

BUTTE COUNTY PLANNING COMMISSION MINUTES
May 22, 2008

I. PLEDGE OF ALLEGIANCE

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

ABSENT: None

ALSO PRESENT:

<i>County Counsel</i>	Felix Wannemacher, Deputy County Counsel
<i>Development Services</i>	Charles Thistlethwaite, Division Manager
	Stacey Jolliffe, Principal Planner
	Chris Thomas, Associate Planner
	Carl Durling, Associate Planner
	Tiffany Upton, Office Specialist Sr.
<i>Environmental Health</i>	Doug Fogel, Program Manager
<i>Public Works</i>	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 Lambert, and seconded by Commissioner Leland and carried by the following vote

Ayes: Commissioner Lambert, Leland, Marin and Chair Wilson

Noes: None

Absent: Commissioner Nelson

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).

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

Commissioner Nelson arrived at 9:12 a.m.

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.

A. [MEXT08-0003](#) – staff recommended approval

Name: Darin Williams
Planner: Carl Durling

Project: Map Extension
APN: 071-160-030 Zoning: AR

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

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

B. MEXT08-0004 – staff recommended approval

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

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

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

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

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

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

Noes: None

Absent: None

Abstain: None

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

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

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. TPM07-0021 – continued from 4/24/2008; 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.

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 etc.

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

B. TPM 06-04 - staff recommended approval

Name: Jimmy & Dawn Mayfield

Project: Tentative Parcel Map

Planner: Carl Durling

APN: 028-180-048 Zoning: A-5

Location: The project is located at 601 Upham Road in the community of Bangor.

Proposal: Tentative Parcel Map to divide a 14.73-acre property into two parcels.

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

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

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

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

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

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

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

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

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

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

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

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

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

Chair Wilson opened the public hearing.

There was no one to speak.

Chair Wilson closed the public hearing.

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

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

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

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

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

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

C. [TPM07-0012](#) – staff recommended approval

Name: Ronald Monago

Project: Tentative Parcel Map

Planner: Carl Durling

APN: 027-140-033 **Zoning:** A-5

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

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

Mr. Durling gave a summary of the project.

The Commission had no questions.

Chair Wilson opened the public hearing.

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

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

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

D. [TPM07-0002](#) – staff recommended approval

Name: William & Sally Carter

Project: Tentative Parcel Map

Planner: Chris Thomas

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

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

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

Ms. Jolliffe gave a brief overview of the project.

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

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

Commissioner Leland asked what the special circumstance was.

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

permit.

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

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

Chair Wilson opened the public hearing.

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

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

Chair Wilson closed the public hearing.

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

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

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

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

Break at 10:32.

Recommended at 11:00.

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- None
- B. Butte County General Plan 2030 Progress Report

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

C. Update of Board of Supervisors' Actions

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

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

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

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

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

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

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

Ms. Jolliffe said that was correct.

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

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

Commissioner Lambert asked if there was also something regarding nitrates.

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

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

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

D. Legislative Case Law update

None

E. Planning Commission Concerns

None

VIII. MINUTES - March 13, 2008

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

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.

Chair Wilson