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BUTTE COUNTY PLANNING COMMISSION ACTION MINUTES

July 27, 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, Kennedy and Chair John.

Absent: Commissioner Grundmann

Others present:

<i>County Counsel:</i>	<i>Felix Wannemacher, Chief County Counsel</i>
<i>Land Development:</i>	<i>Tom Fossum, Deputy Director</i>
<i>Public Works:</i>	<i>Dennis Schmidt, Director</i>
<i>Cal-Fire:</i>	<i>Chris Boyd, Fire Captain</i>
<i>Development Services:</i>	<i>Chuck Thistlethwaite, Manager, Planning Division</i>
	<i>Mark Michelena, Planner, Senior</i>
	<i>Tristan Weems, Planner, Assistant</i>
	<i>Kim McMillan, Administrative Assistant, Senior</i>

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

The agenda was accepted as presented. No vote was taken.

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. Appeal of Condition No. 3 of Legal Lot Determination DET17-0004

Applicant: Marc Miller

Planner: Tristan Weems **APNs:** 063-040-022 and 063-040-039

General Plan: Timber Mountain and Foothill Residential

Zoning: TM-160 (Timber Mountain – 160-acre minimum)
FR-40 (Foothill Residential – 40-acre minimum)

Location: The subject lot is located ½ mile to the east of Highway 32 and approximately 5 miles northeast of the City of Chico city limits on Little Chico Creek.

Request: This is an appeal of Condition No. 3 of the Butte County Zoning Administrator's June 21, 2017 approval (ZDN17-0014) of Legal Lot Determination DET17-0004. Condition No. 3 of DET17-0004 requires a minimum easement width of 60 feet for approved access to the subject property. Pursuant to Butte County Code Section 20-4 (Exceptions to Design Requirements), the applicant seeks a reduction of the minimum easement width from 60 feet to 40 feet for access to the lot.

CEQA Determination: In approving DET17-0004, the Zoning Administrator found the proposed project to be categorically exempt from the California Environmental Quality Act (CEQA), pursuant to Section 15305 of the CEQA Guidelines (Minor Alterations in Land Use Limitations - Class 5 Exemption).

Staff Recommendation: Grant the appeal to Condition No. 3 of Legal Lot Determination DET17-0004 and approve the exception request reducing the minimum easement width from 60 feet to 40 feet for approved access to the lot, subject to the findings and conditions in Attachment A.

Staff Report

Tristan Weems presented this item to the Commission.

A motion to grant the exception request, modify the resolution by correcting the date in the fourth Whereas to July 27, 2017 and adding II to the actions to read: "Provide approved access to the parcel from a publicly maintained road or state highway in accordance with County Code. The minimum easement width shall be 40 feet. If the parcel is divided in the future APNs: 063-040-022 and 063-040-039 will each require 60' wide access.", and modifying condition no. 3 to read: The two Assessor's Parcels that comprise the subject parcel (APNs 063-040-022 and 063-040-039) are contiguous at a point and development of a single family dwelling unit or accessory structure(s) on the portion of the subject property identified as APN 063-040-039 will require county access requirements be met prior to issuance of a building permit per Condition 5 of

approved Legal Lot Determination DET17-0004 was made by Commissioner Kennedy and seconded by Commissioner Donati.

Vote

Ayes: Commissioners Chase, Donati, Kennedy and Chair John

Noes: None

Absent: Commissioner Grundmann

Abstain: None

B. Use Permit UP16-0007

Applicant: Anderson Brothers Corp

Planner: Mark Michelena **APN:** 047-270-030

General Plan: Retail and Office

Zoning: C-1 – NCSP (General Industrial – North Chico Specific Plan)
G-C (General Commercial)

Location: 13631 Anderson Brothers Drive, on the northeast corner of the southern intersection State Highway 99 and Anderson Brothers Drive, Chico.

Request: A request for a Conditional Use Permit to construct a 6,047 square foot, steel structure that will include five (5) 1,209.4 square foot warehouse units each with one (1) 12-foot x 14-foot roll-up door, a regular entrance door and a restroom. The expected use of these units would be storage, such as RV parking, personal storage or small contractor facility to store supplies or a vehicle. No outdoor storage space is available. There is also proposed parking along the front of parcel along State Highway 99.

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

Staff Recommendation: Adopt the attached resolution adopting the Mitigated Negative Declaration prepared pursuant to the California Environmental Quality Act and approving Use Permit UP16-0007, subject to the findings and conditions in Attachment A.

Staff Report

Mark Michelena presented this item to the Commission.

A motion to adopt the Initial Study and Mitigated Negative Declaration and approve Conditional Use Permit UP17-0002, subject to findings and conditions was made by Commissioner Donati and seconded by Commissioner Kennedy.

Vote

Ayes: Commissioners Chase, Donati, Kennedy and Chair John

Noes: None

Absent: Commissioner Grundmann

Abstain: None

C. Butte County Capital Improvement Program – Fiscal Years 2017-18 through 2026-27 Determination of Consistency with the Butte County General Plan

Applicant: Butte County

Planner: Chuck Thistlethwaite

APN: Various (Countywide)

General Plan: Various (Countywide)

Zoning: Various (Countywide)

Location: Countywide

Request: Section 65103(c) of the Government Code defines functions of local planning agencies to include annually reviewing the County's Capital Improvement Program for their consistency with the general plan. This is a request for the Planning Commission to review the Butte County Capital Improvement Program – Fiscal Years 2017-18 through 2026-27 and forward a determination of consistency to the Board of Supervisors.

CEQA Determination: The proposed Capital Improvement Program is not a project subject to CEQA pursuant to Section 15378 of the CEQA Guidelines.

Staff Recommendation: Adopt the attached resolution finding the Butte County Capital Improvement Program – Fiscal Years 2017-18 through 2026-27 to be consistent with the Butte County General Plan.

Staff Report

Chuck Thistlethwaite presented this item to the Commission.

A motion to adopt the resolution and find the Program consistent with the General Plan was made by Commissioner Kennedy and seconded by Commissioner Donati.

Vote

Ayes: Commissioners Chase, Donati, Kennedy and Chair John

Noes: None

Absent: Commissioner Grundmann

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

1. Update on the Draft Butte County Airport Land Use Compatibility Plan (Staff Presentation)

Mark Michelena presented this item to the Commission.

Pete Calarco presented this item to the Commission.

3. Department of Development Services Response to the Wall Fire

Pete Calarco presented this item to the Commission, and Tom Fossum added comments.

B. General Plan Follow-up and Implementation Program

C. Update on Recent Board of Supervisors' Actions:

Chuck Thistlethwaite discussed the Leen Map Appeal.

D. Legislative Case Law Update

Felix Wannemacher discussed the United States Supreme Court case of Murr v. Wisconsin

F. Planning Commission Concerns

Chuck Thistlethwaite discussed the Tuscan Ridge Golf Course, and there was a concern that there may be a fire hazard on the Magalia Gold Course that should be investigated.

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

None

VIII. MINUTES: None

IX. ADJOURNMENT



Chair Grundmann