

November 2nd, 2010

Butte County Planning Commission
Department of Development Services
7 County Center Drive
Oroville CA 95965

RE: Rezoning for House Concerts

My wife and I have been hosting seven to eight house concerts a year for over 3 years at our home in Forest Ranch. However, we have recently been informed that what we have been doing may be outside of the approved use of the zone. We believe that this area is the perfect location for house concerts and that there is nothing about a house concert that reasonably could be considered a problem or nuisance to any neighbors. It may be important to know a little about the nature of house concerts.

House concerts are parties. They are an opportunity for neighbors, friends, acquaintances, and families to get together and share some food, conversation, and acoustic music usually played by travelling musicians. Guests pool their money to give directly to the musicians. There is no profit for the house concert hosts. The crowds are usually working professionals (40 to 60 years old). They arrive and leave early and don't make any noise. A typical house concert will have between 20 and 60 guests arriving in groups of two to four per car.

Compared to other common uses that either can or do occur in our zone, house concerts are relatively innocuous. They are healthy, wholesome, positive experiences that guests deeply appreciate and enjoy. House concerts are occurring in virtually every region across the country. They are a normal and accepted thing to happen in a house. And they are not new. House concerts have been around for hundreds of years.

Please include house concerts in the list of things that may occur in our zone without obtaining a use permit.

Thank you,

David Eldridge
14629 Blackberry Road
Forest Ranch, CA 95942

November 1, 2010

Mr. Dan Breedan, Senior Planner
Mr. Tim Snellings, Director, Department of Developmental Services
County of Butte Development Services
Butte County Board of Supervisors
7 County Center Drive
Oroville, CA 95965

Re: **Draft Zoning Revision Request** for real property located at 3296 Williams Road, Butte Valley CA 95965. APN 041-610-001-000

Dear Mr. Breedan and Mr. Snellings,

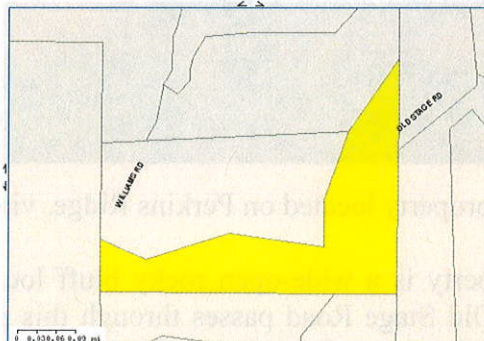
My name is Hillery Hight and I am the owner of a 40-acre parcel located at 3296 Williams Rd., in the Butte Valley area. I co-own this property with Lorri De Walt. The APN is 041-610-001-000. On September 30, 2010, I spoke before the Planning Commission meeting to outline a **Request for Revision** of the 2010 Draft Zoning Ordinance as it relates to our parcel. I am writing this letter as a follow up to the comments that I made at that meeting.

When we purchased the subject property in 2000 it was zoned as "un-classified". The current Draft Zoning Ordinance is proposing that this property be rezoned as AG-160. I am asking the Planning Commission to change the zoning for my parcel in the Draft Zoning Ordinance document to AG-20.

We are asking you to reconsider and change the proposed zoning for the subject property for the following reasons:

1. Extreme variation in the topography of the property created by rocky bluffs and change in elevation. Natural topography has effectively divided the property in to two distinct areas.

A casual observer cannot ignore the extreme geographic diversity on the property. In many ways it is like two separate areas contained in one parcel. In this map you can see that the property is of an irregular shape, which I describe as a sideways "L".



Parcel map of subject property

There is an extreme elevation change from the western edge of the property to the eastern border of the parcel, effectively splitting the parcel in half by steep rocky bluffs. It is not feasible to travel from one end of the parcel to the other in a car. On the west side, the approximate elevation is 500 ft. The elevation on the east end of the property is nearly 900 ft. Our home is located on the western end of the "L", and we gain access to it via Williams Road. The Eastern side of the property is accessed via Old Stage Road which passes through that side of the parcel. The western half of the parcel lies along the eastern slope of Berry Canyon and is bordered at the west by Little Dry Creek. Williams Road passes through this section of the property.

The following two photographs clearly show the dramatic differences between the two sections of the property.



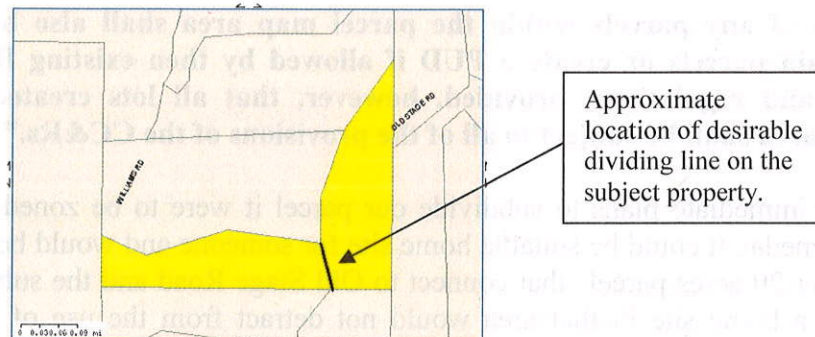
Western border of property located at the bottom of Berry Canyon via Williams Road.



Eastern, upper-half of property located on Perkins Ridge, via Old Stage Road.

The Eastern end of the property is a wide-open rocky bluff located on Perkins Ridge, much higher in elevation. Old Stage Road passes through this portion of the property. When we purchased the property we thought that the lot layout seemed illogical and

awkward in many ways. The topography and the shape of the parcel both lend merit to the idea of splitting the property. It was always nice to know that we could apply for a property subdivision if we felt the need to do so. Under the current "Unclassified" zoning, a lot division is possible. For us the property was inherently more valuable because the possibility of subdividing was an option. If the zoning changes to AG- 160 zoning the inherent value of the property for us is diminished. Because the use of the Eastern half of the property is not consistent with the use of the property on Western side, we believed that the property might someday be divided in to two more suitable, discrete lots as follows:



2. Topography has limited the feasibility of our grazing agreement and made vegetation management difficult.

We are part of a large grazing agreement between a local rancher and the property owners living off of Williams Road. This agreement allows for the cattle to move freely between adjoining parcels of land within the area. When we purchased the property the property owners along Stage Road were also part of a similar grazing agreement with the same rancher. This allowed for the cattle to roam the properties situated along Stage Road, ours included. The primary advantage of cattle grazing to us is the reduced fuel loading, resulting in reduced fire danger.

About two years after purchasing the parcel, the property owners who live on Old Stage Road opted out of their grazing agreement. This meant that the rancher would now need to keep his cattle off of their property. In order for the rancher to avoid a costly fence installation they decided to contain the cattle within the canyon accessible by Williams Road, using the rocky bluff as an effective cattle barrier. Because half of our property falls above that bluff, this has effectively removed about 20 acres from the usable grazing area. Without the cattle grazing, the grasses on that portion of our property were not feasible for us to control as we had originally planned through the grazing agreement. Consequently the fire danger increased dramatically for the upper 20 acres of our land.

Unfortunately because the upper area could not be accessed by the cattle for grazing, it became one of the severe casualties of the 2008 Humboldt Fire, with severe tree loss and post-fire devastation. That area will not be the same for a very long time. On the other hand, where the fire came through the Williams Road area, the vegetation has recovered

nicely. The percentage of large trees that succumbed to the affects of the fire was a small fraction compared to what happened on the upper Old Stage Road section of the property.

3. The parcel is subject to CC&Rs recorded February 27th, 1996 by the developer of the subdivision Mark Habib, and were established for the purpose of protecting the value and desirability of the subject property. These CC&R's have already been submitted by Mr. Habib during Public Comment at the September 30th meeting.

The CC&Rs clearly state that:

“Purchasers of any parcels within the parcel map area shall also be entitled to subdivide said parcels or create a PUD if allowed by then existing Butte County ordinances and regulations, provided, however, that all lots created within the parcel map area shall be subject to all of the provisions of the CC&Rs.”

We have no immediate plans to subdivide our parcel it were to be zoned AG-20. We think that someday it could be suitable home site for someone and would be consistent in use with other 20 acres parcels that connect to Old Stage Road and the subject property. Establishing a home site in that area would not detract from the use of the adjoining properties. If a subdivide were ever officially pursued by us, it is important to emphasize that the new lot created would be subject to all of the provisions of the current CC&Rs that provide for thoughtful structure location avoiding clear line of sight between home sites. I would also reinforce the limit on allowable fencing in order to maintain the rural integrity of the area.

4. Maintenance of Old Stage Road access.

Being a property owner brings responsibilities. Our property is unusual in that it has two separate road easements which both allow neighboring landowners to traverse the subject property on a daily basis. The maintenance of these roads is the responsibility of the landowners in the area. When a tree falls and blocks the road people clear their areas themselves. Keeping roads clear and safe for those who pass over them is an ethical responsibility. We have spent countless days maintaining the area on Old Stage Road in a safe and passable state. We feel that it our responsibility to do this even though we do not use the road ourselves more than a few times a year. Since the Humboldt Fire, there has been an increase in the number of dead trees falling across the road. We have painstakingly removed these trees from the roadway to provide a safe fire escape route for the property owners who use Old Stage Road. This property is a lot of work to maintain, yet we derive very little benefit from it.

5. Security concerns.

Due to the difference in elevation between our home site and the top of our property, we cannot readily monitor activity on that section of the parcel. Normally this would not be an issue, but since a paved road traverses this area, providing roadway access to neighboring homes, there is a lot of vehicle traffic. Because this paved road goes right through a part of our property that we cannot readily access, it presents a security concern

for us because we are not able to easily monitor the activities of others who can gain ready access to our property. It is somewhat disconcerting to have so much activity taking place on your property and you have very little ability to monitor it. If the property were to someday be subdivided in to two 20-acre parcels, a home could be established there, where monitoring the integrity of the land and road would be easier for the property owner.

Changing the zoning of this parcel will also provide the County with two significant benefits: 1) Collection of future development fees and 2) The potential for more adequate vegetation management and reduction in fire danger if the property were someday owned and maintained more appropriately by another party.

County Staff and regulatory agencies will always have the opportunity to comment on and impose conditions and restraints on any proposed future subdivision of the parcel going forward.

If Ms. De Walt and I chose to pursue an official split of the property, the County will have the authority and opportunity to review the application to ensure consistency with all applicable and fair objectives of the County.

Thank you for your consideration in this matter. I respectfully request that the subject property be assigned the AG-20 designation, thus allowing for the possibility of the property being divided in to two separate parcels at some point in the future.

I will be following up with you by telephone and propose that we meet to discuss this at your earliest possible convenience.

Thank you for your time. If you have any questions or wish to discuss this matter further, please do not hesitate to contact me.

Sincerely,



Hillery Hight
3296 Williams Road
Butte Valley CA 95965

Cc: Supervisor Lambert
Supervisor Yamaguchi
Supervisor Connelly

November 2, 2010

Dear Butte County Board of Supervisors and Planning Department:

On September 1, 2010 my neighbors and I wrote to you regarding the proposed A-160 zoning for our properties in Big Chico Creek Canyon. The current zoning on the property is A20.

On September 14, 2010 Dan Breedon responded that he had spoken "... to County Counsel on the conformance of zoning to Williamson Act Contracts. Their recommendation was that the Williamson Act does not restrict the County from having a lower zoning minimum parcel size, but that the County would be obligated to enforce the minimum imposed under the contract until the expiration of the contract." However, he further stated that "Staff would strongly recommend that zoning and contract minimum parcel sizes remain consistent... The reason for this recommendation is to ensure that confusion does not arise over what minimum parcel sizes apply in agricultural zones. If a zone does not accurately reflect the minimum parcel size imposed by a contract, landowners may believe that they have rights to subdivide, which in fact they may not." I suppose the Staff's purpose here is to make the Staff's job simpler in some way at some distant time, although I can't imagine that landowner confusion will be a big issue or a major use of Staff's time in the coming years.

In this long drawn out process I personally have attended as many 2030 General Plan meetings as I could. During this process community members were informed that it was the intent of the outside consultant and Planning Department to maintain existing zoning and development patterns as much as possible in the Forest Ranch area. As final submission of the staff's recommendations come to pass it has become apparent to me that the final recommendations are very different from what was told to community members. I cite as two examples; the proposed zoning around the Platt Mountain area and the proposed zoning for Big Chico Creek.

I have been told that because of the deer herd overlay that the Platt Mountain was rezoned to FR 20 on the East side of Hwy 32. Present zoning on this area is TM 5. On the West side of Hwy 32 the zoning remains TM, but the minimum parcel size is increased to 160 ac. It seems it should be FR20 on both sides. In the case of Big Chico Creek properties in my area, as I mentioned earlier, it is presently A 20, but will change to AG 160 in the new 2030 Plan. Logically, the Big Chico Creek properties would be FR20, or AG20, or possibly AG40. AG160 is based on the misguided principle that the County zoning must be consistent with Williamson Act limits.

As a private citizen I feel strongly that I was misled about what was to take place as far as zoning is concerned. The process has gone on for years with numerous meetings. I was led to believe that the zoning was to remain consistent only to find out in August that was not true. It bothers me that the current argument for the AG 160 is that our properties are contracted for 160 ac. in the Williamson Act and that is the reason our zoning must be

AG 160. In my opinion, this zoning revision is excessive and without merit. These properties were placed into the Williamson Act in 1976 before our current zoning was established, yet, the County found fit to zone them A 20 when our current zoning was put in place. The argument that zoning them less than the Williamson Act contract would be misleading is, in my opinion, unjustified. It provides minimal benefits to County personnel by possibly reducing their administrative workload at some time in the distant future, at considerable economic cost to county residents and taxpayers. Furthermore, individuals interested in buying property use due diligence in making their decisions. I do not believe that it is County's duty to say that because someone might think a property is zoned AG 40 there is no reason to check on other issues that might affect development, such as slope, roads, soils, circulation, etc.

It has been suggested by County staff that once any of these Big Chico Creek properties are removed from the Williamson Act, an application could be made for a general plan amendment reflecting new zoning. Why create a future problem for residents and taxpayers when that can easily be avoided now? I have observed in the local news over the years other individuals pursuing such changes, and gleaned that such undertakings are cost prohibitive and extremely drawn out.

In summary, I once again request that the 2030 General Plan maintain existing zoning and development patterns in the Forest Ranch area, to the greatest extent possible, as was communicated to our community. In areas where zone changes are deemed necessary, I implore the Planning Department and Board of Supervisors to ensure that those changes are not excessive, and instead be founded in fact and thoughtful direction. I appreciate your time and attention to these issues.

Sincerely,


Jim Crane