



Department of Development Services

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BUTTE COUNTY PLANNING COMMISSION AGENDA

August 22, 2024

TIME: 9:00 AM

PLACE: 25 County Center Drive, Suite 201, Oroville, CA

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://bcdds.net/PlanningCommission>

Event (Meeting) Number: 2558 416 3706

Event Password: Planning

You may also call in: 408-418-9388

- I. **CALL TO ORDER**
 - A. Pledge of Allegiance
- II. **ROLL CALL**
 - A. Commissioners Flicker, Parrott, Schleiger, Roethler, and Chair Donati
- III. **DISCLOSURE OF EX PARTE COMMUNICATIONS**
- IV. **ACCEPTANCE OF AGENDA** - Commission members and staff may request additions, deletions or changes in the Agenda order.
- V. **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.
- VI. **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. TENTATIVE SUBDIVISION MAP (TSM23-0001) - BIRKHOLZ

Proposed 10-lot tentative subdivision map on a 54.2-acre site zoned RR-5 (Rural Residential, 5-acre). The ten single-family residential lots will range in size from 5.06 to 6.78 acres and average 5.5 acres. New lots will be accessed directly from a new road extension off Adriatic Road. The road will extend 1,500 feet and terminate at a cul-de-sac. The road will be constructed according to the City of Oroville's ST-02 Road Improvement Standard, which consists of a 36-foot wide asphalt travel lane with 6-foot wide shoulders centered within a proposed 50-foot wide non-exclusive easement. The project site is located north of the intersection of Mt. Ida Road with Adriatic Road, approximately five miles southeast of Oroville, CA; APN: 079-330-002. (Rowland Hickel, AICP, Senior Planner)

B. CONDITIONAL USE PERMIT (UP23-0010) – HARMONI TOWERS CELL TOWER

Proposed Conditional Use Permit for Harmoni Towers to construct and operate a new wireless communication monopole, 80 ft. in height, with six (6) 8-foot antennas, six (6) remote radio units and one (1) microwave unit. Related ground equipment will consist of (2) ground mounted radio cabinets on a concrete pad, a fiber vault, and a multimeter utility service mounted on an H-frame with a 50' X 50' lease area enclosed by a 6-ft tall chain link fence with a 12ft-wide access gate. The project site is a 1.26-acre Rural Residential parcel located at 1527 16th St, Oroville CA 95965; APN: 030-110-081. (Tristan White, Assistant Planner)

C. ZONING CODE AMENDMENT – ACCESSORY DWELLING UNITS AND JUNIOR ACCESSORY DWELLING UNITS (ZCA24-0002)

This is a County-initiated amendment to the Butte County Zoning Ordinance (Butte County Code Chapter 24, Article IV, Division 1, §24-172, Accessory Dwelling Units and Junior Accessory Dwelling Units) to clarify certain ADU/JADU regulations, update references to state legislation, permit the development of ADUs/JADUs in the TPZ (Timber Production Zone) zoning district, eliminate deed restriction requirements for ADUs/JADUs, and eliminate fire sprinkler requirements for ADUs/JADUs unless required within a property's primary residence. (Austin Forde, Assistant Planner)

D. CODE AMENDMENT – CHAPTER 2 (ADMINISTRATION) INDEMNIFICATION REQUIREMENTS (CA24-0001)

A County-initiated amendment to the Butte County Code, Chapter 2 (Administration), by adding Article XXIV, section 2-184 - 186, Indemnification Requirements. The purpose of the amendment is to provide greater certainty to the county and to applicants for discretionary land use approvals concerning how legal challenges to such projects shall be addressed. As the parties are primarily interested in, and benefiting from, development approvals sought from the county, and recognizing that legal challenges may result in significant potential public agency expense even in the event of meritless actions to attack or set aside such approvals, this article is intended to require that applicants for discretionary land use approvals assume the primary responsibility for any such challenges. (Mark Michelena, Principal Planner)

VII. 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

VIII. MINUTES

A. July 25, 2024

IX. ADJOURNMENT