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## BUTTE COUNTY PLANNING COMMISSION AGENDA

November 9, 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. 9:00 a.m.: Draft Butte Creek Canyon Overlay Zoning Ordinance Amendment

**Applicant:** Butte County

**Planner:** Dan Breedon, AICP      **APNs:** Various

**Location:** Butte Creek Canyon

**Project:** This is an amendment to Butte County Code Chapter 24 (Zoning Ordinance). Following is a summary of the Draft Butte Creek Canyon Overlay Zone:

Summary of the Draft Butte Creek Canyon Overlay Zone Ord. (Zoning Ord. Section 24-34.1): The Draft Butte Creek Canyon (-BCC) Overlay Zone preserves and protects the uniquely valuable qualities of Butte Creek Canyon which is a significant resource of Butte County. The purpose of the –BCC Overlay Zone is to

facilitate the protection and preservation of the scenic resource and the historical and ecological foundation of Butte Creek Canyon, including the survival of endangered wild salmon, steelhead and other sensitive plants and animals such as the East Tehama Deer herd, preservation of historical sites and ecological preserves, and the optimum balance of recreation and residential use. This new section of the Butte County Zoning Ordinance will be applied as an Overlay Zone to the Butte Creek Canyon area, as shown on the –BCC Overlay Zone Map. The –BCC Overlay Zone may be combined with any base zone except the AG-160 (Agriculture, 160 acre minimum parcel size), TM (Timber Mountain), and TP (Timber Preserve) zones. An overlay zone “lays over” the existing zoning on a property and further influences land uses and regulations. The existing “base” zoning and all uses and regulations remain in place, unchanged. However, the Zoning Ordinance (under Section 24-33) indicates that whenever a requirement of an overlay zone conflicts with a requirement of the underlying base zone, the overlay zone requirements shall control. The Draft –BCC Overlay Zone contains the following sections: A) Purpose; B) Administrative Relief; C) Applicability; D) Land Use Development Standards, inclusive of subsections on: 1. Public Hearings and Noticing, 2. Hillside Development Standards, inclusive of subsections on slope and vegetation removal; 3. Clustered Development, 4. Ridgeline Development, inclusive of subsections on ridgeline setbacks and alternative building design standards; 5. Historic, Cultural and Archeological Sites; 6. Heavy Equipment Storage; 7. Outdoor Lighting; 8. Watershed Protection inclusive of subsections on land use regulations, maximum impervious surface, vegetative buffers, septic systems, chemical toilet setbacks, erosion control; and, E) Coordination with Other Regulatory Agencies.

**CEQA Determination:** An Addendum to the previously certified General Plan Final 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 amendment to the Zoning Ordinance. As demonstrated in the environmental analysis provided in Section 3.0 (Environmental Analysis) of the Addendum, the proposed amendments do not meet the criteria for preparing a subsequent EIR or negative declaration. An addendum is appropriate because none of the conditions calling for preparation of a subsequent EIR or negative declaration have occurred.

**Staff Recommendation:** Recommend to the Board of Supervisors adoption of the amendment to the Zoning Ordinance and Zoning 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 Final EIR and Supplemental EIR prepared in accordance with the California Environmental Quality Act (CEQA).

### [Staff Report](#)

#### [B. Conditional Use Permit UP17-0005](#)

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

**Planner:** Mark Michelena                      **APN:** 058-230-039

**General Plan:** Foothill Residential

**Zoning:** FR-5 (Foothill Residential – 5-acre minimum parcel size)

**Location:** 13032 Concow Rd, Concow

**Request:** A request for a Conditional Use Permit to construct a wireless telecommunication facility that includes a 150-foot tall lattice tower. AT&T is proposing to locate up to 12 antennas on three sectors at the 146-foot above ground level elevation, twenty-four (24) radio head/units, 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 1,575 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 Concow 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 UP17-0005 (AT&T Mobility dba AT&T Wireless), subject to findings and conditions.

[Staff Report](#)

**C. Conditional Use Permit UP17-0007**

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

**Planner:** Mark Michelena                      **APN:** 058-730-032

**General Plan:** Foothill Residential

**Zoning:** FR-40 (Foothill Residential – 40-acre minimum parcel size)

**Location:** 10892 Little Bend Court, in the Big Bend area of Concow.

**Request:** A request for a Conditional Use Permit to construct a wireless telecommunication facility that includes a 135-foot tall lattice tower. AT&T is proposing to locate up to 12 antennas on three sectors at the 131-foot above ground level elevation, twenty-three (23) radio head/units, 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 1,400 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 Little Bend Court.

**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 UP17-0007 (AT&T Mobility dba AT&T Wireless), subject to findings and conditions.

[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

[F. Adoption of 2018 Butte County Planning Commission Meeting Calendar](#)

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

**VIII. MINUTES:** None

**IX. ADJOURNMENT**