

**BUTTE COUNTY PLANNING COMMISSION MINUTES**  
**April 24, 2008**

**I. PLEDGE OF ALLEGIANCE**

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

**ABSENT:** Commissioner Marin

**ALSO PRESENT:**  
*County Counsel* Felix Wannemacher, Deputy County Counsel  
*Development Services* Tim Snellings, Director  
Charles Thistlethwaite, Division Manager  
Stacey Jolliffe, Principal Planner  
Chris Tolley, Associate Planner  
Carl Durling, Associate Planner  
Brett Walker, Associate Planner  
Tina Bonham, Commission Clerk  
*Environmental Health* Doug Fogel, Program Manager  
*Public Works* Eric Schroth, Civil Engineer, Associate

**III. ACCEPTANCE OF AGENDA** - Commission members and staff may request additions, deletions, or changes in the Agenda order.

It was moved by Commissioner Leland, and seconded by Commissioner Lambert and carried by the following vote

Ayes: Commissioner Lambert, Leland and Chair Wilson

Noes: None

Absent: Commissioners Nelson and Marin

Abstain: None

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).

Ms. Lucy Cooke requested to talk about the New Era Mine decision. She said that the Department of Development Services and Public Works were aware of violations in October of 2007, possibly May. She would like the Resolution to be changed to show an accurate record. She said that the decision is unclear as to what is allowed regarding the mining. She asked if the original 20 cubic yards of material relates to native or concentrated material. She said that she believes the decision provides a poor example and is frustrated over her inability to find out from anyone what is allowed in regards to mining. She said that several of her neighbors and herself rely on the natural springs for their water supply and is concerned about the water quality. There is increased traffic which causes problems. She said that the staff of the Department of Development Services is biased in regards to the New Era Mine. She said that she was told the stream was going to be diverted, but when she asked Fish and Game they told her they could not comment on it due to a threatened lawsuit. She is frustrated with the whole process.

Mr. Charles Thistlethwaite told her that 2 appeals have been filed to date regarding the New Era Mine project. It has been tentatively scheduled for the Board of Supervisors meeting on June 10th.

Commissioner Nelson arrived for the meeting.

V. **OTHER ITEMS:**

- A. [Keefer Road/Garner Lane Fire Station proposal](#)-staff recommended a determination of General Plan consistency

**Name:** County of Butte **Request:** General Plan Consistency Determination

**Planner:** Brett Walker **APN:** 047-600-005 **Zoning:** SR-1/NCSP

**Location:** Project is located at the southwest corner of Keefer Road and Garner Lane; 4007 Keefer Road. The site is located 1.5± miles east of Hwy 99.

**Proposal:** The Planning Commission is asked to recommend whether the proposed fire station would be consistent with the Butte County General Plan to the Board of Supervisors.

Mr. Brett Walker gave a presentation of the proposal with a power point presentation.

Commissioner Nelson asked why this location was chosen.

Ms. Stacey Jolliffe said that staff is responding to a proposal from General Services .

Commissioner Lambert asked if it would need to be rezoned.

Ms. Jolliffe said no. A use permit would be required.

Mr. Thistlethwaite said that this parcel, and other areas, will be reviewed during the General Plan Update process.

Chair Wilson asked what is wrong with the existing fire station.

Mr. Walker said he believes that it is because the existing station is very old and the newer location would provide better access to Highway 99.

Chair Wilson opened the public hearing.

There was no one present to speak on the item.

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

It was moved by Commissioner Nelson, and seconded by Commissioner Lambert and carried by the following vote

Ayes: Commissioner Lambert, Leland, Nelson and Chair Wilson

Noes: None

Absent: Commissioners Marin

Abstain: None

to adopt Resolution 08-25 and recommend to the Board of Supervisors that the project is consistent with the general plan.

**VI. 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. [TPM06-0036](#) - staff recommended approval**

**Name: OA Ventures**

**Project: Tentative Parcel Map**

**Planner: Chris Tolley**

**APN: 028-440-015 Zoning: A-5**

**Location:** The parcel is located on the south side of Avocado Road, approximately one mile west of the Avocado Road and Oro Bangor Highway intersection, southeast of the City of Oroville.

**Proposal:** A proposed Tentative Parcel Map to divide an approximately 11.2 acre parcel zoned A-5, resulting in two parcels of approximately 5.62 acres each, served by individual sewage disposal systems and wells

Mr. Chris Tolley gave a summary of the project with a power point presentation.

Chair Wilson opened the public hearing.

Mr. Marciniak talked about the increase in the Fish and Game fee. He also said that, on another project, he lost out on a sale due to the 6-8 month wait on the application process. He said that the streetlight mitigation on that project should have been resolved at the beginning of the project and that Public Works will not deviate on the stringent road improvements they require.

Mr. Michael Evans said he was available for questions.

There were no questions by the Commission.

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

Commissioner Nelson asked if Public Works is being stringent on their conditions.

Mr. Schroth said that the Director of Public Works can modify a condition if it is appropriate.

Commissioner Nelson asked if Fish and Game fees are based on when the project comes in.

Mr. Thistlethwaite said no. County fees are based on when they are submitted, but State fees are not. Staff sends invoices to the applicants prior to the hearing date.

It was moved by Commissioner Lambert, and seconded by Commissioner Leland and carried by

the following vote

Ayes: Commissioner Lambert, Leland, Nelson and Chair Wilson

Noes: None

Absent: Commissioners Marin

Abstain: None

to adopt Resolution 08-26, adopting the Mitigated Negative Declaration and approving TPM06-0036 for OA Ventures.

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

**B. [TPM06-0033](#) - staff recommended approval**

**Name: Michael & Scott Damon**

**Project: Tentative Parcel Map**

**Planner: Chris Tolley**

**APN: 028-270-048 Zoning: A-5**

**Location:** The project is located at 1200 Bangor Park Road (on the north and south side of Bangor Park Road, 1.36 mile east of the Dunstone Drive and Bangor Park Road intersection), southeast of the City of Oroville.

**Proposal:** A Tentative Parcel Map to divide a parcel into two parcels of 106 and 60 acres, served by individual sewage disposal systems and wells.

Mr. Tolley gave a summary of the project with a power point presentation. He said that he received a comment letter after the packets were distributed to the Commissioners and provided a copy to them at the meeting.

Commissioner Lambert asked if and when the 300 foot buffer would be applied.

Ms. Jolliffe said she would check in the paperwork and answer later in the meeting.

Chair Wilson opened the public hearing.

Mr. Dave Paulmery said he lives near the parcel. He has concerns and does not believe that they have been adequately addressed. He is concerned that there could be smaller parcels created which would add to the density in the area. He is concerned that by requiring lighting the aesthetics of the area will be affected. He said that the majority of oaks are over 100 years old and should be protected. He said there is a fence on the property that is over 130 years old and should be designated as an historical landmark. There are many Indian grinding stones and other artifacts on his property which makes him believe that there is a high possibility that the Damon parcel has artifacts also. He is also concerned over his view being disturbed. He said he does not have a problem with the project, but wants to have his concerns addressed.

Commissioner Lambert asked, if the fence is on the historical list, what can staff do.

Ms. Jolliffe said that she would need to research. If the Planning Commission wants they can add a condition for an archeological study.

Mr. Michael Damon said there was a lot of trash on the parcel which he is cleaning up. There was a code violation citation to clean it up.

Commissioner Nelson asked if the citation was against Mr. Damon.

Mr. Damon said no. He inherited the trash when he bought the property and is making every effort to rid the property of all trash.

Commissioner Leland asked if Mr. Damon was aware of the fence.

Mr. Damon said yes and he has no intention of moving it.

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

Ms. Jolliffe said in regards to Commissioner Lambert's question earlier about the 300 foot setback; it would be applied when building permits are applied for.

It was moved by Commissioner Lambert, and seconded by Commissioner Leland and carried by the following vote

Ayes: Commissioner Lambert, Leland, Nelson and Chair Wilson

Noes: None

Absent: Commissioners Marin

Abstain: None

to adopt Resolution 08-27, adopting the Mitigated Negative Declaration and approving TPM06-0033 for Michael Damon.

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

C. [TPM07-0021](#) – staff recommended approval

**Name:** Monty A. Vanderbeek

**Project:** Tentative Parcel Map

**Planner:** Carl Durling

**APN:** 073-300-027 **Zoning:** TM-5

**Location:** The parcel is located on both sides of Forbestown Road, approximately 915 feet north of Bamford Way, approximately 1.8 miles northeast of the community of Forbestown.

**Proposal:** Tentative Parcel Map to divide an 18.9-acre parcel into one 7 acre parcel and two 6 acre parcels.

Mr. Carl Durling gave a summary with a power point presentation. He said that there is an old wooden bridge that will be studied, prior to any disturbance to determine if it is an historical landmark.

Commissioner Lambert asked if a second dwelling would be allowed.

Mr. Durling said that if the parcels meet septic standards then they can have second dwellings.

Chair Wilson opened the public hearing.

Mr. George Wasely said that Conditions 7 & 8 should be timed prior to issuance of building permit instead of prior to recordation of map. Any perspective buyers would be notified of the conditions. He asked if Condition 9 could be changed to "may require a construction storm water permit".

Mr. Schroth said he does not have a problem with a change in the wording for Condition 9. He

said that prior to meeting he talked about changing Conditions 7 & 8, but thought there was limited access points. Having looked at the map again he sees multiple access points which means that Public Works would not approve a change to the language.

Mr. Wasely said that the access points are difficult to use.

Ms. Jolliffe asked if Public Works needed to view the access points.

Mr. Schroth said yes, but it would mean the item would be continued.

Mr. Wasely said that he does not mind the hearing being continued, but is confused as to what the problem is.

Commissioner Nelson asked Mr. Schroth to explain Public Works' concern.

Mr. Schroth said that some driveways used may cause gravel to come out into the roadway.

Commissioner Leland said that the item should come back to the next meeting.

Ms. Jolliffe said the next meeting is May 22, 2008.

It was moved by Commissioner Leland, seconded by Commissioner Nelson and carried by the following vote

Ayes: Commissioner Lambert, Leland, Nelson and Chair Wilson

Noes: None

Absent: Commissioners Marin

Abstain: None

to continue TPM07-0021 for Monty A. Vanderbeek until May 22, 2008.

There was a 15 minute break.

**VII. 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- Discussion regarding cancellation of May 8, 2008 meeting.
- B. Butte County General Plan 2030 Progress Report

Mr. Tim Snellings gave an update on the Citizens Advisory Committee (CAC) meetings and the process that is being used to obtain the viewpoint of both the CAC and the general public. There were approximately 40 people who came to a meeting regarding the water element. He said that there was also discussion regarding a youth element that laid the groundwork for the upcoming June 5th meeting. He extended an invitation to the Commissioners and said that DVD's will be available for those who want a copy. He said that there will need to be a second Special Study Session meeting for the Planning Commission, and it is scheduled for May 30. It is possible that a third meeting may be needed.

Commissioner Leland asked what the role of the Planning Commission is regarding these meetings.

Mr. Snellings said the Commission needs to give their perspective and recommendations regarding the information provided to the Commission.

C. Update of Board of Supervisors' Actions on February 22, 2008

Mr. Thistlethwaite gave an update on the Board of Supervisors' actions. There were several appeals. The first was the Sittman Tentative Parcel Map appeal of Condition 15 regarding road improvements which was continued due to Cal Fire needing to do a site visit. The Planning Commission's approval of the St. Cin Tentative Parcel Map was appealed by both the neighbors who were concerned over whether the septic-free area would encroach onto their property and the applicant regarding road improvements. He said that Environmental Health changed its recommendation so that septic would not affect adjoining parcels. This item was also continued. The McCrady's appealed the condition regarding not allowing a second dwelling. The Board of Supervisors upheld the Planning Commission's decision.

Commissioner Nelson said that the Planning Commission should send a recommendation to the Board of Supervisors to look again at the second dwelling ordinance especially now that the Board of Supervisors are seeing projects that are affected by it.

Mr. Thistlethwaite said that is being addressed in the General Plan Update process.

Commissioner Nelson asked why there was code change information in the packet.

Mr. Thistlethwaite said that those will be addressed at the next regular Planning Commission meeting.

D. Legislative Case Law update

None

E. Planning Commission Concerns

None

**VIII. MINUTES - None**

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

**X. ADJOURNMENT**

The meeting adjourned at 11:45 a.m.

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Chair Wilson