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## BUTTE COUNTY PLANNING COMMISSION AGENDA

March 23, 2017

**TIME:** 9:00 a.m.

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

**I. PLEDGE OF ALLEGIANCE**

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

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

**IV. BUSINESS FROM THE FLOOR ON ITEMS NOT ALREADY ON THE AGENDA**  
(Presentations will be limited to five minutes. The Planning Commission is prohibited by State Law from taking action on any item presented if it is not listed on the Agenda).

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

**[A. 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](#)

**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](#)

**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](#)

### [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](#)

### [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](#)

### [F. Commission Training – Takings and Exactions](#)

#### [Staff Report](#)

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

- A. Directors' Report
- B. General Plan Follow-up and Implementation Program
- C. Update on Recent Board of Supervisors' Actions
- D. Legislative 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](#)

**IX. ADJOURNMENT**