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BUTTE COUNTY PLANNING COMMISSION AGENDA

June 30, 2016

TIME: 9:00 a.m.

PLACE: Board of Supervisors' Room
County Administration Center
25 County Center Drive
Oroville, CA 95965

I. PLEDGE OF ALLEGIANCE

II. ROLL CALL – Commissioners Chase, Donati, Grundmann, John and Chair Kennedy.

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

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).

V. PUBLIC HEARINGS AND OTHER MATTERS FOR DISCUSSION – The Chair will call for a presentation of the report of staff. The hearing will then be opened to the public for proponents, opponents, comments, and rebuttals. The hearing will be then be closed to the public and discussion confined to the members of the Planning Commission and staff. The Commission will then make a motion and vote on the item. It is requested that individual public comments be addressed to the Chair and 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.

[A. 2016 County Initiated Amendments to the General Plan Land Use Map and Butte County Code Chapter 24. Zoning Ordinance and Map.](#)

Applicant: Butte County

Planner: Dan Breedon, Principal Planner

APN: Various

General Plan: Various

Zoning: Various

Location: Various

Project: The Butte County General plan was adopted on October 26, 2010, after a four-year comprehensive update process. On November 6, 2012, Butte County adopted a County-initiated General Plan Amendment to address a variety of needed updates to the General Plan. The Zoning Ordinance was also comprehensively updated at this time. Further County-initiated amendments to

the Zoning Ordinance have taken place in 2013 and 2015 to further address updates, corrections and issues that have arisen since the Zoning Ordinance's adoption in 2012. This latest set of 2016 County-Initiated General Plan Map Amendments, Rezones and Text Amendments are also proposed to address corrections and issues that have been identified by staff. The following summarizes the proposed four General Plan Land Use Map and Zoning Map Amendments, one Rezone, and one Text Amendment:

1. General Plan Land Use and Zoning Map Amendments

- a. **Lundberg Family Farms.** A General Plan Amendment and Rezone from Medium Density Residential (MDR) to AS (Agriculture Services) located adjacent to the Lundberg Family Farms corporate facility in Richvale
- b. **Vineyard Lane.** A General Plan Amendment and Rezone from GC (General Commercial) to VLDR (Very Low Density Residential) on a 2.57 acre parcel located at the terminus of Vineyard Lane and west of SR-70, approximately 2.5 miles west of Palermo.
- c. **Entler Avenue.** A General Plan Amendment and Rezone from AG (Agriculture) to LI (Limited Industrial) on a 1.08 acre parcel located northwest of and adjacent to Entler Avenue and west of SR-99, just south of the City of Chico.
- d. **East Oroville Foothills.** A General Plan Amendment and Rezone from LDR (Low Density Residential, allowing up to 3 dwelling units/acre) to VLDR (Very Low Density Residential, 1-acre minimum parcel size) for approximately 290 parcels totaling approximately 1,200 acres for properties in the East Oroville Foothills.

2. Zoning Map Amendment

- a. **Pentz Road Rezone.** A Rezone from AG-40 (Agriculture, 40 acre minimum parcel size) to AG-20 (Agriculture, 20-acre minimum parcel size) for three parcels of 48.99, 49.94 and 65.26 acres, fronting on the west side of Pentz Road approximately 2.3 miles south of the Town of Paradise.

3. Zoning Ordinance Text Amendment – Section 24-22, Table 24-22-1, Permitted Land Uses in the Commercial and Mixed Use Zones.

- a. Allow Gas and Service Stations as a use permitted with a Minor Use Permit in the Mixed Use Zones (MU-1, MU-2 and MU-3).
- b. Allow Public/Mini Storage as a use permitted with a Use Permit in the Mixed Use Zones (MU-1, MU-2 and MU-3).

Staff Recommendation:

1. Recommend to the Board of Supervisors the amendments of the Butte County General Plan Land Use Map and, the approval of the EIR Addendum to the General Plan 2030 EIR and Supplemental EIR for the Zoning Ordinance Amendments prepared in accordance with the California Environmental Quality Act (CEQA).
2. Recommend to the Board of Supervisors the amendments to the Zoning Ordinance and Zoning Map and text and the approval of an EIR Addendum to the General Plan 2030 EIR and Supplemental EIR for the Zoning Ordinance Amendments prepared in accordance with the California Environmental Quality Act (CEQA).

[B. Minor Use Permit MUP16-0002 \(Sohnrey Family Foods, LLC\)](#)

Applicant: Sohnrey Family Foods, LLC

Owner: Sohnrey Family Foods, LLC

Project: Minor Use Permit MUP16-0002

Planner: Tristan Weems **APN:** 038-230-039

General Plan: AG (Agriculture)

Zoning: AG-80 (Agriculture – 80 acre minimum):

Location: Approximately 6 miles northwest of Oroville at 41 Skillin Lane, Oroville on the southwest corner of the Skillin Lane and Highway 99 intersection.

Project Description: This application represents a request by Sohnrey Family Farms for a minor use permit for the off-site sale of agricultural products together with the incidental and accessory sale of non-agricultural products, including the off-site sale of beer and wine (ABC Type 20 license). The Sohnrey Family Foods Store (store) occupies 1,026 square feet of an existing 5,000 square foot building on a 527.23-acre property in the AG-80 zone. On May 25, 2016, the Zoning Administrator referred this application to the Planning Commission due to it being a project that includes a significant policy interpretation or change.

CEQA Determination: Staff recommends that the project be found to be categorically exempt from environmental review under Section 15301 (Class 1 – Existing Facilities) and Section 15303 (New Construction and Conversion of Small Structures) of the CEQA Guidelines.

Staff Recommendation: Staff recommends approval of this Minor Use Permit subject to findings and conditions.

Appeal Period: 10 calendar days

C. Mining Annual Inspection MAI15-0017 (Maher Sayegh) – Certification of Mine Reclamation – Pentz Aggregates Mine

Operator: Maher Sayegh

Property Owner: Sayegh Brothers, Inc.

Project: Mining Annual Inspection MAI15-0017

Planner: Rowland Hickel **APN:** 041-720-001, 041-720-002

General Plan: AG (Agriculture)

Zoning: AG-160 (Agriculture – 160 acre minimum)

Location: The mine is located at 4782 Durham-Pentz Road, 700 feet west from Messilla Valley Road, in the unincorporated community of Butte Valley.

Project: Certification of surface mine reclamation for the Pentz Aggregates Mine; and, Expiration of Mining Use Permit (UP 80-74) and Reclamation Plan (RP 80-74).

CEQA Determination: The proposed actions before the Planning Commission are not considered a project for the purposes of the California Environmental Quality Act, pursuant to CEQA Guidelines §15060(c).

Staff Recommendation:

1. Certify that reclamation of the Pentz Aggregates Mine has been completed in accordance with the approved Reclamation Plan; and
2. Expire the Pentz Aggregates Mine Use Permit (UP 80-74) and Reclamation Plan (RP 80-74).

Appeal Period: 10 calendar days

D. Mining Annual Inspection MAI15-0021 (Sam Sayegh) – Certification of Mine Reclamation – L-7 Mine

Operator: Sam Sayegh

Property Owner: Sayegh Brothers, Inc.

Project: Mining Annual Inspection MAI15-0021

Planner: Rowland Hickel **APN:** 041-720-001, 041-720-002

General Plan: AG (Agriculture)

Zoning: AG-160 (Agriculture – 160 acre minimum)

Location: The mine is located at 4782 Durham-Pentz Road, 700 feet west from Messilla Valley Road, in the unincorporated community of Butte Valley.

Project: Certification of surface mine reclamation for the L-7 Mine; and, Expiration of the L-7 mine area of Reclamation Plan (UP 78-99).

CEQA Determination: The proposed actions before the Planning Commission are not considered a project for the purposes of the California Environmental Quality Act, pursuant to CEQA Guidelines §15060(c).

Staff Recommendation:

1. Certify that reclamation of the L-7 Mine has been completed in accordance with the approved Reclamation Plan; and
2. Expire the L-7 Mine area of Reclamation Plan (UP 78-99).

Appeal Period: 10 calendar days

E. Conditional Use Permit UP15-0005 and UP14-0002 (Old Durham Wood, Inc.) – Status Report on Compliance with Conditions of Approval.

Applicant: Old Durham Wood, Inc.

Project: Conditional Use Permit UP15-0005 – Approved February 25, 2016
Conditional Use Permit UP14-0002 – Approved May 22, 2014

Planner: Rowland Hickel

APN: 040-120-033

General Plan: Agriculture

Zoning: AG-40 (Agriculture, 40-acre minimum parcel size)

Location: The project site is located at 1156 Oroville-Chico Highway. The project site is located approximately five miles southeast of Chico, westerly of Highway 99 and 1.8 miles north of the Durham-Pentz Road exit to Highway 99.

Request: At the February 25, 2016 meeting, the Planning Commission approved Conditional Use Permit UP15-0005 for Old Durham Wood, Inc. amending Conditional Use Permit UP14-0002 to establish a security employee unit; permit temporary use of a recreational vehicle during construction; construct permanent sanitation facilities; and relocate the hazardous materials depot. In approving UP15-0005, the Planning Commission reviewed the applicant's progress in complying with conditions of approval for Conditional Use Permit UP14-0002. Staff requests Planning Commission receive the written update regarding the applicant's progress towards compliance with the conditions of approval.

CEQA Determination: No action is being considered by the Planning Commission, and therefore this item is not considered a project for the purposes of the California Environmental Quality Act, pursuant to CEQA Guidelines §15060(c).

Staff Recommendation: No action is recommended to be taken at this time.

F. 1:00 pm: Public Workshop: Butte County General Plan 2030 Draft Butte Creek Canyon Overlay Zone Ordinance and Map

The Butte County Planning Commission is holding a Public Workshop for the consideration of the proposed Draft Butte Creek Canyon Overlay Zone Ordinance and Overlay Map. This County-initiated proposal is directed under Butte County General Plan Conservation and Open Space Element Action COS-A6.2. The purpose of this Public Workshop is to introduce the draft Ordinance and Map to the Planning Commission and public and to answer questions and receive comment and direction. The public is encouraged to attend and provide comment, either written or orally at the Planning Commission Workshop. Further direction

from the Planning Commission will be incorporated into a final draft ordinance and a public hearing will be scheduled at the Planning Commission for further consideration and action, prior to review by the Board of Supervisors.

Planner: Dan Breedon

Staff Recommendation: Conduct the public workshop, review the Draft Butte Creek Canyon Overlay Zone Ordinance and Map, accept public comment and provide input and final direction to staff.

VI. 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 have been directed to do research and bring back to the Commission. Items may not always be addressed at every hearing, but will always be listed as part of the agenda.

- A. Directors' Report
- B. General Plan Follow-up and Implementation Program
- C. Update on Recent Board of Supervisors' Actions
- D. Legislative and Case Law Update
- E. Planning Commission Concerns
 - [Future Planning Commission Training Workshops](#)

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

VIII. MINUTES

IX. ADJOURNMENT