

Butte County Planning Commission  
Notes of Special Meeting of **November 2, 2010**  
25 County Center Drive  
Draft Zoning Ordinance Review Part 7–Definitions (Article 42  
Zoning Map Review for Biggs and Gridley Areas

**Business from the Floor**

James Dutro, reminded the Commission of the high unemployment rate. He recommends that the Board of Supervisors get to work creating jobs and other opportunities in this county.

**Staff Presentation**

Tim Snellings announced that the Board of Supervisors adopted General Plan 2030 on October 26, 2010. It is historic because it is the first time that all elements and chapters are adopted at one time, internally consistent with itself, and will be consistent with the zoning ordinance when that is adopted in spring, 2011. He noted economic element will help business by setting out clear definitive rules for establishing new businesses. Mr. Snellings outlined how GP2030 firmly engages economic issues including new Ag services designation and other changes in the agricultural element to facilitate agricultural businesses. Mr. Snellings noted the distinction between a General Plan designation and zoning. He reviewed the zoning ordinance format with five categories for potential uses: prohibited, allowed, allowed with administrative permit, allowed with approval by zoning administrator, allowed with approval by the Planning Commission.

Mr. Snellings also reviewed the General Plan decision relative to the Gridley-Biggs and Palermo areas. Rural residential was not adopted in the General Plan, but modifications are being investigated at the Board's direction. The Board wants the zoning to reflect existing land uses and directed a General Plan Amendment to be brought back through the Planning Commission. The Board wants to match the zoning code with what residents are currently doing, generally. A map was produced showing the area proposed to be modified. We are currently using the original proposal, with mostly AG. Minimum parcel size is 20 acres, and many acres in that area are less than that size.

Dan Breedon made the staff presentation, and provided an overview of process to date and proposed article 42, definitions for review by the Commission. The citizens Advisory Committee reviewed and provided guidance on the Zoning Ordinance. The draft Zoning Ordinance was released on July 2, 2010. On July 28, 2010, a workshop for the public was held. This is the eighth meeting with the Planning Commission on the Zoning Ordinance, with more meetings expected prior to final action by the Board.

**Public Comment**

Chair Nelson asked people to hold comments to five minutes if possible.

**Jim Crane** from Forest Ranch area read a letter previously sent to the Planning Commission, dated September 1. He wanted to address AG-20 zoning in Butte Creek Canyon. He has attended as many meetings as possible, and those meetings indicated that designations were to reflect existing land uses. He doesn't think that has occurred. Plat Mountain area is presently TM-5, it has been increased to AG-160. In Butte Creek Canyon, A-20 zoning is changing to AG-160. He feels he was misled about zoning being consistent with existing uses, and that the proposed zoning change to larger parcel sizes is without merit. He doesn't think Williamson Act contracts are a valid reason to place larger minimum parcel sizes on the properties. He thinks the small parcel sizes could be adopted with a new zoning ordinance, and quoted email from County Counsel confirming that. Where zoning changes are necessary, he doesn't want them to be excessive.

**Jim Minto** is a contractor and farmer. He was unable to download materials, he is unhappy with status of the General Plan, it has errors, not just little ones, and GP2030 has affected property values, mostly more restrictive with diminished values. He thinks the County had an obligation to notify citizens. Some changes have created illegal (nonconforming) uses. He wants to continue having horses and chickens; needing a permit is an unfair and unreasonable burden. He noted setbacks have changed and now some properties do not have value, and these people have not been notified that "their property just became worthless." Chair Nelson asked for specifics. Mr. Minto replied that state housing program has determined the County has not complied with state standards. Mr. Breedon said he would get information to Mr. Minto that he needs.

**Amanda Pyles** Member of Concow Citizens Committee. They have reviewed General Plan and Zoning Ordinance for the area. She wants to talk about AG buffer zones. Ag buffer zone is for ag parcel adjacent to non-ag parcel needs. She objected to the General Plan designation for her property. She doesn't think Foothill Residential parcels need an AG buffer. She asked that the Commission look into how the Ag buffer affects the Concow area. She supports change in property back to Foothill Residential. It was last used as AG in 1890 when miners grazed horses.

**Paula Carly** is wearing three hats: property owner in Gridley area, farmer (windmill farms is an active local farm), and to bring petition against rezone to RR Rural Residential. Petition includes one week's worth of signatures. She is upset that so much acreage is proposed to be converted to Rural Residential. She noted farms in the area and the late date of the change from AG to RR. She said she moved to the area because Butte County supports Ag and she has made huge investment as have her neighbors. She noted she needs ag designation for many programs and funding sources. She is concerned about water shortages and in that event, she wants Ag designation to use water during shortages. (Rural residential area in the past have not been allowed to water their lands) She believes her property is worth more as Ag land than as rural residential. Her property is a small ranch, not a ranchette, and she and her neighbors want to retain the Ag designation. Ag is thriving in the Gridley area.

**Sarah Salisbury** wanted to talk about 24-18 and 24-150. Accessory uses and structures on vacant property. She notes accessory uses are allowed only on properties with a primary use. If you buy a lot

next door, you should be able to do rural, country things like a barn, dog run, fire fighting equipment etc. She wants accessory uses. "Barns build houses, houses don't build barns." 24-18 accessory uses . she wants to see clarifications promised/directed in previous meetings.

**David Eldridge** of Forest Ranch on Blackberry Road. He submitted a letter dated November 2, 2010 about house concerts. House concerts are parties with traveling musicians, no profit for host. Typically they have 20 to 60 guests. He believes house concerts are healthy wholesome activities that should be allowed activities in residential zones. He thinks neighborhood complaints regarding the house concerts are about marijuana growing nearby and fear of home invasions. You can smell the pot. He thinks home concerts should be allowed without a use permit.

**Robin Huffman**, Executive Director of Butte Environmental Council wants to know principles used in Zoning Ordinance update. Who worked on this zoning update on a parcel by parcel basis? She believes Zoning Ordinance overreaches in providing residential units. It provides more than is needed. The impact of full buildout needs to be evaluated. Loss of ag soils are very important. Soils, Water, and need for units all need to be on the list of issued considered. Yankee Hill is now FR, which is a big upzone, but there are not roads, water, schools, or other systems to support substantial amounts of new development. She believes homes being built will be ministerial. She is concerned about cumulative groundwater impacts. She wants the best water analysis available and any gaps in available information identified. She said Tim Snellings indicated he will not be requesting additional information.

**Terry Faulkner** wants to propose more housing on ag parcels so that families can stay together on one piece of property. This is clustering at its best. She asked about pot growers? Notification of property owners should have been included in tax bills recently mailed out. Please expand housing allowed in the agricultural areas, like Book Family Farm.

**Tania Dunlap** said that since she spoke to the Commission last, her property has been redesignated Rural Residential. She wants it to remain AG. She wants the zoning map being considered by the Commission to be available as changes are being considered. She noted that her property was proposed to be rezoned to RR without her knowing it almost overnight, and she was paying attention. She is concerned about how and why these changes are being proposed. She thinks zoning should prohibit further subdivision to protect Ag uses.

**John Scott** Butte Valley Resident and Butte Valley Coalition member invited the Commission and the public to the meeting. The Citizens Advisory Committee didn't include a Butte Valley resident, which is an oversight. He wants to know how deep the wells are on Butte College, especially on the east and west side. He will ask Paul Gosselin.

**Rebecca Fuenes** is a vacant land owner in a foothill area. She said the proposed zoning ordinance would take away current property rights of residents. Accessory structures are an important pre-cursor to housing. She wants a building to graze goats and maintain the property. She thinks what she can do with her property is what she can do with it. She said she can't sell her property.

**Cedric Twight** works for Sierra Pacific Industries. He spoke to needed adjustments in the Zoning Ordinance. His main concern is that single-family residences be allowed in the TPZ with an administrative permit. He thought that was the direction of the Planning Commission at the September 2 meeting. Mr. Breedon showed Mr. Twight the requested edit in the compiled Zoning Ordinance edits.

Chair Nelson closed the public hearing.

### **Commission and Staff Discussion**

Mr. Breedon summarized that the Board approved General Plan 2030 with a Land Use map on October 26, 2010. Zoning was not set as part of General Plan 2030; that is being worked on now. The Board directed that 4,500 acres near Gridley, Biggs, and Palermo be considered for redesignation from AG to RR. There will also be a process for the County to consider 'mistakes' in the GP designations as initiated by property owners.

Chair Nelson noted that RR designation could have negative impacts to Ag uses, which should be considered.

Agricultural Commissioner Richard Price noted that commodity programs may require Ag designation. RR designation could affect modifications of Williamson Act parcels via mergers or lot lie adjustments, as requested from time to time.

Mr. Snellings set a tentative meeting date of February 10, 2011 to discuss recommended changes to the Zoning Ordinance and zoning map. Staff would take input from the Planning Commission's series of eight meetings on Zoning Ordinance and zoning map to date and recommend new/second draft Zoning Ordinance and Zoning map. It would be fully noticed.

Commissioner Wilson asked about the 4,500 acres proposed to be redesignated. Mr. Snellings noted there are 17 parcels that are less than 10 acres, so an RR-10 zone would not produce many new parcels.

### **Definitions**

Accessory Kitchens – is this intended to capture canning kitchens or commercial kitchens? Mr. Breedon answered “No, it probably needs separate definition.”

Accessory Structures – this definition brings into consideration the comments of the Concow residents who want accessory structures without necessarily needing a residence first.

Admin permit, add 'by' after approved

Ag Processing add “dryers and products from other growers”.

Ag support Services Light, take out first 'sales'.

'Animal Grazing'. Mr. Snellings is getting info from Cattleman's Association for this definition.

DDS will look up where 'Catterie's are located..

'Board of Supervisors' could be better defined; it is established by state law.

'Camping' use 'recreational vehicle,' not 'recreation.'

Child care language. Is wording reflective of state?

Clustered development 'than usual' is not comfortable language to Chair Nelson.

Chair Nelson thinks specific is a better word than limited.

Crop Cultivation should not include any marijuana. The Commission decided to wait for what happens with vote on Proposition 19.

Deer Range should reference all other definitions and see how they are used.

'Development area' definition was inadequate to Felix Wannemacher.

'LEq' needs to be interpreted into English.

'Family' definition needs reconsidered. Chair Nelson suggested looking at City of Chico definition

'Farm-Gate Sales' second 'where' should be 'were'

'Feed yard' defined after livestock.

Fence or any 'other materials' should be revised for 'acceptable materials.'

Confirm meaning of 'garbage' vs. 'solid wast.e'

Gas and Service station Add a '.' after accessories.

'Grading' should refer to Chapter 13.

'Ground cover' should clarify whether turf/lawn grass are groundcover.

'Home occupation, major' seems to correlate to more traffic. Do the same regulations apply for rural and urban areas? Allow one-on-one instruction with a minor home occupation.

'Hotel and motel' should allow a small kitchenette. '

Impervious Surface' remove second 'includes'

Kennel should be more than five dogs, not five dogs or more.

'Kennel, Personal Hardship' should allow 'other hardship' as well. Check with EH.

'Land Use' definition is awkward. See if improvement is available

'Livestock' Richard Price said bees may be considered livestock. We should consider how to handle them.

'Marijuana' definition will need to be removed or modified as necessary.

'Mobile Homes' def includes 'not older than ten years of age' which is an issue of current concern and discussion. Check to see BOS direction.

'Nonconforming' should be 'substandard legal'

'Nursery, Retail' should delete 'grown on-site'

Add 'Parcel, Illegal'

Petting farms 'children' should be 'people.'

'Property Line, Street Side' is listed twice. The second one should be 'Interior Side Street'.

Check 'Recycling' with Environmental Health.

Religious facilities 'workshop' should be 'worship.'

'Restaurant' should be consistent with Environmental Health definition.

Search where 'setback area' is used in the Zoning Ordinance to see if the definitions are helpful.

Make sure there is a definition for all signs

'Site' definition may enable an accessory uses on a site (two lots)

'Stream, perennial', streams that (add) 'typically' carry water year round

Stream Intermittent, streams that (add) 'typically' carry water year part of the year...

'Wineries /tasting room' needs work

'Unique Agricultural Products' delete 'not commonly found in mainstream grocery stores'

Man should be 'human'

Vehicle service and maintenance definitions should replace 'repair' with 'maintenance'

Add definition for 'xeriscape.'

'Subdivision' is not consistent with common usage. Check against Subdivision Map Act.

On page 263, section 24-258 Board of Supervisors A. should reference Table 24-183-1

Beginning on page 263, Section 24-259 Planning Commission should reference Table 24-183-1.

Page 270, top of page, section numbers require update for consistency with text.

Figure 24-256-1 should eliminate call for review by Planning Commission for consistency with text.

24-272 B. Initiation conflicts with BCC section 2-19.1B. relative to calls for review. Currently 10 day call for review begins after the 10-day appeal period.

24-272D. 'prepare' should be 'approve'

Chair Nelson thinks call for review just drags things out. Planning Commission thinks call for review could be eliminated to streamline permitting

24-272 E Hearing and Decision.4. in the event of a tie, Mr. Wannemacher questioned whether the Board of Supervisors can rely on the Planning Commission's decision. It must be denied per 24-295B.

Section 24-301 will mean DDS will start collecting Development agreements on a list.

24-301 A. should be at least 'once' every twelve months.