

BUTTE COUNTY PLANNING COMMISSION MINUTES

February 8, 2007

I. PLEDGE OF ALLEGIANCE

II. PRESENT: Commissioners Nelson, Marin, Wilson, Leland, and Chair Lambert

ABSENT: None

ALSO PRESENT:

*County Counsel
Development Services*

Roger Wilson, Deputy County Counsel
Pete Calarco, Assistant Director
Dan Breedon, Principal Planner, Advance Planning
Stacey Joliffe, Principal Planner, Current Planning
Mark Michelena, Senior Planner
Carl Durling, Associate Planner
Chris Thomas, Associate Planner
Tina Bonham, Commission Clerk

Environmental Health

Doug Fogel

Public Health

Eric Schroth

Agricultural Commission

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 Nelson, seconded by Commissioner Leland, and unanimously carried to accept the agenda as presented.

IV. BUSINESS FROM THE FLOOR ON ITEMS NOT ALREADY ON THE AGENDA (Presentations will be limited to five minutes. The Planning Commission is prohibited by State Law from taking action on any item presented if it is not listed on the Agenda)

None

V. CONSENT AGENDA Consent items are set for approval in one motion. These items are considered non-controversial. No presentations will be made unless the item is pulled from the Consent Agenda for discussion. Any person may pull an item from the consent agenda.

The Chair will ask if any Commissioner or member of the public wishes to pull a consent item for discussion.

None

VI. ACTION ITEMS (NOT A PUBLIC HEARING).

MEXT06-0002(Salerno) - Staff recommends approval

Name: Margaret Salerno
Planner: Chris Thomas

Project: Extension of Time
APN: 072-210-025

Location: on the east side of John Mardon Lane, approximately 1,000 feet south of Old Olive Highway.

Proposal: Tentative Parcel Map to divide a 10.48-acre parcel into two (2) parcels (one at 5.48 acres with a house and garage, and one at 5.00 acres which is undeveloped)

Map extension requested because road conditions of approval with TPM 04-22 are taking longer than expected to comply with.

Mr. Chris Thomas gave a brief summary of project. There are two requests. First, is a request for time extension with an expiration date of 12/9/2011. Staff recommends approval. Second, is a request for an exception to sewage design. Staff requests a continuance on this item.

Commissioner Nelson asked if staff wanted the Commission to take action on this item today.

Ms. Stacey Jolliffe said they would like the Commission to take action on the time extension.

Chair Lambert asked about the new condition from Public Works.

Ms. Jolliffe said the new condition would be part of the continuance request.

Chair Lambert opened the public hearing.

Mr. Eric Schroth said they added a condition on the reconfigured map to have the road paved.

Chair Lambert closed the public hearing regarding the time extension and confined comments among staff and Commission.

It was moved by Commissioner Leland, seconded by Commissioner Marin and unanimously carried to adopt Resolution PC 07-04 approving the Extension of Time for Margaret Salerno subject to the findings and conditions.

It was moved by Commissioner Leland, seconded by Commissioner Marin and unanimously carried to continue open, until March 8, 2007, the Request for Exception for Margaret Salerno.

VII. PUBLIC HEARINGS The Chair will call for staff comments. The hearing will be opened to the public for proponents, opponents, comments, and rebuttals. The hearing will be closed to the public and discussion confined to the Commission. The Commission will then make a motion and vote on the item.

It is requested that public initiated presentations be limited to a maximum of 5 minutes so that all interested parties will have an opportunity to address the Commission. Following your presentation, please print your name and address on the speakers sheet so that the record will be accurate.

The recommendation of County staff is indicated below. It is only a recommendation and has not yet been considered by the Planning Commission. Copies of the Staff Report are available at the Planning Division Office

TPM 05-22 – Continued from 12/14/06 Planning Commission meeting. Staff recommends continuance off-calendar.

Name: Terry and Ruth Smith Project: Tentative Parcel Map TPM 05-22

Planner: Mark Michelena **APN:** 041-260-059 **Zoning:** U

Location: On the north and south sides of Oregon City Trail, approximately 1600 feet east of Oregon Gulch Road, at 142 Oregon City Trail, Oroville.

Proposal: Application to divide a 74 acre parcel into 3 parcels (21.46 acres, 20.06 acres and 32.73 acres)

Mr. Mark Michelena said that the applicant is close to getting the easement they need, but would like the project to be continued off calendar until they have the easement.

Chair Lambert opened the public hearing.

Applicant not present. No one present to speak.

Chair Lambert closed the public hearing and confined comments to staff and Commission.

It was moved by Commissioner Nelson, seconded by Commissioner Marin and unanimously carried to continue, off calendar, the Tentative Parcel Map for Terry and Ruth Smith.

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

B. UP 06-03 – Mt. Joy Bible Fellowship. Staff recommends approval

Name: Evergreen Development Project: Use Permit UP06-03
Planner: Carl Durling APN: 063-150-022
Location: 15522 Nopel Avenue, Forest Ranch, CA 95942
Proposal: Change of use from lawyer and dentist office to church building.

Mr. Carl Durling gave a brief summary of the project. He made corrections on page 2 of Agenda Report the fourth bullet should say 24-160F instead of 24-150E, on page 6 of the Initial Study the last sentence should read as “The area is designated “Development Permitted”, and on page 7 the first paragraph should read as “The collection of fees pursuant to Fish and Game Code Section 711.4 is required, prior to filing a Notice of Determination for the project, unless the project proponent provides verification from the California Department of Fish and Game that the project is exempt from the fee requirement. If a required fee is not paid for a project, the project will not be operative, vested or final and any local permits issued for the project will be invalid (Section 711.4 (c) (3))”. He spoke of the new rules and increased fees for Fish and Game and that he is notifying the applicant on how the new rules and fees apply to them.

Ms. Jolliffe said they are adding a new Condition 6 that states the church shall maintain trash facilities consistent with section 24-160F of the Butte County Code and re-numbering the subsequent Conditions.

Chair Lambert asked what the normal setbacks are.

Mr. Durling said 10 feet and applicant is at 18 feet.

Chair Lambert asked if a new condition had to be added regarding the Fish and Game fees.

Ms. Jolliffe said the change in the language of the Initial Study is adequate and the Resolution is correct.

Chair Lambert opened the public hearing.

Applicant not present. No one present to speak.

Chair Lambert closed the public hearing and confined comments to staff and Commission.

It was moved by Commissioner Wilson, seconded by Commissioner Marin and unanimously carried to adopt Resolution PC 07-05 approving the Use Permit for Evergreen Development (Mt. Joy Bible Fellowship subject to the findings and conditions and changes to page 2 of Agenda Report the fourth bullet should say 24-160F instead of 24-150E, on page 6 of the Initial Study the last sentence should read as “The area is designated “Development Permitted”, and on page 7 the first paragraph should read as “The collection of fees pursuant to Fish and Game Code Section 711.4 is required, prior to filing a Notice of Determination for the

project, unless the project proponent provides verification from the California Department of Fish and Game that the project is exempt from the fee requirement. If a required fee is not paid for a project, the project will not be operative, vested or final and any local permits issued for the project will be invalid (Section 711.4 (c) (3))”, and adding a new Condition 6 that states the church shall maintain trash facilities consistent with section 24-160F of the Butte County Code and re-numbering the subsequent Conditions.

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

- C. **SPA 06-01** - Butte County. Staff recommends that the Planning Commission adopts a resolution recommending SPA 06-01 to the Board of Supervisors

Name: County of Butte **Project:** Specific Plan Amendment, SPA 06-01

Planner: Stacey Jolliffe

Location: North Chico Specific Plan Area

Proposal: A Specific Plan Amendment to the M-1 zone of the North Chico Specific Plan to allow as conditional uses, substantially similar uses to those specified in Chapter 7, Pages 7-19 and 7-20 of the North Chico Specific Plan.

Mr. Mark Michelena gave a brief summary of the project.

Chair Lambert asked if the project is allowing a commercial use in the M zone.

Ms. Jolliffe went over different scenarios of how the Amendment would allow the Commission to find a compatible use but would not open up the M zone completely.

Commissioner Leland asked what the finding is that the Planning Commission is supposed to make.

Ms. Jolliffe said it is in the Resolution on page 5 of the Agenda Report and went over what the Commission needs to do.

Chair Lambert asked if they are doing this for a specific project.

Ms. Jolliffe said there is a project in house that led them to look at this Ordinance, but it has not come before the Commission. This Amendment would not automatically mean the project would be approved.

Mr. Michelena said that all items have to go to ALUC.

Chair Lambert opened the public hearing.

No one present to speak.

Chair Lambert closed the public hearing and confined comments to staff and Commission.

It was moved by Commissioner Marin, seconded by Commissioner Wilson and unanimously carried to adopt Resolution PC 07-09 approving the Specific Plan Amendment for Butte County subject to the findings and conditions.

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

VIII. 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. Calarco said that both Tim Snellings and Charles Thistlethwaite are attending the Planning Directors conference in Sacramento and they will report on what they learned at the next meeting.

B. General Plan/Zoning Ordinance Update

Mr. Dan Breedon gave a summary of the Summit Meeting. He went over graphs created from the meeting. He said that transportation was first among concerns. He said the Guiding Principles were going before the Board of Supervisors on Tuesday February 13, 2007.

C. Update of Board of Supervisors Actions

None

D. Legislative Case Law update

None

E. Planning Commission Concerns

Chair Lambert asked what scenario would allow the Commission to have a closed session.

Mr. Roger Wilson said he would find out.

IX. MINUTES –.

None

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

XI. ADJOURNMENT

The meeting was adjourned was 9:45 am.

Chairman Lambert