

1 **BUTTE COUNTY PLANNING COMMISSION MINUTES**

2 **May 22, 2008**

3
4 **I. PLEDGE OF ALLEGIANCE**

5
6 **II. PRESENT:** Commissioners Leland, Lambert, Nelson, Marin
7 and Chair Wilson

8
9 **ABSENT:** None

10
11 **ALSO PRESENT:**

12 *County Counsel* Felix Wannemacher, Deputy County Counsel
13 *Development Services* Charles Thistlethwaite, Division Manager
14 Stacey Jolliffe, Principal Planner
15 Chris Thomas, Associate Planner
16 Carl Durling, Associate Planner
17 Tiffany Upton, Office Specialist Sr.
18 *Environmental Health* Doug Fogel, Program Manager
19 *Public Works* Eric Schroth, Civil Engineer, Associate

20
21 **III. ACCEPTANCE OF AGENDA** - Commission members and staff may request additions,
22 deletions, or changes in the Agenda order.

23
24 It was moved by Commissioner Lambert, and seconded by Commissioner Leland and carried by
25 the following vote

26 Ayes: Commissioner Lambert, Leland, Marin and Chair Wilson

27 Noes: None

28 Absent: Commissioner Nelson

29 Abstain: None

30 to accept the agenda as presented.

31
32 **IV. BUSINESS FROM THE FLOOR ON ITEMS NOT ALREADY ON THE AGENDA**

33 (Presentations will be limited to five minutes. The Planning Commission is prohibited by State Law from taking
34 action on any item presented if it is not listed on the Agenda).
35

36 Mr. Mike Evans shared with the Commission the direction that the City of Oroville is heading in
37 regarding its General Plan 2030.

38
39 Commissioner Nelson arrived at 9:12 a.m.

40
41 **V. CONSENT AGENDA** Consent items are set for approval in one motion. These items are considered non
42 controversial. No presentations will be made unless the item is pulled from the Consent Agenda for discussion.
43 Any person may pull an item from the consent agenda.
44

45 **A. MEXT08-0003 – staff recommended approval**

46 **Name:** Darin Williams

Project: Map Extension

47 **Planner:** Carl Durling

APN: 071-160-030 **Zoning:** AR

1 **Location:** The property is located on the north and south sides of
2 Canfield Drive, west of Springer Road, northeast of Lake Oroville.

3 **Proposal:** The applicant has requested a 5-year extension of Tentative
4 Parcel Map TPM 04-15, originally approved March 23, 2006.
5

6
7 **B. MEXT08-0004 – staff recommended approval**

8
9 **Name: William & Kathy Chance Project: Map Extension**

10 **Planner: Brett Walker APN: 040-310-086 Zoning: M-1**

11 **Location:** This project is located on Sandhill Court, off the Midway,
12 approximately 1,000 feet north of Speedway Avenue and 1,000 feet south of
13 Hegan Lane; south of the City of Chico.

14 **Proposal:** The applicant has requested a 5 year extension of Tentative
15 Subdivision Map 04-02, originally approved on April 27, 2006.
16

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

21 Ayes: Commissioner Lambert, Nelson, Marin, Leland and Chair Wilson

22 Noes: None

23 Absent: None

24 Abstain: None

25 to approve the consent agenda, adopting Resolution 08-28 for Darin Williams MEXT08-0003
26 and Resolution 08-29 for William & Kathy Chance MEXT08-0004.
27

28 There is a 10-day appeal period on decisions with the Clerk of the Board.
29

30 **VI. PUBLIC HEARINGS** The Chair will call for staff comments. The hearing will be opened to the public
31 for proponents, opponents, comments, and rebuttals. The hearing will be closed to the public and discussion
32 confined to the Commission. The Commission will then make a motion and vote on the item.
33

34 It is requested that public initiated presentations be limited to a maximum of 5 minutes so that all interested
35 parties will have an opportunity to address the Commission. Following your presentation, please print your
36 name and address on the speakers sheet so that the record will be accurate.
37

38 The recommendation of County staff is indicated below. It is only a recommendation and has not yet been
39 considered by the Planning Commission. Copies of the Staff Report are available at the Planning Division
40 Office
41

42 **A. TPM07-0021 – continued from 4/24/2008; staff recommended approval**

43
44 **Name: Monty A. Vanderbeek Project: Tentative Parcel Map**
45 **Planner: Carl Durling APN: 073-300-027 Zoning: TM-5**

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

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

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Ms. Stacey Jolliffe gave a brief overview regarding the continuance of the project.

Mr. Carl Durling gave a summary of the project and went over the applicant's wishes to amend conditions 6, 7, 8 and 9. Staff is recommending that conditions 7 and 9 remain as they are. Staff recommends approval of the resolution with the changes as explained. He also wanted to note that condition 16 was added under Environmental Health.

Chair Wilson opened the public hearing.

Mr. George Wasley, Mr. Vanderbeek's representative, wanted to explain that the intent for condition 7 was the construction of driveway access. He believes that road encroachment improvements should be put in during the building permit stage, not at the planning stage.

Commissioner Leland stated that he thinks the appropriate time is when the lots are going to be put on the market for sale, which can be simultaneous with the recordation of the parcel map. He said that the concept behind getting the encroachment permit now is to have the property ready to go. He said that if you wait to get the encroachment permit and approval of the access at the time of the building permit is going backwards.

Mr. Wasley said that he disagrees with Commissioner Leland and that as long as it's specified in the conditions it should be fine.

Mr. Eric Schroth explained Public Works/Land Development's view on the encroachment permit.

Mr. Wasley said that he thinks that if he gets the encroachment permit now, that the driveways would become dump sites. He said that he still disagrees, but he will stand by the Commission's decision.

Chair Wilson closed the public hearing.

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

Ayes: Commissioner Lambert, Nelson, Marin, Leland and Chair Wilson

Noes: None

Absent: None

Abstain: None

to approve TPM07-0021 for Monty A. Vanderbeek, adopting Resolution 08-30, adopting the Mitigated Negative Declaration and approving the map subject to the findings and conditions attached as the Revised Exhibit A to the staff report dated May 22, 2008, adding condition 16.

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

1 **B. TPM 06-04 - staff recommended approval**

2
3 **Name: Jimmy & Dawn Mayfield Project: Tentative Parcel Map**
4 **Planner: Carl Durling APN: 028-180-048 Zoning: A-5**
5 **Location: The project is located at 601 Upham Road in the community of**
6 **Bangor.**
7 **Proposal: Tentative Parcel Map to divide a 14.73-acre property into two parcels.**
8

9
10 Mr. Durling gave a summary of the project using a power point presentation.

11
12 Commissioner Leland asked about the dimensions of the lot and wanted to know if there was a
13 rule regarding the ratio of depth of the lot to the width.

14
15 Mr. Durling said that in agricultural zones that doesn't apply as long as the width of the street
16 frontage meets the standard of 200 feet.

17
18 Chair Wilson asked where the access to lot number 1 will come from.

19
20 Mr. Durling said that both lots front on Upham road.

21
22 Ms. Jolliffe said that because the property is within the general plan designation of AR, that the
23 A-5 zone is conditionally consistent with that AR designation. Conditional consistency findings
24 would be required and are included in the findings in the Resolution. She read Butte County
25 Code section 20-122 in the subdivision section relative to lot shapes and configurations that
26 specifies that:

27
28 The depth of a lot shall not exceed three (3) times its width when the lot has a width of less than two
29 hundred fifty (250) feet, except where one (1) or more of the following conditions apply:

30
31 (1) The general plan designates the area for agricultural, recreational, commercial, industrial, public or
32 other nonresidential use

33
34 (2) The full depth of the lot will not be buildable due to unusual topography such as the existence of steep
35 slopes, floodplains and bodies of water.

36
37 (3) The full depth of the lot will not be buildable due to the existence of dedicated easements.

38
39 (4) A future street pattern in accordance with the general plan, specific plan or an adopted community
40 plan which provides for further divisions which will eliminate excessive depth-to-width ratios. (Ord No.
41 3188, § 1 (Exh. A), 3-14-95)

42
43 Mr. Eric Schroth said that some of the Public Works conditions don't apply. Conditions 7, 8 & 9
44 are in error, and he asked that they be deleted.

45
46 Mr. Durling said that Public Works requested that those conditions be stricken, and that they will
47 not be on the final resolution.

48
49 Chair Wilson opened the public hearing.
50

1 There was no one to speak.

2

3 Chair Wilson closed the public hearing.

4 Commissioner Lambert asked if there was some way to get ag worker housing on the agenda
5 when they come through in order to see where its occurring and if its occurring.

6

7 Mr. Thistlethwaite said that a project could be undertaken to show patterns of development of ag
8 worker housing, but bringing each individual permit forward might be a little problematic as they
9 are handled administratively. He suggested a possible historical analysis. He also wanted to point
10 out that the state law allows ag worker housing of 6 or more individuals and that it is a Butte
11 County determination that actually permits ag worker housing of under 6 individuals.

12

13 Commissioner Lambert said that the Commission has no idea when they're occurring, where or
14 how many there are. She also had questions regarding deer herd areas.

15

16 Mr. Thistlethwaite said that the Commission will be receiving more information in detail as part
17 of the General Plan update.

18

19 It was moved by Commissioner Leland, seconded by Commissioner Marin and carried by
20 the following vote

21 Ayes: Commissioner Lambert, Nelson, Marin, Leland and Chair Wilson

22 Noes: None

23 Absent: None

24 Abstain: None

25 to approve TPM 06-04 for Jimmy & Dawn Mayfield, adopting Resolution 08-31, adopting the
26 Mitigated Negative Declaration and approving the map subject to the findings and conditions
27 found in the resolution and Exhibit A attached to the May 22, 2008 staff report, with the deletion
28 of conditions 7, 8 and 9.

29

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

31

32 C. **TPM07-0012** -- staff recommended approval

33

34 **Name: Ronald Monago**

35 **Planner: Carl Durling**

36 **Location:** The parcel is located on the south side of Fletcher Road, 1,300 feet off
37 of Grubbs Road via Lagrone Way, east of Palermo

38 **Proposal:** Tentative Parcel Map to divide a 10-acre parcel in the AR General
39 Plan, and A-5 zone, into two parcels of 5-acres each

40

41

42

43 Mr. Durling gave a summary of the project.

44

45 The Commission had no questions.

46

47 Chair Wilson opened the public hearing.

48

1 Mr. Monago, owner of the property, spoke regarding his project. He said that the other half of
2 the property is for his brother as he and his family have been staying with Mr. Monago for two
3 and a half years.

4
5 Chair Wilson closed the public hearing.

6
7 It was moved by Commissioner Leland, seconded by Commissioner Marin and carried by
8 the following vote

9 Ayes: Commissioner Lambert, Nelson, Marin, Leland and Chair Wilson

10 Noes: None

11 Absent: None

12 Abstain: None

13 to approve TPM07-0012 for Ronald Monago, adopting Resolution 08-32, adopting the Mitigated
14 Negative Declaration and making the findings set out in the staff report and approving it subject
15 to the conditions set out in Exhibit A to the staff report dated May 22, 2008.

16
17 There is a 10-day appeal period on decisions with the Clerk of the Board.

18
19 **D. TPM07-0002 – staff recommended approval**

20
21 **Name: William & Sally Carter**

Project: Tentative Parcel Map

22 **Planner: Chris Thomas**

APN: 017-110-058 Zoning: FR-5

23 **Location:** The parcel is located at 2437 Honey Run Rd. on Little Butte Creek,
24 approximately 1.4 miles upstream from Butte Creek, east of Chico.

25 **Proposal:** Tentative Parcel Map to divide a 12.2-acre parcel into a 6.6-acre
26 parcel with an existing single family residence and 5.6-acre parcel with a
27 proposed single family residence.

28
29
30 Ms. Jolliffe gave a brief overview of the project.

31
32 Ms. Jolliffe said that there is a memo that modifies condition 5 relative to riparian vegetation.
33 She said that there is also an exception request for septic requirements relative to appendix VII
34 because of the existing home and septic system. Staff does believe that the Commission will be
35 able to make the findings for the exception request. She read section III, subsection C of the
36 resolution “The design and improvements of the proposed subdivision are consistent with
37 County standards and policies provided all conditions of project approval are complied with.”

38
39 She requested that the following verbage be added to subsection C: “, excepting appendix VII
40 usable sewage disposal area requirements due to the existing dwelling and septic system.” The
41 findings that allow the exception are “1) There are special circumstances relative to existing
42 development which existed at the time the application for the map was deemed complete and 2)
43 Granting the exception will not be detrimental to public welfare or injurious to other properties
44 in the territory in which the property is located.”

45
46 Commissioner Leland asked what the special circumstance was.

47
48 Ms. Jolliffe said that it was an existing home with existing septic and it was approved under

1 permit.

2
3 Mr. Doug Fogel said that the property has been surveyed and that Environmental Health supports
4 the exception. It does meet the minimum requirements.

5
6 Mr. Chris Thomas gave a summary of the project with a power point presentation. He read out
7 loud the change to condition 5 that is being requested, "Prior to recordation of the map, place the
8 following note on an additional map sheet, which is to be recorded concurrently with the parcel
9 map, stating: "Prior to the issuance of any building permit or septic permit within fifty (50) feet
10 of the two-year high water mark of Little Butte Creek, as delineated on the final map, avoidance
11 of riparian vegetation adjacent to Little Butte Creek shall be demonstrated on a site plan by a
12 qualified biologist or botanist."

13
14 Chair Wilson opened the public hearing.

15
16 Mrs. Lori Lundy, representative of Mr. William Carter, spoke about the project and the septic
17 capabilities.

18
19 Mr. Bill Carter gave a brief history and summary of what his intentions for the property are.

20
21 Chair Wilson closed the public hearing.

22
23 Commissioner Lambert asked about pages 3 and 4 regarding fire stations #4, #44, and #26.

24
25 Mr. Thomas said that fire station #4 is the nearest fully staffed fire station, but said that Steve
26 Fowler from CDF indicated that the automatic aid agreement does not extend up to the project
27 site. The nearest fully staffed CDF fire station, #44, is the one on Fair Street. Fire station #26 is a
28 volunteer station.

29
30 It was moved by Commissioner Leland, seconded by Commissioner Marin and carried by
31 the following vote

32 Ayes: Commissioner Lambert, Nelson, Marin, Leland and Chair Wilson

33 Noes: None

34 Absent: None

35 Abstain: None

36 to approve TPM07-0002 for William and Sally Carter, adopting Resolution 08-33, adopting the
37 Mitigated Negative Declaration and making the findings set out in the staff report dated May 22,
38 2008 and subject to the conditions set out in that staff report, as modified by the supplemental
39 staff report which includes a change to condition 5 and a change to the last paragraph on page 7
40 and also approving the exception request to the usable septic standards and adding language to
41 III C on page 17 which adds the clause indicating that design standards are not met with respect
42 to the usable septic area, making the findings that there is a special circumstance of existing
43 development being the existing dwelling, and adding the requirement that the final map show the
44 septic setback requirements matching the description in the revised condition 5.

45
46 There is a 10-day appeal period on decisions with the Clerk of the Board.

47
48 Break at 10:32.

49

1 Recommended at 11:00.

2
3 **VII. GENERAL BUSINESS** - This section of the agenda is to be utilized by the Planning Commission
4 and Director of Development Services on items of interest, general discussion, or items for which staff has
5 been directed to do research and bring back to the Commission. Items A, B, & C may not always be
6 addressed at every hearing, but will always be listed as part of the agenda.

7
8 A. Directors' Report- None

9
10 B. Butte County General Plan 2030 Progress Report

11
12 Mr. Thistlethwaite gave a progress report on the General Plan 2030. He went over the revisions
13 of the Citizens Advisory Committee's votes on the selection of a preferred alternative for each of
14 the study areas. He also referred to the 2 binders the Commissioners received for the May 30th
15 and June 13th meetings.

16
17 Commissioner Nelson asked if the June 13th date is really needed. He also asked if there will be
18 more public testimony.

19
20 Mr. Thistlethwaite said that there will be public testimony at these meetings. He said that
21 appropriate time needs to be given to insure that the public has adequate time to comment in
22 observance of the Brown Act.

23
24 Commissioner Leland said that some restrictions on time may need to be observed.

25
26 Commissioner Nelson said that the Commission doesn't really need to hear public input again.
27 He doesn't understand what is going to be accomplished by repeating the public hearing.

28
29 Mr. Felix Wannemacher said that the last meeting was not agendized like a public hearing, it was
30 agendized like a general presentation.

31
32 Commissioner Nelson wanted to know why the Commission has to hear the same things over
33 again. He wanted to go ahead and make recommendations to the Board.

34
35 Mr. Thistlethwaite said that the study areas have been grouped by geographic layout so that the
36 discussion can be more focused.

37
38 Mr. Wannemacher wanted to make sure the Commission understood that the public has a right to
39 comment on everything that is on the agenda.

40
41 Commissioner Leland suggested using a timer during the public comment period.

42
43 Mr. Thistlethwaite said that staff wants to know how the Commission wants the next Study
44 Session to be presented so that it can be prepared.

45
46 Commissioner Lambert expressed her concern over the citizens presenting their project
47 proposals. She said that policy and other things need to be looked at first.

48
49 Commissioner Leland said that there has been some testimony of a general nature. He said if the
50 Commission is going to have a significant contribution to this process that some discussions may

1 need to be scheduled such as County-wide analytical criteria.

2
3 Mr. Wannemacher asked the Commission how it would like to organize such a meeting. He
4 wanted to know if the Commissioners would come up with their own proposals and submit them
5 and discuss them or would they want staff to organize it.

6
7 Commissioner Leland said that it would be helpful for staff to look at the issues.

8
9 Commissioner Nelson said that policy decisions should be made in conjunction with the cities.

10
11 Mr. Wannemacher asked if the Commission wants to come to an agreement on policy
12 approaches prior to making the alternative recommendations or do they want to discuss them and
13 come up with an approach.

14
15 Commissioner Nelson said that he would like to have the discussion. He wanted to know what
16 happens if there are areas that the Commission wants to get rid of and other areas that they want
17 added.

18
19 Mr. Thistlethwaite said that can certainly be part of the Commission's recommendation. He also
20 reminded the Commission that there will be a detailed series 5 for analyzing policy issues.

21
22 Commissioner Lambert said that she would like to hear some of the constraints for the areas
23 prior to making recommendations. She is worried that once the Commission makes
24 recommendations, that it will be too late.

25
26 Mr. Thistlethwaite said that the alternatives evaluation report, which has reviewed each of the
27 study areas on a specific basis, should cover the constraint concerns of the Commission.

28
29 Commissioner Nelson said that he would like to have a discussion about the Nance Canyon area.
30 He's concerned about the area being zoned as manufacturing. He wanted to know if there was a
31 way to zone it as a reserve.

32
33 Mr. Thistlethwaite said that the CAC shared those concerns. He said that staff would be happy to
34 facilitate discussions about those concerns as well as some of the community areas as a whole.

35
36 Commissioner Nelson said that he thinks that the Commission needs to discuss the areas as a
37 whole before breaking them down into their individual study areas and discussing them.

38
39 Mr. Thistlethwaite said that information is in the Commissioners' binders for them to review.

40
41 Commissioner Lambert said that in her opinion all of the study area proposals that have come
42 forward should be put in an urban reserve until policy and infrastructure have been resolved.

43
44 Commissioner Leland wanted to know if it's better to have homes spread out or packed close to
45 cities. He wants a presentation covering how to plan a county.

46
47 Commissioner Lambert wants to know more about revenue sharing agreements, infrastructure,
48 density and types of development.

1 Mr. Thistlethwaite said that information will be brought in during meeting series 5.

2
3 The Planning Commission asked for presentations on the meaning of 'urban reserve',
4 development in and around incorporated areas, development along the Highway 99 corridor,
5 specifics of development in the foothills, development in the Upper Ridge/Butte Creek areas that
6 are prone to high fire danger and development in the Butte College area.

7
8 C. Update of Board of Supervisors' Actions
9

10 Ms. Jolliffe gave an update on appeals made to the Board. She said that the McCrady parcel map
11 was appealed. The condition that limited second units was appealed up in the Cohasset area. The
12 Commission cited deer herd issues primarily for that. The Board did uphold the Planning
13 Commission's determination and denied the appeal. Board members worried about the lack of
14 water and related fire issues in the Cohasset area.

15
16 On May 20th the Board heard the second hearing on the Sitman appeal. It was an appeal of the
17 Commission's denial of the exception request for road improvements. Mr. Sitman wanted some
18 relief on road improvements. The Commission denied the exception, which was the reason for
19 the appeal. She said that after careful consideration and consultation with CalFire as well as a
20 site visit, the Board did approve the exception request for Rocky Point Road and allowed a
21 narrower road. The Board also approved the North Valley Building Systems rezone on the
22 Midway at Hegan lane in Chico.

23
24 She said that coming up on June 10th the Board will be hearing the St. Cin appeal for the second
25 time. It was heard at the April 22nd meeting, but was continued so that Environmental Health and
26 Public Works could look at what really turned out to be a change in the proposal from the
27 applicant. There have been a number of modifications to the proposal. There were two appeals
28 on that project, one from the applicant who wanted relief from road improvements up to the
29 property and a second from a neighbor who didn't like the well's leachfield free encroachments
30 on their property that resulted from the location of the well.

31
32 On June 10th the Board will also hear the appeals of the New Era Mine. There have been four
33 appeals filed on the New Era Mine, one from the operators appealing the decision for the revised
34 modified order to comply, which said that an amended mining permit and reclamation plan were
35 required, one from Lucy Cook whose concern is primarily about the springs, one from Richard
36 Myer on a variety of grounds including CEQA and finally a petition was filed from several
37 neighbors.

38
39 Commissioner Nelson asked why there would be more than one appeal.

40
41 Commissioner Leland said that if the other person withdraws their appeal then there would be no
42 hearing.

43
44 Commissioner Marin said that even though there are four appeals, there is only one hearing.

45
46 Ms. Jolliffe said that was correct.

47
48 Commissioner Marin said that on St. Cin the Commission required paving and sidewalk. He said
49 that was in an unincorporated area that didn't have sewer or water yet. He thinks that it would be

1 better to have the applicant set aside some funds for the sewer rather than pave the street and
2 then having to tear up the street to put in the sewer and connect to the city.

3
4 Commissioner Lambert asked if there was also something regarding nitrates.

5
6 Ms. Jolliffe said that one of the appeals did relate to the Nitrate Compliance Plan.

7
8 Commissioner Lambert asked if there is any reason why the New Era Mine would come back to
9 the Commission.

10
11 Ms. Jolliffe said that should the Board uphold the Commission's decision that a revised mining
12 permit and reclamation plan is required, then the project would come back to the Commission.

13
14 D. Legislative Case Law update

15 None

16 E. Planning Commission Concerns

17
18 None

19
20 **VIII. MINUTES - March 13, 2008**

21
22 Commissioner Lambert moved to approve the minutes from the March 13th meeting with the
23 transcript as an attachment regarding the New Era Mine. Commissioner Nelson seconded. The
24 minutes from the March 13th, 2008 meeting were unanimously approved.

25
26 **IX. COMMUNICATIONS** - *Communications received and referred (Copies of all communications are*
27 *available in the Planning Division Office)*

28
29 **X. ADJOURNMENT**

30
31 The meeting adjourned at 11:45 a.m.

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33
34 _____
Chair Wilson