TIME: 9:00 a.m.

Chair Kennedy called the meeting to order.

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

I. PLEDGE OF ALLEGIANCE

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

Present: Commissioners Chase, Donati, Grundmann, John and Chair Kennedy.

Others present:

County Counsel: Felix Wannenmacher, Chief County Counsel
Land Development: Tom Fossum, Deputy Director
Environmental Health: Kristen McKillop, Program Manager
Development Services: Pete Calarco, Assistant Director
Chuck Thistlethwaite, Manager, Planning Division
Stacey Jolliffe, Planner, Principal
Mark Michelena, Planner, Senior
Kim McMillan, Administrative Assistant, Senior

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

A motion to accept the agenda was made by Commissioner Donati and seconded by Commissioner Chase.

Vote
Ayes: Commissioners Chase, Donati, Grundmann, John and Chair Kennedy
Noes: None
Absent: None
Abstain: None
IV. BUSINESS FROM THE FLOOR ON ITEMS NOT ALREADY ON THE AGENDA
(Presentations will be limited to five minutes. The Planning Commission is prohibited by State Law from taking action on any item presented if it is not listed on the Agenda).

None

V. PUBLIC HEARINGS AND OTHER MATTERS FOR DISCUSSION – The Chair will call for a presentation of the report of staff. The hearing will then be opened to the public for proponents, opponents, comments, and rebuttals. The hearing will be then be closed to the public and discussion confined to the members of the Planning Commission and staff. The Commission will then make a motion and vote on the item. It is requested that individual public comments be addressed to the Chair and limited to a maximum of 5 minutes so that all interested parties will have an opportunity to address the Commission. Following your presentation, please print your name and address on the speakers sheet so that the record will be accurate.

A. General Plan Amendment GPA15-0001 and Rezone REZ16-0001

Applicant: Cross Development, LLC
Planner: Mark Michelena  APN: 027-080-007

General Plan (existing): Low Density Residential
Zoning (existing): LDR (Very Low Density Residential)

Location: 2552 Palermo Road, on the north side of Palermo Road, approximately 400 feet west of the intersection of Palermo Road and Upper Palermo Road, Palermo.

Request: A request for a General Plan Amendment, Rezone and Conditional Zoning Agreement (GPA/REZ) of one 1.14-acre parcel to enable construction and operation of a proposed 9,100 square foot Dollar General retail store. The GPA would change the land use designation from Low Density Residential (LDR) to Retail and Office. The Rezone would change the zoning from LDR to Community-Commercial (C-C). The Conditional Zoning Agreement would limit primary uses on the property to general retail or a single-family home.

CEQA Determination: A draft Initial Study and Mitigated Negative Declaration has been prepared for the project.

Staff Recommendation: Adopt the Resolution making findings and recommending denial of the General Plan Amendment, Rezone and Conditional Zoning Agreement to the Board of Supervisors.

Staff Report

Mark Michelena presented this item to the Planning Commission.

Members of the public who addressed the Commission were:
Laura Chadler
Michael Anderson
Lisa Boothe
Duane Scheurer
Mary Rush
A motion to adopt a resolution making findings and recommending denial of the General Plan Amendment, Rezone and Conditional Zoning Agreement to the Board of Supervisors was made by Commissioner John and seconded by Commissioner Grundmann.

Vote
Ayes: Commissioners Chase, Donati, Grundmann, John and Chair Kennedy
Noes: None
Absent: None
Abstain: None

B. Conditional Use Permit UP16-0003

Applicant: Kim Schwind, on behalf of the Berry Creek Community Association
Planner: Stacey Jolliffe
APN: 071-440-005

General Plan: Foothill Residential
Zoning: FR-5 (Foothill Residential – 5-acre minimum parcel size)
Location: 300 Rockerfeller Road, Berry Creek
Request: A request for a Conditional Use Permit to permit a Community Park in Berry Creek on a +14 acre parcel. Phase I construction includes a restroom. Future development may include a bocce ball court, horseshoe pit, flagpole, hiking trail around the perimeter of the property, and storage shed.

CEQA Determination: Staff recommends that the project be found to be categorically exempt from environmental review pursuant to Section 15303 of the CEQA Guidelines (Class 3 Exemption - New Construction or Conversion of Small Structures).

Staff Recommendation: Find the project to be Categorically Exempt pursuant to Section 15303 of the CEQA Guidelines and approve the Conditional Use Permit subject to conditions.

Staff Report

Stacey Jolliffe presented this item to the Commission.

Members of the public who addressed the Commission were:
Kim Schwind – Applicant
Michael Cole - Neighbor
Will Cotter – President of Pioneer Union Elementary School District
Loren Gill

A motion to find the project categorically exempt pursuant to section 15303 of the CEQA guidelines and approve Conditional Use Permit UP16-0003 subject to conditions in the
attachment and with the corrections shown in the handout provided by staff was made by Commissioner Grundmann and seconded by Commissioner Chase.

Vote
Ayes: Commissioners Chase, Donati, Grundmann, John and Chair Kennedy
Noes: None
Absent: None
Abstain: None


Applicant: Old Durham Wood, Inc.
Planner: Rowland Hickel APN: 040-120-033
General Plan: Agriculture
Zoning: AG-40 (Agriculture – 40-acre minimum parcel size)
Location: 1156 Oroville-Chico Highway, approximately five miles southeast of Chico, westerly of Highway 99 and 1.8 miles north of the Durham-Pentz Road exit to Highway 99.

Request: At the February 25, 2016 meeting, the Planning Commission approved Conditional Use Permit UP15-0005 for Old Durham Wood, Inc. amending Conditional Use Permit UP14-0002 to establish a security employee unit; permit temporary use of a recreational vehicle during construction; construct permanent sanitation facilities; and relocate the hazardous materials depot. In approving UP15-0005, the Planning Commission reviewed the applicant’s progress in complying with conditions of approval for Conditional Use Permit UP14-0002. On June 30, 2016, DDS staff reported to the Planning Commission on the status of the applicant’s progress towards compliance with the conditions of approval.

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

Staff Recommendation: Receive the report of staff on the current status of the Old Durham Wood facility and their compliance with Conditional Use Permit UP14-0002, and the UP15-0005 amendment, and provide direction to staff.

Rowland Hickel presented an update on this project to the Commission

Member of the public who addressed the Commission was:
Sean Casey – Office Manager – Old Durham Wood

The Planning Commission directed Development Services to work with the applicant to achieve compliance with unresolved conditions of approval, and to report back to the Commission at the November 10, 2016 meeting. The Commission’s direction during the two week period was for the applicant to accomplish the following tasks:

1. Schedule a final inspection of the electrical permit (B16-0870);
2. Obtain the building permit for the water storage tanks (B16-0526);
3. Schedule an inspection for the domestic water line portion of Building Permit B16-0840;
4. Schedule an inspection for the sewer line portion of Building Permit B16-0840;
5. Reseal the leaks in the sewage disposal system risers and schedule a final inspection; and
6. Submit water quality samples from the well.

Additionally, the Commission directed that the applicant begin work on a revised timeline for the realistic completion of the unresolved conditions and improvements, and include specific milestones.

**Staff Report**

**D. 1:00 p.m.: Public Workshop: Butte County General Plan 2030 Draft Butte Creek Canyon Overlay Zone Ordinance and Map (continued from the June 30, 2016 Commission meeting)**

**Planner:** Dan Breedon  
**Location:** Countywide  
**Project:** On June 30, 2016, the Butte County Planning Commission held a Public Workshop for the consideration of the proposed Draft Butte Creek Canyon Overlay Zone Ordinance and Overlay Map. The Public Workshop was continued open to this date for further consideration and public comment. This County-initiated proposal is directed under Butte County General Plan Conservation and Open Space Element Action COS-A6.2. The purpose of this Public Workshop is to introduce the draft Ordinance and Map to the Planning Commission and public and to answer questions and receive comment and direction. The public is encouraged to attend and provide comment, either written or orally at the Planning Commission Workshop. Further direction from the Planning Commission will be incorporated into a final draft ordinance and a public hearing will be scheduled at the Planning Commission for further consideration and action, prior to review by the Board of Supervisors.

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

_Dan Breedon presented information for this workshop to the Commission._

_Members of the public who addressed the Commission were:_

_Alan Harthorn – Butte Creek Canyon Overlay Committee representative_  
_Pamela Posey_  
_Chris Jennings_  
_Dan Allen_  
_Robert Catalano_  
_Mike Wimer_  
_Aaron Wimer_  
_James Kutz_  
_Greg Colby_
A discussion took place regarding additional exceptions for vegetation removal for public utilities (related to the Paradise Irrigation District comments) as well as fuel breaks. Direction from the full Planning Commission was received to additionally allow exceptions for regional fuel breaks and fuel reduction measures.

Direction was received from the full Planning Commission to continue the workshop to January 26, 2017, to address different elements of the ordinance that have been discussed and to vote on them.

A motion to remove the Meline and Rabo parcels from the proposed overlay zone was made by Commissioner Donati and seconded by Commissioner Grundmann

Vote
Ayes: Commissioners Chase, Donati, Grundmann, John and Chair Kennedy
Noes: None
Absent: None
Abstain: None

VI. GENERAL BUSINESS - This section of the agenda is to be utilized by the Planning Commission and Director of Development Services on items of interest, general discussion, or items for which staff have been directed to do research and bring back to the Commission. Items may not always be addressed at every hearing, but will always be listed as part of the agenda.

A. Directors’ Report
Chuck Thistlethwaite presented a brief Director’s report. Chuck Thistlethwaite and Dan Breedon attended the California Chapter of the American Planning Association Conference in Pasadena.

B. General Plan Follow-up and Implementation Program
None

C. Update on Recent Board of Supervisors’ Actions
On October 25, 2016 the Board of Supervisors adopted the Amendment to the General Plan and Zoning Ordinance for Compliance with SB-5.
D. Legislative and Case Law Update
   None

E. Planning Commission Concerns
   Commissioner John requested direction from County Counsel on how to handle invitations from a project applicant.

VII. COMMUNICATIONS - Communications received and referred. (Copies of all communications are available in the Planning Division Office.)
   None

VIII. MINUTES:

A. August 25, 2016

A motion to accept the August 25, 2016 minutes was made by Commissioner John and seconded by Commissioner Grundmann.

   Vote
   Ayes: Commissioners Chase, Grundmann, John and Chair Kennedy
   Noes: None
   Absent: None
   Abstain: Commissioner Donati

IX. ADJOURNMENT

Chair Kennedy adjourned the meeting.