



Department of Development Services

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BUTTE COUNTY PLANNING COMMISSION

October 27, 2022

This hearing will be open to the public. This hearing will also be held via an online format for those who wish to participate remotely.

Members of the public who wish to participate in public comment are encouraged to register in advance of the hearing by emailing PCclerk@buttecounty.net. Use the following information to remotely view and participate in the Planning Commission meeting, including the Public Hearing portions, online:

Link: <http://bcdds.net/PlanningCommission>

Event (Meeting) Number: 2553 737 7322

Event Password: Planning

Participants may also call in: 1-844-992-4726

TIME: 9:00 a.m.

PLACE: 25 County Center Drive, Suite 201, Oroville, CA. and by Online Meeting Format (see above for video link and call-in information).

I. CALL TO ORDER

Pledge of Allegiance

II. ROLL CALL - Commissioners Donati, Flicker, Hansen, Schleiger, and Chair Roethler.

III. DISCLOSURE OF EX PARTE COMMUNICATIONS

IV. RESOLUTION AUTHORIZING ALTERNATIVE STANDARDS FOR TELECONFERENCING PUBLIC MEETINGS PURSUANT TO THE RALPH M. BROWN ACT (AB 361)

STAFF REPORT and RESOLUTION

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

VI. BUSINESS FROM THE FLOOR ON ITEMS NOT ALREADY ON THE AGENDA – This is an opportunity for any person to address the Planning Commission. Presentations will be limited to five minutes. The Commission is prohibited by State law from taking action on any item presented if it is not listed on the Agenda.

VII. 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. Persons wishing to address the Planning Commission may sign up prior to the meeting by emailing PCClerk@buttecounty.net or by providing written comments via email or mail. 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. The hearing will then be closed to the public and discussion confined to the members of the Commission and staff. The Commission will then make a motion and vote on the item.

A. Zoning Code Ordinance Amendment Article 26. – Telecommunication Facilities (ZCA22-0003) – continued from August 11, 2022. This is a County-initiated amendment to Butte County Zoning Ordinance Article 26, Telecommunication Facilities. The amendments will include bringing the ordinance into conformance with federal and State law by requirements regarding reasonable time periods for processing applications and which modifications to existing telecommunication facilities constitute a substantial change, additional application submittal information, updates to existing sections and removing requirements that are not required by federal or State law. The California Legislature, in Government Code section 65964.1, has declared that wireless telecommunications facilities are a matter of statewide concern. Staff has determined that this Zoning Ordinance amendment is not a project under the California Environmental Quality Act (CEQA). This Ordinance does not expand or alter the locations in which a telecommunication facility may be located and does not expand or alter the size of a telecommunication facility except as required by federal law. This Ordinance will not have a direct or reasonably foreseeable indirect effect on the environment and is thus not a project under CEQA.

This project is continued to December 8, 2022.

B. Tentative Parcel Map (TPM22-0005). A parcel map on a 301.5± acre property, encompassing 300.3± acres of AG-40 and 1.16± acres of G-C zoning, with Agriculture and Retail General Plan designations, into one parcel of 40± acres and a designated remainder of 260± acres. The subject parcel is currently developed with a commercial use, the Earthworm Soil Factory, encompassing a store building with agricultural facilities and a number of accessory structures located on Resultant Parcel 1. The subject parcel lies near the intersection of Clark Road/SR-191 and Durham-Pentz Road, both County-maintained public roads. The parcel frontage is unimproved without curb, gutter, and sidewalk. Resultant Parcel 1 will retain access from Clark Road/SR-191, and will be served by existing on-site well and septic systems.

- C. Minor Use Permit (MUP22-0004) Special Events Facility.** Per Butte County Code Chapter 24-175.2. the applicant is requesting a Minor Use Permit for a Special Events Facility, which will allow wedding ceremonies and receptions, intimate private gatherings, corporate functions, retreats, fundraisers, and agritourism. The facility will allow indoor amplified music and indoor and outdoor gatherings. The proposed Special Events Facility will take place on the 79.47-acre parcel zoned AG-20 (Agriculture 20-acre minimum). The venue area encompasses 1.36 acres and includes a 5,008 square foot enclosed event barn, parking area (72 parking spaces with 3 ADA spaces located in two lots north of the event barn), and lawn area located to the west of the event barn. The parcel contains a walnut orchard, a single-family residence, and accessory structures, including the existing barn. The event facility's maximum capacity is 225 people. Events will not exceed 12 hours per day, within an operational period limited to the hours of 7:00 a.m. to 10:00 p.m., except on Saturdays and Sundays, which are limited to a 9:00 a.m. start time. The venue will host a maximum of 40 events per year. No events are planned for the month of October to allow for walnut harvest operations.

AGENDA REPORT

POWERPOINT

- D. Zoning Code Amendment (ZCA22-0002) and Use Permit (UP22-0002).** The applicant is proposing to construct an additional ten dwelling units under the Multiple-Family Dwelling use, located within the General Commercial (GC) zone as Multiple Family Dwelling Units per Table 24-22-1 "Permitted Land Uses in the Commercial and Mixed Use Zones" which require an approved Conditional Use Permit (CUP). These ten dwelling units would be in addition to the existing three dwelling units existing on APN: 030-170-067. Five new dwellings are proposed on APN 030-170-067, and five new dwellings are proposed on APN 030-170-039. A total of 10 new units are proposed. The dwelling unit density in the General Commercial zone is 14 units / acre, thus with the two parcels of GC zoning (2.02 acres) could potentially allow 28 units. In addition, the applicant proposes an amendment to the Butte County Zoning Ordinance (Butte County Code Chapter 24) for 24-304, Division 1. Glossary: Multiple-Family Dwelling. Currently under this definition, multiple detached units are not permitted. This amendment will allow separate detached multiple-family dwelling units. The proposed amendment will permit detached housing styles as part of the Multiple-Family Dwelling definition, with such examples as: multiple separate units, cottage courts, plex housing (two or more units in combination similar in scale to a residence), and garden apartments.

AGENDA REPORT

POWERPOINT

- E. SB-9 Urban Lot Splits (Informational Item).** A presentation will be provided by Assistant Planner Austin Forde regarding new legislation that provides a process for urban lot splits under certain circumstances.

POWERPOINT

VIII. 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. Planning Manager's Report

B. Planning Commission Concerns

IX. MINUTES

A. September 22, 2022

X. ADJOURNMENT