



**BUTTE COUNTY PLANNING COMMISSION
ACTION MINUTES**

August 10, 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, Grundmann, Kennedy and Chair John

Absent: Commissioner Donati

Others present:

County Counsel: Felix Wannemacher, Chief County Counsel

Agriculture: Rob Hill, Deputy Agricultural Commissioner

Development Services: Chuck Thistlethwaite, Manager, Planning Division

Dan Breedon, Planner, Principal

Rowland Hickel, 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.

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. Conditional Use Permit UP17-0006

Applicant: Langerwerf Dairy Inc.

Planner: Rowland Hickel **APNs:** 040-140-015

General Plan: Agriculture

Zoning: AG-20 (Agriculture – 20-acre minimum)

Location: 1211 Durham-Dayton Highway, 1.75 miles west from State Highway 99, east of the unincorporated community of Durham.

Request: A request for a Conditional Use Permit to convert two existing single-family residential units into agricultural worker housing, and to construct a new 3,300 square foot single-family residence as a primary residence on a 78.2 acre parcel in the Williamson Act. Pursuant to Butte County Code §24-84 (Exceptions to Agricultural Buffer Setback) the Department of Development Services in consultation with the Agricultural Commissioner's Office is recommending a reduction in the 300-foot agricultural buffer setback for the proposed residence to 25-feet along the western boundary and 212-feet along the northern boundary of the subject property.

CEQA Determination: Staff is recommending this project be found to be categorically exempt from the California Environmental Quality Act (CEQA) under sections 15301 (Existing Facilities) and 15303 (New Construction of Small Structures) of the CEQA Guidelines.

Staff Recommendation: Find the Project is categorically exempt from the California Environmental Quality Act (CEQA) pursuant to Section 15301 and 15303 of CEQA Guidelines; and approve the Conditional Use Permit, subject to the findings and conditions in Attachment A

Staff Report

Rowland Hickel presented this item to the Commission.

A motion to find the project categorically exempt from the California Environmental Quality Act (CEQA) pursuant to Section 15301 and 15303 of CEQA Guidelines; and approve the Conditional Use Permit, subject to the findings and conditions in Attachment A as shown in the handout presented to the Commission which contains a new resolution and conditions was made by Commissioner Grundmann and seconded by Commissioner Kennedy

Vote

Ayes: Commissioners Chase, Grundmann, Kennedy and Chair John

Noes: None

Absent: Commissioner Donati

Abstain: None

**B. Conditional Use Permit UP15-0005 and UP14-0002 (Old Durham Wood, Inc.)
– 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, west of Highway 99 and 1.8 miles north of the Durham-Pentz Road exit to Highway 99.

Request: Planning Commission review of the applicant's progress in complying with conditions of approval for Conditional Use Permits UP14-0002 and UP15-0005. The item was continued from the April 27, 2017 meeting with the Planning Commission directing staff to continue monitoring the applicant's ongoing progress in completing the identified tasks, and to report back to the Planning Commission at the meeting of August 10, 2017.

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 and provide public notice for a public hearing for the Planning Commission to consider modification or revocation of Conditional Use Permits UP14-0002 & UP15-0005 at the December 28, 2017 meeting; or
2. Direct staff to continue monitoring the applicant's ongoing progress with completing the identified tasks, and to report back to the Planning Commission at the meeting of September 28, 2017.

Staff Report

Rowland Hickel presented this item to the Commission.

Members of the public who addressed the Commission:

*Sean Casey, Old Durham Wood
Doug Spiker, Northern Waste Recycling*

A motion to direct staff to continue to monitor the applicant's ongoing progress including the identified tasks corrective measures 1 to 6 refer the unpermitted filing of wetlands construction to the Corp of Engineers and the California Department of Fish and Wildlife; and report back at the meeting of September 28, 2017 and the applicant continue to provide two week updates to the Department of Development Services and expect Northern Recycling Waste Services would be aware of the September 28, 2017 meeting was made by Commissioner Grundmann and seconded by Chair John

Vote

Ayes: *Commissioner Grundmann and Chair John*

Noes: *Commissioners Chase and Kennedy*

Absent: Commissioner Donati
Abstain: None

A motion to direct staff to schedule and provide public notice for public hearing for the Planning Commission to consider modification or revocation of Conditional Use Permit UP 14-0002 and UP15-0005 at the September 28, 2017 meeting and direct staff to refer the unpermitted filling of wetlands and destruction of habitat for special status plant species to the US Army Corp of Engineers and the California Department of Fish and Wildlife was made by Commissioner Kennedy and seconded by Commissioner Chase

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

C. County Initiated Amendment to Butte County Code Chapter 24, Zoning Ordinance – Section 24-172 Second Units and Accessory Dwelling Units

Applicant: Butte County

Planner: Dan Breedon **APN:** Various (Countywide)

General Plan: Various (Countywide)

Zoning: Various (Countywide)

Location: Countywide

Request: Section 24-172 of Butte County Code provided regulations for second dwelling units in unincorporated Butte County. Legislation amending Government Code section 65852.2 and establishing requirements for the regulation of accessory dwellings units (ADUs) was enacted in 2016 and became effective on January 1, 2017. In order for the County to maintain a valid local ordinance that addresses ADUs and second units, the existing ordinance must be amended in accordance with the State law. Until the County amends its local ordinance, regulation of ADUs falls under the auspices of the State law. Staff has prepared a draft ordinance amending § 24-172 consistent with the requirements of State law while maintaining existing County requirements.

CEQA Determination: Staff has found the proposed amendments to be statutorily exempt under CEQA Guidelines Section 15282 (Other Statutory Exemptions). The adoption of an ordinance regarding accessory dwelling units in a single-family or multifamily residential zone by a city or county implements the provisions of Sections 65852.1 and 65852.2 of the Government Code as set forth in Section 21080.17 of the Public Resources Code.

Staff Recommendation: Adopt the resolution recommending to the Board of Supervisors the amendment of Butte County Code Chapter 24, Zoning Ordinance, Section 24-172, Second Units and Accessory Dwelling Units.

Staff Report

Dan Breedon presented this item to the Commission.

A motion to recommend to the Board of Supervisors the amendment of Butte County Code Chapter 24, Zoning Ordinance, Section 24-172, Second Unit and Accessory Dwelling Units, as set forth under the attached Resolution was made by Commissioner Chase and seconded by Commissioner Grundmann

Vote

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

D. 2017 County Initiated General Plan Amendments and Zoning Ordinance Amendments

Applicant: Butte County

Planner: Dan Breedon **APN:** Various (Countywide)

General Plan: Various (Countywide)

Zoning: Various (Countywide)

Location: Countywide

Request: Consideration of two proposed General Plan land use map and Zoning Map Amendments, and five proposed text amendments to the Zoning Ordinance as summarized below:

1. Religious Facilities in Agriculture Zones. Table 24-13-1 –Permitted Land Uses in the Agriculture Zone. Allow Religious Facilities in Agriculture zones through a Conditional Use Permit. This amendment would address an issue of the Zoning Ordinance's consistency with requirements of the Religious Land Use and Institutionalized Persons Act (RLUIPA).
2. Freeway Signs in Agriculture Zones. Table 24-105-3 of Article 20 (Signs), Section 24-102 Permit Requirements, and Section 24-105 (2). Allow Freeway Signs (maximum 100 square feet in size) with a Minor Use Permit in the Agriculture Zones along State Highways. This type of freeway sign would be most often utilized by agricultural producers that offer on-site agricultural product sales.
3. Vehicle Sales and Rental in Industrial Zones. Table 24-26-1 –Permitted Land Uses in the Industrial Zone. Allow for a Vehicle Sales and Rental use in the Industrial zones subject to a Minor Use Permit.
4. Setback Standards in VLDR (Very Low Density Residential) Zones. Table 24-20-2, Setback and Height Standards for Residential Zones. Amend the Setback standards in the VLDR zone by increasing the side and rear-yard setbacks in order to address concerns regarding aesthetics and the intrusiveness of larger structures on neighbors.
5. Solar Canopy Standards. Table 24-157-2, Ground-Mounted Photovoltaic Panel Systems, Height, Parcel Size and Setback Standards. Amend to indicate that table standards do not apply to Solar Canopies and include new Section 24-157 C. to address development standards for solar canopies in all

zones. Additionally Section 24-95 B.6. would be amended to indicate that the requirement for landscaping in parking lots would be waived if 50 percent or more of the parking lot is covered by a solar canopy.

CEQA Determination: An Addendum to the previously certified General Plan Environmental Impact Report (SCH #2008092062) and Supplemental Environmental Impact Report (GPA and Zoning Ordinance EIR, SCH #2012022059) was prepared to address the environmental effects associated with the proposed amendments.

Staff Recommendation: Adopt the resolution recommending to the Board of Supervisors the amendments of the Butte County General Plan Land Use Map and amendments to the Zoning Ordinance and Zoning Map and text.

Staff Report

Dan Breedon presented this item to the Commission.

A motion to recommend to the Board of Supervisors the amendments of the Butte County General Plan Land Use Map as set forth under the attached Resolution (Attachment A and Exhibit A); and, the approval of an EIR Addendum (Attachment b) to the General Plan 2030 EIR and Supplemental EIR prepared in accordance with the California Environmental Quality Act (CEQA) was made by Commissioner Grundmann and seconded by Commissioner Kennedy.

Vote

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

A motion to recommend to the Board of Supervisors the Amendments to the Zoning Ordinance and Zoning Map and text as set forth under the attached Resolution (Attachment A and Exhibit B); and, the approval of an EIR Addendum (Attachment b) to the General Plan 2030 EIR and Supplemental EIR prepared in accordance with the California Environmental Quality Act (CEQA) was made by Commissioner Grundmann and seconded by Commissioner Kennedy.

Vote

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

E. Draft Butte Utility Scale Solar Guide

Applicant: Butte County

Planner: Dan Breedon

Request: Development Services staff requests that the Planning Commission review the *Draft Butte Utility-Scale Solar Guide*, provide any further direction to staff, and forward a recommendation to the Board of Supervisors. The Draft Butte

Utility-Scale Solar Guide is a component of the PowerButte initiative and is a resource to anyone interested in learning more about utility-scale solar facilities within unincorporated Butte County, including landowners, developers, community members, and County staff and decision-makers. This Guide also provides general information about solar energy and sets a framework for the consideration of utility-scale solar facilities in Butte County. The project also includes a Mapping Tool that provides a variety of mapping information to assist the user in determining parcel suitability for utility-scale solar facilities. The Draft Utility Scale Solar Guide and related Mapping Tool is the culmination of a multi-year process funded through the Sustainable Communities Planning Grant and Incentives Program.

CEQA Determination: Because the Butte Utility-Scale Solar Guide will not be authorizing any development, no review is required under the California Environmental Quality Act (CEQA).

Staff Recommendation: Adopt a Resolution recommending to the Board of Supervisors the approval of the Butte Utility-Scale Solar Guide and related Mapping Tool as set forth in the staff report.

Staff Report

Dan Breedon presented this project to the Commission.

A motion to adopt a Resolution recommending to the Board of Supervisors the approval of the Butte Utility-Scale Solar Guide and related Mapping Tool (Attachment A) was made by Commissioner Grundmann and seconded by Commissioner Chase.

Vote

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

None

B. General Plan Follow-up and Implementation Program

None

C. Update on Recent Board of Supervisors' Actions

Study of Community Choice Aggregation that may involve Chico, Town of Paradise and Oroville and unincorporated areas of Butte County

Workshop on Commercial cultivation of marijuana

D. Legislative Case Law Update

None

F. Planning Commission Concerns

Mary Kennedy – request future follow up regarding legal lots vs assessor's parcel and county processes for trying to determine what a legal lot is.

Jacque Chase – mapping issues (labeling)

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