



Department of Development Services

Paula M. Daneluk AICP, Director
Curtis Johnson, Assistant Director

7 County Center Drive
Oroville, California 95965
T:530.552.3700
F:530.538.7785
buttecounty.net/dds

**BUTTE COUNTY PLANNING COMMISSION
AGENDA**

January 25, 2024

TIME:

PLACE:

9:00 a.m.

Board of Supervisors' Room
County Administration Center
25 County Center Drive Oroville, CA, 95965

Public comments will be accepted in-person at the meeting or may be submitted prior to the meeting. Use the following information to remotely view, or listen to, the Planning Commission meeting, including the Public Hearing portions online.

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

Event (Meeting) Number: 2558 416 3706

Event Password: Planning

You may also call in: 408-418-9388

- I. CALL TO ORDER
- II. ROLL CALL - Commissioners Parrott, Schleiger, Donati, Roethler, and Chair Flicker.
- III. SELECTION OF OFFICERS – Selection of Planning Commission Chair, Vice Chair and Second-Vice Chair for 2024
- IV. DISCLOSURE OF EX PARTE COMMUNICATIONS
- 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. Personal Services Zoning Code Amendment (ZCA22-0005/Butte County)

A County-initiated zoning code amendment (ZCA22-0005) to (1) delete the Restricted Personal Services definition under Chapter 24, Article VII, Division I of Butte County Code, and including these land uses into the Personal Services classification; (2) delete the Restricted Personal Services land use classification from the Zoning Use Regulation Tables under Chapter 24, Article II; and (3) delete the Restricted Personal Services land use classification from Table 24-93-1 (Onsite Parking Requirements). The amendment will effectively remove the requirement to obtain a conditional use permit for such businesses as tattoo parlors, body piercing, fortune telling, massage establishments, and other similar uses. The zoning code amendment is exempt from environmental review pursuant to CEQA Guidelines Section 15061(b) (3), which exempts activities covered by the common sense exemption that CEQA applies only to projects with the potential to cause a significant effect on the environment. (Rowland Hickel, AICP, Senior Planner)

Agenda Report 

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B. TENTATIVE SUBDIVISION MAP (TSM20-0004) – Orchardcrest Estates / California Engineering Company

The project consists of subdividing a ± 21.0-acre property (APN: 030-170-080) located in the Medium Density Residential (MDR) zone into 92 parcels. Parcel sizes range from ± 0.14 acres to ± 0.26 acres, with two non-residential lots (Lots A & C) proposed for park dedication. The project site is located at 1095 Middlehoff Lane, north of Highway 162, and approximately 0.33 miles west of the City of Oroville. This project was previously part of the Orchardcrest Estates Phase II development plans. Phase I was constructed adjacent to and south of the project site. The parcel was previously developed with an agricultural orchard use and is currently undeveloped. Water and sewer service will be provided by the Thermalito Water and Sewer District. A pressurized water system will be provided for fire protection.

An Initial Study and Mitigated Negative Declaration (MND) were prepared for the Project in accordance with the California Environmental Quality Act (CEQA) (SCH# 2023110296). The MND concludes that the project will not result in any significant adverse effects on the environment, as the potential impacts identified during the review can be adequately mitigated by implementing recommended measures. (Austin Forde, Assistant Planner)

Agenda Report 

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C. CONDITIONAL USE PERMIT (UP23-0007) – Assurance Development

The approval of a Use Permit (UP23-0007) permits the applicant, Assurance Development, to construct a new 100' tall monopole (designed to appear as a pine tree) with 12 8-foot antennas, 6 remote radio units (RRUs), one microwave unit, and one GPS antenna attached on a 6.21-acre parcel (APN: 072-140-058) located at 4825 Foothill Boulevard, Oroville CA 95966, approximately 4.8 miles southeast of the City of Oroville. The zoning designation of the parcel is: RR-5 (Rural Residential, 5-acre minimum) with a general plan designation of RR (Rural Residential).

Additionally, the project includes (2) ground-mounted radio cabinets on a concrete pad, a fiber vault, and a multimeter utility service mounted on an H-frame within a 40' X 40' (1,600 sq. ft.) lease area surrounded by a 6-foot high chain link fence. A new electrical transformer would be installed on a 50 X 52-inch concrete pad. All pervious surface area would be covered with gravel over a weed barrier. The site would be accessed from Foothill Boulevard via a new 20-foot wide unpaved road located on the property, south of the existing residence and out-buildings. Up to two additional carriers could co-locate on the monopole. Any future co-location would be authorized per separate permitting actions.

An Initial Study and Negative Declaration (ND) were prepared for the Project in accordance with the California Environmental Quality Act (CEQA) (CEQA SCH# 2023120579). The ND concludes that the Project will not result in any significant adverse effects on the environment. (Austin Forde, Assistant Planner)

Agenda Report 

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D. CONDITIONAL USE PERMIT (UP23-0008) – SACWireless

The approval of a Use Permit (UP23-0008) permits the applicant, SACWireless, to construct a new 130' tall monopole with 12 8-foot antennas, 12 remote radio units (RRUs), one microwave unit, and one GPS antenna attached on a 10.09-acre parcel (APN: 040-200-091) located at 2379 Durham-Dayton Highway, Durham CA 95938, approximately 5.4 miles south of the City of Chico. The zoning designation of the parcel is: GI (General Industrial) with a general plan designation of I (Industrial).

Additionally, the project includes (3) ground mounted radio cabinets on a concrete pad, a fiber vault, and a multimeter utility service mounted on a H-frame within a 30' X 30' lease area contained by a 6-foot high chain link fence with a 12-foot wide access gate. Additionally, a new electrical transformer would be installed on a 50x52-inch concrete pad, and a new 30 kW generator and 132 gallon diesel fuel tank will be installed on a 5'x10' raised concrete pad. All pervious area would be covered with gravel over a weed barrier. The site would be accessed from Durham-Dayton Highway via an existing access road along the eastern side of the property. Up to two additional carriers could co-locate on the monopole. Any future co-location would be authorized per separate permitting actions.

An Initial Study and Negative Declaration (ND) were prepared for the Project in accordance with the California Environmental Quality Act (CEQA) (CEQA SCH# 2023120584). The ND concludes that the Project will not result in any significant adverse effects on the environment. (Austin Forde, Assistant Planner)

Agenda Report 

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E. Outdoor Festivals Zoning Code Amendment (ZCA23-0004/Butte County)

A County-initiated zoning code amendment (ZCA23-0004) to the Butte County Zoning Ordinance (Butte County Code Chapter 24, Article IV, Division 1, Temporary Uses, to update Temporary Use regulations for outdoor Festivals. The previous outdoor Festival License requirement through the Butte County Treasurer will be repealed and replaced by a requirement for an Administrative Permit pursuant to the Zoning Ordinance, ensuring that the proposed use is compatible with the outdoor festival site's applicable zone and surrounding land uses, and that appropriate operational standards are applied. The zoning code amendment is exempt from environmental review pursuant to CEQA Guidelines Section 15268(a) - Ministerial projects exemption. (Austin Forde, Assistant Planner)

Agenda Report 

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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. **December 14, 2023**

Minutes 

X. **ADJOURNMENT**