



BUTTE COUNTY PLANNING COMMISSION ACTION MINUTES

December 14, 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, Grundmann, Kennedy and Chair John.

Others present:

County Counsel: Felix Wannemacher, Chief County Counsel
Cal-Fire: Chris Boyd, Fire Captain
Development Services: Pete Calarco, Assistant Director
Chuck Thistlethwaite, Manager, Planning Division
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 Chase.

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 meetings of September 28, 2017 and October 26, 2017

Applicant: Old Durham Wood Inc.

Planner: Rowland Hickel **APN:** 040-120-033

General Plan: Agriculture (AG)

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.

Recommendation: Direct the applicant to amend the draft compliance plan and Gantt chart to include the following by February 1, 2018:

1. Completion of all the necessary improvements to the 12,000 square foot building used as a warehouse and request a pre-final inspection as soon as possible. The applicant may request a final inspection of the building when the parking area and the permanent restroom facility is completed;
2. Submittal of an application to amend Conditional Use Permit UP14-0002 to address the unauthorized expansion and site disturbance within the required 150-foot setback area shown on the approved site plan, and including an acceptable timeframe to staff in order for the applicant to remediate the violations of State and federal law;

3. Obtain the amended permit for the fire suppression system and water line (B16-0840), and complete the installation of the water lines and all four remaining fire hydrants by January 28, 2018;
4. Completion of the two encroachments linking the subject property to Oroville-Chico Highway to the County's standards. Completion of the northern encroachment as shown on the approved site plan to County standards shall be completed by February 1, 2018. Both access encroachments shall be completed by June 1, 2018; and continue the hearing to March 8, 2018 at 9:00 a.m.

Staff Report

Rowland Hickel presented this item to the Commission.

*Members of the public who addressed the Commission:
Sean Casey, applicant.*

A motion to continue this item to the March 8, 2018 meeting at which time the applicant would add additional items to the Gantt chart and complete items 1 through 4 was made by Commissioner Grundmann and seconded by Commissioner Donati.

Vote

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

Noes: None

Absent: None

Abstain: None

B. Commission Workshop to Review the Preliminary Draft Butte County Oak Woodland Mitigation Ordinance

Applicant: Butte County

Planner: Pete Calarco **APN:** Various (Countywide)

General Plan: Various (Countywide)

Zoning: Various (Countywide)

Location: County Wide: the proposed ordinance would be applicable to all lands within the unincorporated portions of Butte County.

Request: The Draft Ordinance would be applicable to discretionary projects setting thresholds for removal and replacement of oak woodlands on development projects.

CEQA Determination: Not applicable for a workshop

Recommendation: Receive public comment and provide direction to staff on the draft ordinance.

Staff Report

PowerPoint Presentation

Pete Calarco presented this item to the Commission.

Members of the public who addressed the Commission:

John Hunt, North Coast Regional Land Trust

Woody Elliott, Conservation Chair, Mt. Lassen Chapter, Native Plant Society

Natalie Carter, Butte County Environmental Council

Informational item only. No action needed.

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

The Board of Supervisors adopted an interim urgency ordinance that is effective for 45 days to restrict new development on parcels that are accessed off of Craig Access Road.

Sang Kim and Chuck Thistlethwaite provided update to the Board of Supervisors on Housing legislation.

- Rescheduling February 22, 2017 Planning Commission Meeting to February 8, 2018

Chuck Thistlethwaite presented a memo to the Commission in regards to changing the date of the February 2018 Planning Commission meeting.

A motion to approve the change of the February 2018 meeting from February 22, 2018 to February 8, 2018 was made by Commissioner Grundmann and seconded by Commissioner Kennedy.

Commissioner Chase indicated that she is only available on February 8, 2018 until 1:00 pm.

Vote

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

Noes: None

Absent: None

Abstain: None

B. General Plan Follow-up and Implementation Program

None

- C. Update on Recent Board of Supervisors' Actions

None

- D. Legislative Case Law Update

None

- E. Planning Commission Concerns

None

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

None

VII. **MINUTES:**

- A. May 11, 2017

A motion to approve the May 11, 2017 minutes was made by Commissioner Kennedy and seconded by Commissioner Chase.

Vote

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

Noes: None

Absent: None

Abstain: None

- B. June 29, 2017

A motion to accept the revised June 29, 2017 minutes as handed out was made by Commissioner Kennedy and seconded by Commissioner Grundmann.

Vote

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

Noes: None

Absent: None

Abstain: None

VIII. **ADJOURNMENT**


Chair Grundmann