

BUTTE COUNTY PLANNING COMMISSION

SPECIAL STUDY SESSION

Butte County General Plan 2030

Second Draft Zoning Ordinance and Map

Meeting Series #8 (Meeting 8-3J-1)

SUMMARY MEETING NOTES

Commissioners Present

Harrel Wilson (Chair)

Ed Becker (Vice Chair)

Fernando Marin (Second Vice Chair)

Mary Kennedy

Chuck Nelson

Staff

Tim Snellings, Director of Development Services

Dan Breedon, Principal Planner/Project Manager

Felix Wannemacher, Deputy County Counsel

Claudia Stuart, Principal Planner

Vance Severin, Environmental Health

Kim McMillan, Administrative Assistant

Morning Session – Second Draft Zoning Ordinance

Tim Snellings introduced staff and summarized work to date. The September 15 and 22, 2011 meetings are intended to continue to improve the ordinance. The Board of Supervisors will begin review of both the map and the text of the ordinance in November. After those meetings, the draft zoning code will be defined enough to begin the CEQA process. Final hearings on the zoning ordinance will begin in the spring.

The new zoning code includes entirely new tools for locating businesses and conducting certain activities in certain zones. It creates a platform for people who want to pursue economic development in the County, and for cities and counties to work together.

Several corrections to the General Plan are proceeding concurrently. These will come to the Planning Commission and Board of Supervisors as a set. There are also areas around Gridley and Biggs that are under study for possible change from Agriculture to Rural Residential. The County's review of the zoning ordinance will require a supplemental EIR. The timeframe for completion is estimated by staff to be April-June 2012. The Planning Commission's current meeting will refine text changes to the draft zoning code. The next meeting will also address zoning map issues.

Mr. Breedon described the process to date. The second draft of the zoning code has been updated with the Planning Commission's recommendations from eight previous meetings, recommendations from staff, and input from members of the public. Four Planning Commission meetings have been set for review of the current draft.

Staff has received many comments regarding storage of heavy equipment. Under the County's existing zoning, storage of heavy equipment is not allowed outside commercial or industrial areas. At this time, based on public input, staff is suggested some major changes to this limitation. Staff recommends removing rural zones from the areas where outdoor heavy equipment storage is prohibited. This recommendation would set the limit for heavy equipment storage at Very Low Density Residential (1-acre) lots. Outdoor storage would require screening.

Mr. Breedon reviewed three follow-up items from the August 18 and 25 Planning Commission meetings:

1. *Minimum parcel sizes in Agriculture subzones* - At previous meetings the Planning Commission received a number of requests regarding minimum parcel sizes. Staff recommends that the Planning Commission look at potentially modifying minimum parcels sizes for other areas on Sept. 22, in order to treat all agricultural property owners equitably.

2. *Additional requests concerning the zoning map since the last meeting* - Staff will prepare a memo about these requests for the Planning Commission's Sept. 22 meeting.

3. *Correction concerning the Manning request* – Mr. Breedon requested a clarification of whether the Planning Commission intended to recommend Low-Density Residential zoning for this property, rather than Very Low Density Residential zoning as the applicant requested. Staff needs a motion to clarify the Planning Commission's direction in the record. The site does not have sewer service, and there is no public water service available. Mr. Wannemacher indicated that a vote should take place on Sept. 22nd, when complete information can be given to both the applicant and the Commissioners.

Mr. Breedon reviewed the agenda and staff recommendations. Staff recommends approval of Part 1 and Part 2, with any additional recommendations as provided by staff and any additional recommendations directed by the Planning Commission. Mr. Breedon reviewed the major changes to Part 2 in the second draft zoning ordinance, as well as staff-recommended changes, and answered questions from the Planning Commission. He noted that additional public comment has been received since preparation of

the staff report, and provided an overview of these letters and emails, which were also provided to the Planning Commission.

Public Comment

Chair Wilson opened the morning's public comment session.

Peggy Moak spoke representing the Concow Community Citizen's Committee to suggest including a clause in Part 2 stating that uses already in existence and legal will continue as grandfathered or allowable uses. A major concern in her area is private cemeteries. Local families would like to continue this use. There is also an existing campground in the area that should to be allowed to continue. Her group would like to see wholesale nurseries allowed in additional zones. Timber Production zones should be added to areas where barbed wire fencing is allowed, since grazing occurs there and controls fires. The time limitation for camping on one's property should be changed to at least 30 days. Her group would also like the 2,500 square foot limitation on accessory agricultural structures removed, especially for larger parcels, as long as setback requirements and building codes are met. Her group would like the zoning ordinance clarified in regarding to requirements for minor home occupations.

Jeanne Cecchi of Grey Fox Vineyards spoke in support of lower-level permitting requirements for special events in the Unique Agriculture Overlay area. She believes that hours of operation and other temporary events can be regulated at a lower level than a Minor Use Permit.

Mr. Wannemacher noted that the sections of the draft ordinance regulating wineries do not allow more than 200 people present at any one time, for large and very-large winery facilities. To accomplish Ms. Cecchi's proposal would require adjustment to these other portions of the code. Additional uses could be accomplished under an Administrative Permit. Mr. Breedon noted that an Administrative Permit would not provide staff any discretion. Ms. Cecchi responded that a Minor Use Permit would require an archaeological review. Most residents of the Unique Agriculture Overlay live there and want to get along with their neighbors.

In response to a question from Commissioner Becker, Ms. Cecchi indicated that she is requesting that the winery ordinance and the Unique Agriculture Overlay be made to match. Mr. Snellings asked whether the Unique Agriculture Overlay is intended to provide additional rights and opportunities that don't exist under the winery ordinance. Mr. Wannemacher indicated that the Unique Agriculture Overlay is not intended to allow an expansion of what is allowed under the winery ordinance.

Tania Dunlap spoke regarding definitions and requirements for stables. The current draft of the zoning ordinance requires a full Use Permit for stables. The definition makes no allowances between private, semi-private, and commercial stables. Ms. Dunlap discussed the expense of permitting and its appropriateness for barns keeping one or two horses for other people. She feels that a Use Permit is appropriate for stables that host 200-300 people for events. However, she suggested that in Agriculture zones, private and semi-private stables should be permitted by right.

Jim Bishop of the East Oroville foothills spoke addressing the Unique Agriculture Overlay. He requested no reduction in the scope or effect of the Unique Agriculture Overlay. The overlay retains the historic agricultural setting that attracts visitors. He suggested that sites such as medical clinics should be extremely limited in the Unique Agriculture Overlay if they are ultimately allowed in Rural Residential zones.

Don Schwartz, the owner of property around the Neal Road landfill, spoke to request changes to the 2,000-foot overlay area surrounding the existing landfill and the 50-acre industrial area. He believes that the language in the draft zoning ordinance should be revised to match the shape of this area on the zoning map. He also suggests a 2-1/2 acre minimum lot size in the Neal Road Facility Overlay zone.

Jolene Bilbus, a citrus grower and resident of the Oroville area, spoke on behalf of her husband and herself to support adopting Rural Residential zoning within the Unique Agriculture overlay.

Colleen Cecil representing the Butte County Farm Bureau spoke to affirm that comments from the Farm Bureau regarding Parts 1 and 2 of the draft zoning code have been accurately reflected by staff.

Dot Morris, representing the Concow/Yankee Hill Community Association, indicated that most of her group's concerns have been addressed through staff recommendations, with the following exceptions: the Timber Production zone should allow barbed wire because grazing is an allowed use in this zone. The current Rural Residential five-acre minimum for wholesale nurseries should be changed to one acre, as this size can support a viable operation. The requirement for an Administrative Permit for minor home occupations is unenforceable, since these businesses by definition cannot be perceived from the outside. This requirement should be waived for minor home occupations. Also, current language requires a new permit if business ceases for six months. This should be changed to 12 months. The nine-day annual maximum for camping should be increased, with a possible requirement for sanitation. Ms. Morris supported previous comments regarding stables and requested similar treatment for stables in Foothill Residential, Rural Residential and Timber Mountain areas.

In response to a question from Commissioner Nelson, Mr. Breedon clarified that the costs of the new types of permits under General Plan 2030 have to be determined. Ms. Morris added that the County could post restrictions on home occupations under existing law on the County website. Commissioner Nelson indicated that a permit would confirm that business owners were aware of the requirements. Ms. Morris replied that it is not business-friendly to charge where the requirements could instead be posted on the County website. Mr. Snellings added that perhaps a permitted-by-right list should be developed, versus an administrative permit list. Staff will bring that information forward at a future Planning Commission meeting.

Sara Salisbury of Concow spoke to request that the Planning Commission consider extending the allowance for camping to 90 days. Ninety days is a season. There are many reasons people want to camp: inherited property, family history, and enjoying nature. Foothill areas should be able to provide these. Also, many people have two-week vacations. Other counties (e.g. Plumas) allow camping for up to six months with proper sanitation provisions. Placer County allows camping for 30 days out of every 180, with a Minor Use Permit.

Planning Commission Discussion and Specific Recommendations Regarding Parts 1 and 2

Part 1

Mr. Breedon provided the staff recommendation for the Planning Commission's deliberation. Mr. Wannemacher identified possible additional minor corrections, including the reference to Conditional Zoning in Section 24-5.E. This section says conditional zoning agreements will remain in place, which will continue to restrict properties under the new zoning. Commissioner Becker asked whether there are a large number of zoning agreements. Mr. Breedon answered yes, they were used to limit staff review to just the use proposed in a zone; for example, in a commercial zone where the property owner just wanted a mini-storage, a zoning agreement was created limited to mini-storage so that staff could review only that proposed use. Commissioner Nelson asked why the new zoning did not take primacy. Mr. Breedon replied that the conditional zoning agreements have customized conditions. He noted that they are similar to a non-conforming use. Commissioner Becker asked whether owners are restricted under the new zoning to the use identified in the zoning agreement. Mr. Breedon replied that the uses identified in the zoning agreements are very specific. Commissioner Kennedy asked whether the agreements impose restrictions or give more rights. Mr. Wannemacher replied that in some instances property owners may feel they are restrictive, in others they may believe that they provide benefits. Commissioner Nelson stated that a case-by-case basis seems the only option. Commissioner Wilson asked whether these properties have all rights under the new zoning. Mr. Breedon indicated that the zoning agreements are for very precise uses. Mr. Wannemacher added that they often limit the property owner to the specified use only. It is similar to grandfathering, but essentially they are being grandfathered with conditions that may restrict or confer rights. In response to a question from Commissioner Marin, staff confirmed that non-conforming uses can continue if not interrupted, but if interrupted they need to be terminated. The Commission discussed whether it would be possible to include provisions in the zoning code that would apply to such variable agreements. Mr. Breedon suggesting that a clause could say that all uses that are permitted in the new zone, in addition to any uses permitted under a conditional zoning agreement, are permitted. Staff can develop this language and include it in a recommendation to the Board of Supervisors.

Mr. Wannemacher referred to Section 24-8.C (Unlisted Land Uses) on page seven. He suggested that the language should say that unlisted land uses are permitted in the same manner as the equivalent permitted use. He requested the Planning Commission to direct staff to complete such cleanups, including: why residences are treated differently than other uses under split zoning (Section 24-8.E); Section 24-8.G on page eight, which refers to code sections which include use regulation tables, instead of saying whether a use is permitted in the Use Table itself; page nine (Official Record of Interpretations), which appears to indicate that only an electronic copy of this record will be maintained. Staff can amend this language and bring it back to the Planning Commission.

Summary Planning Commission Direction - Part 1

Commissioner Nelson made a motion, Commissioner Marin seconded, to approve changes to Part 1 including Mr. Wannemacher's suggestions. The motion was approved unanimously.

Part 2

Mr. Breedon provided the staff recommendation and indicated the three issues identified for discussion at the beginning of the meeting, as well public comments about home occupations, stables, the Unique Agriculture Overlay, and the appropriate intensity of uses allowed by-right versus permitting.

Spring Water in Timber Production Zone

The Planning Commission discussed this issue and the characteristics of spring water use, including whether the water would be collected solely at the surface or pumped; the degree of excavation and piping needed; whether spring water collection is a commercial or non-commercial use; whether collection would affect the aquifer or not; and effects to downstream and upstream water sources and users. Mr. Severin confirmed that the Environmental Health Division has no issue if review is done through a Conditional Use Permit. However, he added that there are very stringent provisions limiting the export of groundwater. Mr. Breedon noted that it appears to be a commercial use. Mr. Wannemacher responded that it does not appear to fall under listed commercial uses. Commissioner Nelson asked staff to bring this item back with more information and a staff recommendation. Mr. Breedon confirmed that staff can develop a definition and bring it back for consideration by the Commission. The Planning Commission directed staff to bring this item back on September 22, 2011.

Medical Offices and Clinics in Rural Residential and Foothill Residential Zones

Mr. Breedon requested direction as to whether medical offices and clinics should be added to the Rural Residential zone. Mr. Wannemacher confirmed that medical offices and clinics are conditionally permitted elsewhere but not in the Foothill Residential and Rural Residential zones. Commissioner Becker made a motion that medical offices and clinics be allowed in the Foothill Residential and Rural Residential zones with a Conditional Use Permit. Commissioner Nelson seconded the motion. The motion was approved unanimously.

Personal Services in Foothill Residential Zone

Mr. Wannemacher noted that personal services are not allowed in the Foothill Residential zone. Commissioner Becker made a motion to extend personal services to the Foothill Residential zone with a Conditional Use Permit. Commissioner Marin seconded the motion. The motion was approved unanimously.

Hunting, Fishing, and Wholesale Nurseries on 1 or 5-acre parcels in Residential Zones –

Table 24-19-1

Mr. Wannemacher questioned, and Mr. Breedon confirmed, that only Foothill Residential is under discussion for this item. Currently, these are conditional uses with a footnote which clarifies that they are only allowed on sites five acres or larger. The question is whether that should be reduced to one acre. Mr. Nelson proposed that wholesale nurseries be allowed down to one acre in size, and hunting and fishing at five acres. Commissioner Marin made a motion that wholesale nurseries be allowed down to one acre in size, and hunting and fishing at five acres. Commissioner Becker seconded. The motion was unanimously approved.

Small Child Care Facility

Mr. Wannemacher noted that under state law, small child care facilities must be treated the same as single family residential use. Small child care facilities therefore need to be permitted by right everywhere in single-family residential zones.

Home Occupation Permits

Mr. Breedon brought up the question of whether an administrative permit is appropriate. Staff and the Planning Commission discussed this issue. Mr. Snellings asked whether members of the Planning Commission think that someone who pays taxes should have to register. Commissioners Marin and Nelson replied that small businesses should not have to. Commissioner Becker clarified that these would be professional and consulting businesses, or businesses over the internet. Mr. Snellings confirmed that staff will create a “by-right” tier for these types of businesses.

Stables in Agricultural Zones

The Planning Commission discussed with staff the public comments and the standards in the current draft zoning code. Commissioner Becker made a motion to adopt the definitions provided by Tania Dunlap with changes by staff as needed for legal compliance, and to add private, semi-private and commercial stables in the Agricultural zones. Commissioner Nelson seconded the motion. The motion was approved unanimously.

Stables in Other Zones

Mr. Wannemacher noted that in the current draft private stables are permitted in the Timber Mountain, Timber Production and Resource Conservation zones by right, while commercial stables are allowed in the Timber Mountain zone only by Conditional Use Permit. Commissioner Becker made a motion to add the same definitions for private and semi private stables in Resource Conservation, Timber Mountain and Timber Production zones. Commissioner Marin seconded the motion. The motion was approved unanimously.

Mr. Wannemacher cited page 36: in the Foothill Residential zone, commercial stables are allowed under a Conditional Use Permit, but other zones don't allow them. Commissioner Becker stated that semi-private stables should be a Minor Use Permit in Rural Residential and Foothill Residential zones. Mr. Wannemacher added that this change could also reference footnote 3, which requires five acres. Commissioner Becker made a motion that private and semi-private stables be permitted by right down to five acres in the Rural Residential zone with a Minor Use Permit, and in the Foothill Residential zone with footnote 3; stables would not be permitted in Very Low Density Residential. Commissioner Marin seconded the motion. The motion was approved unanimously.

Stables in Mixed Use - Table 24-22-1

Mr. Breedon asked whether the revisions should repeat the above entries for Commercial zones, Community Commercial, REC-1 and REC-2. After discussion by the Planning Commission, Commissioner Becker made a motion that private and semi-private stables shall only be allowed in Mixed Use zones with an Administrative Permit. Commercial stables shall require a Use Permit, with footnote 5. Commissioner Nelson seconded. The motion was approved unanimously.

Unique Agriculture Overlay

Mr. Wannemacher noted that the concern here is the interaction between special use requirements for wineries and olive oil facilities versus the special standards of the Unique Agriculture Overlay. Some overlays restrict uses, while others expand allowable uses. The draft code needs to clarify whether the Unique Agriculture Overlay expands or limits allowances for wineries, distilleries, and other referenced uses. Mr. Snellings clarified that the Unique Agriculture Overlay is meant to expand allowances within the area. Commissioner Nelson clarified that the Planning Commission's intent is to help these agricultural businesses. Staff will return with revised language next week, including a focus on special events.

Mr. Breedon noted that the above concluded the items where staff requested Planning Commission direction, and solicited further discussion items. The following additional items were discussed:

Minimum Density Standards in Residential Zones

Mr. Wannemacher brought up minimum densities in residential zones. After discussion by the Planning Commission with staff, Commissioner Becker made a motion to remove minimum density standards from all zones except Very Low Density Residential through Medium High Density Residential. Commissioner Marin seconded the motion. Mr. Breedon clarified that this would remove this section from the second draft of the zoning ordinance. The Planning Commission also recommended that the minimum density requirements be removed from the Very Low Density Residential, Low Density Residential, Medium Density Residential, and Medium High Density Residential designations within the General Plan. The motion was approved unanimously.

Neal Road Landfill

After discussion by the Planning Commission with staff, and questioning Mr. Schwartz, Commissioner Becker made a motion to adopt changes to the 2,000-foot buffer to include the adjacent industrial area, as well as adopt a minimum parcel size of 2.5 acres in the industrial area. Commissioner Marin seconded the motion. The motion was approved unanimously.

Page 44 – Neighborhood Commercial

Commissioner Kennedy brought up several questions regarding the text, including:

- Page 44 - Neighborhood Commercial , asking why it says “locally owned business”, which would exclude outsiders. Commissioner Nelson noted that the intent is to serve a smaller clientele as a small, neighborhood business. Mr. Breedon responded that staff can change the text to say “small business”. Planning Commission members agreed.

- Page 58 - Industrial Yard Buffers, asking whether both a solid wall and trees are required. After discussion, Planning Commission members agreed to leave this section as it is.
- Page 83- Public Housing – Staff discussed this item with the Planning Commission. No motion was made, or vote taken, on this section.

Summary Planning Commission Direction – Part 2

Commissioner Nelson made a motion to forward the recommendations made by staff, as modified by the Planning Commission, to the Board of Supervisors. Commissioner Becker seconded the motion. The motion was approved unanimously.

AFTERNOON SESSION

Mr. Breedon gave the staff summary and recommendations regarding Parts 3 and 4.

Part 3

Major changes to the sign ordinance were made based on public comments. Additional staff recommendations based on public comment include the following:

- Canyon Rims: Staff reviewed the comment from Robin Huffman concerning setbacks from canyon rims. Mr. Breedon explained that ridgeline development standards are directed to be developed under General Plan policy. There is an action item in the General Plan to develop an ordinance addressing ridgeline development. Staff recommends that setbacks from canyon rims be addressed at the time the Ridgeline Development ordinance is developed.
- Fencing: Staff concurs with public input regarding the Timber Mountain, Rural Residential, Foothill Residential, and Timber Production zones. Mr. Snellings added that the Cattlemen’s Association will provide further information regarding the definition of barbed wire.
- Signs: Staff concurs with public input. Commissioner Kennedy raised a question regarding definitions of off-site billboards and signs. Mr. Breedon explained that freeway signs show freeway users where a commercial establishment is located. Off-site billboards do not advertise at the site identified by the billboard, but in some other location. The largest allowable billboard in Butte County would be 648 square feet. Staff has worked with the billboard company, which was comfortable with this maximum.
- Land Use Compatibility Standards – Article 24: Staff has reviewed the City of Oroville nuisance provisions, and has concluded that the County’s nuisance code section is adequate to address nuisances.
- Outdoor storage in residential zones: Staff received many comments about this issue, especially in the Kelly Ridge area, so staff has added a section regarding outdoor storage for higher density areas.

Mr. Breedon requested Planning Commission direction on several additional items:

- Camping (Section 24-72): Public comment has been received proposing prolonging the camping allowance past nine days.
- Clustered Development (Article 18): Staff requests direction regarding whether the density incentive is appropriate and adequate as set forth in the draft zoning code; whether clustering is acceptable in urban versus rural zones, and whether multiple housing types are appropriate. Mr. Breedon clarified that clustering is currently called flexible lot size standards under the existing zoning code. Input from the public on these standards has been positive. Now the County is proposing a density bonus.

Part 4

Mr. Breedon stated that staff recommends approval with additional recommendations as set forth by staff and with recommendations by the Planning Commission. A major change to this section has been to accessory structures and uses. There has been much public input about these. A table has been added clarifying what accessory structures can be built. Regarding animal keeping (Section 24-155), staff has worked with the Agricultural Commissioner, Cattlemen's Association, and the UC Davis Farm Extension office. Regarding the residential generator noise section (Section 24-168), the General Plan has a Noise Element; that policy has been incorporated into these zoning standards. The heavy equipment storage section has been extensively revised, based on public input. Staff is now recommending that heavy equipment storage be allowed as an accessory use in many zones. Regarding temporary uses (Section 24-171.D.1 – House Concerts) the revised draft zoning code would require a Minor Use Permit for concerts of 50-75 guests 6-12 times per year. Less frequent events or smaller events would be permitted by right. Water and waste systems have been concerns regarding this issue. Regarding wineries (Section 24-172), the draft zoning code now allows fruit and nut production, as well as microbreweries. Staff proposes that microbreweries be limited to micro-production. In response to a question from Commissioner Wilson, Mr. Breedon clarified that the threshold for large wineries would be 15,000 cases.

Mr. Breedon reviewed the additional staff recommendations for Part 4:

- Accessory Buildings (Accessory Uses and Structure): Remove the 2,500 square foot limit on accessory buildings.
- Solar Energy Facilities: Replace existing 24-154 with new requirements. Mr. Snellings described staff's survey of best practices around California, and the statewide group he has convened to write a model solar ordinance which could be adapted to Butte County. The ordinance would identify four tiers of solar energy facilities: roof-mounted and up to ½-acre ground-mounted would be permitted by right. One-half to five-acre sites would have allowances limited by constraints identified in a table. The group is continuing to work on whether this is a primary vs. accessory use. More information will be provided at the Planning Commission's meeting next week.
- Wind Energy Facilities: Principal Planner Stacey Jolliffe described how the County has been revising the wind energy ordinance that was adopted in December 2010. Aesthetics, safety, and noise impacts

can be issues. Noise is a key issue. Staff recommends incorporating existing requirements into the revised draft zoning ordinance, then creating a noise ordinance.

- Home Occupations and conformity with the Americans with Disabilities Act (ADA): Mr. Breedon described how staff proposes changes to the home occupation regulations. ADA compliance is required when members of the public are invited into a home for services. ADA regulations govern parking, point of access, entry, etc. Staff proposes changes to the zoning text to bring it into consistency with these federal requirements.
- Second Unit Design Review: Staff recommends deleting this requirement.
- Temporary Uses – House Concerts: Staff recommends inclusion of review for septic and water supply in this section.
- Wineries: Staff recommends the addition of a definition for micro-breweries with a maximum production allowance of 15,000 cases per year. In response to a question from Commissioner Marin, Mr. Breedon clarified that a facility brewing over 15,000 cases of beer would be an industrial-level facility. This threshold can be converted to kegs according to industry standards.

Public Comment

Chair Wilson opened the session for public comment.

Anthony Torreano spoke in favor of heavy equipment parking. He has been working with staff on this. The July 8, 2011 draft zoning standards would be unfair to small business. He supports allowing equipment parking on private property as necessary for business and the economy. His concern is that currently storage on one's property is not legal. He asked whether temporary accommodations can be made until the ordinance is adopted. Commissioner Becker asked Mr. Torreano whether he felt the proposed staff changes to the draft are reasonable. Mr. Torreano replied that staff has done a great job of addressing his concerns over the past year. A good ordinance would compromise among all groups.

Dot Morris spoke to support Mr. Torreano's comments. The Concow Community Association fully supports the current draft zoning standards regarding second dwelling standards, and supports deletion of the design review requirement for these. Often the primary dwelling is not worth emulating. Regarding camping, the Foothill Residential zone was formerly Foothill Recreation. However, it should retain its recreational characteristics and background. Her group therefore supports a longer allowance for camping than nine days. Ninety days would be their preference, to allow camping during summer vacations.

Robert Cox, owner of a small excavating business, spoke in favor of outdoor storage of heavy equipment. Currently, he cannot legally park his equipment due to the prohibition under existing zoning. Any neighbor could use code enforcement standards to make his life difficult. Any requirement for a Minor Use Permit would be an issue. Theft is a concern if he must park his equipment off-site: having his equipment at home protects it. A farmer zoned Agricultural Residential can store all his equipment, but in Agricultural Residential a business would need a Minor Use Permit for equally critical equipment. His property is zoned Very Low Density Residential. The parcel is 1.45 acres, with six pieces of equipment.

Ray Scales spoke regarding heavy equipment storage. The standard for access roads is a problem, because heavy equipment such as garbage trucks and others already use those. Many roads in the County are gravel and muddy or dusty. The proposed road standards continue to penalize trucks more than cars, which also cause dust. His parcel is five acres, with one dump truck stored on-site. He is concerned that one complaint can make a problem for him. Staff clarified that the changes recommended in the staff report would apply to Very Low Density Residential zones, but not other areas.

Mitch Russell spoke regarding storage of heavy equipment. He supports the changes shown in the staff report.

Marie Hunter, Yankee Hill/Concow resident, spoke. Her family has had 80 acres in the area since 1948. She supports deletion of the design standards for second dwellings, and the request to extend camping allowances to 90 days. Many people need to camp to prepare their property for later habitation.

Yasha Saber spoke representing the Granite Construction Company. He clarified that the company is also a mining business, and also operates a walnut orchard. Mr. Saber suggested six changes to the draft zoning code:

1. 24-75A – Permitting in Riparian areas: Add “installation of pumps” to this section (pumps into a stream or river).
2. 24-76 – Grading or vegetation alterations in riparian areas: Add a 4th exception for an action that is otherwise beneficial to the environment: for example, a road crossing on private property that would reduce Vehicle Miles Traveled (VMT).
3. 24-77 – Subsection C: Add an exception for actions that are able to obtain permits from the appropriate regulating agencies.
4. 24-147 – Vibrations: This section could affect mining in particular. It does not consider the type of surrounding land use. He requested two changes: 1. Add mining to the list of exempted uses; 2. Mirror the exception language under 24-150 for noise to allow for exception where there may be occasional noise.
5. 24-222 Mining Ordinance: Operations non-continuous for two years can lose their permit. State law allows for an interim management plan. He requested that this section be brought into consistency with State law.
6. 24-284 – Development Agreement: Remove the requirement for a Conditional Use Permit.

David Eldridge of Forest Ranch spoke regarding house concerts. He hosts house concerts in Forest Ranch. He recently learned that he is not in compliance with the zoning code. He described house concerts as non-commercial events, with no profit, business, or purchasing. Participants pool money to pay for the music. He usually has 20-60 guests between 20 and 40 years of age. Mr. Eldridge requested the Commission to remove the requirement to allow house concerts only on public roads. The Use Permit requirement will deal with road issues, so this is not needed as a comprehensive standard. Mr. Breedon clarified that the public road requirement would only be for over 50 guests more than six times per year.

Susan Young spoke. She has 155 acres in Concow, with a vineyard and winery. Since crops can be grown in the Timber Production zone, she would like to be able to do that. The definition of a winery production facility currently excludes on-site retail sales and tastings. She requests to change the definition to allow on-site retail sales. Commissioner Nelson asked staff whether internet sales are considered retail sales. Mr. Breedon responded that the limitation was meant to limit public visits. Staff wants to clarify the definition to ensure that internet and telephone sales can take place as a permitted use, and supports that change.

Colleen Cecil of the Butte County Farm Bureau commented on four points:

- The Farm Bureau supports the heavy equipment storage draft in the staff report;
- Regarding Section 24-57 (Fencing), the Farm Bureau requests that the ordinance allow the use of barbed wire fencing in all zones that allow grazing;
- The Farm Bureau supports the wind ordinance;
- The Farm Bureau looks forward to further review of the solar ordinance.

Ted Bigelow, general engineering contractor spoke. He works on a vineyard that used to be brush. He noted that the County needs to make the wineries standards simple.

Peggy Moak of the Concow Community Association spoke. Regarding camping, the limitations on two recreational vehicles, tents, or trailer tends should be increased for a limited period of time. Similarly, the standards should allow more than two families to occupy the premises. Regarding storage of heavy equipment, there are many loggers and gravel truck operators in the area. The Board of Supervisors should provide for interim use until the new zoning ordinance is passed. She supports the request for an Administrative Permit process for heavy equipment storage in Very Low Density areas.

Planning Commission Discussion and Specific Recommendations Regarding Parts 3 and 4

Camping

After Planning Commission discussion of public comments, and questions to staff, Commissioner Nelson made a motion to allow camping for up to 30 days. Commissioner Becker proposed amendment of the motion to allow a maximum on undeveloped parcels of 14 days camping in any 30-day period. Commissioner Kennedy seconded the amended motion. The amended motion was approved unanimously.

Clustered Development - Article 18

Mr. Breedon noted that this section incentivizes the provision of open space, but the applicable zones are in question. Planning Commission members generally agreed that these standards should be limited to more rural areas. Mr. Wannemacher noted that the section should be rewritten to say that “50 percent or more open space” is required, or applicants cannot use clustering provisions. Mr. Severin noted regarding Section E.1 that for subdivisions creating fewer than five parcels, there needs to be language added “or by connection to permanent community or public water supply”. Mr. Breedon sought to confirm that the Planning Commission is agreeable to density incentives and clustering in the urban zones. Commissioner Nelson assented, clarifying that clustering should not apply to the Agriculture or Timber Mountain zones. Mr. Breedon stated that no motion was needed.

Heavy Equipment

Commissioner Becker asked whether storage of six pieces of heavy equipment could be permitted by right, and more than six with a minor use permit. Mr. Breedon replied that staff will recommend this change to the Board of Supervisors.

House Concerts

The Planning Commission discussed with staff that permitting requirements for house concerts would only come into play when the size or number of concerts exceeded the specified limit. Mr. Wannemacher clarified that if there are fewer than six events per year and fewer than 50 people per event, the events would not meet the definition of “house concert”. Commissioners Becker and Wilson clarified that house concerts on private roads should not be prohibited, but that a permit should be required when the definition threshold is met. Mr. Breedon replied that staff will develop a definition of house concert with thresholds for size and frequency, and will delete #1 so that house concerts can be held on a private road, with a Minor Use Permit and keep item #2 as provided by the Environmental Health Division, regarding evaluation of on-site wastewater disposal systems.

Wineries

Mr. Breedon stated that the issue here is the ability to sell products from the site. Staff concurs with the definitions provided by Mrs. Young, to allow on-site retail sale. The Planning Commission agreed.

Granite Mining

Granite Mining’s representative will submit his clarified requests in written format after the meeting, for consideration by the Planning Commission.

Wind and Solar Energy Facility Standards

Mr. Wannemacher confirmed that staff is updating the wind and solar standards in the second draft zoning ordinance.

Planning Commission Summary Direction – Parts 3 and 4

Commissioner Nelson made a motion to accept Parts 3 and 4, with the additional recommendations set forth by staff and by the Planning Commission. The motion was seconded by Commissioner Kennedy. The motion was approved unanimously.

List of Approved Landscaping Plants

Commissioner Kennedy questioned the statement in Article 21 “Plants shall be selected from a county-approved list of native, water conserving and non-invasive species”, asking whether this means that you can no longer plant roses. Mr. Breedon explained that this section is taken from the State’s Model Water Efficiency Ordinance. It may be amended where landscaping standards apply. She requested to remove the word “native” from the section. Commissioner Becker supported the removal of the word “native”. Staff will review this issue and report back at the next meeting.

Amortization of Non-Conforming Fences

Commissioner Becker brought up an additional modification under Walls and Fences - Section 24-58 – amortization of non-conforming fences. His concern is that if a wall or fence does not conform to the California Building Code it would have to be torn out. He would like to re-work this requirement or eliminate it. Commissioner Kennedy also noted a concern regarding the restriction of front and side fences to 42” high, and asked whether it applied in all zones. Mr. Breedon replied that Section 24-58 on fence amortization can be amended to pertain only to Section 24-57 –Design, and not all fences.

Next Meeting

Parts 5, 6 & 7 will be scheduled for the next meeting, 9/22/11 at 11:00 am.

Meeting adjourned.