

**Questions from the audience at the
Butte County General Plan Zoning Ordinance/Comprehensive Update
Forum
Southside Community Center, Oroville, CA 95965
April 13, 2006**

Question for Paul McIntosh –

Who is responsible for attracting business to the County?

The General Plan update process presents a unique opportunity to focus ideas and create good policy that will foster the growth of commerce and business by involving the many outstanding people and organizations that are involved in attracting businesses. Our staff and consultant will reach out to these organizations for input and comment on potential policies, programs and actions proposed by the General Plan. Their involvement will help the General Plan to develop policy that will promote existing businesses, and attract and retain new ones.

Question for Dale Ellis (Monterey County)

www.co.monterey.ca.us/pbi/gpu/draft032106/default.htm

Single editor – who? what position?

In our case, I worked as the editor. In editing, the issue was not as much what was being said, but how it was being said. A single editor helped to keep a consistent style, maintain internal consistency, minimize redundancy as well as revision control. As the process moved along, have a single point responsible for making sure everyone “had the latest” was important in reducing confusion.

What legal challenges are anticipated? Initiatives?

Legal challenges are anticipated from any of several interest groups based on the update’s final outcome. Legal challenges on a general plan typically come from any or all of four directions:

- *Procedural: Did the County follow the process requirements in law?*
- *CEQA: Was there an adequate EIR (content and process) and an adequate mitigation monitoring program done?*
- *General Plan adequacy: Does the Plan meet the requirements of state law in content and internal consistency?*

- *Environmental Justice: Does the Plan somehow adversely affect any particular group?*

We also anticipate that there may be additional initiatives (we have already had one) proposed by citizen groups to put an alternative general plan or body of regulation on the ballot.

Do you have an agricultural greenline?

I am not clear on what an “agricultural greenline” is. We do have a body of policy requiring buffers between developments and agricultural lands. The buffer is generally to be 200 feet and be accommodated on the development site. We also have a body of policy supporting tools such as the Williamson Act and conservation agreements as a means of conserving agricultural land.

How are Native American Traditional Cultural Properties Resources integrated?

Our GIS database has layers identifying areas of significant historic, cultural and palentological resources. There is a body of policy proposed that requires assessment of these resources as part of the development review process and to avoid/minimize/mitigate impacts.

Questions for Tim Snellings (Butte County) –

How will a Butte County Habitat Conservation plan fit into the General Plan process?

Development policies concerning the preservation and protection of endangered, threatened, or candidate species must be addressed within the General Plan. This should include recognition and implementation of any enacted Habitat Conservation Plan. Butte County is also coordinating with the Butte County Association of Governments (BCAG) on their efforts to develop a Natural Communities Conservation Plan (NCCP) and Habitat Conservation Plan (HCP).

How do you protect cities from the larger county taking advantage when they work together?

The potential benefits of joint planning within the Spheres of Influence of incorporated cities include promoting infill and a compact urban form, discouraging sprawl, consistent permit processes and development standards, preservation of resource lands, and maintenance of circulation patterns. I believe these benefits take away any motivation of one jurisdiction “taking advantage” of another.

Are you going to ask cities to help choose a consultant?

Yes, the cities will be invited to participate in the County's selection of the consultant team that will draft Butte County's General Plan/Zoning Ordinance Update & Environmental Impact Report (EIR)..

If cities continue to annex spheres of influence how will county's general plan work? Or influence?

The Local Agency Formation Commission (LAFCO) will not include lands that are unlikely to require the services provided by the agency, for example, lands not designated for development by the applicable General Plan, areas where development is constrained by topographical factors, or areas where the projected and historical growth rates do not indicate a need for service within a time frame of the Sphere Plan. LAFCO will not include areas in an agency's sphere of influence which cannot feasibly be served by the agency within a time frame consistent with the Sphere Plan.

Does the county set zoning development standards in the cities sphere of influence?

Yes. This issue needs to be reviewed under the General Plan Update process. The preferred approach would be to ensure that development within city spheres of influence is consistent with city standards.

Do individual cities have input on the General Plan in their spheres?

Cities and counties should work together to delineate planning areas and may establish formal agreements for processing development proposals. For example, Yolo County delegates a portion of its land use authority to the City of Davis within areas surrounding the city. As urbanization occurs and adjoining cities expand, the potential for conflict between cities competing for the same lands increases. Intercity cooperation in establishing planning areas can proactively help to avoid such disputes

Local general plans should recognize the city's or county's regional role if regional needs are to be satisfied, federal and state standards met, and coordination achieved in the location of public facilities. Accordingly, general plans should include a discussion of the extent to which the general plan's policies, standards, and proposals correspond to regional plans and the plans of adjoining communities. A city or county may need to reexamine its own general plan when its neighbors make important changes to their plans. (Source: 2003 General Plan Guidelines)

Will the updates streamline or speed up the development application process?

Due to the age of the existing General Plan, lands designated for development are diminishing and this has a negative impact on the development application process. The General Plan will help to identify new areas suitable for growth. The Environmental Impact Report (EIR) will also help determine most of the impacts associated with this growth. The analysis and review conducted on the new growth areas during the Update process will have a positive influence on the subsequent development application process and review times. Additional environmental review may still be necessary for individual development projects, depending on their scope and size.

Will sustainability of natural resources be an element of the county's General Plan?

Principles regarding sustainability, and other issues, are being considered within the "Working Draft Framework of Guiding Principles" that will be reviewed by the Planning Commission, Citizens Advisory Committee, and Board of Supervisors.

Were SB18 guidelines integrated into presentation today? Did any statues change due to SB18?

SB18, as codified under Government Code Section 65352.3, establishes responsibilities for local governments to contact, provide notice to, refer plans to, and consult with tribes prior to the adoption or any amendment of a general plan or specific plan. Local government must notify the appropriate tribes of the opportunity to conduct consultations for the purpose of preserving, or mitigating impacts to, cultural places located on land within the local government's jurisdiction that is affected by the proposed plan adoption or amendment. The April 13, 2006 General Plan meeting was not subject to SB 18 notification requirements since the General Plan Update process has not begun and no action of the future General Plan update was taken. Butte County will comply fully with SB-18 provisions during the General Plan update process and consultation will take place with the appropriate tribes during this process.

Is "dumb growth" (ie, not very smart growth) a legitimate choice to provide for people?

Smart growth's (as this term was defined at the April 13 meeting) success stems from market choices made by an informed public. Experience shows that when people become educated and informed about the choices they have for the planning of their towns and neighborhoods a variety of choices are made. However, when no choice is available decisions are made for the public, not by the public. Smart growth is not necessarily the only approach to land development. Many different factors influence the best or "smartest" approach, or combination of approaches, for a given situation. The General Plan Update

process will provide a forum for these important ideas to be expressed and considered.

How do we manage to separate Butte's Housing Element from its Economy Element?

The Housing Element is a mandatory element under State Law last revised in 2004 (unlike the other mandatory general plan elements, the housing element, is required to be updated every five years). Although the existing Land Use Element cites the adoption of an "Economy Element" in 1971, there is no Economy Element located within the General Plan and no record of such an Economy Element being approved by the Board.

How long is the General Plan going to take? Is there a date set to have it finished? Are we talking years, months? Do you have an estimated date?

The Butte County Department of Development Services is initiating the first steps to comprehensively update the Butte County General Plan and Zoning ordinance. An informational forum entitled "Charting the Course" was held in Oroville on April 13, 2006. The April 13 meeting begins a multi-year effort to update the Butte County General Plan that is divided into six parts as follows, with the selected consultant beginning work on the General Plan on September 26, 2006:

Part 1. 2006	Detailed Work Plan and analysis of existing General Plan, and creation of Butte County Vision Statement and Framework of Guiding Principles
Part 2. 2006-2007	The analysis of data, trends, opportunities and constraints,
Part 3. 2007	The refinement of goals, policies and growth scenarios,
Part 4. 2007-2008	The analysis of alternatives and Draft General Plan and Zoning Ordinance,
Part 5. 2008	Completion of a Draft Environmental Impact Report (EIR),
Part 6. 2009	Adoption of General Plan, Zoning Ordinance, and Certification of the EIR by the Board of Supervisors.

Our industrial forest land are being converted (through clear-cut harvest) into plantations. Can the General Plan stipulate timber practices beyond the prescriptions stipulated by the board of forestry?

The 2003 California General Plan Guidelines indicates that jurisdictions may include policies concerning conservation of timber lands within the Conservation, Open Space and Land Use Element's of The General Plan. Counties can further regulate timberlands using Timberland Production Zones (TPZ, -pursuant to the Timberland Productivity Act), areas devoted to and used for the growing and harvesting of timber and compatible uses. The County may use TPZ areas to implement the General Plan's timber resource policies.

Questions for Julia Johnston (Governor's Office of Planning and Research)

How are the numbers in the Housing Element generated for each county and city?

The Regional Housing Needs Assessment (RHNA) numbers are developed by the CA Department of Housing and Community Development (HCD) and the California Department of Finance (DOF) Demographic Section. These numbers are based on the State's demographic and economic trends and they estimate how many housing units in different economic categories will be required by the different regions of the State. These economic categories are: very low, low, and moderate income. These numbers are then given to the regional council of governments to allocate to cities and counties in their regions. The idea is that all the cities and counties in California, by using the RHNA numbers, will zone enough land for the creation of their "fair share" of these types of housing. Cities and counties can decide not to accept these numbers and conduct their own assessments of their community's housing needs for these income groups. This route can lead to some contention between local governments and HCD. HCD can refuse to certify a city or county's housing element if they feel that the jurisdiction's analysis is not accurate. A General Plan Housing Element that is not certified can result to the inability of a city or county to approve new development projects.

Locally can we ensure that new growth will be primarily in or around cities and limit the counties ability to "create" housing developments?

There is no way to force counties to not be in the home construction business or to direct growth to cities. However, cooperation between cities, counties, LAFCOs, special districts can direct new growth to cities or developed areas. Revenue sharing between cities and counties can be a way to bring counties to the table and encourage this type of behavior. The following is not a recommendation but, many communities pass voter initiatives that attempt to control planning and growth. These are tricky because they may just direct growth to other inappropriate areas. But, for example, county residents could pass an initiative that limits growth in a county unless it is next to a developed area or a city. There are several good publications on ballot box planning

including ones by the Local Government Commission and the League of California Cities/Institute for Local Governance.

General Questions not directed to anyone in particular –

How are you selecting your consultant? What criteria?

The Department of Development Services will be hiring a consultant through a Request for Proposals (RFP) process who will work with the County to comprehensively update all of the elements of the General Plan, the Zoning Ordinance, and complete an Environmental Impact Report (EIR). The consultant will work cooperatively with County staff and a Citizens Advisory Committee made up of individuals to be selected by the Butte County Board of Supervisors. All work will be required to conform to a “Framework of Guiding Principles” that will be provided to each consultant prior to the bid process. These principles will include expectations for the General Plan and Zoning Ordinance Update process, although the selected consultant must be prepared to readily adapt to shifting priorities as the General Plan Update process unfolds.

The County has distributed the RFP to approximately 20 qualified firms who have expertise in the General Plan process. Qualified responses will be reviewed by a Board appointed selection committee and interviews will be conducted with the top 5 candidates. The top-ranked candidate will be considered by the Board of Supervisors and awarded the contract to initiate work on September 25, 2006.

The criteria for selecting the consultant recommended for selection by the Board of Supervisors is provided below:

- (1) Reputation and Experience. Does the consultant have a reputation of being reliable, delivering on schedule, and performing tasks to the satisfaction of its clients? Does the consultant have sufficient experience in the kind of work required?*
- (2) Capability and Availability of Staff. Does the designated firm have the qualified and experienced staff needed to perform this job?*
- (3) Understanding of the Problem. Does the firm understand the issues and has it developed a relevant and effective approach?*
- (4) Proximity of the Firm. Other factors being equal or relatively insignificant, the County shall strive to retain firms based in the local area, especially Butte County firms.*
- (5) Financial Stability of the Firm. Does the firm have financial strength and stability?*

(6) Cost. *Is the cost reasonable for the proposed task, and is the cost within the budget for this project?*

Selection will consist of two levels of review. Level I will consist of evaluating the proposals for the purpose of establishing the most qualified consultants. Level II will be used to select the finalist. This level may include a request for a presentation from the finalists, proposal fact-finding and negotiation of contract terms and conditions.

How are you selecting the steering committee?

The Butte County Steering Committee (now known as the Citizens Advisory Committee) will be composed of non-elected members of the general. The selection of the individuals to serve on the Citizens Advisory Committee will take place through an application process with candidates being recommended by a Selection Panel and approved by the Board of Supervisors.

The Committee will consist of non-elected representatives from as many geographic areas of the County as possible, and is intended to represent diverse interests and include individuals with a variety of skills and experience.

How will the “islands” of sovereign tribal federal trust lands be considered in the General Plan update – buffer zones, environmental issues (in to out, out to in), economic development?

Specific issues such as this must be considered during the update process. Local tribes will be consulted in accordance with State requirements. The County has no jurisdiction on tribal lands but will work cooperatively with local tribes to ensure that impacts to lands under the County’s jurisdiction and within federal trust status can be addressed. The General Plan must include policies for working cooperatively with local tribes to ensure for public’s safety and physical health, air quality, transportation, housing, and protection and conservation of natural resources.

Where is the county in the EIR process?

The consultant that will be hired to complete the General Plan Update will also be responsible for the completion of the Environmental Impact Report (EIR). The EIR will be drafted at a time when the impacts of alternative scenarios and the preferred plan can be assessed for environmental impacts.

The first two speakers were informative, but too much for the general public. The public wanted to know what the plan actually is. What the changes are not how you’re going to do it.

Butte County is at the very early stages of a process that will take approximately 3 years to complete. The changes proposed by Butte County's future General Plan 2030 will be defined by the participation of the general public and their elected representatives during this time. A Framework of Guiding Principals will be presented to the General Plan consultant that will consist of important Butte County issues that need to be addressed. Participation in the update process can take place in many ways. During this time a preferred plan that will ultimately be approved by the Board of Supervisors will be reviewed and adopted as the Butte County General Plan 2030. A Citizens Advisory Committee of Butte County citizens will be formed to guide decisions concerning goals, policies and programs of the General Plan. Meetings and public hearings will be held to provide additional outreach to the public during this process. Updates concerning this process will be available via the Development Services Department's General Plan Update website, www.butttegeneralplan.net where you will be able to view General Plan Update documents and the changes proposed.