

**Butte County General Plan 2030**  
**CAC Meeting**  
**March 11, 2010**  
**Butte College, Oroville, CA**  
**Draft General Plan (Meeting Series #8-1)**  
**Meeting Summary**

This is a summary of the Citizens Advisory Committee (CAC) meeting held on March 11, 2010 at Butte College in Oroville. The CAC meeting included a brief presentation by Design, Community & Environment, the County's General Plan 2030 lead consultant, followed by a public comment period and a CAC discussion about the key issues that will be addressed during the Zoning Ordinance update.

Eighteen members of the CAC attended the meeting, as well as 20 members of the public.

This summary is organized according to the meeting agenda.

1. **Welcome, Introductions and Overview of Meeting** – Tim Snellings, Director, Development Services, welcomed the group and provided an overview of the meeting.
2. **Overview of Zoning Ordinance Update Process** – Joanna Jansen, Associate Principal, DC&E, gave an overview of the timeline and major tasks in the Zoning Ordinance update. Tasks that have already been accomplished include gathering public input throughout the previous General Plan 2030 Meeting Series. Future tasks include:
  - ◆ Publish Draft Zoning Ordinance: May 2010
  - ◆ Public Workshop: June 23, 2010
  - ◆ Planning Commission Meetings: July through October, 2010 (10 all-day meetings scheduled)
  - ◆ Board of Supervisors Meeting: early 2011
3. **Overview of Zoning Ordinance Organization** – Ben Noble, Associate at DC&E and Project Manager of the Zoning Ordinance update, gave an overview of the different major sections of the ZO and what each contains. The major sections are:
  - ◆ Part 1: Enactment and Applicability
  - ◆ Part 2: Zones, Land Uses and Development Standards
  - ◆ Part 3: General Regulations
  - ◆ Part 4: Supplemental Use Regulations
  - ◆ Part 5: Development Approval Procedures
  - ◆ Part 6: Zoning Code Administration
  - ◆ Part 7: Glossary
4. **CAC Questions and Answers** –CAC members asked for clarification on the purpose of the proposed new Unique Agriculture Overlay and Agriculture Services

zones. They also expressed interest in having a second CAC meeting to review the ZO after it is published.

5. **Public Comment** – Members of the public offered the following comments:
  - ◆ Housing is being built to the edge of Butte Creek Canyon, impacting scenic areas.
  - ◆ The ZO should require that development be set back from bluffs.
  - ◆ The GP and ZO should be consistent with the HCP.
  - ◆ Zoning in the Butte Creek Canyon area should be applied consistently, and should be designed to minimize impacts to deer herds.
  - ◆ Agricultural uses, such as animal keeping, should be allowed in the Foothill Residential designation.
  - ◆ Retail commercial designations in rural areas should allow a residence to be on the same property as the commercial use.
  - ◆ The ZO should require development to be set back as far as possible from riparian (creek side) areas in order to support spring salmon runs.
  - ◆ Agricultural uses should be conserved in Butte County, and the property value of agricultural land should not be reduced by increasing the minimum parcel size.
  - ◆ The Board of Supervisors directed a change to General Plan 2030 Policies COS-P7.4, COS-P7.5 and COS-P7.6 at their January hearings, so those changes should be reflected in the riparian buffer regulations included in the updated Zoning Ordinance.

In addition, two property owners spoke of their request to have their Yankee Hill property rezoned from FR-10 to FR-3 or a similar designation.

6. **CAC Discussion of Key Issues for Zoning Ordinance Update** – First, the CAC members were given three dots and asked to select the three key issues on the meeting agenda that they were most interested in discussing. The discussion of key issues was then reordered to begin with those key issues that received the highest number of dots. This summary follows the issues in the order they were discussed rather than the order originally printed on the meeting agenda.

The discussion of the key issues was based on CAC members' responses to a memorandum prepared by County staff and DC&E and distributed to the CAC on March 4, 2010, one week before the CAC meeting. The memo, which is attached to this summary, explained each of the key issues, presented some of the relevant land use designations and/or policies from GP 2030 that would be implemented in the ZO, and explained the approach that staff and consultants recommend.

## **CLUSTERED DEVELOPMENT**

CAC members made the following comments:

- ◆ The County's current Flexible Lot Size provisions should be allowed in AGRICULTURE zones.
- ◆ Clustered development could be used to conserve agricultural land, avoid floodplain development, and protect habitat (including deer herd areas) by allowing landowners to subdivide into smaller parcels if they agree to place the remaining land in permanent open space protection.
- ◆ Clusters should be regulated so that multiple clusters can't be too close together.
- ◆ New development needs to pay its own way, whether it is clustered or not.
- ◆ New development should demonstrate the availability of adequate water supply, whether it is clustered or not.
- ◆ The mechanism for open space protection on the undeveloped land should be permanent so that if zoning is later changed, more units cannot be added on land that was previously left undeveloped.
- ◆ The Zoning Ordinance should include incentives for landowners or developers to cluster development, if the County wants to encourage use of these provisions.
- ◆ The CAC requested that County staff prepare a map illustrating differences in parcel sizes in the County in order to help visualize how many large parcels that may be suitable for clustered development there are and where they are located.
- ◆ Clustering should be optional, not mandatory.

## **SUSTAINABILITY**

CAC members made the following comments:

- ◆ The ZO should reference the HCP.
- ◆ The County should be able to amend the ZO in the future as regulations regarding greenhouse gas emissions change.
- ◆ We should foster an environment that is healthy for our children and grandchildren.

## **AGRICULTURE AND TIMBER PARCEL SIZES**

CAC members made the following comments:

- ◆ A CAC member suggested that the General Plan land use designation and corresponding zoning designation on small parcels within the Timber Mountain (TM) zone should be changed to Foothill Residential, Agriculture, or another designation that allows minimum parcel sizes smaller than 160 acres. Another CAC member felt that introducing Foothill Residential uses into TM areas would not be appropriate.
- ◆ The ZO should follow the policies developed in General Plan 2030, even if this means some properties are "downzoned" (i.e. the minimum allowable parcel size is increased).

- ◆ The CAC requested that County staff create a map of the parcel sizes within the TM zone.
- ◆ There needs to be a careful and consistent methodology for applying the new range of minimum parcel sizes to existing parcels. There should be a rational explanation for why a parcel that is currently zoned A-5 is rezoned to A-20, A-40 or A-320.
- ◆ The current zoning in Agriculture areas should be retained to the extent possible. All parcels currently zoned A-5 or A-10 should be rezoned to A-20. All parcels currently zoned A-20 should remain A-20. All parcels currently zoned A-40 should remain at least A-40.
- ◆ The zoning in Agriculture areas should take into account the smallest “economic unit” of viable agricultural land.
- ◆ The zoning in Agriculture areas should be intended to protect agricultural land, keep farmers in business and discourage parcels around them from subdividing into small parcels.
- ◆ The zoning in Agriculture areas should be based on the pattern of existing parcel sizes.

### **RIPARIAN BUFFERS**

CAC members made the following comments:

- ◆ Some irrigation canals have become naturalized over time and should be included in the definition of a stream.
- ◆ Ben – riparian buffer would apply to all riparian areas of the county. These are new regulations in the Ordinance.
- ◆ Bluff setbacks raised in the public comment should be addressed in separate parts of Ordinance
- ◆ A CAC member stated that meeting and enforcing the riparian setback requirements would require a greater level of County review of building and other permits than has previously been the case. Another CAC member stated that this additional level of review and enforcement is needed to implement the protective policies in General Plan 2030.
- ◆ The riparian buffer regulations should cite the HCP.
- ◆ These regulations should reflect the Board’s direction on changes to General Plan 2030 Policies COS-P7.4, COS-P7.5 and COS-P7.6.
- ◆ Riparian buffers can be very complicated to regulate since stream banks move over time due to natural hydrological forces, and the top or edge of stream banks can be difficult to identify precisely.

### **UNIQUE AG OVERLAY ZONE**

CAC members made the following comments:

- ◆ The Unique Agriculture overlay area was originally intended to respond to the desire of property owners in the area to preserve the rural, agricultural nature of the area. Concerts, wineries and restaurants do not seem to preserve the unique area or rural area of the land and should be carefully

regulated through permits. Numerous farm stands could cause traffic problems.

- ◆ New types of commercial uses in the Unique Agriculture Overlay zone (such as restaurants or bed-and-breakfasts) should be clearly related to and supportive of an existing agricultural use on the property.
- ◆ Small restaurants (e.g. 10 seats) would be more appropriate in this area than large restaurants (e.g. 300 seats).
- ◆ Development criteria for commercial uses within this overlay zone should be clear and specific in order to prevent conflicts with agricultural operations and the rural character of the area.
- ◆ The Unique Agriculture overlay offers opportunities and incentives for people to connect to the land.

### **DEER HERD OVERLAY**

CAC members made the following comments:

- ◆ Free-roaming dogs are the biggest threat to deer in the winter and critical winter range areas.
- ◆ Additional, more recent data on deer herd locations, movements, and number of deer should be obtained to serve as the basis for mapping a more accurate overlay area, especially since the two deer herd overlay zones cover such a large portion of the County.
- ◆ It is important to protect the deer herds and some level of regulation should be included in General Plan 2030 and the Zoning Ordinance.

### **PERMITS**

A CAC member made the following comment:

- ◆ Exceptions are useful to address disagreements between County staff and property owners about appropriate uses and how County standards are applied, and can allow County standards to be flexible to respond to specific site conditions. However, exceptions would need to be carefully document as conditions of approval for a particular project.

### **ZONING DISTRICTS**

Joanna Jansen of DC&E emphasized that the Agriculture Residential and Suburban Residential zoning districts will be eliminated.

A CAC member requested clarification on whether the new Community Commercial zoning district will be considered an “urban” or a “rural” designation. This designation will allow commercial uses in rural areas. It is considered an “urban” designation because the type of development allowed within the designation is an urban type of development, although it will be located within a rural area.

## **SIGNS**

CAC members made the following comments:

- ◆ It is useful and appropriate to regulate signs and billboards in Butte County, but the County should not regulate the aesthetics of signs.
- ◆ Signs should not be allowed to be tacked to utility poles where they block visibility.

Ben Noble of DC&E clarified that political signs will be exempt from these regulations; except for regulations about how far in advance of a campaign political signs can be put up, and how soon after an election they must be taken down.

## **ZONING ADMINISTRATOR**

Joanna Jansen of DC&E clarified that this would be a new role taken on by an existing staff position, not a new position.

CAC members made the following comments:

- ◆ The Users Group is supportive of a Zoning Administrator function. This function would continue to allow public participation through legal noticing requirements and the ability to appeal decisions to the Planning Commission and Board of Supervisors. This new function would save a lot of time for the Planning Commission and would help to streamline actions that support and implement General Plan 2030.
- ◆ The Zoning Ordinance should make clear how the Zoning Administrator would be selected, how long the person would serve, and what remedies will be available if that function is not performed satisfactorily.
- ◆ The Zoning Administrator should be a Director-level staff person who reports to the Board of Supervisors.
- ◆ The Zoning Ordinance should emphasize accountability and transparency for this role, perhaps requiring a public listing of permits approved and actions taken.

## **URBAN AND RURAL DISTRICTS**

CAC members made the following comments:

- ◆ It is useful and appropriate to distinguish between “urban” and “rural” designations and to provide more strict and detailed regulations for urban designations.
- ◆ The existing limits on animal keeping are not rational and should be re-examined to tailor animal-keeping regulations in rural areas.

7. **Next Steps and Adjournment** - Tim Snellings, Director, Development Services, thanked the CAC for over 100 hours of work on General Plan 2030. The CAC’s hard work and input has been extremely useful throughout the process. The next steps in the General Plan 2030 process are:

**General Plan 2030 EIR:**

- ◆ Release of the Draft EIR release in early April, followed by a 60-day public review period. Note: The release date for the Draft EIR was subsequently established as April 8, 2010
- ◆ A Planning Commission public hearing on the Draft EIR on Thursday, April 22 at 1:00 pm, at the Butte County Board of Supervisors Chambers, 25 County Center Drive, Oroville.

**Draft Zoning Ordinance:**

- ◆ Release of the Draft Zoning Ordinance in May 2010.
- ◆ A community workshop on the Draft Zoning Ordinance on Wednesday, June 23, 2010, from 5:00 pm to 8:00 pm at the Southside Center, 2959 Lower Wyandotte Avenue, Oroville.
- ◆ Planning Commission hearings on the Zoning Ordinance from 9:00 am to 3:00 pm in Butte County Board of Supervisors Chambers, 25 County Center Drive, Oroville, on the following dates: July 1, 15 and 29; August 5 and 19; September 2 and 16; October 7 and 21, and November 2.