

BUTTE COUNTY PLANNING COMMISSION MINUTES
SEPTEMBER 22, 2005

- I. PLEDGE OF ALLEGIANCE:** The Meeting convened at 9:03 a.m.
- II. ROLL CALL: PRESENT:** Commissioners Leland, Lambert, Nelson and Wilson and Chairman Marin

ALSO PRESENT:

<i>County Counsel</i>	Felix Wannemacher, Deputy County Counsel
<i>Development Services</i>	Dan Breedon, Principal Planner
	Joe Hunter, Special Assistant to the CAO
	Mark Michelena, Senior Planner
	Lynn Richardson, Secretary
<i>Public Works</i>	Eric Schroth
<i>Environmental Health</i>	Doug Fogel

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

It was moved by Commissioner Lambert, seconded by Commissioner Nelson, and unanimously carried to accept the agenda as presented.

- IV. BUSINESS FROM THE FLOOR ON ITEMS NOT ALREADY ON THE AGENDA:**

None

- V. PUBLIC HEARINGS:**

Name: Ronald and Heather Wilson **Project:** Certificate of Correction COR 05-01

Planner: Dan Breedon **APN:** 041-470-101

Location: at the Pentz Road and Lime Saddle Road intersection. Silvera Court leads to the property, located south of the Town of Paradise.

Proposal: Certificate of Correction involving a recorded parcel map for Wiggo Wake recorded June 25, 1991, Book 123 of maps at pages 41-43. The applicant proposes to alter a building envelope imposed upon Parcel 1 that was required for purposes of protection of deer winter range.

Mr. Breedon gave a brief summary of the project. He said the restriction regarding a second dwelling is only on Parcel 1 of the Parcel Map.

Commissioner Leland asked if moving the building envelope, but for the mitigation, would have had a negative impact on the deer range. He wondered if there was a nexus between the request being made and imposing this requirement.

Mr. Breedon said that Fish and Game is looking at this in light of what is required today. He said Fish and Game is willing to allow the building envelopment to be moved, but they do not want any further disturbance in the area.

Commissioner Leland said that two homes were allowed in the old location, and now with the envelope being moved, the applicant is not allowed to have two homes. He questioned if this new location would have an affect on the deer herd range.

Commissioner Lambert said on Page 2 of the report under the Site Characteristics #3 states the property is located within the 20-acre minimum parcel size critical deer winter range. She thought the restriction against a second dwelling was before the request to move the building envelope was made.

Mr. Breedon said that staff does not look at deer herd habitat when approving a request for a second dwelling.

The hearing was opened to the public.

Ron Wilson said he cares about the restrictions, but would rather agree to the conditions in order to receive approval of this request. He said he did not want this continued. He asked that this be approved today. He said Parcel 3 of the Parcel map has two dwellings on it and the conditions on their parcel are the same as on his. He did not want to fight the condition.

John Handley, NorthStar, said Mr. Wilson would like to see a second unit available, but agrees with all the conditions and is asking for approval today.

The hearing was closed and comments confined to the Commission and staff.

Commissioner Leland asked if he wanted to delete the mitigation measure would staff need to re-circulate the Initial Study for another 30 day review and the applicant would not be willing to do that.

Commissioner Nelson asked with the General Plan saying 20 acre minimum and these parcels are in the 10-20 acre range if all the parcels could have a second unit by right before this condition is being imposed.

Mr. Breedon said that is correct and that is why Parcel 3 of the Parcel Map was allowed two dwelling because of how the County Code was worded.

Commissioner Leland discussed the second dwelling ordinance that went to the Board of Supervisors. He said the Board deleted the requirement for twice the acreage to allow for a second dwelling.

Mr. Wannemacher explained that this is an approved recorded map and it should not be easy to change conditions imposed on a recorded map. He noted the reasons listed by Mr. Breedon to be able to go back and change the condition. He said one of the reasons is a change in circumstances. He said he would think there was a reason the building envelope was created where it was which is different from where the applicant wants it to be right now.

It was moved by Commissioner Nelson, seconded by Commissioner Leland, and unanimously carried subject to the findings and conditions listed below:

- I. Adopt a Mitigated Negative Declaration with Mitigation Measures 1 through 5, as detailed in the Agenda Report dated September 22, 2005, with the following findings:
 - A. An Initial Study was completed in compliance with the California Environmental Quality Act. Said study identified significant environmental effects and included mitigation measures that would mitigate such effects below significant levels; a Mitigated Negative Declaration is proposed.
 - B. The Planning Commission has considered the proposed Mitigated Negative Declaration, together with comments received during the review process.
 - C. On the basis of the whole record before the Planning Commission, including the Initial Study and any comments received, there is no substantial evidence that the Certificate of Correction for Ron and Heather Wilson, Planning Division File No. COR 05-01, would have a significant effect on the environment. The custodian of the record is the Land Development Division of the Public Works Department. The location of the record is 7 County Center Drive, Oroville CA 95965.
 - D. The proposed Mitigated Negative Declaration reflects the independent judgment and analysis of the County, which is the Lead Agency.
- II. Require the collection of Department of Fish and Game fees pursuant to Fish and Game Code Section 711.4 and 14 CCR 753.5. The project has the potential to create significant impacts to wildlife habitat (Bucks Mountain Deer Herd) and Blue oak tree habitat.
- III. Approve the Certificate of Correction for Ron and Heather Wilson (COR 05-01), subject to the conditions found in Exhibit "A" with the following findings:
 - A. The design and improvements of the project will not cause public health or safety problems.
 - B. The design and improvements of the project will not conflict with easements, acquired by the public at large, for the access through or use of property within the project site.
 - C. Approval of this project will not be detrimental to the public health, safety and welfare provided the conditions and mitigation are complied with.

- D. There are changes in circumstances which make any or all of the conditions or mitigations of such a map no longer appropriate or necessary. The Department of Fish and Game has determined that a new building site location will protect the Bucks Mountain Deer Herd deer wintering range to the same extent as the previous building site location, provided that there are no further residences placed upon the property and that no additional land division takes place. This provision is reflected as Mitigation Measure #2, and as a condition of the Certificate of Correction.
- E. The map correction does not impose any additional burden on the present fee owner of the property. The existing building site limitation for a single family dwelling has not been altered except as to location.
- F. The map correction does not alter any right, title or interest in the real property reflected on the recorded map.
- G. The map correction conforms to the provisions of section 20-65 –Advisory Agency Action of the County Subdivision Ordinance.

EXHIBIT A

Certificate of Correction for Ron and Heather Wilson APN: 041-470-101, COR 05-01: A Certificate of Correction to an approved and recorded Parcel Map (recorded June 25, 1991, Book 123 of Maps, Pages 41-43).

I. CONDITIONS OF APPROVAL:

1. Mitigation Measure #1 -Blue Oak Retention and Protection:

In order to protect native oak trees the following requirements must be adhered to:

- a. The applicant shall retain a certified arborist to clearly mark the existing trees in the vicinity of the building site and new driveway. The arborist must work directly with the property owner, construction workers and Butte County Planning Division to be certain that trees not to be removed are protected.
- b. Trees deemed by the arborist to be unhealthy, diseased, or dead shall be removed.
- c. Each oak tree shall be surrounded by a circular zone (following the drip line of the tree) identified by temporary construction fencing, such as orange plastic fencing, prior to and during construction activities. No vegetation removal, soil disturbance, or other development activities shall occur within the fenced area.
- d. Prior to any land disturbance, a county planner shall visit the project site to confirm protective fencing is installed to keep construction vehicles confined to areas that will not impact existing oak trees.
- e. Prior to final inspection of the dwelling that is to be constructed at the revised location, and removal of the protective fencing, a county planner and the project arborist shall visit the project site to confirm no trees were removed or damaged.
- f. Pruning of the adjacent trees shall be done by a certified arborist, not by the grading or general contractor.

- g. If any oak trees of 5 inches in diameter at breast height are significantly damaged by construction activities or removed they must be replaced on site at a ratio of 3 to 1. The replacements must be seedling trees grown from acorns found on site and stored for purposes of planting. The seedling trees must be monitored by a certified arborist annually for 7 years once construction is completed to be certain at least 75% of the trees are surviving and established. The arborist shall provide annual reports concerning the replacement trees to the Planning Division for review.

Plan Requirements: This mitigation shall be placed upon the Certificate of Correction. All necessary requirements as noted must be met prior to any site development activities.

Timing: The requirements must be adhered to prior to any site development activities.

Monitoring: The Planning Division shall ensure all requirements are met prior to and during any site development activities and compliance through routine inspection and review.

2. **Mitigation Measure #2 -Land Division and Second Dwelling Unit Limitation**

Place the following note on the Certificate of Correction: “In order to protect the local deer herd wintering range, this parcel is restricted from further land divisions or from the development of a second dwelling unit. Residential development is limited to the building envelope shown on the Certificate of Correction Map attached to this document”.

Plan Requirements: The required note shall be placed on the Certificate of Correction.

Timing: The Planning Division shall review prior to any site development activity.

Monitoring: Planning Division and Public Works staff shall ensure the required note is placed on the Certificate of Correction.

3. **Mitigation Measure #3 –Cultural Resources Protection**

Home site development shall not disturb the Miocene Ditch, a historic water ditch that runs through the property. Access over the ditch is permissible at the location approved by the recorded Parcel Map.

Plan Requirements: This note shall be placed on the Certificate of Correction.

Timing: This measure shall be implemented during site preparation and all construction activities.

Monitoring: Building Division plan checkers shall review all building plans for compliance with this mitigation measure. Building Division inspectors shall conduct on-site inspections

to ensure compliance with this measure.

4. **Mitigation Measure #4 –Potential Disturbance to Cultural Resources**

Place a note on the Certificate of Correction that states: “Should grading activities reveal the presence of prehistoric or historic cultural resources (i.e. artifact concentrations, including arrowheads and other stone tools or chipping debris, cans, glass, etc.; structural remains; human skeletal remains) work within 50 feet of the find shall immediately cease until a qualified professional archaeologist can be consulted to evaluate the find and implement appropriate mitigation procedures. Should human skeletal remains be encountered, State law requires immediate notification of the County Coroner. Should the County Coroner determine that the remains are in an archaeological context, the Native American Heritage Commission in Sacramento shall be notified immediately, pursuant to State Law, to arrange for Native American participation in determining the disposition of such remains.”

Plan Requirements: This note shall be placed on Certificate of Correction which is to be recorded concurrently with the map or on an additional map sheet and shall be shown on all site development and building plans.

Timing: This measure shall be implemented during all site development activities.

Monitoring: Should cultural resources be discovered, the landowner shall notify the Planning Division and a professional archaeologist. The Planning Division shall coordinate with the developer and appropriate authorities to avoid damage to cultural resources and determine appropriate action. State law requires the reporting of any human remains.

5. **Mitigation Measure #5 -Erosion Control Plan**

Place a Note on the Certificate of Correction stating: “Prior to construction, the property owner shall submit an Erosion Control Plan in accordance with the Department of Public Works Submittal Requirements, to reduce erosion impacts related to construction at the revised building site location and new driveway. No construction shall take place until the Erosion Control Plan is approved and erosion control measures are in place.

Plan Requirements: Submit an erosion control plan to the Department of Public Works for approval prior to issuance of the building permit.

Timing: Implementation of the Erosion Control Plan’s requirements prior to, during, and post construction until soil is stabilized.

Monitoring: Building Division plan checkers shall review all building plans for compliance with this mitigation measure. Building Division inspectors shall conduct on-site inspections to ensure compliance with this measure.

6. Prior to recordation of the Certificate of Correction, pay any outstanding project-related processing fees, and/or Department of Fish and Game fees.

There is a 15-day appeal period on all decisions with the Clerk of the Board

Name: T- Mobile (**Cingular Wireless**) **Project: Use Permit UP 05-01**
Planner: Mark Michelena **APN:** 041-430-012
Location: on the east side of Clark Road (SH 191), approximately 600 feet north of Butte Campus Drive, at 2822 Clark Road, Oroville.
Proposal: Use Permit to install a 114-foot telecommunications facility with two (2) carriers. Associated equipment to be located under the facility and to the east of the facility. The proposed tower will look like a windmill

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

The hearing was opened to the public.

Rama SethiGulsti, T-Mobile, said the design of the tower was carefully thought out. She said the windmill design would blend in with the surrounding area. She said that two more carriers will be collocating on this tower. She noted that they had already submitted the required Radio Frequency Analysis. She gave staff a petition in favor of the project with over 200 signatures. She said the names highlighted in yellow are the closest residents to the site.

Commissioner Leland asked what area will improve with this tower. He noted that everyone uses a cell phone and the towers are important.

Ms. SethiGulsti showed a map of the area that would be improved by this coverage.

Commissioner Wilson asked why they did not do a monopole.

Ms. SethiGulsti explained the lattice design was better because you can see through it and it will blend in better.

Commissioner Wilson felt that the windmill was not necessary. He expressed his dislike of the looks of the tower.

Ms. SethiGulsti said by removing the windmill, they would be lowering the height of the tower by 24 feet. She said the windmill was added for aesthetics.

Tania Dunlap was opposed to the tower. She submitted a letter dated September 19, 1995. She said she was not aware the zoning had changed on her property. She said she would be more in favor of a 75 foot monopole rather than this design. She said the applicant is required by law to show alternative sites to be considered. She said she would like to know why the alternative locations failed. She said she would like to see a shorter monopole design. She submitted a petition of the nearest neighbors in opposition to this application.

Ella Eager concurred with everything Ms. Dunlap said. She said she also was not notified of the change in zoning for the area. She said she is very upset that this is being proposed in her area. She was concerned with radiation and the affects it could have on her family and her horses. She said she did not know where the applicant received her signatures. She wanted a tower, if one was approved, that was shorter and less intrusive. She said her house will be affected by security lighting.

Mr. Michelena said a light is not proposed for the top of the tower.

Ms. Eager explained that this is not an agricultural area, but that most of the people here are horse owners.

Ana Nagle said she is 540 feet from the proposed site and is the closest neighbor. She was against the pole and did not want it changing her view. She said the proposed tower is in the path of migrating geese. She said this is a very open area with few trees and the tower will be very visible.

Ms. SethiGulati said there will be only one security light to serve the tower gate. She said she is open to the type of pole the Commission wants. She said they negotiated with Butte College for over a year and that Butte College was not willing to give them a decent length lease and consideration of a site at the store at Pentz Road and Clark Road that was in the process of a sale of the property.

Chairman Marin asked what the base width would be on a monopole that was 90 feet tall.

Mr. Lohman, the engineer, said the base would be approximately 5 feet wide.

The hearing was closed and comments confined to the Commission and staff.

Commissioner Leland said he likes the windmill look.

Chairman Marin concurred.

Commissioner Nelson said he would prefer the lattice tower at a lower level.

Commissioner Lambert said she would prefer a lattice tower without the windmill.

Commissioner Wilson asked if the property in question is in the AR-2.5 zoning the same as in the handout from Mrs. Dunlap showing a tower is not allowed.

Mr. Michelena said "yes."

Mr. Wannenmacher explained that all the zones prohibit wireless communication facilities unless a permit is obtained under Section 24-262. He said in the AR zones it tells you to refer to Section 24-262 to see if the tower is allowed in this zone.

Commissioner Wilson felt the tower could be located further away from the road and the residents.

Commissioner Lambert discussed possibly locating the tower at the store on the corner of Pentz Road and Clark Road. She asked Ms. SethiGulati if that site would be acceptable.

Ms. SethiGulati said the store has been sold and the new owners were not interested in a pole there at this time. She pointed out that a tower at the store would be more visible by more neighbors.

Mr. Wannemacher asked Ms. SethiGulati if she gave the information required on alternative sites to staff.

Ms. SethiGulati said she gave staff a site analysis at the time the application was submitted.

Chairman Marin said this was a good project. He said they do need cell phone facilities.

Mr. Michelena said if the Commission changes the height of the tower, they need to change the findings under III. A. and B. 1 to reflect such a change.

Commissioner Wilson said the screening at the top will help hide the antennas.

Mr. Wannemacher had a few corrections to the conditions. He said on Condition 5 change "Attachment D" to "Attachment F"; Condition 12 the Code requires 12 feet of all-weather access and the report shows a 15 foot of road access. Condition 13 should state no equipment not related to the use. He said there is no condition on the windmill being a non-use windmill.

Commissioner Nelson said he would like to see the tower as low as possible with no windmill.

Commissioner Lambert said they need to consider the feelings of the neighbors.

Commissioner Nelson said in order to deny this permit, they would have to make findings that the tower would have an adverse affect on people other than how it looks. He did not think there would be any adverse effects from the tower.

It was moved by Commissioner Leland, seconded by Commissioner Nelson, and carried to approve the Use Permit for T-Mobile, subject to the findings and conditions listed below, eliminating the windmill and making the lattice tower no more than 92 feet tall. Change Finding III A to read "The proposed 92 foot tall telecommunication tower and the panel antennas would not conflict ..."; change B. 1. to delete "additional height added onto the monopole" and add "telecommunication tower.", delete "additional" and delete "the project site is not in an area that has high aesthetic values"; Condition 5 change "Attachment D" to "Attachment F" and "April 1, 2004" to "July 9, 2004"; Condition 12 before "twelve" add "minimum of"; Condition 13 add to the end "other than what is depicted on the Site Plan. On the first page, first paragraph of the Use Permit, change "114-foot" to "92-foot", delete "which will resemble a windmill. The top of the tower would be 107 feet above ground level, but with the attached turbine and wind vane assembly the overall height would be 114 feet above ground level."

I. Adopt a Mitigated Negative Declaration with the following findings:

- A. An Initial Study was completed in compliance with the California Environmental Quality Act. Said study identified significant environmental effects and included

mitigation measures that would mitigate such effects below significant levels; a Mitigated Negative Declaration is proposed.

- B. The Planning Commission has considered the proposed Mitigated Negative Declaration, together with comments received during the review process.
 - C. On the basis of the whole record before the Planning Commission, including the Initial Study and any comments received, there is no substantial evidence that the Use Permit for T-Mobile Wireless, Inc., Planning Division File No. UP 05-01, would have a significant effect on the environment. The custodian of the record is the Butte County Department of Development Services. The location of the record is 7 County Center Drive, Oroville CA 95965.
 - D. The proposed Mitigated Negative Declaration reflects the independent judgment and analysis of the County, which is the Lead Agency.
 - E. Adopt the Mitigated Negative Declaration regarding environmental impacts, with Mitigation Measures 1 through 4, as detailed in the Agenda Report dated June 23, 2005.
- II. Adopt a “de minimis” exemption regarding impact to fish and wildlife or their habitat. The design of the proposed project improvements will not cause environmental damage to fish and wildlife or their habitat. The collection of fees pursuant to Fish and Game Code Section 711.4 and 14 CCR 753.5. is not required.
- III. Approve Use Permit UP 05-01 for T-Mobile Wireless, Inc., subject to the following findings and the conditions in Exhibit “A”:
- A. The proposed 92-foot tall telecommunication tower and panel antennas would not conflict with, impair or be detrimental to the uses both permitted and conditional of the zone in which it is located and/or adjoins, based upon the findings in Section B below.
 - B. The proposed use of the property will not impair the integrity and character of the zone in which the land lies, and that the use would not be unreasonably incompatible with, or injurious to, surrounding property, or detrimental to the health, safety and general welfare of the persons residing or working in the neighborhood, or to the general health, welfare and safety of the County because:
 - 1. The telecommunication tower and the panel antennas will not cause an aesthetic impact because the project site is not located along a County or State scenic highway, and because there are very few residents in the project area.
 - 2. The proposed wireless communications tower will not cause an increase in noise, odors, or vehicle traffic.
 - 3. A radio-frequency analysis, signed by a radio-frequency engineer, states that

the total radio emissions from the antennas on the proposed wireless communications tower will be 0.22% of the FCC standard for public exposure to radio-frequency emissions.

4. The proposed wireless communications tower will not be within 1,000 feet of a zoning district that prohibits wireless communication facilities.
- C. The project is consistent with the AR-2.5 zone, which allows a wireless communication facility with a Use Permit, and is consistent with the Agricultural Residential land use designation, which allows public uses as a Secondary Use.
- D. The proposed use will comply with each of the applicable provisions for Wireless Communication Facilities of Chapter 24, Section 262, of the Butte County Code.

Conditions of Approval:

Planning Division:

1. **Mitigation Measure # 1:**

To avoid creating substantial glare, the tower/windmill shall be painted an earth tone color with a low light reflectivity value. Prior to issuance of a building permit, the applicant shall submit sample color chips to the Planning Division for review and approval. All painted surfaces are to be maintained during the life of this project.

Plan Requirements: The note shall be placed on all building and site development plans.

Timing: Requirements of the condition shall be adhered to throughout the life of the project.

Monitoring: Department of Development Services shall ensure that this note is placed on all building and site development plans. Prior to issuance of a building permit, the applicant shall submit sample color chips to the Planning Division for review and approval. Building inspectors shall spot check and shall ensure compliance on-site.

2. **Mitigation Measure # 2:**

All exterior lighting shall be fully shielded and directed downward so as to not create any glare or excess light on adjacent parcels.

Plan Requirements: Building and site development plans shall indicate that all exterior lights shall be fully shielded and directed downwards.

Timing: The requirements of this measure shall be adhered to at all times.

Monitoring: Department of Development Services staff shall conduct a field inspection prior to use of the facility to verify that all exterior lights meet the requirements of this mitigation measure. Building inspectors shall check and ensure compliance on-site.

3. **Mitigation Measure # 3:**

Dust generated by the development activities shall be kept to a minimum with a goal of retaining dust on the site. Follow the dust control measures listed below:

- a. Water shall be applied by means of truck(s), hoses, and/or sprinklers as needed prior to any land clearing or earth movement to minimize dust emissions.
- b. Haul vehicles transporting soil into or out of the property shall be covered.
- c. A water truck shall be on site at all times during development activities. Water shall be applied to disturbed areas a minimum of two (2) times per day or more as necessary.
- d. On-site construction vehicles shall be limited to a speed of 15 mph on unpaved roads.
- e. Post a publicly visible sign with the telephone number and person to contact regarding dust complaints. This person shall respond and take corrective action within 24 hours. The telephone number of the Butte County Air Quality Management District shall be visible to ensure compliance with BCAQMD Rule 200 & 205 (Nuisance and Fugitive Dust Emissions).
- f. All visibly dry disturbed soil surface areas of operation shall be watered to minimize dust emissions.
- g. Existing roads and street adjacent to the project shall be cleaned at least once per day if dirt or mud from the project site has been tracked onto these roadways, unless conditions warrant a greater frequency.

Plan Requirements: The note shall be placed on all building and site development plans.

Timing: Requirements of the condition shall be adhered to throughout all grading and construction periods.

Monitoring: Department of Development Services shall ensure that this note is placed on all building and site development plans. Building inspectors shall spot check and shall ensure compliance on-site. Butte County Air Quality Management District inspectors shall respond to nuisance complaints.

4. **Mitigation Measure # 4:**

Should development activities reveal the presence of cultural resources (i.e., artifact concentrations, including arrowheads and other stone tools or chipping debris, cans, glass, etc.; structural remains; human skeletal remains), work within 50 feet of the find shall cease immediately until a qualified professional archaeologist can be consulted to evaluate the remains and implement appropriate mitigation procedures. Should human skeletal remains be encountered, State law requires immediate notification of the County Coroner. Should the County Coroner determine that such remains are in an archaeological context, the Native

American Heritage Commission in Sacramento shall be notified immediately, pursuant to State law, to arrange for Native American participation in determining the disposition of such remains.

Plan Requirements: This note shall be placed on all building and site development plans.

Timing: This measure shall be implemented during all site development activities.

Monitoring: The applicant/developer shall notify the Planning Division if any cultural resources are uncovered. Should cultural resources be discovered, the Planning Division shall coordinate with the developer and appropriate authorities to avoid damage to cultural resources and determine appropriate action.

5. The project site shall be developed in accordance with the approved project site plan and the conditions contained herein. Said site plan is on file in the Planning Division, is identified as "Attachment F" and date-stamped July 9, 2004, and is incorporated herein by this reference.
6. No new driveway/road encroachments onto Clark Road (SR-191) shall be allowed.
7. The Facility must meet or fall within current standards and regulations of the Federal Aviation Administration (FAA), the Federal Communications Commission (FCC), the County, and any other agency of the Federal or State government with the authority to regulate such Facilities.
8. The installation of the Facility shall comply with all applicable building and electrical codes. The Facility operator shall submit certification from a registered structural engineer to the Building Division, that all associated monopoles and towers in excess of thirty (30) feet in height will withstand sustained winds as required by the Uniform Building Code.
9. No advertising or display shall be permitted on the Facility.
10. The placement of any antenna or structure shall not adversely affect any on-site sewage disposal system or its repair area without written approval from the Division of Environmental Health.
11. The installation of the Facility shall not violate any existing deed restrictions.
12. The Facility shall have a minimum of twelve (12) foot wide all-weather access to a publicly maintained road capable of supporting a forty thousand (40,000) pound fire apparatus with fifteen (15) feet of vertical clearance.
13. There shall be no outdoor vehicle or equipment storage except for emergency purposes other than what is depicted on the Site Plan.
14. The Facility shall fall within current standards and regulations of the FAA, the FCC, and any other State and/or Federal agency with the authority to regulate such Facility. If such standards and regulations are changed, the property owner or responsible party shall bring the Facility into compliance with such revised standards and regulations within ninety (90)

days of the effective date of such standards and regulations, unless a more stringent compliance schedule is mandated by the controlling agency.

15. The Facility or combination of the Facilities on the site shall not generate, at any time, electromagnetic frequency radiation (EMF) or radio frequency radiation (RF) in excess of the FCC adopted standards for human exposure, as amended over time.
16. If it is found that the Facility is or will be detrimental to the health, safety, or welfare of persons working or residing near such facility, then the service provider(s) and property owner shall be jointly and solely responsible for the removal, adjustment, or replacement of the Facility. In no case shall the Facility remain in operation if it is found to create a hazard to health, safety, and welfare. The Facility shall not be found to create a hazard to health, safety, or welfare as a result of EMF or RF emissions from the Facility so long as it meets all current standards established by the FCC, pursuant to FCC QET 65.
17. Prior to issuance of the Use Permit, the applicant shall post a performance security in an amount and form determined by the Director of Development Services that is sufficient to cover the cost of a one-time test by a radio frequency consultant selected by the County, sufficient to determine whether the Facility's RF/EMF emissions comply with FCC standards. If the Facility's emissions are determined to exceed FCC standards, the applicant is required to pay for such other tests and other corrective measures as are necessary to establish compliance with FCC OET 65 and its successors and such noncompliance shall constitute sufficient grounds to commence a permit revocation hearing which may lead to permit revocation. The applicant shall cooperate in all respects with the County's consultant to assist the consultant to reach his/her conclusion.
18. All Facilities that are not in continual use for a period of six (6) months shall be considered abandoned. Abandoned Facilities are hereby designated as unlawful and as public nuisances, requiring no amortization period.
19. Prior to issuance of a building permit for the Facility, the applicant shall obtain a detailed estimate from an appropriate building industry business or contractor for the removal of the Facility, including the proper disposal of all removed materials and the return of site to its original condition.
 - a) A copy of the estimate shall be submitted to the Building Division for review and approval prior to issuance of building permits.
 - b) Prior to issuance of the building permit for the installation of the Facility, the applicant shall post a performance security in an amount and form determined by the Director of Development Services that is sufficient to cover the cost of removal of the Facility, proper disposal of all removed materials, and return of the site to its original condition in the event that such Facility is abandoned, or if the permit has been terminated for violation of its conditions by the County after hearing, or has expired, and after notice has been given to the owner/operator by the County, no application for renewal has been filed.
 - c) If the Director of Development Services determines that the Facility is abandoned, the applicant may be required to remove all equipment belonging to the applicant from the

premises and return the site to its original condition within thirty (30) calendar days of receipt of notice to abate. If such Facility is not removed and the site returned to its original condition within thirty (30) days, the County may remove the Facility at the applicant's and/or land owner's joint and several expenses.

20. All ground level support Facilities shall be painted and/or screened from view with adequate landscaping appropriate to the surrounding environment. All aesthetic treatments, including landscaping shall be maintained as approved for the life of the Facility.
21. The Facility may not encroach into, under, over, above, or upon any public street in the unincorporated area of the County in the absence of a valid encroachment permit from the County.
22. The owner/operator of the Facility shall annually submit a written verification, attested to under penalty of perjury, signed by both the owner/operator and an FCC licensee in the employ of or retained by the owner/operator, that the radio frequency radiation/electromagnetic frequency (RF/EMF) emitted by the facility conforms to safety standards set forth in FCC OET 65. The reports prepared for the Facility shall conform to reporting requirements set by the FCC and the County. The reports shall be submitted to the Planning Division no later than January 31 of each year.
23. The Facility shall be secured at all times to prevent access by the public.
24. All facilities and related equipment, including lighting, fences, shields, cabinets, and poles, shall be maintained in good repair, free from trash, debris, litter and graffiti and other forms of vandalism, and any damage from any cause shall be repaired as soon as reasonably possible so as to minimize occurrences of dangerous conditions or visual blight.

Pacific Gas and Electric Company

25. Any relocation or rearrangement of any existing PG&E facilities in the area to accommodate this project will be at the expense of the developer.
26. There shall be no building of structures, or the storage of materials allowed over or under any existing PG&E facilities, or inside any easements that exist which infringe on PG&E easements rights.

Public Works Department

27. Prior to the issuance of building permits, obtain an encroachment permit for the existing driveway approach and construct it to County standards, as specified in County Improvement Standards.
28. Prior to the issuance of building permits, a plan for a permanent solution for drainage shall be submitted to and approved by the Department of Public Works. The drainage plans shall specify how drainage waters shall be detained on site and or conveyed to the nearest natural or publicly maintained drainage channel or facility and shall provide that there shall be no

Mr. Michelena gave a brief summary of the project. He submitted a letter received from the applicant asking for an exception and a continuance to October 13, 2005.

It was moved by Commissioner Nelson, seconded by Commissioner Leland, and unanimously carried to continue this hearing open to October 13, 2005.

* * * * *

Name: Ron and Sharon Covey **Project:** Tentative Parcel Map TPM 05-08
Planner: Mark Michelena **APN:** 036-800-078
Location: at the end of Crane Road, approximately 900 feet west of Melrose Drive, in the Copley Acres Subdivision, east of Oroville.
Proposal: Tentative Parcel Map application to divide a 1.35-acre parcel into

Mr. Michelena gave a brief summary and handed out a letter from R. L. True. He said part of the 1.35 acres is being used for the roads. He asked that the heading before Condition 30 be changed to "South Feather Power and Water Agency."

Eric Schroth, Public Works, said that under Condition 8, the improvements would be a ½ street section plus 12 feet.

This item was continued for Mr. Schroth to check with his office on the condition.

* * * * *

Name: David Culp **Project:** Tentative Subdivision Map TSM 05-11
Planner: Mark Michelena **APN:** 056-360-034
Location: at the southeasterly end of Contentment Lane, approximately 465 feet south of Forest Ranch Road, Forest Ranch.
Proposal: Tentative Subdivision Map to divide Parcel 4 of Map Book 139 Pages 26 through 28 into two parcels of 1.09 acres each.

Mr. Michelena gave a brief summary of the project and handed out a memo dated September 22, 2005.

Commissioner Lambert questioned the number of parcels. She said one place in the staff report states 8 parcels on a cul-de-sac and another states 7.

Mr. Michelena said the correct number is 8. He submitted revised wording for Condition 10.

Doug Fogal made a correction to Condition 21 after "100-foot" it should say "septic leachfield free".

The hearing was opened to the public.

John Hanley, NorthStar Engineering, said the applicant agrees with the conditions.

The hearing was closed and comments confined to the Commission and staff.

It was moved by Commissioner Nelson, seconded by Commissioner Lambert, and unanimously carried to approve the Tentative Subdivision Map for David Culp subject to the findings and conditions listed below; change Condition 10 to read “Prior to the recordation of the Final Map, construct, or provide a performance bond and labor and material bond for the construction of, a full street section on to an RS-6 geometric standard. Minimum structural section to be double seal coat, and 4 inch AB. This construction is similar to approved plans Butte County Public Works File E-2181. The following note shall be placed on the additional map sheet or document to be recorded with the Final Subdivision Map: ‘The roads in this subdivision were not designed or structured to comply with the standards for roads to be accepted by the County for maintenance.’”; change Condition 21 to add “septic” before “leach” and to add “field” after “leach.”

I Adopt a Mitigated Negative Declaration with the following findings:

- A. An Initial Study was completed in compliance with the California Environmental Quality Act. Said study identified significant environmental effects and included mitigation measures that would mitigate such effects below significant levels; a Mitigated Negative Declaration is proposed.
- B. The Planning Commission has considered the proposed Mitigated Negative Declaration, together with comments received during the review process.
- C. On the basis of the whole record before the Planning Commission, including the Initial Study and any comments received, there is no substantial evidence that the Tentative Subdivision Map for David Culp, Planning Division File No. TSM 05-11, would have a significant effect on the environment. The custodian of the record is the Land Development Division of the Public Works Department. The location of the record is 7 County Center Drive, Oroville CA 95965.
- D. The proposed Mitigated Negative Declaration reflects the independent judgment and analysis of the County, which is the Lead Agency.
- E. Adopt the Mitigated Negative Declaration regarding environmental impacts, with Mitigation Measures 1 through 6, as detailed in the Agenda Report dated, October 13, 2005.

III. The design of the proposed project improvements has the potential to significantly impact blue oak habitat and deer herd movements. The collection of fees pursuant to Fish and Game Code Section 711.4 and 14 CCR 753.5. is required.

III. Approve Tentative Subdivision Map 05-11 for David Culp, subject to the conditions found in Exhibit “A” and the following findings:

- A. The proposed parcels conform to the TM-1 zone and are conditionally consistent with the Agricultural Residential General Plan designation conditional development criteria as supported by the following:
 - 1. Compatible with neighboring agricultural activities.

The project site is not located in an agricultural area. Other than timber harvesting, no agricultural uses are established on any of the parcels that surround the project site. The project site is not adjacent to lands that have a General Plan land use designation of Orchard and Field Crops or Grazing and Open Land. The Butte County Agricultural Commissioner stated that the project would not impact any agricultural operations. The project will not create any impacts to agricultural activities.

2. Evidence of adequate water and sewage disposal capacity.

The soils on the project site are generally suitable for on-site sewage disposal systems. Usable sewage disposal areas, as required by Appendix VII of the Butte County Subdivision Ordinance, have been proven to exist on both of the proposed parcels. Domestic water is proposed to be obtained from individual on-site wells. A very deep (700+ feet) well is located on proposed Parcel 1, along with three large water storage tanks. According to the applicant, the well, which would be shared jointly by both proposed parcels, has a capacity of approximately 35 gallons per hour.

3. Availability of adequate fire protection facilities.

The nearest staffed fire station is Station # 23, located on SR-32 at Platte Mountain, approximately 2.9 miles to the north of the site. Volunteer station # 25 is located approximately 1.9 miles away in Forest Ranch. All new dwellings placed on the project site would be required to have interior fire sprinkler systems to help reduce impacts to fire protection services.

4. Adequately maintained approved road access with sufficient capacity to service area.

Contentment Lane, which is a private road, lies within a 60-foot wide easement that extends to Forest Ranch Road (a public road). The roads in the project area can safely handle the minor increase in vehicle traffic generated by the project. Contentment Lane is a cul-de-sac road, which currently provides access for seven parcels. With this project, Contentment Lane would provide sole legal access for eight parcels. This number of parcels on a cul-de-sac road is consistent with Butte County Code 20-133, which states that no cul-de-sac road shall provide sole legal access to more than 20 parcels. Forest Ranch Road is a through road, which connects to SR-32 at three separate locations.

5. Reasonable accessibility to commercial services and schools.

A small general store, video rental business, and a small restaurant are located in Forest Ranch, approximately 1.8 miles to the south of the project site. The Forest Ranch School (K-8) is located at the intersection of SR-32 and Schott Road, approximately 1.2 miles from the project site. Extensive

commercial services and high schools are located in the Chico area, approximately a 15 minute drive to the west/southwest.

- B. The proposed map is consistent with the following Butte County General Plan Goals and Policies:
 - 3.2.a. Residential densities shall be correlated to soil, slope and other natural site characteristics.
 - 3.2.b. Correlate residential densities to availability of water and sewage disposal and proximity to other public facilities.
 - 3.2.c. Relate residential densities to intensity and compatibility of adjacent uses.
 - 3.2.d. Balance residential densities with traffic-carrying capacities of existing and proposed circulation plans.
 - 7.1.a. Consider fire hazards in all land use and zoning decisions, environmental review, subdivision review and the provision of public services.
- C. The design and improvements of the proposed subdivision are consistent with County standards and policies provided all conditions of project approval are complied with.
- D. The project is physically suitable for the use and density of the proposed development.
- E. The design and improvements of the project will not cause public health or safety problems because the project site does not contain any physical characteristics that could cause health or safety concerns with the provided mitigations.
- F. The design and improvements of the project will not conflict with easements acquired by the public at large for access through or use of property within the proposed subdivision provided the attached conditions are met.
- G. The project site is not located within an earthquake fault zone or a 100-year flood zone.
- H. The project would not have an impact to any aircraft operations because the project site is not located within an Airport Compatibility Zone.
- I. Approval of this project will not be detrimental to the public health, safety, and welfare provided the required conditions and mitigation measures are complied with.
- J. The project is conditionally consistent with the Agricultural Residential General Plan land use designation.
- K. The roads in the project area have the capacity to handle the minor increase in

vehicular traffic generated by the project.

- L. With this project, Contentment Lane would provide sole legal access for eight parcels, which is consistent with Butte County Code 20-133, which states that no cul-de-sac road shall provide sole legal access to more than 20 parcels.

EXHIBIT A

Tentative Subdivision Map for David Culp on APN 056-360-034, File # TSM 05-11: An application for a Tentative Subdivision Map to divide a 2.18± acre parcel into one parcel of 1.07 acres and one parcel of 1.11 acres for residential use on property zoned TM-1 (Timber Mountain, 1-acre minimum parcel size).

I. CONDITIONS OF APPROVAL:

Planning Division

1. Mitigation Measure # 1:

The following measures shall apply to all development activities on the project site. Additionally, a note shall be placed on a separate document which is to be recorded concurrently with the map or on an additional map sheet that states: "Dust generated by the development activities shall be kept to a minimum with a goal of retaining dust on the site. Follow the dust control measures listed below:

- a. Water shall be applied by means of truck(s), hoses, and/or sprinklers as needed prior to any land clearing or earth movement to minimize dust emissions.
- b. Haul vehicles transporting soil into or out of the property shall be covered.
- c. Water shall be applied to disturbed areas a minimum of two (2) times per day or more as necessary.
- d. On-site construction vehicles shall be limited to a speed of 15 mph on unpaved roads.
- e. Post a publicly visible sign with the telephone number and person to contact regarding dust complaints. This person shall respond and take corrective action within 24 hours. The telephone number of the Butte County Air Quality Management District shall be visible to ensure compliance with BCAQMD Rule 200 & 205 (Nuisance and Fugitive Dust Emissions).
- f. All visibly dry disturbed soil surface areas of operation shall be watered to minimize dust emissions.
- g. Existing roads and streets adjacent to the project shall be cleaned at least once per day if dirt or mud from the project site has been tracked onto these roadways, unless conditions warrant a greater frequency."

Plan Requirements: The note shall be placed on a separate document which is to be recorded concurrently with the map or on an additional map sheet. This note shall also be placed on all building and site development plans.

Timing: Requirements of the condition shall be adhered to throughout all grading and construction periods.

Monitoring: The Planning Division shall ensure that the note is placed on a separate document which is to be recorded concurrently with the map or on an additional map sheet. The Department of Development Services shall ensure that this note is placed on all building and site development plans. Building inspectors shall spot check and shall ensure compliance on-site. Butte County Air Quality Management District inspectors shall respond to nuisance complaints.

2. **Mitigation Measure # 2:**

Place a note on a separate document which is to be recorded concurrently with the map or on an additional map sheet that states: “Fencing for areas on each parcel, other than fencing around the immediate area of the residence, shall be limited to a maximum of five (5) wire strands. The lowest strand shall be at least sixteen (16) inches above the ground and the upper strand shall be no higher than forty-eight (48) inches above the ground.”

Plan Requirements: The above note shall be placed on a separate document which is to be recorded concurrently with the map or on an additional map sheet and on all building and site development plans.

Timing: The requirements of the condition shall be adhered to at all times.

Monitoring: The Department of Development Services shall ensure the note is placed on a separate document which is to be recorded concurrently with the map or on an additional map sheet. Building inspectors shall spot check; and Building shall ensure compliance on-site.

3. **Mitigation Measure # 3:**

Place a note on a separate document which is to be recorded concurrently with the map or on an additional map sheet that states: “At the time of building permit application, pay the applicable Deer Herd Impact fee(s) currently in effect.”

Plan Requirements: The required note shall be placed on a separate document which is to be recorded concurrently with the map or on an additional map sheet.

Timing: The required fee shall be paid at time of building permit issuance, if adopted or in force at the time of application.

Monitoring: The Department of Development Services shall ensure that the required note is placed on a separate document which is to be recorded concurrently with the map or on an additional map sheet. The Building Division shall collect the fees at the time of building permit issuance if the County adopts the fees.

4. **Mitigation Measure # 4:**

The following measure shall apply to all development activities on the project site. Additionally, a note shall be placed on a separate document which is to be recorded

concurrently with the map or on an additional map sheet that states: “Should development activities reveal the presence of cultural resources (i.e., artifact concentrations, including arrowheads and other stone tools or chipping debris, cans, glass, etc.; structural remains; human skeletal remains), work within 50 feet of the find shall cease immediately until a qualified professional archaeologist can be consulted to evaluate the remains and implement appropriate mitigation procedures. Should human skeletal remains be encountered, State law requires immediate notification of the County Coroner. Should the County Coroner determine that such remains are in an archaeological context, the Native American Heritage Commission in Sacramento shall be notified immediately, pursuant to State law, to arrange for Native American participation in determining the disposition of such remains.”

Plan Requirements: The note shall be placed on a separate document which is to be recorded concurrently with the map or on an additional map sheet and on all building and site development plans.

Timing: This measure shall be implemented during all site preparation and construction activities.

Monitoring: The Department of Development Services shall ensure that the required note is placed on a separate document which is to be recorded concurrently with the map or on an additional map sheet and on all building and site development plans. Should cultural resources be discovered, the applicant shall immediately stop all work within 50 feet of the find and immediately notify the Department of Development Services. The Department of Development Services shall coordinate with the developer and appropriate authorities to avoid damage to cultural resources and determine appropriate action.

5. Place a note on a separate document which is to be recorded concurrently with the map or on an additional map sheet that states: “A development impact fee for school facilities shall be paid prior to issuance of building permits. The fee amount would be determined and calculated as of the date of application for the building permits.”

Public Works

6. Prior to or concurrently with the recordation of the Final Map, provide a fully executed road maintenance agreement for all non-publicly maintained access roads on the County approved form. A note shall be placed on a separate document which is to be recorded concurrently with the map or on an additional map sheet of the Final Map stating: “In accordance with Civil Code Section 845, maintenance of the road as shown hereon shall be shared by those properties with a legal interest in it.”
7. All access rights shall be reserved by deed per County Ordinance, offered for dedication, and depicted on the Final Map. For each private access within the map boundary, place the following note on the Final Map: “Contentment Lane is a non-exclusive easement for ingress, egress, road and public services purposes, to be reserved in deeds and is hereby offered for dedication to the County of Butte.”
8. Prior to final road inspection, install all necessary traffic safety signs including stop signs. A

note shall be placed on a separate document which is to be recorded concurrently with the map or on an additional map sheet of the Final Map stating: “No public entity shall be responsible for the maintenance of the traffic safety signs including stop signs. In accordance with Civil Code Section 845, maintenance of the traffic safety signs shall be shared by those properties with a legal interest in them.”

9. Provide a cul-de-sac designed and constructed as specified in the County Improvement Standards. The Final Map shall show the cul-de-sac.
10. Prior to the recordation of the Final Map, construct, or provide a performance bond and labor and material bond for the construction of, a full street section on to an RS-6 geometric standard. Minimum structural section to be double seal coat, and 4” AB. This construction is similar to approved plans Butte County Public Works File E-2181. The following note shall be placed on the additional map sheet or document to be recorded with the Final Subdivision Map: “The roads in this subdivision were not designed or structured to comply with the standards for roads to be accepted by the County for maintenance.”
11. Show on the additional map sheet of the Parcel Map a 20 ft. building setback from the right-of-way line of Contentment Lane based on Butte County Code Section 24-75(d).
12. Prior to approval of the improvement plans, a plan for a permanent solution for drainage shall be submitted to and approved by the Department of Public Works. The drainage plans shall detail existing drainage conditions and shall specify how drainage waters shall be detained or retained on-site and/or conveyed to the nearest natural or publicly maintained drainage channel or facility and shall provide that there shall be no increase in the peak flow runoff to said channel or facility.
13. Prior to final improvement inspection by the Department of Public Works, all new drain inlets shall be labeled with the county approved drain marker per County Standard S-40.
14. Prior to grading, a Construction Storm Water Permit will be required by the State Water Resources Control Board if the project results in a disturbance (including clearing, excavation, filling, and grading) of one or more acres. The Permit must be obtained from the State Water Resources Control Board prior to construction. If a permit is required, then place a note on an additional map sheet that states: “The development of this Final Map required a construction storm water permit. Construction activities that result in a land disturbance of less than one acre, but which are part of a larger common plan of development, also require a permit. Development of individual lots may require an additional permit(s).”
15. Show all easements of record on the Final Map.
16. Prior to or concurrently with the recordation of the Final Map, pay in full any and all delinquent, current and estimated taxes and assessments as specified in Article 8 of Chapter 4 of Division 2 of Title 7, of the California Government Code commencing with Section 66492.
17. Pay the recording fees in effect at the time the Final Map and related documents are recorded.

18. **Mitigation Measure # 5:**

Place a note on a separate document which is to be recorded concurrently with the map or on an additional map sheet that states: “The building setback from the all property lines shall comply with the requirements of Public Resources Code 4290 and 4291 (Fire Safe Regulations).”

Plan Requirements: The note shall be placed on a separate document which is to be recorded concurrently with the map or on an additional map sheet and on all building and site development plans.

Timing: At the time of building plan checking, building and site plans shall be checked for compliance with the condition.

Monitoring: The Butte County Fire Department/CDF shall ensure that the note is placed on a separate document which is to be recorded concurrently with the map or on an additional map sheet and on all building and site development plans. The Butte County Fire Department/CDF will review all building and site plans for compliance with PRC 4290 and 4291. The Building Division and the Planning Division shall check building and site plans for compliance prior to issuance of a building permit. Building inspectors shall ensure compliance by conducting an on-site inspection prior to the final inspection.

19. **Mitigation Measure # 6:**

Place a note on a separate document which is to be recorded concurrently with the map or on an additional map sheet that states: “Fire suppression sprinkler systems shall be installed in all new residential structures in accordance with the National Fire Protection Association Standard for the installation of sprinkler systems in one and two family dwellings and mobile homes, NFPA Standard 13D, unless a pressurized community water system, with hydrants that meet Fire Department specifications, serves the parcels.”

Plan Requirements: The note shall be placed on a separate document which is to be recorded concurrently with the map or on an additional map sheet and on all building and site development plans.

Timing: Interior fire sprinkler systems shall be installed in all new residential structures at the time of building construction.

Monitoring: The Butte County Fire Department/CDF shall ensure that the note is placed on a separate document which is to be recorded concurrently with the map or on an additional map sheet and on all building and site development plans. Building Division plan checkers shall ensure that the building plans for residential structures include interior fire sprinkler systems. Building inspectors shall ensure all residential structures have a functioning interior fire sprinkler system prior to the final inspection, by conducting an on-site inspection.

20. Place a note on a separate document which is to be recorded concurrently with the parcel map or on an additional map sheet stating that “Building identification and/or addresses shall be installed in conformance with Public Resources Code 4290 and shall be posted at the time of permit issuance and maintained continuously thereafter.”

Environmental Health Division

21. Indicate a 100-foot septic leachfield free setback from each existing well within the parcel and within 100 feet of the proposed parcels
22. Indicate a legal well site on the proposed Parcel 2. (Note: The adjacent parcel to the west, APN 056-360-038, has an existing leach line area on the easterly side of that property; and that parcel must be allowed to maintain a full leach line replacement area, unencumbered by a well setback from the new parcel.)
23. Indicate a new water line easement, if applicable for a well sharing agreement.
24. Indicate the existing power line easement on proposed Parcel 2, and the water line easement on proposed Parcels 1 and 2.
25. Indicate the usable sewage disposal area for each proposed parcel, which meets the requirements of Appendix VII. If separate areas on a given parcel are added together to meet the usable area requirements, it must be shown that each of those separate areas could site a leach field adequate to serve the residence.
26. Identify on the additional map sheet usable sewage disposal areas proven to meet the requirements of County Improvement Standards, Appendix VII. Combine with adjacent lot(s) any parcel not proven to contain usable sewage disposal area.

Pacific Gas and Electric Company

27. Any relocation or rearrangement of any existing PG&E facilities in the area to accommodate this project will be at the expense of the developer.
28. There shall be no building of structures, or the storage of materials allowed over or under any existing PG&E facilities, or inside any easements that exist which would infringe on PG&E easement rights.

Processing Fees

19. Prior to recordation of the Parcel Map, pay any outstanding project-related processing fees.

County Counsel

30. If this entire matter or any finding, action or condition of this matter is appealed to the Board of Supervisors, the applicant or any other developer/operator other than the applicant agrees

to indemnify the County of Butte from liability or loss related to the approval of this project and agrees to sign an indemnification agreement in a form approved by County Counsel before the Board's appeal hearing. If the application is not appealed, this condition is deemed satisfied.

II. NOTATION

- A. Minor changes may be approved administratively by the Directors of Development Services, Environmental Health, or Public Works upon receipt of a substantiated written request by the applicant, or their respective designee. Prior to such approval, verification shall be made by each Department or Division that the modification is consistent with the application, fees paid and environmental determination as conditionally approved. Changes deemed to be major or significant in nature shall require a formal application for amendment.

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

* * * * *

Ron and Sharon Covey, TPM 05-08, continued from earlier in the meeting.

Mr. Schroth, Public Works, came back to the meeting and stated that Condition 8 was for a ½ street plus 12 feet. He said they are in the process of addressing the drainage concerns stated by Mr. True.

The hearing was opened to the public.

Mike Evans, Evans Fun Works, said the applicant agrees with the conditions as corrected earlier in the meeting. He said that Crane Avenue will not go through to Mountain View Drive. He said Crane Avenue will go to the southwest corner of Lot 3 with a fire barrier installed.

John Kuhn said his property abuts the subject property on the corner. He said there is a drainage problem in the area and he wanted people to be aware. He said another concern is agricultural uses on small parcels.

Mr. Michelena informed him that residential is the primary use in the A-R zone.

Mr. Kuhn said in reading the report it referenced a section to use a smaller than normal easement. He said it appeared to be done to create two parcels from one. He said it seems like it is turning one parcel into 4 and using the Code Section twice to create two narrow easements abutting each other on the property line and doesn't seem right.

Chairman Marin said the request is a Tentative Parcel Map to a 1.35 acre parcel into 4 parcels.

Mr. Michelena said the Section is in the Subdivision Ordinance, and Public Works determined that it meets the intent of the Ordinance, rather than requiring a two parcel map and then having the applicant come back for a second two parcel map when it can be done with one application.

The hearing was closed to the public and comments confined to the Commission and staff.

Mr. Michelena had a correction on Page 2 of the report to change Section 20-136 to Section 20-133.

Commissioner Wilson commented that Crane Avenue is not holding up.

Mr. Michelena explained that Crane Avenue is a County maintained road that has problems. He said some of the water goes to the Covey property. There was a brief discussion on the condition of Crane Avenue.

It was moved by Commissioner Nelson, seconded by Commissioner Leland, and unanimously carried to approve a Tentative Parcel Map for Ron and Sharon Covey, subject to the findings and conditions listed below; on Condition 8 after "RS-9-LD II" add "1/2 street plus 12 feet"; change the heading before Condition 30 to read "South Feather Power and Water Agency".

- I. Adopt a Mitigated Negative Declaration with the following findings:
 - A. An Initial Study was completed in compliance with the California Environmental Quality Act. Said study identified significant environmental effects and included mitigation measures that would mitigate such effects below significant levels; a Mitigated Negative Declaration is proposed.
 - B. The Planning Commission has considered the proposed Mitigated Negative Declaration, together with comments received during the review process.
 - C. On the basis of the whole record before the Planning Commission, including the Initial Study and any comments received, there is no substantial evidence that the Tentative Parcel Map for Ron and Sharon Covey, Planning Division File No. TPM 05-08, would have a significant effect on the environment. The custodian of the record is the Land Development Division of the Public Works Department. The location of the record is 7 County Center Drive, Oroville CA 95965.
 - D. The proposed Mitigated Negative Declaration reflects the independent judgment and analysis of the County, which is the Lead Agency.
- II. The design of the proposed project will not cause environmental damage to fish and wildlife or their habitat, and a "de minimis" exemption regarding impact to fish and wildlife or their habitat is recommended. The collection of fees pursuant to Fish and Game Code Section 711.4 and 14 CCR 753.5, is not required. The project site is not known to contain any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Game or U.S. Fish and Wildlife Service. The project will not have a substantial adverse effect on any riparian habitat; have a substantial adverse effect on federally protected wetlands as defined by Section 404 of the Clean Water Act; conflict with any local policies or ordinances protecting biological resources; or, conflict with the provisions of an adopted Habitat Conservation Plan.

- III. Approve Tentative Parcel Map 05-08 for Ron & Sharon Covey, subject to the conditions found in Exhibit "A" and the following findings:
- A. The project is consistent with the Low Density Residential General Plan land use designation and the Agricultural Residential zone.
 - B. The proposed tentative parcel map is consistent with the Goals and Policies of the Butte County General Plan and Policy 3.2.a of the Land Use Element which requires that residential densities be correlated to soil, slope and other natural site characteristics. The project does not contain any characteristics that preclude it from being developed at the proposed density of 1.6 dwelling units per gross acre.
 - C. The proposed tentative parcel map is consistent with the Goals and Policies of the Butte County General Plan and Policy 3.2.b of the Land Use Element which requires residential densities to be correlated to the availability of water and sewage disposal and proximity to other facilities.
 - D. With the addition of Department of Public Work's Conditions #3 through #15 regarding access, drainage and improvement standard, and Environmental Health Division Condition #19 through #22 regarding septic systems, water supplies, and wells, the project is physically suitable for the use and density of the proposed development.
 - E. With the additions of California Department of Forestry/Butte County Fire Department Conditions #16 through #18 regarding compliance with the Fire Safe Regulations and other fire safety measures, the project conforms to the fire requirements of the Butte County Fire Department.
 - F. Approval of this project will not be detrimental to the general health, safety and welfare of the public because the mitigation measures identified by the project initial study have been incorporated into the project as conditions of approval. The conditions must be satisfied or the parcel map will not be allowed to be recorded.

EXHIBIT A

Tentative Parcel Map for Ron & Sharon Covey on APN 036-800-078,

File # TPM 05-08: An application for a Tentative Parcel Map to divide a 1.35-acre (gross) parcel into four parcels (0.21 acres, 0.22 acres and two at 0.30 acres) on property zoned A-R (Agricultural Residential, 6,500 square foot minimum) in an urban designated area east of Oroville.

I. CONDITIONS OF APPROVAL:

Planning Division

1. Mitigation Measure #1:

Place a note on a separate document which is to be recorded concurrently with the map or on an additional map sheet that states: "Dust generated by the development activities shall be kept to a minimum with a goal of retaining dust on the site. Follow the dust control measures listed below:

- a. Water shall be applied by means of truck(s), hoses, and/or sprinklers as needed prior to any land clearing or earth movement to minimize dust emissions.
- b. Haul vehicles transporting soil into or out of the property shall be covered.
- c. On-site vehicles shall be limited to a speed of 15 mph on unpaved roads.
- e. Post a publicly visible sign with the telephone number and person to contact regarding dust complaints. This person shall respond and take corrective action within 24 hours. The telephone number of the Butte County Air Quality Management District shall be visible to ensure compliance with BCAQMD Rule 200 & 205 (Nuisance and Fugitive Dust Emissions).
- f. All visibly dry disturbed soil surface areas of operation shall be watered to minimize dust emissions.
- g. Existing roads and street adjacent to the project shall be cleaned at least once per day unless conditions warrant a greater frequency."

Plan Requirements: This note shall be placed on a separate document which is to be recorded concurrently with the map or on an additional map sheet that states and all building and site development plans.

Timing: Requirements of the condition shall be adhered to throughout all grading and construction periods.

Monitoring: The Department of Development Services and Department of Public Works shall ensure that this note is placed on a separate document which is to be recorded concurrently with the map or on an additional map sheet that states and all building plans and shall spot check and shall ensure compliance on-site. Butte County Air Quality Management District inspectors shall respond to nuisance complaints.

2. Mitigation Measure #2:

Place a note on a separate document which is to be recorded concurrently with the map or on an additional map sheet that states: "Should grading activities reveal the presence of cultural resources (i.e., artifact concentrations, including arrowheads and other stone tools or chipping debris, cans, glass, etc.; structural remains; human skeletal remains), work within 50 feet of the find shall cease immediately until a qualified professional archaeologist can be consulted to evaluate the remains and implement appropriate mitigation procedures. Should human skeletal remains be encountered, State law requires immediate notification of the County Coroner. Should the County Coroner determine that such remains are in an archaeological context, the Native American Heritage Commission in Sacramento shall be notified immediately, pursuant to State law, to arrange for Native American participation in determining the disposition of such remains".

Plan Requirements: This note shall be placed on a separate document which is to be recorded concurrently with the map or on an additional map sheet that states and all building and site development plans.

Timing: This measure shall be implemented during site preparation and construction.

Monitoring: The Department of Development Services shall ensure that this note is placed on a separate document which is to be recorded concurrently with the map or on an additional map sheet and all building and site development plans. The developer shall be responsible for notifying the Department of Development Services and a qualified archaeologist in the event cultural resources are discovered. The Department of Development Services shall coordinate with the developer and appropriate authorities to avoid damage to cultural resources and determine appropriate action.

Public Works

3. Prior to or concurrently with the recordation of the Parcel Map, provide a fully executed road maintenance agreement for all non-publicly maintained access roads on the County approved form. A note shall be placed on a separate document which is to be recorded concurrently with the map or on an additional map sheet of the Parcel Map stating: “In accordance with Civil Code Section 845, maintenance of the road as shown hereon shall be shared by those properties with a legal interest in it.”
4. Prior to recordation of the Parcel Map, provide street name signs per requirements of the Department of Public Works. Street names shall be reviewed by the County Address Coordinator and one name for each new street shall be recommended to the Board of Supervisors for approval prior to recordation of the Parcel Map. A minimum of five alternate names for each new street shall be submitted.
5. Prior to the recordation of the Parcel Map, demonstrate to the Department of Public Works that there is approved access conforming to County Code to each parcel from a publicly maintained road.
6. All access rights shall be reserved by deed per County Ordinance, offered for dedication, and depicted on the Parcel Map. For each private access within the map boundary, place the following note on the Parcel Map: “*Approved road name* is a non-exclusive easement for ingress, egress, road and public services purposes, to be reserved in deeds and is hereby offered for dedication to the County of Butte.”
7. Prior to final road inspection, install all necessary traffic safety signs including stop signs. A note shall be placed on a separate document which is to be recorded concurrently with the map or on an additional map sheet of the Parcel Map stating: “No public entity shall be responsible for the maintenance of the traffic safety signs including stop signs. In accordance with Civil Code Section 845, maintenance of the traffic safety signs shall be shared by those properties with a legal interest in them.”
8. Prior to recordation of the Parcel Map, submit road and drainage improvement plans for the installation and construction of the street frontage improvements on Crane Avenue to RS-9-LD II, ½ street plus 12 feet, County Improvement Standards, including but not limited to curb, gutter and sidewalk for parcels with a gross acreage of one acre or less and install the

required facilities.

9. Construct access roads to Butte County Code Section 20-136, including road and easement standards to each proposed lot 2 and 4. A concrete valley gutter may be allowed between the roads. Submit construction plans to the Department of Public Works for review and approval and install the required facilities.
10. Show on the additional map sheet of the Parcel Map a 20 ft. building setback from the right-of-ways on Crane Avenue and the private access easements based on Butte County Code 24-75(d).
11. Prior to approval of the improvement plans, a plan for a permanent solution for drainage shall be submitted to and approved by the Department of Public Works. The drainage plans shall detail existing drainage conditions and shall specify how drainage waters shall be detained or retained on-site and/or conveyed to the nearest natural or publicly maintained drainage channel or facility and shall provide that there shall be no increase in the peak flow runoff to said channel or facility. Show all easements of record on the Parcel Map.
12. Prior to grading, a Construction Storm Water Permit will be required by the State Water Resources Control Board if the project results in a disturbance (including clearing, excavation, filling, and grading) of one or more acres. The Permit must be obtained from the State Water Resources Control Board prior to construction. If a construction storm water permit is required, place a note on an additional map sheet that states: "The development of this Parcel Map requires a construction storm water permit. Construction activities that result in a land disturbance of less than one acre, but which are part of a larger common plan of development, also require a permit. Development of individual lots may require an additional permit(s)."
13. Show all easements of record on the Parcel Map
14. Prior to or concurrently with the recordation of the Parcel Map, pay in full any and all delinquent, current and estimated taxes and assessments as specified in Article 8 of Chapter 4 of Division 2 of Title 7, of the California Government Code commencing with Section 66492.
15. Pay the recording fees in effect at the time the Parcel Map and related documents are recorded.

Butte County Fire/California Department of Forestry

16. Mitigation Measure # 3:

Place a note on a separate document which is to be recorded concurrently with the map or on an additional map sheet that states: "Construction, installation or development of structures or facilities on the parcels/lots shall comply with the latest California Fire Safe Regulations (Public Resources Code 4290 and 4291), and all other applicable State and County codes, ordinances and regulations in effect at the time of application for improvement permits"

Plan Requirements: The above note shall be placed on a separate document which is to be recorded concurrently with the map or on an additional map sheet and any future building plans. The Fire Department and Public Works Department shall ensure that the note is placed on the Parcel Map.

Timing: At the time of building plan checking, building and site plans shall be checked for compliance with the condition.

Monitoring: The Department of Development Services and Department of Public Works shall ensure that this note is placed on a separate document which is to be recorded concurrently with the map or on an additional map sheet and all building plans. The California Department of Forestry, Butte County Fire Chief, or designee, shall check building and site plans for compliance prior to issuance of a building permit. Building inspectors shall ensure compliance by conducting an on-site inspection prior to the final inspection.

17. Place a note on a separate document which is to be recorded concurrently with the parcel map or on an additional map sheet stating that “Building identification and/or addresses shall be installed in conformance with Public Resources Code 4290 and shall be posted at the time of permit issuance and maintained continuously thereafter.”

18. Mitigation Measure # 4:

Place a note on a separate document which is to be recorded concurrently with the map or on an additional map sheet that states: “Fire suppression sprinkler systems shall be installed in all new residential structures in accordance with the National Fire Protection Association Standard for the installation of sprinkler systems in one and two family dwellings and mobile homes, NFPA Standard 13D, unless a pressurized community water system, with hydrants that meet Fire Department specifications, serves the parcels.”

Plan Requirements: The note shall be placed on a separate document which is to be recorded concurrently with the map or on an additional map sheet and on all building and site development plans.

Timing: Interior fire sprinkler systems shall be installed in all new residential structures at the time of building construction.

Monitoring: The Butte County Fire Department/CDF and the Public Works Department shall ensure that the note is placed on a separate document which is to be recorded concurrently with the map or on an additional map sheet. Building Division plan checkers shall ensure that the building plans for residential structures include interior fire sprinkler systems. Building inspectors shall ensure all residential structures have a functioning interior fire sprinkler system prior to the final inspection, by conducting an on-site inspection.

Environmental Health Division

19. Prior to recordation of the Parcel Map, provide a letter or other documentation from South Feather Water and Power stating that they are willing and able to supply domestic water to parcels 1, 2, 3 and 4.
20. Place a note on the additional map sheet that states: "Development of parcels 1, 2, 3 and 4 will require connection to a public water supply."
21. Prior to recordation of the Parcel Map, provide a letter or other documentation from Lake Oroville Public Utility District stating that they are willing and able to supply sewer service to parcels 1, 2, 3 and 4.
22. Place a not on the additional map sheet that states: "Development of parcels 1, 2, 3 and 4 will require connection to a public sanitary sewer."

Lake Oroville Area Public Utility District (LOAPUD)

23. Design of sewer facilities shall be in accordance with LOAPUD Standards.
24. Necessary easement acquired and granted to LOAPUD.
25. Execution of LOAPUD Development Agreement and payment of all applicable fees.
26. Extend sewer main to the westerly property line, and construct the required sanitary sewer facilities in accordance with LOAPUD Standards and Policies.
27. Execution of LOAPUD permit and payment of \$1,690.00 capacity charge, \$650.00 LOAPUD Connection Fee and \$1,277.00/edu SC-OR Regional Facility Charge for each and every EDU.
28. Construct the sanitary sewer lateral in compliance with LOAPUD Standards.
29. To maintain sewer service the following must be kept current: Pay a monthly rate for sewer service currently set at \$18.50 per month to be billed after connection on a quarterly basis.

South Feather Power and Water Agency

30. Deposit of funds sufficient to cover all applicable fees and charges for each parcel.
31. Extension of the existing water main within Crane Avenue, westerly and parallel to the southerly boundary of the subject parcel, to the westerly right-of-way of the proposed Crane Avenue extension, in accordance with the Agency's Rules and Regulations, and as directed by the Agency's Engineer.
32. Relocation of the existing water service and backflow device for the subject parcel and installation of three additional services with back flow devices to serve each of the four proposed new parcels in accordance with the Agency's Rules and Regulations. All four meters and backflow devices to be grouped adjacent to the end of the extended water main at

the westerly right-of-way of the proposed Crane Avenue extension.

33. Reservation on the parcel map of a 20-foot wide easement, the southerly line of which be coincident with the southerly line of the subject parcel, to permit the future westerly extension of the water main to Mountain View Drive.

Pacific Gas and Electric Company

34. Any relocation or rearrangement of any existing PG&E facilities in the area to accommodate this project will be at the expense of the developer.
35. There shall be no building of structures, or the storage of materials allowed over or under any existing PG&E facilities, or inside any easement that exist.

Processing Fees

36. Prior to recordation of the Parcel Map, pay any outstanding project-related processing fees.

County Counsel

37. If this entire matter or any finding, action or condition of this matter is appealed to the Board of Supervisors, the applicant or any other developer/operator other than the applicant agrees to indemnify the County of Butte from liability or loss related to the approval of this project and agrees to sign an indemnification agreement in a form approved by County Counsel before the Board's appeal hearing. If the application is not appealed, this condition is deemed satisfied.

II. NOTATION

- A. Minor changes may be approved administratively by the Directors of Development Services, Environmental Health, or Public Works upon receipt of a substantiated written request by the applicant, or their respective designee. Prior to such approval, verification shall be made by each Department or Division that the modification is consistent with the application, fees paid and environmental determination as conditionally approved. Changes deemed to be major or significant in nature shall require a formal application for amendment.

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

* * * * *

Name: Sherry Collier **Project:** Legal Lot Determination DET 05-09
Planner: Mark Michelena **APN:** 065-205-002
Location: on Holmwood Drive, approximately 200 feet from Perry Road, Magalia.
Proposal: Tentative Subdivision Map to divide Parcel 4 of Map Book 139 Pages 26 through 28 into two parcels of 1.09 acres each.

Mr. Michelena gave a brief summary of the project.

The hearing was opened to the public.

Sherry Collier was here to answer questions.

The hearing was closed and comments confined to the Commission and staff.

It was moved by Commissioner Leland, seconded by commissioner Nelson, and unanimously carried to approve the Legal Lot Determination for Sherry Collier, subject to the findings and conditions listed below.

- I. Approve the Legal Lot Determination/Conditional Certificate of Compliance for on APN 065-205-002, File No. DET 05-09, subject to the following findings:
 - A. This project is exempt from environmental review under the General Rule exemption Section 15061(b)(3). This section states that CEQA applies only to projects which have the potential for causing a significant effect on the environment. Because the project is exempt from the provisions of CEQA, the payment of fees pursuant to Fish and Game Code Section 711.4 and 14 CCR 753.5 is not required.
 - B. The parcel size of 0.7 acres was in conformance with the zoning at the time of creation.
 - C. The Conditional Certificate of Compliance for the parcel will not be detrimental to the health, safety and welfare of the surrounding area.

EXHIBIT A

Legal Lot Determination/Conditional Certificate of Compliance on APN 065-205-002, DET 05-09

- I. APPROVAL:
 1. Pay the recording fee in effect at the time the Conditional Certificate of Compliance is recorded. The current fee is \$7.00 for the first sheet plus \$3.00 for each additional sheet. The estimated current cost for recording this Certificate is \$13.00 with conditions. This cost estimate is based on 1 page notification (first sheet), 1 page of legal description attached as Exhibit "A", and 1 page of conditions attached as Exhibit "B".

California Department of Forestry

2. Place the following note on the Certificate of Compliance: "All new structures must meet Fire Safe Regulations of the Butte County Code and Public Resources Code 4290 and 4291."

County Counsel

3. If this entire matter or any finding, action or condition of this matter is appealed to the Board of Supervisors, the applicant or any other developer/operator other than the applicant agrees

to defend, indemnify and hold the County of Butte harmless from liability or loss related to the approval of this project and agrees to sign an indemnification agreement in a form approved by County Counsel before the Board's appeal hearing. If the application is not appealed, this condition is deemed satisfied

There is a 15-day appeal period on all decisions with the Clerk of the Board

* * * * *

Commission Nelson asked why the power point was not used on all the projects.

Mr. Michelena said they try to do a presentation on the projects when they think there will be a problem. He noted that staff time is a factor in doing power point.

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. Director's Report

Mr. Hunter said they have hired an Associate Planner and another Code Enforcement Officer. He said they are interviewing for the Director of Development Services.

B. General Plan/Zoning Ordinance Update

Mr. Wannemacher said the environmental documents are being prepared for the General Plan update.

C. Legislative Case Law update

None

D. Planning Commission Concerns

None

VIII. MINUTES - September 8, 2005

Commissioner Wilson said he will be absent for the month of October.

Commissioner Lambert submitted her corrections in writing.

Commissioner Nelson briefly discussed formatting the minutes.

Commissioner Lambert said she is just asking for corrections and additions to the September 8, 2005, minutes.

Commissioner Leland said he would like the minutes brief with comments that are significant to the action requested.

Commissioner Lambert pointed out an instance when they had to go back to a previous set of minutes to look and see what occurred at the meeting.

Chairman Marin asked if they wanted to continue the approval of the minutes for the corrections to come back to the Commission.

It was moved by Commissioner Nelson, seconded by Commissioner Wilson, and unanimous carried to approve the minutes of September 8, 2005, subject to the following changes:

Change the header and footer to read "September 8, 2005"; Page 2, move Lines 11 & 12 to become Line 37, etc. and change it to read "Commissioner Lambert questioned whether the Real Estate and Limousine service is already in place as indicated in the pictures presented by Mr. Wubbolding, and if so, how are any conditions that mention "prior to occupancy" being met? (new paragraph) Mr. Wubbolding stated he had been in business there for approximately 16 months.", Line 30 delete the first "on", Line 35 before "record" add "the"; Page 3, Line 8, change "Wannamacher" to "Wannenmacher", Line 30 after "clarified" add "that the"; Page 4, Line 7, change "accept" to "consider"; Page 5, Line 5, put a period after "County", delete "and presented city road standard to Mr. Wrinkle.", Line 8 after "of" add "Condition", Line 9 after "Road" add a period, delete "and leave remaining" and make "the" a capital T, Line 9 put a period after "Condition 3" and delete "under planning division which", Line 11 after "installation" add "for Chico Canyon Road", after "standard" add ", would still be applicable" and delete "established with recent development on the south side of Chico Canyon Road.", Line 23 delete "an"; Page 6, Line 8, after "If" add "the", Line 10 after "clear" add "as"; Page 7, delete Lines 13 through 16 and replace them with the following: "She pointed out the numerous incidents when the Planning Department had to refer to old records to determine what occurred, and the only source available were the Planning commission Minutes. She listed examples of The Deer Herd Study, challenges of a lawsuit by an attorney representing an applicant (Sobrero) misquotes that were made, the Niderost file where precedent was set regarding the 300 foot setback requirement, and research regarding the Open and Grazing areas and the 300 foot setback requirement. (new paragraph) Commissioner Lambert stated her Supervisor reads the Planning Commission minutes and relies on them as her reference of what took place at the public hearing and the basis for the action take. (new paragraph) Those are some of the reasons why she feels the Minutes should be detailed, not just a motion and second and the action taken. Commissioner Lambert felt both public comments and Planning Commission discussion leading up to the action should be recorded in the minutes."; Line 20 add "and anyone who wanted verbatim information could listen to the tapes.", Line 26 add "Her Supervisor reads the Planning Commission minutes and relies on them as her reference of what took place and the basis for the action taken and should not have to listen to tapes. But, if both tapes and the written detailed minutes were retained that would provide the most complete record.", Line 39 delete "direction" and add "information", Line 40 delete "direction in what occurred at the meeting" and replace it with "a clear understanding of what occurred at the meeting."; Line 46 after "out" add "that" and change "site" to "reflect"; Page 8, Line 41 change "Wannamacher's" to "Wannenmacher's".

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

None

X. ADJOURNMENT

There being no further business, the Planning Commission adjourned at 12:25 p.m.

Chairman Marin

The minutes were prepared by Lynn Richardson, Commission Clerk.
J:\WPDOCS\PLANNING\MINUTES\PC0726.01