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# BUTTE COUNTY PLANNING COMMISSION AGENDA

September 22, 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. Tentative Subdivision Map TSM16-0001**

**Applicant:** Kevin Thomas

**Planner:** Stacey Jolliffe

**APNs:** 040-280-119 & 070

**General Plan:** Very Low Density Residential

**Zoning:** VLDR (Very Low Density Residential)

**Location:** 9086 Goodspeed Street (both sides of Walnut Grove Drive, between the Midway and Goodspeed Street) in the southern portion of the community of Durham.

**Project:** A request for a Tentative Subdivision Map (TSM) to divide 6.29 acres into four lots and a designated remainder of at least one acre in size each in the

Very Low Density Residential Zone. The project would be accessed by Walnut Grove Drive and would be served by domestic wells and septic systems. The application includes exception requests to Butte County Improvement Standards 13.0 Fire Standards to forego installation of a fire hydrant with creation of the fifth parcel by the applicant, and Road Standard RS-2B (public road maintenance standard) to be replaced with RS-7 (private road subdivision standard). The application also includes a request for modification of the 300' agricultural buffer requirements from the southern and western property boundaries to 30 feet.

**Staff Recommendation:** Adopt the Initial Study/Mitigated Negative Declaration prepared pursuant to the California Environmental Quality Act, grant both exception requests to Butte County improvement standards, approve the modification to 300' agricultural buffer to thirty feet (30'), and approve Tentative Subdivision Map TSM16-0001 (Thomas) subject to findings and conditions.

### Staff Report

#### B. 9:30 am: County Initiated Amendments to the Butte County General Plan's Health and Safety Element, Land Use Element, Zoning Ordinance, and Building Code Pursuant to SB-5, and the Central Valley Flood Protection Plan, and EIR Addendum

**Planner:** Dan Breedon

**Location:** Countywide

**Project:** State legislation (SB-5, 2007 as amended) requires that the County update the General Plan Health and Safety Element and related documents with new flood information, policies, and regulations, and requires consistency with the Central Valley Flood Protection Plan. This legislation is intended to address the region's severe flood vulnerabilities, which have been compared to New Orleans prior to Hurricane Katrina in 2005. In early 2016, the County initiated amendments to the Health and Safety Element, Land Use Element, Building Code, and Zoning Code to reflect state requirements and provide better protection from such a potential extreme flooding event, characterized as a 200-year flood.

The proposed changes to the Health and Safety Element provide mapping and more detailed information regarding flood risk to Butte County in an extreme storm event or from a levee or dam failure, based on model analysis. Element policies and new Code requirements would prohibit new buildings in urban areas that are subject to a 200-year flood, unless certain findings are made supporting an urban level of flood protection. The criteria for adequate levels of flood protection in the 200-year flood zone are established by the California Department of Water Resources. A new Urban Flood Protection Overlay Zone would be added to the Zoning Ordinance that identifies areas subject to a 200-year flood. No urban or urbanizing areas of unincorporated Butte County are currently affected by the building prohibition. Additional requirements shall be established in the Building Code for the issuance of building permits in a 200-year flood zone. An Addendum to the previously certified General Plan Environmental Impact Report (EIR) (SCH#2008092062) and Supplemental Environmental Impact Report (GPA and Zoning Ordinance EIR, SCH#2012022059) is recommended for approval to address the environmental effects associated with the proposed amendments to the approved project.

### **Staff Recommendations:**

1. Recommend that the Board of Supervisors approve an EIR Addendum pursuant to the California Environmental Quality Act (CEQA), as set forth in the Resolution, and authorize the Chair to sign; and,
2. Recommend that the Board of Supervisors adopt amendments to the Butte County General Plan Land Use Element, Health and Safety Element and Land Use Map as set forth in the Resolution, and authorize the Chair to sign; and,
3. Recommend that the Board of Supervisors adopt an Ordinance amending Butte County Code Chapter 24. Zoning Ordinance and amending the official Zoning Map, as set forth in the Resolution, and authorize the Chair to sign.
4. Recommend that the Board of Supervisors adopt an Ordinance amending Butte County Code Chapter 26. Building Code, as set forth in the Resolution, and authorize the Chair to sign.

### **Staff Report**

#### **C. 9:45 am: Butte County Climate Action Plan 2016 Mid-Year Report**

**Planner:** Dan Breedon

**Location:** Countywide

**Project:** The Butte County Climate Action Plan 2016 Mid-Year Report is being provided for the Planning Commission's review. The Butte County Climate Action Plan was adopted in February 2014. Since that time, the Department of Development Service has provided three quarterly monitoring reports and one 2015 Annual Report in support of General Plan Conservation and Open Space Element COS-A1.1.e., which requires monitoring and reporting of the CAP and related greenhouse gas (GHG) emissions.

This mid-year report, like previous interim reports serves as a check-in on CAP-related actions taken by Butte County since adoption, which can inform staff, decision-makers, and the community, and shape the next steps for continued CAP implementation. This report does not estimate GHG reductions associated with CAP implementation. However, the next Annual Report to be delivered in December 2016, will provide an estimate of annual community-wide GHG emissions in 2014, and demonstrate CAP targets.

**Staff Recommendation:** Accept for information and provide any additional comment and direction to staff.

### **Staff Report**

#### **D. 10:00 am: PowerButte Solar Overlay Zone Draft Recommended Approach**

**Planner:** Dan Breedon

**Location:** Countywide

**Project:** The Butte County Planning Commission will hold a public hearing regarding the PowerButte Solar Overlay Zone program. PowerButte is a grant funded Butte County initiative to encourage large scale solar energy development in suitable locations in unincorporated Butte County. Large scale solar energy

facilities are defined as facilities ranging in size from ten to potentially several hundred acres that provide power directly to a utility. This hearing will continue an ongoing community discussion about the future of large scale solar energy development in the unincorporated area of Butte County. Development Services staff and PlaceWorks consulting will provide presentations on the draft Overlay Approach regarding updates to the Zoning Ordinance and the location of the Solar Overlay Zone. The Planning Commission will be asked to make a recommendation regarding the draft Overlay Approach to the Board of Supervisors. This public hearing is open to the public who are encouraged to attend and provide comment. Additional information regarding the PowerButte Solar Overlay Zone project is available at the following website: [power.buttecounty.net](http://power.buttecounty.net).

**Staff Recommendation:**

1. Review the attached Draft Recommended Approach for the PowerButte Solar Overlay Zone, Draft Overlay Mapping and Model, and provide direction to staff.
2. Recommend approval of the Draft Solar Overlay Zone Approach and Mapping to the Board of Supervisors.

**Staff Report**

**E. Overview of the Williamson Act**

**Planner:** Claudia Stuart

**Location:** Countywide

**Project:** The State of California passed the Williamson Act in 1965 to promote the general welfare and protect the public interest in agricultural land. Key objectives of the Act were to preserve agricultural land, promote efficient urbanization patterns, and discourage premature and unnecessary urbanization of agricultural lands. According to the California Department of Conservation, about 16 million acres have been enrolled in the Williamson Act since the early 1980s. This represents about one-third of all privately held land in California, and about one-half of the state's agricultural land. Butte County implemented its Williamson Act program in 1967. As of 2014, approximately 1,450 parcels and 222,000 acres in Butte County were enrolled in the Act. The attachments to the agenda item provide an overview of the Williamson Act, the County's adopted Williamson Act *Rules and Procedures*, copies of the County's application forms for Williamson Act enrollment and non-renewal, and an overview of the County's program. Staff will provide further information at the meeting.

**Staff Recommendation:** Accept for information and provide any additional comment and direction to staff.

**Staff Report**

**F. Orientation to the Sustainable Agricultural Lands Conservation (SALC) Strategy**

**Planner:** Claudia Stuart

**Location:** Countywide (Agriculturally zoned lands throughout Butte County)

**Project:** The Sustainable Agricultural Land Conservation Strategy Grant Program is funded by the California Climate Investments (CCI – “Cap-and-Trade”) program. It provides grant funding to evaluate or identify a local jurisdiction’s most important or critically threatened agricultural lands, and to develop strategies that can guide protection of these lands into the future. A primary goal of the program is to plan for and implement activities that result in quantifiable greenhouse gas emissions reductions. \$1M in funding from the program has been awarded through the Strategic Growth Council to support the preparation of Sustainable Agricultural Land Conservation (SALC) plans, as well as SALC projects in which priority lands are conserved through conservation easements. In 2015, Butte County was awarded \$100,000 in funding under the SALC program to produce a Sustainable Agricultural Land Conservation Strategy based on four overall tasks as outlined in the staff report. Staff expects to complete the work in October 2017.

**Staff Recommendation:** Accept for information and provide any additional comment and direction to staff.

### [Staff Report](#)

**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

- [86<sup>th</sup> Annual California County Planning Commissioner’s Association Conference](#)

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

**VIII. MINUTES:** None.

**IX. ADJOURNMENT**