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BUTTE COUNTY PLANNING COMMISSION ACTION MINUTES

March 23, 2017

TIME: 9:00 a.m.

Chair John called the meeting to order at 9:00 am.

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, Kennedy, and Chair John.

Present: Commissioners Chase, Donati, Grundmann and Chair John
Absent: Commissioner Kennedy

Others present:

County Counsel: Felix Wannemacher, Chief County Counsel
Land Development: Tom Fossum, Deputy Director
Environmental Health: Kristen McKillop, Manager, Program Development
Agricultural Commissioner: Louis Mendoza, Agricultural Commissioner
Development Services: Tim Snellings, Director
Chuck Thistlethwaite, Manager, Planning Division
Dan Breedon, Planner, Principal
Rowland Hickel, Planner, Senior
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 Grundmann and seconded by Commissioner Donati.

Vote

Ayes: Commissioners Chase, Donati, Grundmann and Chair John
Noes: None
Absent: Commissioner Kennedy
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. Mining Permit MIN16-0001 (Amendment No. 1 to MRP 92-43) - Continued from Meeting of January 26, 2017

Applicant: Mathews Readymix, LLC

Planner: Rowland Hickel **APNs:** 025-280-019 and 025-280-020

General Plan: Agriculture

Zoning: AG-40 (Agriculture – 40 acre minimum)

Location: The north side of Vance Avenue, approximately 3,000 feet east from Larkin Road, 2 miles south from the City of Oroville city limits.

Request: A request to amend Condition No. 13 of Mining and Reclamation Permit MRP 92-43, extending the expiration date of the permit for an additional five (5) years to June 15, 2021.

CEQA Determination: An Initial Study/Mitigated Negative Declaration (SCH #1992103083 – IS/MND) was adopted with approval of Mining and Reclamation Permit MRP 92-43. The Planning Division’s review concluded that there was no change to MRP 92-43, the circumstances under which the project is undertaken, or the physical environment that would cause new environmental effects or an increase in severity of environmental effects beyond that which was evaluated by the previously adopted IS/MND.

Staff Recommendation: Approve MIN16-0001 amending Mining and Reclamation Permit MRP 92-43 subject to findings and conditions.

Staff Report for March 23, 2017 Meeting

Staff Report from January 26, 2017 Meeting

Rowland Hickel presented this item to the commission.

Members of the public who addressed the commission:

Tom Russell

Clint Sattler

A motion to continue this item open to the April 27, 2017 Planning Commission meeting was made by Commissioner Grundmann and seconded by Commissioner Chase.

Vote

Ayes: Commissioners Chase, Donati, Grundmann and Chair John

Noes: None

Absent: Commissioner Kennedy

Abstain: None

B. Tentative Subdivision Map TSM16-0002

Applicant: Nels Leen

Planner: Mark Michelena **APN:** 039-370-019, -068 & 039-090-061

General Plan: Very Low Density Residential

Zoning: VLDR (Very Low Density Residential – 1.0 acre lots)

Location: The project site is located at 1232 Stanley Avenue, on the south side of Stanley Avenue, ¼ mile east from Dayton Road, south of the city of Chico.

Request: A Tentative Subdivision Map to divide an approximately 18.39-acre property into 15 lots each with a minimum area of at least one acre. The project includes a request for reduction in the 300-foot agricultural buffer setback to 150-feet pursuant to Butte County Code §24-84 (Exceptions to Agricultural Buffer Setback) along the southern boundary of APN 039-090-061 (lots 6 – 15). Pursuant to Butte County Code §24-56.1 (Residential Setback from Orchards and Vineyards), the Department of Development Services in conjunction with the Agricultural Commissioner's Office is recommending a residential dwelling setback from an adjacent active orchard (APN 039-390-085) of 80 feet, or 50 feet with approved vegetation screen, from the north property line on lot 15.

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

Staff Recommendation: Adopt the Resolution adopting the Mitigated Negative Declaration pursuant to the California Environmental Quality Act (CEQA), and approving Tentative Subdivision Map TSM16-0002 with findings and conditions.

Staff Report

Mark Michelena presented this item to the commission.

Louie Mendoza, Agricultural Commissioner, addressed the commission.

Members of the public who addressed the commission:

Jim Stephens – applicant's representative

Stanley Murgia

Robert Caikoski

Jarald Davidson

George Rafe

Karen Sipple

Doug Leiker

George Sipple
Kathy Leung
George Nicholas
Rick Nelson
Daniel Gonzales
Emily Gallo
David Gallo
Riki Berlin
Bill Michael
Tom Hall
Colleen Cecil
Bob Boelens
Stanley Margia
Linda Sezon
John Hunt
Rick Rogers
Rory Crowley
Jim Stephens

A motion to adopt the Mitigated Negative Declaration; approve modification to the 300' agricultural buffer to 150' from agriculturally zoned properties along southern boundary; approve Tentative Subdivision Map (TSM16-0002), subject to the findings and conditions in Attachment A was made by Commissioner Grundmann. There was no second to this motion.

A motion to deny TSM16-0002 based on findings that there could be an impact to the adjoining agricultural operations which does not allow for a modification of the 300' agriculture buffer to 150' as an exception request to this application was made by Commissioner Donati and seconded by Commissioner Chase.

Vote

Ayes: Commissioners Chase, Donati and Chair John

Noes: Commissioner Grundmann

Absent: Commissioner Kennedy

Abstain: None

C. Conditional Use Permits UP15-0005 and UP14-0002 – Status Report on Compliance with Conditions of Approval.

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: A request for the Planning Commission to review the applicant's progress in complying with conditions of approval for Conditional Use Permit UP14-0002 and UP15-0005. On June 30, 2016, October 27, 2016, November 10,

2016, and December 8, 2016, DDS staff reported to the Planning Commission on the status of the applicant's progress towards compliance with the conditions of approval. At the December 8, 2016 meeting, the Planning Commission adopted a motion that directed the applicant to meet the estimated timeline for completion of the items provided by the applicant prior to the March 2017 meeting, and that if the items have not been met, the Planning Commission will discuss at the March 2017 meeting whether to direct staff to schedule a hearing for revocation or modification of the permit. In addition at the December 8, 2016 meeting, the Planning Commission required that the recreational vehicle be removed within 7 days, and that Code Enforcement be sent out to verify the removal, and if not removed then Code Enforcement was to issue citations for every day that the violation continues.

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: 1. Direct staff to schedule a public hearing for the Planning Commission to consider modification or revocation of Conditional Use Permits UP14-0002 & UP15-0005 at the June 29, 2017 meeting; or
2. Direct staff to continue monitoring the applicant's progress with completing the identified tasks, and to report back to the Planning Commission on May 11, 2017.

Staff Report

A motion to continue this report to the April 27, 2017 meeting was made by Commissioner Donati and seconded by Commissioner Grundmann.

Vote

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

D. 2016 Annual Climate Action Plan Monitoring Report

Applicant: Butte County

Planner: Dan Breedon, AICP, Principal Planner

Request: The Butte County Climate Action Plan 2016 Annual Monitoring Report is attached for the Planning Commission's review. This Annual Report, like previous reports, serves as a check-in on CAP-related actions taken by Butte County since adoption, which can inform staff, decision-makers, and the community, and shape the next steps for continued CAP implementation.

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

Staff Report

Dan Breedon presented this item to the commission.

No action was required on this item.

E. Review of General Plan 2030 Action Plan Update

Applicant: Butte County

Planner: Dan Breedon, AICP, Principal Planner

Request: The Butte County General Plan 2030 Action Plan outlines projects that should be completed within the first five years after the County adopts General Plan 2030 in order to begin its implementation, as well as those actions that would be completed in subsequent years. It includes a responsible party or agency, an estimated budget, and a schedule for the completion of each action within the first five years after General Plan 2030 adoption.

Development Services staff is undertaking an update to the General Plan 2030 Action Plan, originally approved under County Board of Supervisors Resolution No. 10-157, on October 26, 2010, at the time of General Plan 2030 adoption. This update involves a comprehensive review of the Action Plan, in order to accomplish the following:

- Review all actions for scheduling and cost estimates
- Incorporate all new actions from Housing Element and Climate Action Plan
- Updates to language based upon interviews with County Departments
- Review of legislative Updates to General Plan Law
- Review of improvements based upon State General Plan Guidelines
- Ensure for consistency throughout the General Plan

Staff Recommendation: Review the General Plan 2030 Action Plan Update and provide direction to staff.

Staff Report

Dan Breedon presented this item to the commission.

This item will be continued to the next Planning Commission meeting.

F. Commission Training – Takings and Exactions

Staff Report

Felix Wannemacher presented this item to the commission.

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

Items to taken to the Board of Supervisors:

- *General Plan Amendments – fairly minor fixes and cleanups*

- *Industrial Zones - uses in Industrial Zones*
- *Events Ordinance - difficulty with implementation with the Events Ordinance – enforcement will be stepped up this year.*
- *Granicus recording for Planning Commission meetings and iPads for meetings*
- *To Do List:*
 - *Oak Tree Mitigation Ordinance*
 - *SALC (Sustainable Ag Land Conservation)*
 - *Solar Overlay Project*
 - *Noise Ordinance*
 - *Airport Land Use Commission Comprehensive Land Use Plan (CLUP) – Informational item*
 - *Upcoming Planning Commission training*
 - *Ag Mitigation Ordinance – Action Item in General Plan*

B. General Plan Follow-up and Implementation Program

C. Update on Recent Board of Supervisors' Actions

D. Legislative Case Law Update

E. Planning Commission Concerns

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

VIII. MINUTES

A. January 26, 2017

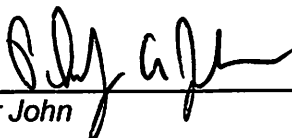
B. February 23, 2017

A motion to table the approval of the January and February 2017 minutes was made by Commissioner Donati and seconded by Commissioner Chase.

No vote was taken

IX. ADJOURNMENT

Chair John adjourned the meeting.



 Chair John