

BUTTE COUNTY PLANNING COMMISSION MINUTES

March 8, 2007

I. PLEDGE OF ALLEGIANCE

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

ABSENT: Commission Leland

ALSO PRESENT:

County Counsel
Development Services

Robert MacKenzie, Deputy County Counsel
Tim Snellings, Director of Development Services
Chuck Thistlethwaite Planning Manager,
Stacey Joliffe, Principal Planner, Current Planning
Dan Breedon, Principal Planner, General Plan
Carl Durling, Associate Planner
Chris Tolley, Associate Planner
Tina Bonham, Commission Clerk

Environmental Health

Doug Fogel
Derek Prestesater

Public Works

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 Wilson, 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

VI. **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.

A. **MEXT07-0001** –Staff recommends approval

Name: Robert and Sandra Minton Project: Time Extension

Planner: Chris Tolley APN: 047-460-025 Zoning: SR-1

Location: 123 Parsley Ln., Chico CA

Proposal: The applicant is requesting an extension of time to record an approved Tentative Parcel Map (TPM 04N-28), originally approved on March 10, 2005. The parcel is located at 97 Parsley Lane, north of the City of Chico.

It was moved by Commissioner Wilson, seconded by Commissioner Marin, and unanimously carried to approve the consent agenda adopting Resolution PC 07-10 approving MEXT07-0001 for Robert and Sandra Minton.

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

- V. 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

A. TSM 05-08 –Staff recommends approval

Name: Richard Ball Project: Tentative Subdivision Map

Planner: Carl Durling APN: 030-072-069 Zoning: AR

Location: The west side of 18th Street, approximately 750 feet north of Grand Avenue, Thermalito

Proposal: Tentative Subdivision Map to divide a 4.25-acre parcel into 16 residential lots & 1 drainage lot, ranging in size from 6,500 to 12,000 square feet.

Mr. Carl Durling gave a brief summary of the project. There are three corrections to the agenda report. The first is there are seventeen lots not sixteen lots, the second correction is on page 14 Mitigation #4 under timing strike out “if an agreement is established” from the sentence, and on page 16 Condition 13 change language to “If a locked gate is proposed submit detailed plans for approval by the Director of Public Works. Locate gated entry exit 84 feet from 18th Street right of way line and provide a cul-de-sac east of the gate designed and constructed as specified in the County Improvement Standards, and submit design to Land Development Division for approval prior to recordation of the final map.”

Chair Lambert asked about square footage of lots.

Mr. Durling said the largest lot is a little over 10,000 square feet.

Chair Lambert asked about the drainage lot because on the Agenda Report it is called a detention pond.

Mr. Durling said it is parcel A on the map and it is a detention pond. He said he met with several residents in the area who had concerns regarding traffic.

Commissioner Marin asked if water and sewer would be provided by Thermalito Irrigation District and is there already a main water supply there.

Mr. Durling said that Thermalito Irrigation District will handle the sewer and water and there is a water line available.

Chair Lambert opened the public hearing.

Mr. Dell Snyder is concerned about traffic on a street that he says is too narrow for two trucks to pass. He said this part of 18th Street has not been improved.

Commissioner Marin asked how wide the road was.

Mr. Durling said it is two lanes with no passing. He believes the paved lanes are 12 foot each.

Commissioner Marin asked what the speed limit is.

Mr. Durling answered that Thermalito is either at 25 mph or 35mph.

Mr. Michael Evans representing Mr. Ball addressed the Commission. He said there is no gate proposed. He talked also of the conditions that require widening the road. He believes that should help with the neighbors concerns.

Chair Lambert asked for clarification on what Mr. Evans would like stricken from Condition 13.

Mr. Evans said there would be no gate and that the next sentence should be deleted as well and the Condition would then start with the sentence "The Developer must complete formation..." He explained about the design and use of the detention pond.

Commissioner Marin asked how he is addressing mosquito abatement.

Mr. Evans answered the pond would only hold water temporarily so mosquitoes would not be an issue.

Commissioner Wilson said it appeared there was a low spot toward the road.

Mr. Evans said that would be addressed by grading the property.

Ms. Jolliffe said that after consultation with Eric Schroth from Public Works page 16 Condition 13 could begin with "Submit design to Land Development".

Commissioner Nelson asked when 18th Street would be completed.

Mr. Eric Schroth said he is unaware of any Public Works plans to finish improvements on 18th Street.

Commissioner Nelson asked if the road could handle an increase in traffic.

Mr. Schroth said there would not be a significant impact.

Ms. Patricia Snow addressed the Commission. She read from a letter she sent to Carl Durling and asked how a parcel zoned AR could allow someone to put multiple residences on it.

Chair Lambert asked Mike Evans if he knew the width of the road.

Mr. Evans said the road is 20 to 24 feet in width. He also clarified for Ms. Snow that AR is Agricultural Residential. He said the original design lot was supposed to be sixteen lots but ALUC requires a minimum of four lots per acre so they had to increase to seventeen lots.

Chair Lambert asked Mr. Evans to explain why ALUC had such a requirement.

Mr. Evans explained the safety reasons for the requirement.

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

Commissioner Marin spoke of how large the lots are. He is in favor of the project. He brought up whether the map should change since it says gated.

Mr. Thistlethwaite said the Conditions would address that.

Chair Lambert asked for County Counsel's opinion regarding if a new revised map should be attached .

Mr. MacKenzie said that Mr. Thistlethwaite is correct.

It was moved by Commissioner Wilson, seconded by Commissioner Marin, and unanimously carried to adopt PC 07-11 TSM 05-08 Richard Ball with the following corrections and changes, sixteen lots to seventeen lots, page 14 Mitigation #4 under timing strike out "if an agreement is established" from the sentence, and on page 16 Condition 13 strike out the first three sentences.

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

B. GRD 06-01 –Staff request continuance to April 12, 2007

Name: Signalized Intersection West, LLC Project: Grading

Planner: Carl Durling APN: 017-090-138; 139 Zoning: FR-5

Location: The parcels are located in Butte Creek Canyon on the northwest side of Centerville Rd, approximately two miles northeast of the Honey-Run Rd and Centerville Rd intersection, and 1600 ft northeast of Cable Bridge Drive

Proposal: Grading permit to provide road access to two dwellings.

Mr. Chuck Thistlethwaite gave a brief summary of project. He said that due to the numerous comments received regarding the Initial Study, staff was unable to complete a thorough analysis of all of the comments and necessary responses. Staff notified the applicant who then requested a continuance on this item. He informed the Commission that notices were mailed out to the neighbors that a continuance was being requested.

Chair Lambert opened the public hearing.

Mr. Patrick Bernedo asked the Commission to go out to the project site prior to the next meeting.

Chair Lambert asked if there was grading occurring at this time.

Mr. Bernedo answered that the grading was started without permits and has caused drainage into his pond.

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

It was moved by Commissioner Nelson, seconded by Commissioner Marin, and unanimously carried to continue GRD 06-01 Signalized Intersection West, LLC. open until the April 12, 2007 Planning Commission meeting.

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

X. 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. Tim Snellings went over the planning workload. He talked about using an outside consultant to help with portions of a project to move through the backlog.

Mr. Thistlethwaite said that staff has initiated a process to use outside consultants for CEQA documents. Staff will review documents to make sure it is not biased.

Chair Lambert asked if this increased or decreased cost.

Mr. Thistlethwaite said it would increase the cost, but it is an option if an applicant wants to get his project through more quickly.

Commissioner Marin asked if projects dated prior to 2005 were complete.

Mr. Thistlethwaite said no. The 2.2 Agricultural Ordinance has caused delays.

Commissioner Nelson asked what the current backlog is.

Mr. Snellings said there are 190 projects in the queue. Planning staff had completed over eighty projects, but then received ninety new projects.

Commissioner Nelson wanted to know why the agenda was so light if there is so many projects. He asked how the Commission can help staff to get through the backlog.

Mr. Thistlethwaite said that staff is looking at different strategies to bring more projects to the Commission.

Mr. Snellings said that they are setting a goal of 8-10 projects for each agenda.

B. General Plan/Zoning Ordinance Update

Mr. Dan Breedon gave a brief update on General Plan 2030 that went to the Board of Supervisors. He talked about the different public workshops that will take place. He reminded the Commission of the special Friday meetings they need to attend starting in April.

Mr. Snellings told the Commission about a newly created web forum. Staff is using the forum to help organize the public hearings.

Commissioner Wilson asked if anyone is answering the forum.

Mr. Snellings said it was being used to gather information.

Chair Lambert asked if the Commission was required to attend the workshops and be reimbursed.

Mr. Snellings said the meetings are to gather information, organize it, and then present it to the Commission during the special Planning Commission Study Session. The Commission is welcome at any meeting but only required for the Planning Commission Study Sessions. He told the Commission of the upcoming twenty-four meetings and talked about the quick links on the website. He also spoke about the Las Plumas Project and how it makes sense to develop in this area.

Commissioner Nelson asked if that area would stay in the County.

Mr. Snellings said that would be an item that will be discussed.

C. Update of Board of Supervisors Actions

Mr. Thistlethwaite said that Board of Supervisors made a Motion of Intent on Smuckers to deny the residents appeal and approve Smuckers' appeal.

Chair Lambert asked if the appeal was over the sound wall.

Mr. Snellings said yes. Smuckers is moving the truck route which negates the need for a sound wall.

Commissioner Marin asked if neighbors were allowed to appeal.

Mr. MacKenzie explained about how any interested party could appeal. He also explained that the neighbors have to show they have exhausted all administrative remedies if they decide to do a lawsuit later.

Mr. Snellings said that appeals are contributing to the bottleneck.

D. Legislative Case Law update

None

E. Planning Commission Concerns

Chair Lambert asked for clarification on when Commissioners are reimbursed for meetings.

Mr. Snellings said that the Planning Commission Study Sessions would be reimbursed, but all other meeting are optional.

XI. MINUTES –.

January 11, 2007

It was moved by Commissioner Marin, seconded by Commissioner Nelson, and unanimously carried to approve the January 11, 2007 minutes with the following corrections: page 3 line 39 delete question since there was no response and page 4 line 47 change spelling to Murray's.

January 25, 2007,

It was moved by Commissioner Marin, seconded by Commissioner Wilson, and unanimously carried to approve the January 25, 2007 minutes with the following corrections: page 3 line 15 insert "Re: Court Reporters transcript of the M&T Mine", page 4 line 8 insert what was being approved by the Motion, page 5 line 6 insert will have to "be" permitted, page 6 line 46 and 47 change to "Chair Lambert said she feels the Agricultural Commissioner's recommendations should be as important on agricultural issues as Environment Health, California Department of Forestry, etc. are in their areas of expertise and the recommendations they make", and page 7 line 26 change sentence to say "Mr. Calarco suggested that recital go into Section A".

February 8, 2007

It was moved by Commissioner Marin, seconded by Commissioner Wilson, and unanimously carried to approve the February 8, 2007 minutes with the following corrections: page 3 line 9 add "Applicant not present. No one present to speak," page 3 line 47 add "Applicant not present. No one present to speak," page 4 line 44 add "No one present to speak."

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

XIII. ADJOURNMENT

The meeting was adjourned was 10:45 am.