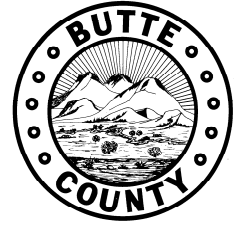


Butte County Department of Development Services

TIM SNELLINGS, DIRECTOR | PETE CALARCO, ASSISTANT DIRECTOR

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TO: Honorable Chairman and Planning Commission

FROM: Dan Breedon, Principal Planner
Butte County Department of Development Services

SUBJECT: Additional Public Comment for October 13 Planning Commission Meeting on Draft Zoning Ordinance

DATE: October 13, 2011

Additional public comment is attached for the Planning Commission's consideration pertaining to the Draft Zoning Ordinance :

- Catie and Jim Bishop –pertaining to the Unique Agriculture Overlay and Medical Offices and Clinics
- Cindy Mills –Pertaining to the Unique Agriculture Overlay and Medical Offices and Clinics
- Dot Morris representing the Concow Community Citizens Committee –Pertaining to the Lot Line Adjustment Section of the Draft Zoning Ordinance (Article 41)
- Michael Evans –Pertaining to various uses within the Draft Zoning Ordinance.
- James and Kathleen Camy –pertaining to draft zoning in the Butte Valley area (Williams Road).
- Pamela Leis –Pertaining to the Unique Agriculture Overlay and Medical Offices and Clinics
- Mary Keiser –Pertaining to the Heavy Equipment Storage

Regarding: Medical Offices & Clinics (MO & C) in the Unique-Ag Overlay zone of the Oroville Foothills

The precedent allowing a medical clinic in Magalia in the Ag-Residential zone, and its extension to Rural Residential (RR) zones in the current General Plan 2030, is not appropriate to the area covered by the Unique Agriculture Overlay (UAO).

We respectfully request that a provision be added to the UAO that says in effect: **“Medical Offices and Clinics are not a permitted use in the Unique Agriculture Overlay zones, notwithstanding their being a permitted use otherwise in Rural Residential zones.”**

Our opposition to the permitting of MO & Cs in the UAO is based on these points.

1. It is not necessary. There are ample zones adjacent to the UAO (Mixed Use and Residential) to accommodate any MO&C without requiring undue travel distances. It is a short drive, minutes, to the entire cluster medical offices, clinics, and the Oroville Hospital.
2. It is very unlikely that a conventional MO & C would be located here, given the abundance of such services nearby.
3. It is much more likely that a “medical office” or “clinic” that desires not to be in the population center would try to locate here. Two very possible candidates include enterprises associated with medical marijuana, or a federal drug-treatment facility.
 - The medical marijuana industry is large and growing, and with “pot farms” already in our neighborhood the potential is great that associated facilities would seek to locate here. This whole issue has been fraught with problems and violence, and is not settled. We do not want to increase the potential for any such problems by opening the door to “clinics”.
 - Recent experience with the “Honeyrock YRTC” project prove how readily a federal agency will distort any hint of acceptability of their project under the County Plan into an inappropriate rationale for claiming that they have satisfied their agency policy for conformance with local land-use provisions.
4. The UAO is intended to enhance and protect: “...family farms, unique crops, or historic ways of farming ...their essential rural setting...”.

A key part of that is to encourage visitation, tourism and education associated with the rural and farm-related nature of the area. People will come to visit to enjoy those qualities, but will not be encouraged if the neighborhood contains medical offices and clinics...especially those associated with marijuana or large-scale federal facilities.

To summarize: the inclusion of MO & Cs in the UAO is much more likely to encourage a very inappropriate example of such an entity, rather than to increase our access to conventional medical care. Importantly, this is not about the appearance of a MO & Cs to the neighbors. **It is about the degree to which such a facility would detract from the rural and agricultural appeal that encourages people to visit our area, and consequently will lessen the level of visitation, tourism and education that we want to promote.**

Sincerely,

Catie and Jim Bishop, 1144 Mount Ida Road, Oroville, CA 95966

OCT. 10- 2010

Dan Breedon, Planning Div.

Regarding planning commission meeting on Oct. 13TH 2010.

We want to put language in that does not permit "medical offices and clinics."

It's not necessary, and the only likely "clinics" will be those that want to be away from the public.

This would only reduce the attraction for visitors and tourists that travel our country roads to visit our farms, ranches, and wineries.

We've spent many hours getting this to the board so that our agricultural land in (area 23) is very unique.

Low Residential, agricultural with unique overlay.

Thank you,
Cindy Mills, Harvest Hill Farm

Breedon, Dan

From: Dot Morris [morrisdm@pacbell.net]
Sent: Friday, October 07, 2011 4:46 PM
To: Breedon, Dan
Cc: 'Amanda Pyle'; 'Dot Morris'
Follow Up Flag: Follow up
Flag Status: Red
Attachments: LLA Outline rev 2.doc

Hi Dan:

The Concow Community Citizens Committee would like to join in the discussion of the new Draft Lot Line Adjustment Regulation. It is of particular interest to us, since we are a neighborhood group and the LLA Regulation's intent is to facilitate simple changes to parcel lines at the neighborhood level.

The General Plan 2030, The Draft Zoning, and the Deer Herd Overlays with their larger minimum lot sizes and other changes such as Circulation Requirements have made subdividing impossible for many families who have always planned to do so. The new Lot Line Adjustment Regulation could provide an alternative for some of these property owners to reasonably achieve better practical use of their land.

We appreciate your desire to make compliance with the LLA process easier. We have some additional ideas about making the regulation less restrictive and therefore meaningful to more property owners. The regulations in the Subdivision Map Act regarding Lot Line Adjustments are fairly basic- what can you tell us about other considerations that affect the regulation process at the local level? See the attached outline of points we would like to discuss by meeting with you either in person at your office or by phone.

Please let me know what times would be convenient for you

Thanks, Mandy

Amanda Pyle, Co-Chair Concow Community Citizens Committee

P.S. I sent this on Mandy's behalf...she was having computer problems ☹, Dot

October 7, 2011

MINIMUM PARCEL SIZE

Involving parcels in a LLA that are nonconforming to zoning size requirements is allowed

1. 20-95-1 of the Butte County Code ... "if the LLA decreases the existing nonconformity"
2. Historically in Butte Co...if all parcels are nonconforming, resulting parcels must be exactly the size of the original parcels
3. Draft Article 41 LLA's... Parcels nonconforming at the start of the process "may be reduced in size by up to 10%"

Suggestion:

Allow an exception to minimum parcel size resulting from a LLA to be consistent with the average size of existing parcels in the neighborhood instead of basing it on an arbitrary percentage.

Example:

In a LLA involving a 5 acre and a 10 acre parcel existing in a 40 acre zone, configuring two 7 ½ acre parcel out of them is impossible even though the neighborhood has many 5, 10, and 2 acre parcels. Under the 10% rule, a 9 and a 6 acre parcel would be the result and this might not meet the needs of the property owners.

MULTIPLE LOT LINE ADJUSTMENTS

The Subdivision Map Act does not specifically limit the number of times a parcel can be used in a Lot Line Adjustment.

1. California cities and counties interpret the 4 parcel limit in different ways
 - a. In some, an unlimited number of applications are allowed as long as only 4 parcels are involved on each application.
 - b. In others a specified time must elapse between applications.
 - c. Butte County currently does not allow a parcel to be used in a LLA more than once.
 - i. Chapter 20-95-1, d. (1) of the Butte County Code...a full subdivision (Chapter 20, Article IV) is required if a parcel has previously been involved in an LLA.
 - ii. The Subdivision Map Act... "No tentative map, parcel map, or final map shall be required as a condition to the approval of a Lot Line Adjustment".

Suggestions:

Clarify the 4 Parcel Limit in the Draft as being per application for a LLA.

Do not require a Subdivision if a parcel has previously been involved in a LLA.

October 7, 2011

RETROACTIVE REQUIREMENTS

Applying current improvement standards retroactively is an unfair hardship and in many cases will make the cost of the LLA prohibitive

1. The current LLA process should be continued with no additional expensive requirements.
 - a. Creation deeds establish legal access
 - b. A map with proposed well and septic locations and a visual inspection by the Environmental Health Department of likely perk conditions
 - i. Perk tests and proving water only in extreme situations as determined by Environmental Health
 - c. Referral of the application to involved departments and agencies.
 - d. Notification of neighbors
2. Access Requirements are dealt with at the time a building permit is issued so they do not need to be addressed when doing a LLA.
3. Requiring private roads to be brought up to LD8-111 standards (20 feet wide, crowned and ditched) is excessive.
 - a. A jointly owned private road may be more than a mile long
4. Setbacks should only apply to existing structures.

Suggestion: Streamline the process and eliminate costly retroactive requirements. Parcels involved in a LLA are existing parcels and therefore should have "grandfather" status when involved in a LLA.

THE LOT LINE ADJUSTMENT PROCESS IS SELF LIMITING

1. It can only be done when parcels share a common border.
2. Usually neighbors must come to agreement.
3. Costs are prohibitive for the average property owner.
 - a. Even a simple LLA costs \$10,000 or more when fees, surveys and other expenses are added together.
4. With the 4 parcel limit, making repeated applications is too time consuming for a developer.
5. No new parcels can be created.

BENEFITS OF INCREASED FLEXIBILITY IN THE LLA REGULATION

1. Part of a parcel may be sold to a neighbor while retaining the family home.
2. Equal shares can be configured for inheritance purposes
3. It provides a solution to problems such as a road bisecting a property or a topographical feature such as a spring area, meadow or view being divided by a property line
4. Smaller parcels can be configured into larger ones when a property larger than the zoning minimum is involved or when a reasonable exception is granted.

Breedon, Dan

From: Breedon, Dan
Sent: Monday, October 10, 2011 4:13 PM
To: 'Evans, Michael'
Cc: Snellings, Tim; Thistlethwaite, Charles; Calarco, Pete
Subject: RE: Z code item list

Mike,

Thanks for this input. I have reviewed these requests and don't have any problem recommending their inclusion in the third draft Z.O. The exception includes:

- ◆ Please review the staff report concerning the REC-1 expansion allowance –we based this on an existing CEQA exemption, which is different from your 25 percent suggestion. When it is posted on-line –probably late tomorrow.
- ◆ The recommendation concerning clustering minimums for 100 acre or more lots –we'll need to explain that issue to the PC and get some direction from them.
- ◆ I was not sure of the sports related office like a rehab/chiropractor use, sales of equipment, sports schools etc. What existing use from the use tables do these uses fall into? If we did recommend them we would have to restrict them as being accessory to a recreational use.
- ◆ Live/Work units in the LI and GI okay with MUP, but HI is not recommended.

Also with respect to your other questions:

Major Winery: These wineries are allowed by-right in AG zones under the "Agriculture Processing" definition. It is also allowed by-right in the General Industrial and Heavy Industrial zones as a "Manufacturing, Light" use.

"Correctional Institutions and Facilities" is permitted in the Public zone with a Conditional Use Permit

Look forward to seeing more on the Conversion Technology as we discussed. If this is not in time for the PC meeting perhaps we can provide this information to the Board in early December.

Dan Breedon, AICP, Principal Planner
Butte County General Plan 2030 | www.buttegeneralplan.net
 Butte County Department of Development Services
 7 County Center Drive, Oroville, CA 95965
 Ph. 530.538.7629 | email: dbreedon@buttecounty.net

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From: Evans, Michael [mailto:MEvans@scsengineers.com]
Sent: Wednesday, October 05, 2011 2:54 PM
To: Breedon, Dan
Subject: Z code item list

Hi Dan,

Below will be the items we discussed last week: Hope you can follow the abbreviations ☺ and I hope I got them all.

Clustering: I recommend that very large acreages, say 100 acres plus be allowed to consider maximum "lot" sizes of 3 acres in lieu of the one acre as proposed. This may provide a better project where there is ample land area available for additional private amenities like horses, pools, tennis courts or some need that makes a less dense cluster more viable.

Commercial: Expansion of existing facilities in REC-1 should be allowed. PC to determine what percentage increase is OK without a Use Permit. Should be 25% for sure.

Caretaker quarters should be allowed to avoid RV's with extension cords and satellite dishes in the back or side.

Day care should be allowed in REC-1,2, likewise sports related office like rehab/chiropractor, sales of equipment, sports schools in both.

Industrial: we are working on the CONVERSION TECHNOLOGY description, to follow. (These will need to include resources to energies, composting, waste stream recycling, energy conversions, fuel creation from various waste streams and more we haven't yet encountered) and should be available to AG SERVICES, Industrial sites and the Neal Road Overlay sites.

Caretaker quarters should be as simple to permit as possible! Admin vs. Minor? Go Admin.

Live/work units also allowed A,M,C in LI,GI,HI resp.

Retail and professional in conjunction with an industrial use is allowed in all Ind. Zones.

Check the MAJOR winery as being allowed somewhere in Ind. , as I believe it is NOT allowed in AG.

I personally disagree with Heavy Man. in a HI zone needs a CUP. (we will not attract any Heavy Man. uses if CUP required). Recycling Proc., Heavy should be C in LI, M in GI, and A in HI.

Other: I noted we need to clarify where a jail can go

Unique Ag Overlay allowed in FR zones is also to be discussed at PC.

The Forbestown Road FR-10 map looks like I remember. Infill FR-10 area to be at east line section 15 projected north to Stringtown and south to Hurleton **(or even south to Forbestown!! Look again)**

I will review your meeting notes from PC and get back to you with more as necessary

THANKS

Michael G. Evans
Project Coordinator
SCS Engineers
2167 Montgomery Street, Suite D
Oroville, CA 95965
(530) 570-5498
mevans@scsengineers.com

10/12/2011

October 5, 2011

DCT 7 2011

Dan Breedon
Department of Development Services
7 County Center Drive
Oroville, CA 95965

RE: SCS Engineers' Zoning Code Input for Williams Canyon Ranch 08/29/2011
APN 041-090-021, 022, 033, 061, and 061
APN 041-610-004, 005, 006, 007, 008, 009, and 010

As property owners residing in Williams Canyon Ranch, we only recently became aware of efforts to rezone this area and extend Williams Road. Therefore, we respectfully request that this letter of protest be included in the Record when considering the proposed zoning change and the proposed changes effecting Williams Road.

We strongly oppose the proposed change of Williams Canyon Ranch from the current 40-acre minimum to a 20-acre minimum and we strongly oppose the additional proposal to change Williams Road from its current status as a private, gated, dead-end road to a publicly accessible extension to Paradise.

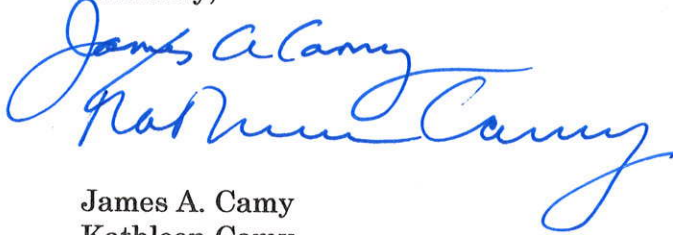
We purchased one of two 40-acre parcels available for sale in 1999 and built our home based on the belief that (1) the remaining undeveloped portion of Williams Canyon would not be divided into parcels smaller than 40 acres, (2) the existing cattle grazing, which is extremely critical in reducing the fuel load in a high-fire danger area, would continue and, (3) Williams Road would remain a private, gated, dead-end road.

To rezone Williams Canyon Ranch and develop it to the degree that is being proposed by those who do not reside in this area would significantly impact the safety of our property and negatively effect its value and desirability. We also fear that such changes may place heavy restrictions on or completely eliminate the 150-year tradition of cattle grazing in Williams Canyon on which we greatly depend for the prevention of a catastrophic fire. In fact, during the 2008 Humboldt Fire, little protection was offered nor was it available outside of what we were able to provide for ourselves and we were extremely grateful that our property suffered little damage and our home was saved because the area is significantly grazed during the winter and spring months.

Furthermore, Williams Road is somewhat remote and private. To provide a publicly accessible extension to Paradise would eliminate the restricted access we now have by way of two electric gates and a dead-end road. It would create traffic through this area and heighten the potential for fire, vandalism and the poaching of wildlife.

We agree with the current Butte County General Plan, adopted October 26, 2010, as well as the previous General Plan which designated this area AG-40 certified for cattle. We hope you also agree and will uphold the Plan and reject the proposed changes to Williams Canyon Ranch and Williams Road.

Sincerely,

Handwritten signatures of James A. Camy and Kathleen Camy in blue ink. The signature of James A. Camy is on top, and Kathleen Camy's is below it. Both are written in a cursive style.

James A. Camy
Kathleen Camy
3408 Williams Road
Oroville, CA 95965

Honorable Board of Supervisors - Butte County

September 22, 2011

The Medical/Clinic inclusion into the Rural Residential zoning has included the Unique Agricultural Overlay area. The UAO does not have public transportation that is necessary for many in our community to get to medical appointments. Parking would not be easy in the UAO as the roads are narrow.

There are areas nearer the current hospital and medical/clinic corridor available. There are many currently vacant buildings available downtown and between The Oroville Sports Club and Oro Dam Blvd that can be adapted. With the current economic situation nationwide, reuse of vacant properties sets an example in our community much like recycling does.

The Medical/Clinic inclusion in Residential Rural is perhaps appropriate where there is public transportation available.

The Medical/Clinic inclusion in the UAO is not appropriate and does not add a farm or food related business to the UAO area.

Thank you for your time today.

Regards,

Pamela Leis
1162 Mt. Ida Road
Oroville CA 95966

Breedon, Dan

From: Mary Keiser [mkeiser22@yahoo.com]
Sent: Thursday, September 22, 2011 11:00 PM
To: Breedon, Dan; Snellings, Tim; Connelly, Bill
Cc: Dori Shayna; Loren Gill; Bonnie; Skip Gross; Will Cotter; Nanci Glassgow
Subject: Heavy Equipment Storage Comments 9.22.11
Follow Up Flag: Follow up
Flag Status: Red

Hello Dan,

I was disappointed that I missed the opportunity to comment on Heavy Equipment Storage today. I have enclosed my comments and would like to discuss this with you at your convenience. I am available any week day between 1 and 2 PM.

I am opposed to Heavy Equipment Storage in rural residential zones.

How is Heavy Equipment Storage compatible with residential use when it causes dust, noise and environmental pollution and destroys our privately maintained roads? Joe Contractor tears up the road that I pay to maintain and I get to eat his dust? My idea of compatible or accessory use would be garages, gardens and swimming pools, not Heavy Equipment Storage.

If the county allows Heavy Equipment Storage "by right" this will result in the destruction of privately maintained roads by contractors. Is the county going to assume maintenance of those private roads? Instead you are imposing an undue burden on neighboring residents by encouraging unrestricted Heavy Equipment Storage and transport.

I, like most of my neighbors, moved to Berry Creek for the peace and quiet. . You are threatening our quality of life so that Joe Contractor can make a buck.

Joe Contractor wants to make a buck by reducing his storage expenses. Storage fees are a business write off. It's the cost of doing business. Why should rural residents subsidize contractors while they destroy our roads and our quality of life?

No one moved to the country to listen to backhoes, bobcats and bulldozers. I don't think that any of the Planning Commissioners would want to live next to a heavy equipment storage yard. Why do you expect us to?

Heavy Equipment Storage in rural residential zones contradicts several of the stated purposes of the 2nd draft Zoning Ordinance:

- "Preserve, protect, and enhance the fundamentally rural character of Butte County."
- "Preserve the quality of life and character of existing residential neighborhoods."
- "Protect and appropriately manage the county's water resources."

- "Allow for residential, commercial, and industrial growth in a manner consistent with Butte County's rural character."

Heavy Equipment Storage by right will allow property owners to lease their property for a profit and when the tenants move on, they'll abandon their junk equipment.

Will the rotting carcasses of heavy equipment preserve, protect or enhance our rural character?

Rural areas are going to end up being heavy equipment junkyards with the rusting, leaking hulks of abandoned equipment contaminating our rural lands and water sources. This doesn't protect our water resources or preserve our quality of life and the character of our existing residential neighborhoods.

How can you "allow for residential, commercial, and industrial growth" all in the same rural zone? Heavy Equipment Storage is a commercial or industrial use and should be confined to those zones, not rural residential areas.

Mary Keiser, Berry Creek