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BUTTE COUNTY PLANNING COMMISSION ACTION MINUTES

October 26, 2017

TIME: 9:00 a.m.

Chair John called the meeting to order at 9:07 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, Kennedy and Chair John.

Others present:

County Counsel: Felix Wannemacher, Chief County Counsel

Land Development: Tom Fossum, Deputy Director

Environmental Health: Doug Danz, Program Manager

Butte County Cal-Fire: Chris Boyd, Fire Captain

Development Services: Chuck Thistlethwaite, Manager, Program Division

Mark Michelena, Planner, Senior

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.

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

Vote

Ayes: Commissioners Chase, Donati, Grundmann, Kennedy and Chair John

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. **Modification or Revocation of Conditional Use Permit UP14-0002 and UP15-0005 - Continued from the meeting of September 28, 2017**

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: Consideration of the County-initiated revocation or modification of Conditional Use Permits UP14-0002 and UP15-0005 for failure to comply with or fulfill permit conditions of approval, the alteration of site conditions beyond the scope of the approved permit to a degree that one or more of the findings required to grant the original permits can no longer be made, and for unauthorized improvements resulting in the violation of state and federal regulations on an 87.76 acre property situated in the AG-40 (Agriculture – 40-acre minimum parcel size) zone.

CEQA Determination: Staff recommends this action be found to be exempt from the California Environmental Quality Act (CEQA) under section 15321 (Class 21 – Enforcement Actions by Regulatory Agencies) of the CEQA Guidelines.

Staff Recommendation: Adopt the resolution making findings, revoking approval of Conditional Use Permits UP14-0002 and UP15-0005 (Old Durham Wood), and ordering the applicant to cease operations on the property located at 1156 Oroville-Chico Highway (APN 040-120-033).

Staff Memorandum for the October 26, 2017 Meeting

Staff Report from the September 28, 2017 Meeting

Rowland Hickel presented this item to the Commission.

Applicant, Sean Casey, addressed the Commission.

Chris Boyd, Cal-Fire addressed the Commission to advise them that they have received the fire prevention plan, it has been reviewed and they are in agreement with it.

A motion to continue this project open to December 14, 2017 requesting the applicant to prepare a compliance plan that addresses the outstanding issues, and includes reasonable timeframes of when these issues will be corrected. The motion directed that the compliance plan does not need to have a specific completion date but shall include a Gantt chart with a reasonable time range of when each violation or unauthorized improvement will be corrected. The motion also directed that the compliance plan will need to be reviewed by Planning staff to ensure that all outstanding issues are addressed and the timeframes provided are reasonable. The motion was made by Commissioner Grundmann and seconded by Commissioner Kennedy.

Vote

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

B. Conditional Use Permit UP17-0002 - Continued from the meeting of September 28, 2017

Applicant: AT&T Mobility dba AT&T Wireless c/o Carl Jones

Planner: Mark Michelena **APN:** 028-350-055

General Plan: Rural Residential

Zoning: RR-5 (Rural Residential – 5-acre minimum parcel size)

Location: 46 Manzanella Court, south side of Manzanella Court approximately two miles southwest of the intersection of Miners Ranch Road/Foothill Boulevard and Oro Bangor Highway/Mission Olive Road, southeast of Oroville.

Request: A request for a Conditional Use Permit to construct a wireless telecommunication facility that includes a 100-foot tall monopole. AT&T is proposing to locate the antenna array at the 97-ft above ground level elevation and include an equipment shelter and a standby propane generator and a 500 gallon propane tank on a concrete slab). Utilities will be run underground, except for the coax between their equipment, which will be on an ice bridge to the tower. The monopole and ground equipment facility will be situated within a 1,200 sq. ft. lease area that will be surrounded with a 6-ft tall chain link fence with barbed wire and green slats. Access to the facility will be provided by a 12-foot wide driveway from Manzanella Court along the eastern edge of the parcel.

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

Staff Recommendation: Adopt the Initial Study and Mitigated Negative Declaration and approve Conditional Use Permit UP17-0002 (AT&T Mobility dba AT&T Wireless), subject to findings and conditions.

Staff Memorandum for the October 26, 2017 Meeting

Staff Report from the September 28, 2017 Meeting

Commissioner Grundmann advised the Commission that he had listened to the audio of this project from the September 28, 2017 meeting that he had missed part of and feels that he is up to date on this project.

Mark Michelena presented this item to the Commission.

Applicants, Carl Jones and Chris Hatch, addressed the Commission.

Preston Dickinson, Independent contractor with AT&T also addressed the Commission.

Members of the public who addressed the Commission:

*Don Johns
Joyce Johns
Kim Elam
Jessica Jones
John Schmidt
Roger Soudan*

A motion to adopt a Mitigated Negative Declaration and approve Conditional Use Permit for AT&T Mobility dba AT&T Wireless, subject to findings and conditions with the added condition that at the end of construction they leave the road in better condition than they found it, bringing in more gravel to ensure that there are no ruts and that water drains from the road was made by Commissioner Grundmann and seconded by Commissioner Kennedy.

Vote

Ayes: Commissioners Donati, Grundmann, Kennedy

Noes: Commissioner Chase and Chair John

Absent: None

Abstain: None

C. Conditional Use Permit UP17-0004

Applicant: AT&T Mobility dba AT&T Wireless c/o Sara King

Planner: Mark Michelena **APN:** 061-340-009

General Plan: Foothill Residential

Zoning: FR-20 (Foothill Residential – 20-acre minimum parcel size)

Location: 25 Fox Hill Road, approximately 1,000 feet east of the intersection of Oroville Quincy Highway and Fox Hill Road, with direct access off of Shute Mountain Road, in Berry Creek.

Request: A request for a Conditional Use Permit to construct a wireless telecommunication facility that includes a 155-foot tall lattice tower. AT&T is proposing to locate up to 12 antennas on three sectors at the 152-foot above ground level elevation, nineteen (19) radio head/units and a microwave dish at the 145-foot above ground level elevation, and include an equipment shelter and a standby 35-kw propane generator and a 499 gallon propane tank on a concrete slab. Utilities will be run underground, except for the coax between their equipment, which will be on an ice bridge to the tower. The lattice tower and ground equipment facility will be

situated within a 1,350 sq. ft. lease area that will be surrounded with a 6-ft tall chain link fence with barbed wire. Access to the facility will be provided by a 12-foot wide driveway from Shute Mountain Road.

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

Staff Recommendation: Adopt the Initial Study and Mitigated Negative Declaration and approve Conditional Use Permit UP17-0004 (AT&T Mobility dba AT&T Wireless), subject to findings and conditions.

Staff Report

Mark Michelena presented this item to the Commission.

Applicants, Carl Jones and Chris Hatch, addressed the Commission.

A motion to adopt a Mitigated Negative Declaration and approve Conditional Use permit UP17-0004 (AT&T Mobility dba AT&T Wireless) subject to findings and conditions, including; the additional height of 55 feet is justifiable in order to reach as many living units as possible in the area and; to provide clear and consistent indoor/outdoor cellular, telephone, mobile data, fixed broadband internet services; limiting the tower to 100' would restrict coverage to these services was made by Commissioner Chase and seconded by Commissioner Donati.

Vote

Ayes: Commissioners Chase, Donati, Grundmann, Kennedy and Chair John

Noes: None

Absent: None

Abstain: None

D. Minor Use Permit MUP15-0004

Applicant: Tom and Donna White

Planner: Rowland Hickel **APN:** 047-230-098

General Plan: Agriculture

Zoning: AG-160

Location: 214 Hagenridge Road, at the end of Hagenridge Road, approximately 4,300 feet from Keefer Road, and north of the City of Chico.

Request: Minor Use Permit to bring an existing unpermitted special event facility (White Ranch) into compliance with the requirements of Butte County Code §24-175.2. The outdoor special events facility will hold weddings, celebrations, ceremonies, receptions, corporate functions, and similar activities for up to a maximum of 250 guest per event.

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

Staff Recommendation: Adopt the Initial Study and Negative Declaration and approve Minor Use Permit (MUP15-0004), subject to findings and conditions.

Staff Report

Rowland Hickel presented this item to the Commission.

The applicant, Donna White, addressed the Commission.

A motion to adopt the Negative Declaration and approve Minor Use Permit (MUP15-0004) subject to findings and conditions including the following changes: revise the project description to increase the number of events held annually from 22 to 25; in the resolution, IIIA1, fifth line, delete "except" and from "which" to the end; and to change Condition 4, Condition 5, Condition 6, Condition 20 and Condition 21, as follows:

- 4. The total number of events per year is limited to 22 25 between the months of April and October, and with no events to occur during July. Maximum occupancy of the outdoor event facility is limited to 250 per event, including guests, staff, vendors, etc.*
- 5. Events are limited to the weekend (Saturday and Sunday), between the hours of 4 p.m. and 10 p.m. Event set-up may ~~begin at 7 a.m. on the morning of events on Saturday and Sunday.~~ not begin earlier than 7 a.m. on the Friday before the event, or at 9 a.m. on the morning of events on Saturday and Sunday. Event breakdown shall be completed by 11 p.m.*
- 6. Outdoor amplified music shall be limited to the designated outdoor events area as depicted on the approved site plan. Speakers shall be directed north, away from residential uses to the west, south, and east, ~~and shall have a sound barrier/sound wall placed behind the speakers to deflect noise to the north to the satisfaction of the Director of Development Services.~~*
- 20. Drinking water for guests and employees shall be provided by bottled water or domestic water. Domestic water used for public consumption shall be routinely tested for conformance to applicable standards related to the protection of public health as administered by the Butte County Department of Public Health.*
- 21. The applicant shall provide an emergency plan that includes: (1) the evacuation procedure in the event of an emergency, (2) procedures for medical emergencies, (3) procedures for any other type of emergency, and (4) training procedures for staff on how to implement the emergency plan. The emergency plan shall be prepared to the satisfaction of the Butte County Fire Department / Cal Fire.*

The motion was made by Commissioner Grundmann and seconded by Commissioner Kennedy.

Vote

Ayes:	Commissioners Chase, Donati, Grundmann, Kennedy and Chair John
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

Fire Update on the Wall/Ponderosa/LaPorte/Cherokee. 249 structures (#119 homes) have been destroyed.

Board of Supervisors accepted the Sustainable Agricultural Lands Conservation Program (SALC) on October 24, 2017.

B. General Plan Follow-up and Implementation Program

None

C. Update on Recent Board of Supervisors' Actions

None

D. Legislative Case Law Update

None

F. Planning Commission Concerns

None

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