings were put in.

Mr. Schroth said the driveway was built to a driveway standard. He said that there was no policy in place to inspect the driveway for CDF standards at that time. He said several driveways were put in that were substandard.

The hearing was opened to the public.

Kathleen Theodore said she is the property owner to the south of the applicant and stated that the revised Tentative Parcel Map is incorrect. She wants to make sure that almost two acres of her property is all of a sudden not hers. She said she gave Mr. Royal an easement to allow him to put a road on that section of the property. She said the easement is deeded and Mr. Royal knows about it. She said she is uncomfortable with the map being presented. She said the road is on her property. She said no permits were taken out to build the Royal's driveway.

Commissioner Leland said the Commission should discuss whether they are inclined to grant the exception or not. He said the first issues are the request to the Planning Commission to require the applicant to pay a higher share of the initial construction cost of Old Stage Road. He did not think that it was appropriate for the Commission to be involved because this is a private road. He said the Commission should require a correct Tentative Parcel Map by the time this is approved, but he felt there was enough information given to staff that they can verify that the parcel boundary and the location of the road are in the proper location before the final map is approved.

Mr. Thistlethwaite said there is a specific condition to correct the map.

Commissioner Leland said he was not inclined to grant the exception to the road maintenance. He said they need the road for fighting fires and it is important to have the roads up to County standards.

Commissioners Marin and Wilson concurred.

Mr. Durling said there has been no contact with the applicant since the last meeting.

Commissioner Lambert asked for clarification on #2 and is staff suggesting that the Commission go ahead and approve this with the condition that the map will be corrected to the satisfaction of the neighbor who owns the easement area or to whose satisfaction.

Commissioner Leland said that the map will be corrected before the map is recorded.

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

Mr. Wannemacher said he was not sure that the denial of the exception was the only issue that needed to be resolved. He said the Commission considered the other exception regarding the limit of the amount of dwellings. He said this has not been resolved. He said they may want to explore this more.

Commissioner Leland said he would like the applicant present when they make the final decision.

Mr. Thistlethwaite said he understands the direction of the Commission regarding the exception and staff will contact the applicant.

It was moved by Commissioner Leland, seconded by Commissioner Wilson, and unanimously carried to continue this meeting open to July 13, 2006.

There is a 10-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. Director's Report

Mr. Snellings handed out a copy of the "Welcome to the Official Butte County General Plan Update Website." He gave a summary update. He said the Board approved a sub-committee of Supervisors Dolan and Josiassen. The Board approved setting up a Citizen Advisory Committee and approved the release of the RFP.

Commissioner Lambert asked about adding two members of the Commission to the Board's sub-committee.

Mr. Wannemacher said the purpose is to allow those members to get information to bring back to the Board of Supervisors. He explained the purpose and need for a sub-committee.

Commissioner Leland said it would benefit the commissioners to attend the advisory committee meetings and did not feel the Commission needed to be part of the sub-committee.

Mr. Snellings said he would update the commission at every meeting.

B. General Plan/Zoning Ordinance Update

1. Discussion General Plan Program 2.2, the Agricultural Element. ACTION REQUESTED: Continue to June 22, 2006.

Mr. Wannemacher said he will not be here for the June 22, 2006, meeting. He said there are no other hearings scheduled for June 22.

Mr. Price said he would not be available for July 13, 2006.

This item was continued to July 27, 2006, in the afternoon. It was unanimously decided to not have a meeting June 22, 2006.

C. Legislative Case Law update – None

D. Planning Commission Concerns

1. Discussion Item – Oak Woodlands Management Plan and Resolution.

This item was continued to July 27, 2006.

**VII. MINUTES** – April 27, 2006, (continued from May 25, 2006), May 11, 2006, and May 25, 2006.

April 27, 2006:

Commissioner Lambert said she had some major changes and would like to give the proposed changes to the Commission to read and bring these back for approval at the next available meeting.

These minutes were continued to July 13, 2006.

May 11, 2006:

The Commission had the following corrections: Page one list the person doing the minutes; Page 3, L37 add a “?”; Page 6, L10 after “can” add “be”; Page 7, L33, change “exceed” to “is less than”; Page 8, L22, after “have” add “to”; Page 17, L8, change two “file” to “property line”; Page 19, L18-19, Delete “The concern was whether this set a precedence.” And add “She requested this be agenzized for a discussion on second dwelling units, agricultural worker housing, and cul-de-sacs.”

It was moved Commissioner Lambert, seconded by Commissioner Wilson, and carried to approve the minutes for May 11, 2006, as corrected by the following vote:

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

NOES: No one

ABSENT: No one

ABSTAINED: Commissioner Marin

May 25, 2006:

There was no quorum and no minutes for this meeting.

**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.*

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Chairman Nelson

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