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Butte County Planning Commission AGENDA REPORT

Butte County General Plan 2030 Second Draft Zoning Ordinance – Zoning Map Meeting Series #8

August 18, 2011

Butte County Planning Commission
7 County Center Drive
Oroville, CA

**Subject: Second Draft Zoning Ordinance Map
(Butte County General Plan 2030 Meeting Series #8)**

I. BACKGROUND

The Butte County General Plan 2030 process involves three main components: 1) the Updated General Plan 2030 and Land Use Map; 2) the General Plan 2030 Environmental Impact Report (EIR); and 3) the Updated Zoning Ordinance. On October 26, 2010, the Board of Supervisors adopted the updated General Plan, Land Use Map and certified the associated Final EIR. The Draft Zoning Ordinance and Map implements the General Plan's land use designations and incorporates policy directions provided by the new General Plan. A variety of benefits stem from updating the Zoning Ordinance and Map including the following:

- ◆ Brings the Zoning Ordinance into consistency with General Plan 2030;
- ◆ Implements several new zones as created by General Plan 2030;

- ◆ Streamlines permit processes and procedures;
- ◆ Makes the Zoning Ordinance easier to use and more effective;
- ◆ Improves language, procedures, definitions, tables, graphics and illustrations over the existing ordinance;
- ◆ Updates all zones to address changes in land use practices, business types, local conditions and issues, new industries and technology, and evolving trends;
- ◆ Ensures that the permitting process fits the proposed use (e.g. uses appropriate for over-the-counter permit do not require a Minor use Permit; uses that are appropriate for a Minor Use Permit do not require a Major Use Permit);
- ◆ Ensures that County staff has clear guidance in serving the public;
- ◆ Provides landowners with additional certainty about uses and development potential;
- ◆ Provides businesses and landowners with clear direction on required permits and project processes, applicable uses, development standards, and appeal processes; and
- ◆ Provides clear standards for parking, signs, landscaping, renewable energy (solar and wind), non-conforming uses, clustered development projects, wineries and olive oil production facilities, accessory uses, outdoor lighting, setbacks and height, lot-line adjustments, and others land uses.

Meeting Series #8: Draft Zoning Ordinance

Meeting Series #8 is devoted to the Zoning Ordinance Update. The meeting series began with a Citizens Advisory Committee meeting held on March 11, 2010. The Citizens Advisory Committee provided direction on a variety of issues considered under the new Zoning Ordinance. Over 1-year ago, on July 2, 2010, a first draft of the new Zoning Ordinance and Map became available for public review. The Planning Commission was tasked with performing a comprehensive, page-by-page technical review of the first Draft Zoning Ordinance and Map. This review took place over eight all-day workshops held between August 5, 2010 and November 2, 2010.

The Planning Commission edited many sections of the Draft Zoning Ordinance at each of these meetings. Additionally, many members of the public provided oral and written input concerning the Draft Zoning Ordinance text and map. Staff reviewed all of the public requests and followed-up on the Planning Commission's recommendations. Additionally the Board of Supervisors held a Special Meeting on April 28, 2011 and provided staff with direction concerning: the use of a Zoning Administrator to facilitate permit streamlining; the permitting of accessory uses; and the policy issue of permitting solar energy projects in agricultural zones. The Planning Commission's work and additional direction

from the Board provided the basis to complete a Second Draft Zoning Ordinance and Map, which incorporates their edits and address public comments.

The Planning Commission will review the Second Draft Zoning Ordinance and Map over several meetings as shown under the following table:

| Meeting Series #8 – Draft Zoning Ordinance | | |
|---|--|---|
| DRAFT ZONING ORD. TASK | | Timing |
| 1. | Publish 2 nd Draft Zoning Ordinance and Map | 7/8/11 |
| 2. | Planning Commission Meetings -focused on 2 nd Draft Zoning Ordinance Map | 8/18/11, 9:00 am – 4:00 pm 8/25/11, 11:00 am – 4:00 pm |
| 3. | Planning Commission Meetings -focused on 2 nd Draft Zoning Ordinance Text | 9/15/11, 9:00 am – 4:00 pm 9/22/11, 11:00 am – 4:00 pm |
| 4. | Review of 2 nd Draft by Board of Supervisors | October/November 2011 |

The Second Draft Zoning Ordinance and Map was published on July 8, 2011, made available online at www.buttegeneralplan.net, and distributed to all Butte County Branch Libraries. A 30-day review period was provided prior to the Planning Commission meetings to allow for public review.

The first set of Planning Commission meetings to be held on August 18 and August 25, 2011, will be focused exclusively on the Draft Zoning Map. The second set of Planning Commission meetings to be held on September 15 and September 22, 2011 will be focused exclusively on the Draft Zoning Ordinance text. This staff report focuses on the Second Draft Zoning Ordinance Map. A separate staff report will be completed for the September meetings focusing on the Second Draft Zoning Ordinance Text.

The Planning Commission comprehensively reviewed the Draft Zoning Ordinance and Map during the eight meetings held in August through November of 2010 as shown under the following table:

| Previous PC Meetings Held on Draft Zoning Ordinance | | |
|--|---|--|
| Planning Commission Meeting | Zoning Map Review - Locations | Zoning Ordinance Review - Sections |
| August 5, 2010 | Durham, Dayton, Nelson, Richvale | Part 1 –Enactment and Applicability Part 2 –Zoning Districts, Land Uses and Development Standards (Articles 4 – 8) |
| August 19, 2010 | Chico, Nord, Cohasset | Part 2 –Zoning Districts, Land Uses and Development Standards (Articles 9 – 10) |
| September 2, 2010 | Forest Ranch, Butte Meadows, Jonesville | Part 3 –General Regulations (Articles 11 – 17) |
| September 16, 2010 | Paradise, Concow, Yankee Hill, Stirling City | Part 3 –General Regulations (Articles 18 – 24) |
| September 30, 2010 | Cherokee, Butte Valley | Part 4 –Supplemental Use Regulations (Articles 25, 26) Part 5 –Land Use and Development Approval Procedures (Articles 27– 29) |
| October 7, 2010 | Oroville, Palermo, Bangor, Honcut | Part 5 –Land Use and Development Approval Procedures (Articles 30 – 35) |
| October 21, 2010 | Berry Creek, Feather Falls, Clipper Mills, Forbestown | Part 6 –Zoning Ordinance Administration |
| November 2, 2010 | Biggs, Gridley | Part 7 -Definitions Parts 1 – 7 Adjustments |

During each of these meetings, the Planning Commission received public input and provided direction to staff concerning the Draft Zoning Map. Summary notes for these meetings are provided under **ATTACHMENT D**.

II. ANALYSIS

The focus of these two (August 18 and 25, 2011) Planning Commission meetings will be the review of the Draft Zoning Map.

General Plan 2030 staff has received public input and direction from the Planning Commission on the Draft Zoning Map during the previous eight Planning Commission meetings and has received additional public comment since that time. The Planning Commission's directions were incorporated into the Second Draft Zoning Map. Staff has also conducted further review of the Draft Zoning Map and is recommending additional clean-ups, now reflected in the Second Draft Zoning Map.

In the case of individual requests to change the Draft Zoning Map, each of these were reviewed for consistency with General Plan 2030, to determine whether it was appropriate to change a zone or General Plan designation. Corrections to the Draft Zoning Map may be considered during the review process, since the Draft Zoning Map has not yet been adopted. In addition to requests concerning the Draft Zoning Map, staff has received requests to change the General Plan 2030 Land Use Map, which also affects the Draft Zoning Map. The Planning Commission will review all proposed corrections and make final recommendation to the Board of Supervisors.

Staff relies on a set of criteria to determine whether a correction to the General Plan Land Use Map and/or Draft Zoning Map is warranted. These criteria are outlined below, including the criteria used to establish the Agriculture subzones (AG-20 through AG-320):

1. The correction must be consistent with General Plan 2030.
2. The correction must be consistent with the Preferred Land Use Alternative selected by the Board of Supervisors and included in General Plan 2030. (Please Note: Disagreements by property owners over the Board's previous decisions made during the General Plan adoption process are not considered errors or mistakes needing correction.)
3. The correction must be consistent with the Final Environmental Impact Report (FEIR) for the General Plan.
4. The purpose and need for the correction must be supported by verifiable information.

Individual requests that are not considered an error in need of correcting may be separately considered pursuant to Section 65358 of the Government Code (Amendments to the General Plan). Such requests must comply with all rules contained within the Zoning Ordinance, the making of all applications necessary under County rules to consider a General Plan Amendment and/or Rezone, payment of all associated fees and compliance with the California Environmental Quality Act (CEQA).

Criteria and Factors Used for Developing Agricultural Sub-Zones

Several significant individual public requests discussed in the following section concern changes to the Agricultural subzones implemented under the Draft Zoning Map. Staff does not support these requests and provides the following information as a supplement to staff's recommendations to the Planning Commission.

The Agriculture General Plan designation provides for minimum parcel sizes between 20 and 320-acres. The Draft Zoning Ordinance and Map implement various subzones (AG-20, AG-40, AG-80, AG-160 and AG-320) for the Agriculture designation. The locations of the various subzones are based upon a variety of factors. The most critical factor to consider when implementing the Agricultural subzones is the General Plan itself.

The General Plan states that the intent of the Agriculture designation is to protect, conserve, and enhance Butte County's agricultural resources. In addition, the General Plan includes as a Guiding Principle that "The General Plan addresses agriculture as an important aspect of Butte County's economy that will be protected, maintained, promoted, and enhanced". Additional General Plan polices that support these directives include:

Land Use Element Policy LU-P13.7

Conserve and protect for agricultural use the lands in the Chico area that are situated on the Agricultural Side of the Chico Area Greenline.

Land Use Element Policy LU-P13.4

Allow Rural Residential land uses on the Agricultural Side of the Chico Area Greenline only within those areas designated for Rural Residential use on the Official Chico Area Greenline Map shown in Figure LU-6.

Land Use Element Policy LU-P1.1

The County shall protect and conserve land that is used for agricultural purposes, including cropland and grazing land.

Agriculture Element Policy AG-P2.4

As set forth in the Zoning Ordinance, rezoning agricultural land to agricultural zones with lower parcels size restrictions shall be minimized and allowed only if specific criteria are met.

The General Plan's Vision Statement, states: "Agriculture and open space will continue to dominate Butte County's landscape and be an important part of the County's culture and economy. Existing Agricultural areas will be maintained and an array of agricultural services will support agriculture while providing new jobs to Butte County residents."

Towards this end, the various agricultural subzones were implemented to limit further land divisions in agricultural areas, and to maintain larger parcels where possible. The implementation of the Agricultural subzones recognizes the variety of existing land use patterns near Butte County's unincorporated communities and strives to provide transitional parcel sizes as much as possible (e.g., AG-20 transitioning into AG-40).

An equally important factor concerns consistency with all Williamson Act Contracts, supported by General Plan Policy AG-A1.1, which requires the maintenance of County policies to address consistency with the Williamson Act. All lands under a Williamson Act contract were reviewed for a corresponding minimum parcel size under a sub-zone. For example, a Williamson Act Contract, which imposes an 80-acre minimum parcel size, received a corresponding AG-80 subzone.

Other important factors used to determine appropriate sub-zones included the State of California Farmland Mapping Program, mapping from the Draft Butte Regional Habitat Conservation Plan (HCP), existing agricultural land uses and practices, existing parcel sizes, and community input received throughout the General Plan 2030 update process. The State of California Farmland Mapping Program in particular helps to identify prime agricultural soils and grazing lands, which are an important part of the Butte County economy.

The smallest Agricultural Subzone, AG-20 (Agriculture, 20-acre minimum parcel size), is limited to being implemented on the Second Draft Zoning Map primarily in areas near Durham, Palermo, Honcut, Bangor, Gridley, and Biggs, where previous zoning (A-5, A-15 and A-20) allowed smaller parcel sizes. While other areas of the county near Chico as well as extensive areas south and east of Palermo also have previous zoning (A-5, A-15, and A-20) allowing smaller parcel sizes, limiting factors as previously discussed warranted the implementation of larger minimum parcel sizes (AG-40, AG-80, AG-160 and AG-320) in these areas.

By providing a variation in minimum parcel sizes in agricultural areas through the Agricultural Sub-Zones, the General Plan, and the Draft Zoning Map work to recognize the varying existing conditions present within Butte County and promote the sustainability of all types of agriculture into the future.

The Butte County Farm Bureau provided specific comment (provided under Attachment C) relating to agricultural sub-zones and the appropriate implementation of minimum parcel sizes in agricultural areas with the goal of making properties less desirable for conversion to non-agricultural uses. The Butte County Farm Bureau “encourages the application of larger minimum zoning in more rural areas to discourage further fragmentation of agricultural lands and subsequent drains on county services.”

III. RECOMMENDATIONS TO PLANNING COMMISSION:

The following section discusses staff’s recommendations to the Planning Commission for each applicable geographic area of the County as follows:

1. Staff Recommended Corrections
2. Individual Requests Supported by Staff
3. Individual Requests Not Supported by Staff

This information is itemized under **ATTACHMENT A** (“Second Draft Zoning Ordinance Table of Requests and Corrections”). This table is organized alphabetically by each community and lists each applicable Assessor Parcel Number, Name, Current Designation/Zone, and Proposed Designation/Zone. Each item is mapped for reference under **ATTACHMENT B** (refer to the first Column of Attachment A for the corresponding Area Number located on the map). Comments and letters from members of the public making individual requests and general comments are provided under **ATTACHMENT C**.

Bangor

Staff Recommended Corrections (Area 1)

Various parcels were erroneously designated as right-of-way near the County’s boundary. These are recommended to be Agriculture under the General Plan with an AG-40 (Agriculture, 40-acre minimum parcel size) zone.

Individual Requests Supported

Daley (Area 2)

David Daley requested that an AG-20 zone be replaced with an AG-80 zone to match surrounding zoning. Staff supports this request.

Berry Creek

Staff Recommended Corrections (Areas 3 and 4)

Two parcels are proposed for a Public designation and zone to support public uses, including a fire station and community hall.

Individual Requests Supported

Keiser (Area 5)

Mary Keiser requests that one parcel be zoned Community Commercial instead of General Commercial. The Community Commercial zone is appropriate for mountain communities where a residence may be coupled with a commercial use. Staff supports this request.

Individual Requests Not Supported

Clay (Area 6)

Katherine Clay requests a change in General Plan designation and Draft Zoning from Timber Mountain (160-acre minimum parcel size) to FR-40 (40-acre minimum parcel size) on a 134 (+/-) acre parcel. This property is located in the 40-acre Migratory Deer Range. This property's existing zoning is Unclassified. In determining the appropriate new zoning for Unclassified areas of the County, staff used the existing General Plan designation as the main criteria. In this case, the applicable General Plan designation is Timber Mountain. Other criteria used to determine applicable new zoning in this area included existing land uses and development patterns. This parcel is surrounded by other parcels designated Timber Mountain with the exception of the rural subdivision that borders the north boundary. This parcel is largely forested, and a Timber Mountain designation would be appropriate based upon use. Staff therefore does not support this request.

Butte Creek Canyon

Staff Recommended Corrections (Area 23)

On September 30, 2010, the Planning Commission recommended that the eighteen parcels collectively known as the "Centerville Road Parcels" be changed from an AG-20 (Agriculture, 20-acre minimum parcel size) to an AG-40 (Agriculture, 40-acre minimum parcel size) zone.

Individual Requests Supported

McGie (Area 7)

Nancy McGie requests a change to the General Plan designation and Draft Zoning from AG-20 to FR-20 on a 4.2-acre portion of a 7.6 (+/-) acre parcel located on Centerville Road. The subject 4.2-acre portion of this parcel is split from the balance of the property by Centerville Road. All of the area adjacent to

this portion is currently zoned FR-20 under the Draft Zoning Map. Staff supports this request as a more logical location (i.e. along Centerville Road) for the zoning district boundary.

Butte Valley

Staff Recommended Corrections (Areas 10, 11, 14, 16, 17 18, 19, and 21)

The Planning Commission discussed and provided direction concerning the Butte Valley area on September 30, 2010. On November 3, 2010, Development Services staff held a special meeting to discuss Butte County General Plan 2030 and the Draft Zoning Ordinance with the Butte Valley community. The Butte Valley Coalition, a local community group organized this meeting and approximately 90 members of the public attended (see comment provided at this meeting under Attachment C). The Butte Valley Coalition and local residents were interested in land use and zoning designations, and water resources specific to the Butte Valley area.

Requests were made that the currently proposed 20-acre minimum parcel size (proposed under the first Draft of the Zoning Ordinance map), prevalent in many parts of Butte Valley, be increased to reduce development potential, and influences to groundwater. Many of the comments presented requested the continuation of the existing zoning under the new draft Zoning Ordinance and specifically indicated that the larger Agricultural sub-zones such as AG-160 be maintained, and that another area along Clark Road, currently zoned Very Low Density Residential be lowered in overall density.

At the September 30, 2010, Planning Commission meeting, the Commission recommended that all proposed AG-20 (Agriculture, 20-acre minimum parcel size) zones located in a block east of Clark Road, including the Gunn property, be changed to AG-40 (Agriculture, 40-acre minimum parcel size), and that lands owned by Habib currently zoned AG-160 (Agriculture, 160-acre minimum parcel size) and Resource Conservation (40-acre minimum parcel size) be changed to AG-40.

Staff additionally reviewed the Clark Road area currently designated Very Low Density Residential, in light of the input received during the November 3, 2010, Community Meeting at Butte Valley. Because most of this area is zoned under the existing ordinance for 2.5-acre parcels, staff is recommending that the proposed zoning be changed from VLDR-1 to VLDR-2.5 (Very Low Density Residential, 2.5-acre minimum parcel size). This provides for a significant density reduction from the previously recommended draft zoning.

In reviewing other parcels located near the Habib landholdings, it became evident to staff that additional corrections were needed, especially in light of the Planning Commission's direction to change this area from AG-160 to AG-40. These corrections are provided to more closely match existing parcel sizes,

adjacent zoning districts, and do not allow further land divisions.

Staff additionally reviewed areas along Jackson Ranch Road, Villa Vista Drive/Circle 4 Court. These areas have been previously divided into parcel sizes ranging from 2 to 9 acres in size, and are more appropriately designated, and zoned Rural Residential, instead of Agriculture.

Individual Requests Supported

Dunlap (Area 8)

Tania Dunlap requests a correction from a Rural Residential designation and zone to an Agriculture designation and zone at a 40-acre minimum parcel size. This is consistent with the area and staff supports this request.

Retzer (Area 9)

Bill Retzer requests a correction from an Agriculture designation and zone to a Foothill Residential designation and zone at a 20-acre minimum parcel size on a 50 (+/-) acre parcel south of Cory Canyon Road. This is consistent with the area and a continuation of zoning applied to this subdivision area. Staff supports this request and supports this designation and zone for two other adjacent parcels.

Individual Requests Not Supported

Hight (Area20)

Hillery Hight requests a correction from an AG-160 zone to an AG-20 zone on Williams Road. Staff does not support an AG-20 zone at this location, but does support a change to an AG-40 zone, which would remain consistent with the Planning Commission's direction concerning the Habib parcels to the north. This area is also located outside of the previous Agriculture Residential General Plan designation, which was used to delineate the boundary between Agriculture and Foothill residential zoning, located to the south.

Clayton Gunn (Area 22)

Clayton Gunn requests a correction from the Planning Commission's September 30, 2010 recommendation to zone this parcel AG-40 (located on the northeast corner of Durham-Pentz Road and SR-191). Mr. Gunn requests A-20 zoning. This request would be contrary to the Planning Commission's direction, and is therefore not supported by staff.

Lana Gunn (Area 22)

Lana Gunn requests a correction to seven parcels totaling approximately 1,377-acres located near SR-191 and Durham Pentz Road zoned variously from AG-40, AG-160, and AG-320. Ms. Gunn requests A-20 zoning. Most of these parcels are subject to a 160-acre minimum parcel size under the Williamson Act, with one parcel subject to an 80-acre minimum parcel size. Additionally, the zoning is intended to preserve grazing lands in larger parcels to prevent further

subdivision. Due the Williamson Act Contracts, the size of the existing parcels, which are conducive to grazing, and the Planning Commission's earlier recommendations, staff does not support this request. The Planning Commission provided direction on September 30, 2010, regarding two of the parcels, recommending a change from AG-20 to AG-40.

Chico

Staff Recommended Corrections (Area 24)

A correction is proposed for three parcels at Entler Avenue/SR-99 that were erroneously designated Heavy Industrial. The new zone would be Light Industrial, to match the existing uses and existing zoning.

Individual Requests Not Supported

McClintock (Area 25)

Bruce McClintock provides a request involving 91 parcels totaling approximately 1,068 acres in size located northwest of and adjacent to Mud Creek, and southwest of the Esplanade. Mr. McClintock comments that most of these parcels are already subdivided into smaller parcels and therefore it would be appropriate to zone this area as AG-20 instead of AG-80.

This request is inconsistent with the preferred land use alternative chosen by the Board of Supervisors under the General Plan. The Board of Supervisors removed a nearby area during the General Plan 2030 process from consideration for future growth ("Chico Growth Area #1" – an area southeast of Mud Creek and adjacent to the Bell Muir area) during a meeting on the development of General Plan Alternatives held on November 27, 2007. The Board's decision was recently supported under the approved City of Chico General Plan. This area is also adjacent to the Chico Area Greenline, which factored strongly in these decisions.

Several General Plan policies support the protection of agricultural land specific to this area, and in the County as a whole:

Land Use Element Policy LU-P13.7

Conserve and protect for agricultural use the lands in the Chico area that are situated on the Agricultural Side of the Chico Area Greenline.

Land Use Element Policy LU-P1.1

The County shall protect and conserve land that is used for agricultural purposes, including cropland and grazing land.

Agriculture Element Policy AG-P2.4

As set forth in the Zoning Ordinance, rezoning agricultural land to

agricultural zones with lower parcels size restrictions shall be minimized and allowed only if specific criteria are met.

While this request does not change this area's Agriculture designation, a 20-acre minimum parcel size would result in the further subdivision of productive agricultural land. Staff agrees that there is a mixture of smaller and larger parcels in this area. From a zoning standpoint, a balance must be achieved that ensures that all of these properties are appropriately zoned, while still upholding General Plan policy that is protective of agriculture. Staff finds that in this area, singling out smaller parcels for the implementation of 20-acre zoning would be a detriment to the protection of the larger agricultural areas that the General Plan and Greenline Policy is intended to protect. The soils present in this area are classified as prime agricultural soils when irrigated by the Butte County Soil Survey.

Two of the area's larger parcels are subject to Williamson Act Contracts, and much more land is under Williamson Act Contracts in the vicinity. Further subdivision activity in this area at a 20-acre minimum parcel size would serve to exacerbate the agricultural and residential conflicts as discussed in Mr. McClintock's letter, and increases the likelihood of converting productive agricultural land to non-agricultural uses.

Brown (Area 26)

Don Brown requests a change in zoning from AG-160 to AG-40 on a 100-acre parcel located on the end of Thorntree Road, east of Cohasset Road in the north Chico area. Two General Plan policies support the protection of agricultural land in the county as a whole:

Land Use Element Policy LU-P1.1

The County shall protect and conserve land that is used for agricultural purposes, including cropland and grazing land.

Agriculture Element Policy AG-P2.4

As set forth in the Zoning Ordinance, rezoning agricultural land to agricultural zones with lower parcels size restrictions shall be minimized and allowed only if specific criteria are met.

This parcel is also adjacent to lands under a Williamson Act contract to the east. A portion of this property southeast of Sycamore Creek is located in the 100-year flood zone. The majority of the property is located in "Grassland with Vernal Pool Swale Complex" according to the Draft Butte Regional Habitat Conservation Plan. The General Plan policies and the limitations imposed by the flood zone, biological constraints, and adjacent agricultural land are all factors that support the AG-160 zone for this parcel and area.

NorthStar Engineering (Area 26)

NorthStar Engineering, on behalf landowner Bruce Roe, requests a change in zoning from AG-160 to AG-20 on a 70 (+/-) acre parcel, located in the same general vicinity as the Don Brown request (above), about 200 feet east of Cohasset Road. This property is subject to similar constraints as the Brown property. The General Plan policies and the limitations imposed by the flood zone, biological constraints, and adjacent agricultural land are all factors that support the AG-160 zone for this parcel and area.

Note: A two-lot Tentative Subdivision Map application for this property, TSM 11-0002, is currently under review by the Planning Commission. This application is legally subject to the existing AG-20, and AG-40 zoning. A survey related to this application completed by Gallaway Consulting, Inc. dated May 24, 2010 identified the presence of Butte County Meadowfoam, a plant listed by both the State and Federal Endangered Species Act.

Brouhard (Area 27)

Bill Brouhard requests AG-20 (Agriculture, 20-acre minimum parcel size) on a 1,448 (+/-) acre area located east of Chico, east of Potter Road. The proposed draft zoning is AG-160 and AG-320. This area is also designated by the General Plan for a future specific plan with up to 1,500 homes and several acres of parks/open space/commercial, identified as the Doe Mill/Honey Run Specific Plan. While the General Plan designates this area for a future development, the General Plan also provides that in the interim period between General Plan adoption and the future development of this area, an agriculture designation shall remain in place. This strategy provides an interim use, and prevents additional subdivision of the property, prior to plan development.

Development Services staff finds that the recommended AG-160 and AG-320 zoning for this area provides for on-going agricultural uses, and discourages further land divisions that would be detrimental to future development under a specific plan. The Preferred Land Use Alternative supports both a viable future Specific Plan, as well as sustaining agriculture until such a plan comes to fruition. Staff therefore does not support a change to A-20 zoning for this area. Other factors supporting this determination include the presence of "Grassland with Vernal Pool Swale Complex" under the Draft Habitat Conservation Plan on the western portion of the area, the direction to conserve agricultural areas pursuant to General Plan policy, and the adjacency of the area to other large holdings of agricultural lands under Williamson Act contracts to the east.

Swartz (Area 28)

Don Swartz requests AG-20 zoning on approximately 6,000 acres of property located northeast of and adjacent to SR-99, northwest of and adjacent to Neal Road, and southeast of and adjacent to the Skyway. The proposed draft zoning for this area is AG-160 and AG-320. During the review of the Preferred Land Use Alternative, the Board of Supervisors chose to designate this area for

Agricultural land uses over other more intensive development alternatives.

Development Services staff finds that the recommended AG-160 and AG-320 zoning for this area provides for on-going agricultural uses as supported by General Plan policy, and discourages further land divisions that would be detrimental to agriculture. Staff therefore does not support a change to A-20 zoning for this area. Other factors supporting this determination include the presence of “Grassland with Vernal Pool Swale Complex” under the Draft Habitat Conservation Plan, the direction to conserve agricultural areas pursuant to General Plan policy, and the adjacency of the area to other large holdings of agricultural lands under Williamson Act contracts to the southeast. (See also the discussion concerning the McClintock request concerning applicable General Plan policies and appropriate minimum parcel sizes in Agricultural designations; and Criteria for Developing Agricultural Subzones Section above.)

Mr. Swartz also makes a request to remove the Scenic Highway Zone, along the Skyway below the 350-foot elevation contour because it would be below the height of the Neal Road landfill (Mr. Swartz’s original letter stated “below the 500-foot elevation contour”, but the 500 foot figure was later corrected to 350-feet). This would eliminate approximately 2,000 linear feet of this zone along the Skyway. The General Plan (Figure COS-9) supports the Scenic Highway Zone at this location. The General Plan indicates that the scenic highway zone supports expansive views of the Northern Sacramento Valley and Coast Range from the Skyway. Staff therefore does not support this request.

Lambert (Area 29)

Nina Lambert requests a change in General Plan designation and Draft Zoning from AG-40 to a 2.5 or 5-acre minimum parcels size providing “Agricultural Transitional Zoning” (5-acre minimum parcel size) on two, 20-acre (+/-) parcels, located in the south Chico area. “Agricultural Transitional Zoning” as requested by Ms. Lambert does not currently exist under the General Plan or Draft Zoning Ordinance.

Staff agrees that there is a mixture of smaller and larger parcels in this area. From a zoning standpoint, a balance must be achieved that ensures that all of these properties are appropriately zoned, while still upholding General Plan policy that is protective of agriculture. Staff finds that in this area, singling out smaller parcels for the implementation of a transitional zoning allowing 2.5 and 5-acre zoning would be a detriment to the protection of the larger productive agricultural areas that the General Plan, and Chico Area Greenline policy, is intended to protect. Staff therefore does not support this request.

Lando (Area 30)

Tom Lando requests a reconsideration of the General Plan designation and Draft Zoning from Agriculture to an alternative designation, possibly as an Urban Reserve, on 15 parcels of approximately 185 acres in total size, located

southeast of Mud Creek in the northwest Chico area.

The Board of Supervisors removed this area during the General Plan 2030 process from consideration for future growth (“Chico Growth Area #1” – an area southeast of Mud Creek, adjacent to the Bell Muir area) during a meeting on the development of General Plan Alternatives held on November 27, 2007. The Board’s decision was recently supported under the approved City of Chico General Plan. This area is also adjacent to the Chico Area Greenline, which factored strongly in these decisions. The soils present in this area are classified as prime agricultural soils when irrigated by the Butte County Soil Survey (NRCS).

Staff does not support this proposal. It is contrary to the Preferred Land Use Alternative developed under the General Plan 2030 process. (See also the discussion concerning the McClintock request concerning applicable General Plan policies and appropriate minimum parcel sizes in Agricultural designations; and, Criteria for Developing Agricultural Subzones Section above.)

Forman & Kromer (Areas 31 and 32)

Bob Forman requests a change in General Plan designation and Draft Zoning from Rural Residential (5-acre minimum parcel size) to Very Low Density Residential (1-acre minimum parcel size) on a 5.87 (+/-) acre parcel. Bob Kromer requests a change in General Plan designation and Draft Zoning from Agriculture to a designation that would allow the creation of four parcels on the 12.69 (+/-) acre parcel. Kelly Brown also submitted a comment to county staff disagreeing with the Rural Residential designation and zone for this area and alternatively proposing a 1-acre minimum parcel size.

These requests pertain to the Bell Muir area located in northwest Chico. The Bell Muir area was discussed extensively during the Alternatives Development phase of General Plan 2030. On July 30, 2008, the Board unanimously supported a change in the Greenline for the Bell Muir area, placing the Greenline along Bell and Muir Roads. The Board further instructed that the area south and east of Bell and Muir Roads be designated for 1-acre parcels. The Board instructed that the area to the north and west of Bell and Muir Roads, that is the subject of the Forman and Kromer requests, be designated Rural Residential (5-acre parcels), due to its adjacency to commercial agricultural lands to the north and west. For these reasons, staff does not support either of these requests.

Cana Partners –APN: 047-100-197

George Nicolaus of Cana Partners opposes any increase to the minimum parcel size concerning a 120 (+/-) acre parcel located on Hamilton Nord Cana Highway north of Chico, currently zoned A-40 (Agriculture, 40-acre minimum parcel size). The Second Draft Zoning Map implements AG-80 (Agriculture, 80-acre minimum parcel size) zoning for this parcel and the surrounding larger area.

Several General Plan policies support the protection of agricultural in the County as a whole:

Land Use Element Policy LU-P1.1

The County shall protect and conserve land that is used for agricultural purposes, including cropland and grazing land.

Agriculture Element Policy AG-P2.4

As set forth in the Zoning Ordinance, rezoning agricultural land to agricultural zones with lower parcels size restrictions shall be minimized and allowed only if specific criteria are met.

While this request does not change this area's Agriculture designation, a 40-acre minimum parcel size would result in the further subdivision of grazing land. Staff finds that in this area, singling out parcels for the implementation of 40-acre zoning would be a detriment to the protection of the larger agricultural areas that the General Plan is intended to protect (See also the discussion concerning the Criteria for Developing Agricultural Subzones Section above).

Cohasset

Staff Recommended Corrections (Area 33)

Staff requests a correction to the Timber Mountain General Plan Land Use designation and zoning on 21 parcels located east of Cohasset. The proposed new designation and zoning would be Foothill Residential, at a 20 or 40-acre minimum parcel size, depending upon the Migratory Deer Herd Overlay Zone. This was brought to staff's attention by several property owners, who pointed out that the previous Timber Mountain zone allowed parcels at a 20-acre minimum parcel size and the new designation would require a 160-acre minimum parcel size. Staff finds that this correction is warranted based upon the predominant size of these parcels (20 – 40 acres), the proximity of this area to the community of Cohasset and other residential parcels, and the need to remain consistent with land uses present in the Cohasset community. Individual requests were made regarding four parcels in this group, to receive 20-acre zoning (two by James Kutz, and two by Max Streeter). These are not recommended for 20-acre zoning due to the presence of the 40-acre Migratory Deer Herd Overlay.

Concow/Yankee Hill

Individual Requests Supported

Pyles (Area 34)

Amanda Pyles requests a change from AG-160 to FR-40 (Foothill Residential, 40-acre minimum parcel sizes) for five parcels totaling 346 (+/-) acres in the Concow area. This area is zoned Foothill Residential at a 20 and 40-acre minimum parcel size under the existing zoning map. Foothill Residential

development is prevalent in the area along Granite Ridge Road. The property is located within the 40-acre Migratory Deer Herd Overlay. At a December 8, 2008 Special Meeting held on the Preferred Land Use Alternative for the Concow area the Board of Supervisors provided direction that existing zoning will guide future zoning in Concow. Changing this area's zoning from AG-160 to FR-40 is consistent with the Board's stated direction under the Preferred Land Use Alternative.

Individual Requests Not Supported

Pitt (Area 35)

Dave and Betty Pitt request a change in draft zoning from FR-40 to FR-20. This property is located in the 40-acre Migratory Deer Herd Range. While this parcel's existing zoning is FR-5 and FR-2, the 40-acre Migratory Deer Herd Range requires a 40-acre minimum parcel size. A change to a lower 20-acre minimum parcel size as requested could only be accomplished with the removal of the Migratory Deer Herd Overlay at this location. Staff does not recommend the removal of the Migratory Deer Herd Overlay at this location, and therefore does not support this request.

Dayton

Staff Recommended Corrections (Area 36)

Staff recommends a correction to two parcels of 2.9 and 2 acres in the Dayton area. These corrections support a previously General Plan Amendment and Rezone. The first parcel will be corrected from a Very Low Density Residential designation and zone to a Public designation and zone. The Dayton Cemetery occupies this parcel. The second parcel will be corrected from an Agriculture designation and zone to a Very Low Density Residential designation and zone.

Forest Ranch

Staff Corrections (Areas 38, 39, 42)

Several minor corrections were identified by community members concerning public uses such as the Forest Ranch Elementary School and Forest Ranch Volunteer Fire Station. Staff also supports changes for several parcels from Timber Mountain to FR-40 to reflect land use patterns and previous zoning, and Agriculture to PUD (Planned Unit Development) to reflect existing zoning.

Individual Requests Supported

Crane (Area 37)

Jim Crane requests a change in General Plan designation and zoning from Timber Mountain to Foothill Residential (20-acre minimum parcel size) on five parcels totaling approximately 134 acres in size located in the west Platt Mountain Road area. This would be consistent with the draft zoning placed on

the east Platt Mountain Road area and the 20-acre Migratory Deer Herd Overlay. This would be in conformance with the Board's direction provided at the January 19 and 21, 2010, meeting on General Plan 2030 for the east Platt Mountain Road area.

Forner (Area 40)

Stephen and Linda Leeson Forner request a change in General Plan designation and draft zoning from Timber Mountain (160-acre minimum parcel size) to FR-40 (Foothill Residential, 40-acre minimum parcel size).

The majority of this property is currently zoned Timber Mountain (20-acre minimum parcel size) with approximately 75 acres currently zoned AR-5 (Agriculture Residential, 5-acre minimum parcel size). While the majority of this site is steep encompassing slopes of 30 percent or more, moderate slopes (10-15 percent) occupy the AR-5 zone. A 20 and 40-acre Migratory Deer Herd Overlay designation equally divides the property.

This parcel is surrounded by smaller residential parcels to the north, east, and west, and is only $\frac{3}{4}$ a mile from the center commercial area of Forest Ranch. While most of the parcel would be inappropriate for residential development, the 75-acre area currently occupied by the AR-5 zone provides opportunities for residential development close to this parcel's access along Scotty Lane. Staff therefore supports the requested change from TM to FR-40 for this parcel. Staff also supports this change for several other parcels adjacent to this area. These changes would be consistent with Board direction to reflect existing zoning in the Forest Ranch area as much as possible.

Rath (Area 41)

Gerald Rath requests a change from Timber Mountain (160-acre minimum parcel size) to AG-20 on a 122 (+/-) acre parcel accessed by Royal Drift Way. Mr. Rath requests an Agriculture designation and a 20-acre minimum parcel size. However, due to the proximity of this property to smaller 5-acre parcels (Royal Drift Estates Subdivision, of which this parcel is a part) to the west that are designated Foothill Residential, staff recommends a Foothill Residential designation. While this property is not located within the Migratory Deer Herd Overlay, the currently applicable zoning requires a 40-acre minimum parcel size (TM-40). Staff therefore supports an FR-40 designation and zone for this parcel and not the requested AG-20 designation and zone. This would be consistent with Board direction to reflect existing zoning in the Forest Ranch area as much as possible.

Individual Requests Not Supported

Crane (Area 43)

Jim Crane and others request to change draft zoning from AG-160 to AG-40 on 15 individual parcels totaling over 2,400 acres in the Big Chico Creek Canyon

area of Forest Ranch with a current zoning classification of U (Unclassified). The proposed change from AG-160 to AG-40 would pertain to the Draft Zoning Map. The change from Timber Mountain to Agricultural for several of these parcels would require an amendment to the General Plan Land Use Map.

Staff Note: The Board of Supervisors, at a Special Meeting to address clean-ups to the General Plan 2030 Land Use Map on August 24, 2010, previously voted unanimously to reject a similar proposal to change land use designations from Agriculture and Timber Mountain to Foothill Residential.

All of the parcels listed within the letter are under Williamson Act contracts (which impose a 160-acre minimum parcel size, for grazing uses) with the exception of three parcels (APN's: 056-130-011, 056-240-017, and 063-040-100).

Zoning consistency with Williamson Act Contracts is supported by General Plan Policy AG-A1.1, which requires the maintenance of County policies to address consistency with the Williamson Act. As indicated previously, all lands under a Williamson Act contract were reviewed for a corresponding minimum parcel size under a sub-zone. With regard to the Williamson Act parcels, staff believes it would be inconsistent with State law and General Plan 2030 to change the Agricultural designation and 160-acre minimum parcel size. The zoning matches the use stated under the Williamson Act Contract as well as the stated 160-acre minimum parcels size.

The request indicates that the agricultural nature of the area has changed in the last 50-years. However, the Williamson Act requires contracts between the landowner and Butte County to retain the property for agricultural use in exchange for a reduced property tax rate (these Contracts were first executed in the mid-1970's).

As for the three non-Williamson Act parcels, staff finds that the Agricultural General Plan designation and AG-160 zone supports the land use patterns found in the surrounding area. Allowing 40-acre minimum parcels would be contrary to the General Plan 2030 Preferred Land Use Alternative for this area, including General Plan Land Use Policy LU-P1.10, which states the following:

The County shall limit development in foothill and mountain areas that are constrained by fire hazards, water supply, migratory deer habitat, or infrastructure.

The allowance of 40-acre parcels would encourage land divisions in a remote part of the County that is difficult and expensive to service, is in a High Fire Hazard area, does not have access to water/wastewater infrastructure, and has poor circulation and access. These limitations are also present on the parcels located within the Williamson Act. Therefore, staff finds that even if an applicable

Williamson Act Contract terminated, an Agricultural designation and 160-acre minimum parcel size would still be appropriate for this area.

Gridley

Staff Recommended Correction

Representatives from the Housing Authority of the County of Butte met with Development Services staff concerning the Gridley Farm Labor Housing project, located near Gridley at 850 East Gridley Road (APN: 024-220-030). This facility has a long history within Butte County serving farmworkers and low-income families in the Biggs, Gridley and the Live Oak areas. According to the Housing Element, the facility offers 130 units of year-round housing and houses about 500 farmworkers and their families. The Housing Element also indicates that the facility is sufficient to meet the needs of farmworkers in the area.

The Housing Element contains the following applicable Goal and Action, specific to the Gridley Farm Labor Housing facility:

Goal H-4: Collaborate with existing service providers to meet the special housing needs of homeless persons, elderly, large families, disabled persons, and farmworkers.

Housing Element Action H-A4.9

H-A4.9 Rehabilitation of Existing Farmworker Housing: The County will support the efforts of the Housing Authority of Butte County to rehabilitate the existing Gridley Farm Labor Housing facility, including providing expedited permit processing, plan checking, and inspections. In addition, the County will assist the Housing Authority with support such as available data, letters of support, or similar assistance in the event that the Housing Authority requires County assistance in pursuing grant funding or other financial assistance for this project.

Housing Authority staff indicated that the current Public General Plan designation and Draft Zoning applicable to this site did not support the continued operation and rehabilitation of this facility. In order to address this situation staff has developed a Public Housing Overlay Zone (Section 24-39 of the Second Draft Zoning Ordinance) in coordination with Housing Authority representatives. The Public Housing Overlay Zone applies only to the Gridley Farm Labor property under the Second Draft Zoning Map. The new Overlay enables the facility to continue as a legal operation, complete the rehabilitation currently underway, and to pursue additional improvements in the future. The new Overlay also fulfills the County's obligations under Housing Element Action H-A4.9, and supports Housing Element Goal H-4. The Board of Commissioners of the Housing Authority of the County of Butte approved the language for the new Overlay at their regular meeting held on May 19, 2011.

Individual Requests not Supported

Madare (Area 44)

Mr. Jag Madare requests a change in General Plan designation and Draft Zoning from AG-40 to Rural Residential (5-acre minimum parcel size) on an 11.9 (+/-) acre parcel located adjacent to Larkin Road near Gridley. This parcel is located just east of the large area identified for a change in General Plan designation from Agriculture to Rural Residential (per Board of Supervisor's direction to further study a General Plan Amendment for this area provided on October 26, 2010); however, it is located outside of this area and would not be a part of that amendment. Mr. Madare requests to be included within this area.

Under the existing zoning, Larkin Road provides the boundary between the A-40 zone to the east, and smaller A-5 and A-10 zones to the west. The area proposed for a change to Rural Residential is confined to the existing A-5 and A-10 zones. Staff does not recommend changing this boundary to include one additional parcel east of Larkin Road, and changing the designation/zone from AG to RR. This area includes many agricultural land uses and larger parcels. An agricultural processing plant is located adjacent to this parcel to the south. Orchards are also prevalent in the area, including on the subject parcel. Adding two, approximately 5-acre homesites to this agricultural area would negatively affect agricultural uses on-site and in the vicinity. The current AG-40 zone supports the General Plan's Preferred Land Use Alternative for this area. Staff therefore does not support this requested change.

Staff note: An "Agricultural Segregation" was approved on this parcel in 1985, which allowed a 2-acre parcel to be split off from the main parcel and developed with a residence (farm home) and devoting the larger 11.9 (+/-) acre parcel to agricultural use. At that time, a "Conveyance of Development Rights Open Area Easement" was conveyed to the County concerning the subject larger parcel. This conveyance restricts the larger parcel (APN: 024-040-059, Approx 12.2 acres) from being developed with a residence. This parcel was specifically designated to be left undeveloped (with the exception of structures accessory to agriculture), and left in agricultural production. Two important clauses can remove the restriction:

1. The rezoning of the property to any other zone.
2. If ten years has lapsed since the recording of the restriction and the Planning Commission finds that circumstances regarding the property and area has changed sufficiently to reconsider the restriction.

With regard to clause number 1 above, staff does not support a change in the land use designation and zone (see above).

With regard to clause number 2 above, although ten years has lapsed since the original segregation, it does not appear that any circumstances have changed with regard to this area. It is still mainly devoted to agricultural production. Therefore, staff finds that land uses and circumstances involving this property have not substantially changed enough to support a reconsideration of the restriction.

Other Comment Concerning Gridley Area

Neighbors United to Protect Agriculture Land

A comment letter was received from “Neighbors United to Protect Agriculture Land”. The letter objects any future change in General Plan designation or zone from Agriculture to Rural Residential in the Gridley area. The letter pertains to the directive provided by the Board of Supervisors during the adoption of the General Plan for staff to consider a General Plan Amendment from Agriculture to Rural Residential for several area of the County including areas near Gridley.

County staff contacted several representatives from this group and explained that the proposed consideration of this General Plan Amendment is not scheduled at this time, but that additional community meetings would be held prior to further review of this item by the Planning Commission and the Board of Supervisors. Staff also explained that the General Plan and Second Draft Zoning Map designated these areas as Agriculture and that no change to Rural Residential was currently being proposed or considered by the Planning Commission under the Second Draft Zoning Map.

Magalia

Individual Requests Supported

Paradise Recreation and Parks District (Area 45)

Mike Trinca with the Paradise Recreation and Parks District requests a change in General Plan and Draft Zoning from Retail/Office to Public on a 1.27 (+/-) acre parcel owned by the Paradise Recreation and Parks District. According to Mr. Trinca, this parcel will be used as parkland to access adjacent property that will be developed with a future community park.

Stirling City and Magalia Cemetery District (Areas 47 and 48)

The Cemetery District requests a change in General Plan designation and draft zoning to Public from Retail/Office and Timber Mountain to reflect the existing cemetery use and expansion areas owned by the District.

Individual Requests Not Supported

Simmons & Wells (Area 46)

Joyce Simmons and Wilfred Wells request a change in General Plan designation and draft zoning necessary to keep the AR.2.5 zoning, which he indicated had been in existence for over two decades. This request would change the draft zoning from Rural Residential (5-acre minimum parcel size) to a Very Low Density Residential 2.5 zone (2.5-acre minimum parcel size) on their parcels located along Nimsheew Road in Magalia.

Under the Preferred Land Use Alternative, the Board of Supervisors approved a Rural Residential designation for the majority of Study Area 5 (Magalia/Paradise Pines). While this area is currently zoned AR-2.5 (Agriculture Residential, 2.5 acre minimum parcel sizes), the Rural Residential designation was chosen over other alternatives to limit further land divisions. The General Plan recognizes that the Upper Ridge and Magalia areas only have a single point of ingress and egress (Skyway) in the event of an emergency evacuation and therefore further development was limited through the Rural Residential designation chosen by the Board. Staff therefore does not recommend a change in General Plan designation and Draft Zoning for these properties.

Oroville

Staff Recommended Corrections

Staff recommends one minor correction for a parcel in Thermalito (Area 61) that was erroneously split between a Rural Residential and Medium Density Residential zone and several major corrections as follows:

Custer Lane Corrections (Areas 49 and 55): Corrections to General Plan designations and Draft Zoning from Industrial to Very Low Density Residential on 26 parcels in the south Oroville neighborhood area along Custer Lane. This area was the subject of a previous Board General Plan Amendment (Ordinance #3439, July 28, 1998), from M-1 (Light Industrial) to AR-1 (Agricultural Residential, 1-acre minimum parcel size). This action was taken after numerous public complaints concerning an inappropriate mixture of residential and industrial uses, and resulted in the removal of a non-conforming tire storage facility from the area. The area was erroneously designated Industrial by the General Plan and received General Industrial zoning. Staff therefore recommends a Very Low Density Residential General Plan designation and zoning to comply with the original Board action.

State Route-162 Corrections (Area 50): A number of corrections are recommended along SR-162 (Oro Dam Boulevard) west of the Feather River at SR-70. In most cases, draft zoning was developed to follow existing zoning and the City of Oroville's General Plan. However, numerous existing residential uses, including subdivisions and mobile home parks received a commercial

designation and zone. Staff recommends a change in the Retail/Office designation to Medium Density Residential, Medium High Density Residential or Resource Conservation (for State lands near the Feather River) designations.

State Route 70/Rio d' Oro Corrections (Area 54 and 59): A change in General Plan designation and Draft Zoning from Resource Conservation to AG-40 (Agriculture, 40-acre minimum parcel size) is recommended for six parcels adjacent to SR-70 and Power House Hill Road in south Oroville. While this area is located in "Grassland with Vernal Pool Swale Complex" according to the Draft Butte Habitat Conservation Plan, the proposed minimum parcel size will not be changing from 40-acres. This will not allow any further land division activity or residential development. The use would change from Resource Conservation to Agriculture. The agricultural uses that take place in this area have traditionally been grazing and pasture. This area was originally identified as mitigation land for the Rio d' Oro residential development across SR-70 to the west, and was consequently designated Resource Conservation in recognition of its operation as a land trust and/or in conjunction with a conservation easement. However, the Rio d' Oro development is not including this area in their project description and has no plans to develop mitigation at this location, but will provide mitigation on lands adjacent to and south of this area. Staff supports this change in land use designation, finding that the AG-40 designation and zone would adequately protect vernal pool habitat, while at the same time providing for an agricultural use.

Individual Requests Supported

Coots (Area 51)

Bill Coots requests a change in General Plan designation and Draft zoning from Resource Conservation to Medium High Density Residential for three parcels occupied by a 37-unit mobile home park. A Use Permit was issued for the mobile home park in 1977. Mr. Coots' parcels, along with several other parcels in this area were erroneously designated Resource Conservation. Staff supports changing Mr. Coots parcels to MHDR with other parcels changing from Resource Conservation to Rural Residential. Additionally staff recommends that two other parcels south of this area currently designated Industrial be changed to Rural Residential to more accurately reflect land use patterns and existing uses, and due to the presence of a flood hazard zone (Wyman Ravine) on the majority of these parcels.

Herbert (Area 52)

Gary Herbert requests a change in General Plan designation and Draft Zoning from Retail/Office to Industrial on a 1.92-acre parcel in the Las Plumas area of south Oroville adjacent to Lincoln Boulevard. In addition to this parcel, three other parcels in this area are recommended by staff for a change in General Plan designation from Retail/Office and Mixed Use to Industrial. Various Use permits have been issued for wrecking yards on several of these parcels and industrial

uses continue to operate on all of these parcels as they have for many years.

Morse (Area 53)

Glenda Morse requests a change in General Plan designation and Draft Zoning from Mixed Use to Rural Residential, and requests to be included in the Unique Agriculture Overlay zone. Ms. Morse's parcel is 4.78 acres in size and is located on Feathervale Drive near Miners Ranch Road. This parcel is adjacent to the Unique Agriculture Overlay zone and a Rural Residential General Plan designation and zone. The property operates as a commercial citrus farm and is a member of the Sierra Oro Farm Tour. The requested change would more accurately reflect the land use present on this property. Additionally the property is contiguous to other similar uses located across Feathervale Drive to the north.

Wedin (Area 56)

Sharon Wedin and others requests a change in General Plan designation and Draft Zoning from Medium Density Residential (3-6 dwelling units per acre) to Rural Residential (5-acre parcels) on six parcels located within an existing subdivision off Oakdale Avenue in eastern Oroville. The area is adjacent to Low Density Residential (1-3 dwelling units per acre) zone to the north. Four of the six parcels are developed with residences. This area is located within the Lake Oroville Area Public Utilities District and therefore received the higher density designation of Medium Density Residential. Due to the existing larger-lot residential development and landowner desires, development of this subdivision at higher densities is unlikely to occur.

Friend (Area 57)

Amy Friend requests a change in General Plan designation and Draft Zoning from Rural Residential to Medium Density Residential on a 1.53-acre parcel in Thermalito. Under an order from Butte County Superior Court, a Lot Line Adjustment (merger) was executed combining a 1.5 (+/-) acre parcel and a 17.7 (+/-) acre parcel into a single 19.2 (+/-) acre parcel. This action resulted in a parcel with two zoning districts (17.7 acres of Medium Density Residential and 1.53-acres of Rural Residential). The requested action will provide a single MDR zone for the entire property. Staff supports this request, which would be consistent with the Preferred Land Use Alternative for the Thermalito area, and would eliminate a split-zoned parcel, which is discouraged under the General Plan.

Runge (Area 58)

Ted Runge requests a change in General Plan designation and Draft Zoning from a Public to Medium Density Residential designation and zone on a 15.43-acre parcel in Thermalito. This parcel was erroneously designated Public due the close proximity of the Thermalito Power Canal.

Individual Requests Not Supported

Mayer (Area 60)

Leon Mayer requests a change in Draft Zoning from Mixed Use-1 to Mixed Use-3 on a 35 (+/-) acre parcel located in the eastern Oroville foothills near Miners Ranch Road. Mixed Use-3 zoning is the more intensive form of Mixed Use Zoning, allowing up to 20 residential units per acre with up to a 0.5 Floor Area Ratio (FAR) for commercial uses. This contrasts with the Mixed Use-1 zoning allowing up to 6 units per acre and a FAR of 0.3.

Staff does not support a change in zoning from MU-1 to MU-3 for this property. The MU-1 designation, which allows for the least amount of development, was implemented in areas that are further away from commercial services and major transportation corridors. The higher density MU-2 and MU-3 zones are located in areas closer to or adjacent to the Olive Highway, other commercially zoned areas and the existing and proposed resort facilities at Lake Oroville. This provides the ability to provide an appropriate level of public and private services to the higher residential density provided by the MU-2 and MU-3 zones.

Paradise

Individual Requests Not Supported

Boyle (Area 62)

Robert Boyle requests a change in Draft Zoning from FR-20 to FR-10 on a 38.55 (+/-) acre parcel on Pentz Road, south of Paradise. This property is located in the 20-acre Migratory Deer Herd Overlay and a change to a 10-acre minimum parcel size would be inconstant with the Deer Herd Overlay. Mr. Boyle also objects to the Scenic Highway designation's change in allowed density. The Scenic Highway zone is proposed to change to an Overlay Zone under the Draft Zoning Ordinance. The Scenic Highway Overlay's intent is to preserve the natural aesthetic qualities of areas visible from roadways designated as scenic by the Board of Supervisors. The updated Scenic Highway Overlay zone is not intended to allow additional development intensity, or modify the proposed base zone's (FR-20) land use regulations. Staff therefore does not support this request.

IV. NEXT STEPS

The Planning Commission will continue with the review of the Second Draft Zoning Ordinance, with public meetings scheduled for August 18 and 25 devoted to the Draft Zoning Ordinance Map, and on September 15 and 22, devoted to the Draft Zoning Ordinance text. Upon concluding this review, the Planning Commission's recommendations will be provided to the Board of Supervisors for consideration later this fall.

Sincerely,

Tim Snellings, Director
Butte County Department of Development Services

ATTACHMENTS:

Provided separately to the Planning Commission:

- A. July 8, 2011 Second Draft Zoning Ordinance and Map (in both "clean" and edited versions)

Attached to this Agenda Report:

- A. Second Draft Zoning Ordinance Table of Requests and Corrections
- B. Second Draft Zoning Map with Mapped Areas for Requests and Corrections
- C. Public Comment and Requests on Draft Zoning Map
- D. Summary Notes from Series of Planning Commission Meetings (held August 5, 2010 through November 2, 2010)