

Butte County Planning Commission  
Special Meeting of October 13, 2011  
Draft 2 of the Zoning Ordinance Update

Special Session began at approximately 1:30. This meeting is to review follow-up items from September 22 and to conclude with the review of the Second Draft Zoning Ordinance, Parts 5, 6 and 7. Tim Snellings introduced staff and provided introductory comments. December 6 is Board meeting date for reviewing Zoning Ordinance (draft 3). After that, CEQA review will be conducted on Zoning Ordinance draft after Board review. Dan Breedon focused discussion on **six follow-up items** directed by the Planning Commission at the September 15, 2011 meeting:

1. New language set-forth by staff for REC-1 zone to allow minor expansions to existing facilities. Chuck Nelson clarified this language applied to structures, not for instance golf courses.
2. Unique Agriculture Overlay and whether it should extend to Foothill Residential GP designation and the Woodleaf Farm Property specifically.
3. Determine whether native vegetation is mandatory requirements under Sate law as set forth in Article 21 landscaping. Staff analysis indicates 'no.'
4. Mitigation Banks. Staff recommends waiting until after work in Action plan is completed, namely AG-A2.1 to create an agricultural mitigation ordinance and COS-A7.3 to establish a mitigation bank program for areas outside HCP/NCCP area and by using fees on new development as a funding mechanism.
5. Research allowance of spring water collection in the TPZ zone. 'Is this s transfer of groundwater subject to existing code sections?' was asked of Dept. of Water and Resources Conservation District. "No." Staff recommends that two actions from action plan W-A2.2 and W-A3.2 need to be implemented before this use should be considered in the draft zoning ordinance.

Chuck Nelson asked Paul Gosselin questions about spring water being regulated like ground water. Mr. Gosselin said every project that uses a pipe is not necessarily groundwater; there are legal issues and definitions involved, with fractured rock. We need to establish a criteria/process for determining when a use permit is needed and perhaps under what circumstances a use permit would be allowed. Commissioner Kennedy noted many people from Butte Valley are concerned with groundwater. Tim Snellings said staff was not ready to make a recommendation to Planning Commission without a process in place.

6. Review of Granite Construction company requests and further recommendations. Staff is recommending changes in language advanced by Granite after further legal review.

## **Public Comments**

Jim Bishop, from East Oroville foothills. He wants to point out some details including: wants a vet clinic as an allowed use, a federal agency can place something on the ground without county zoning approvals, but they sometimes have policies to be consistent with local land use regulations. He does not want clinics allowed because they are too close to Feather River to make a 'typical' clinic appropriate there. They don't want marijuana clinic, or to open the door to other inappropriate uses.

Jim Camy. He and his wife oppose rezone of adjacent property, Williams Canyon Ranch, from A-40 to A-20, and making Williams Road a public Road. It will threaten cattle grazing, cause wildfire concerns, and over populate, increase poaching and vandalism. He asked that Planning Commission to not down zone the property.

Chuck Nelson asked why he doesn't want an escape route. Jim Camy answered that right now he and his wife know who is out of the area and why. The public road will bring in fire bugs and others who would disturb normal operations. It would double the number of parcels and double the amount of water used. It would change the whole area for the worse.

Amanda Pile, co-chair of Concow Citizens Committee. Concow Citizens Committee supports needing more information before setting up regulations for spring water collection in TPZ. They love the Unique Ag Overlay and want it for FR, TM, TPZ, etc.

Michael Evans, Sharp Road, Oroville. Supports staff recommendation on staff's REC-1 language. Wants unique ag overlay to be possible (not necessarily applied to all lands within) in the FR zone. Only Woodleaf is requesting it at this time. He believes Woodleaf meets criteria for unique Ag. Unique Ag already contains discontinuous lands. Wants to have ability to allow regional green waste recycling at least in manufacturing areas, but also it might be possible in other areas. This will be understood further after additional research and industrial development is undertaken. It should be allowed in Ag Services zone.

Jeannie Cecchi of Grey Fox Vineyards. She agrees with Jim Bishop. They are concerned about medical clinics and offices for marijuana; she supports them being banned. If not, County needs to plug the 'gaping' hole in regulations. Along with legitimate uses are illegitimate uses. She would like to see language where 'unique' products cannot include 'controlled substances'.

John Scott. He recognized the importance of the water resources. His neighbors have existing water problems. Any permit at this time is a bad idea. Do the studies first. Chapter 33 might be amended to address trucking water offsite.

Carl Risotto. Founder and owner of Woodleaf. He does a lot of education out there of Chico State and Butte College students regarding organic farming. Property contains 26 acres; four parcels, electric and

solar. He advanced the need for small farms to show new practices and green technologies are achievable.

#### **Planning Commission Recommendations of 6 follow-up Items**

- 1. New language from staff approved to allow limited expansion in REC-2. Vote: Nelson- Marin. 4-0**
- 2. Allow Unique Ag overlay in FR zones and extend Unique Ag overlay to Woodleaf Farm. Vote: Nelson –Marin 4-0**
- 3. Concurrence with staff position to reflect state law on Landscape Ordinance. Vote: 4-0**
- 4. Concurrence with staff to defer consideration of mitigation banks in the draft Zoning Ordinance until completion of Actions AG-A2.1 to create an agricultural mitigation ordinance and COS-A7.3 to establish a mitigation bank program for areas outside HCP/NCCP area and by using fees on new development as a funding mechanism. Vote: 4-0**
- 5. Concurrence with staff position to defer allowance in of springwater collection for commercial use in draft Zoning Ordinance until completion of Actions W-A2.2 concerning the development of criteria for the size of projects, and W-A3.2 concerning the evaluation of gaps in existing federal, State and local standards and the development of new standards as needed to preserve groundwater recharge and protect groundwater quality. Vote: 4-0**
- 6. Support request from Granite as presented by staff. Vote: Nelson-Marín 4-0**

**Should we allow medical office and out-patient clinics in FR and RR with Use permit? Vote: Nelson – Marin 4-0.**

Foster request to A-80 from A-160 was tabled for further consideration.

**Dan Breedon presented overview and staff recommendations to Parts 5, 6, and 7 of Zoning Ordinance.**

Commissioner Kennedy noted terms missing from glossary: collocation, ministerial action is out of alpha order, lot line adjustment. Wants list of tables and figures so reader knows exactly where to find them.

#### **PUBLIC INPUT**

David Eldridge. Based on previous Commission direction, House concerts under 50 people were allowed by right, but David did not see that in the text. What is permitted and what is not. Dan said those revisions will be in the third draft ZO (page 19 of staff report notes). David wants to be a part of developing that language; email he is getting from D. Breedon seems to be a little different.

Dan Breedon will email final language to Mr. Eldridge.

Amanda Pile. Lot Line adjustments are about the little guy, two neighbors changing a border. Draft regulations didn't go far enough. They would like to see more options. She recognized past abuses, but sees existing regulations as too expensive or too slow to be of real use for more than four parcels. She is

asking the Planning Commission to direct more options especially three suggestions. 1) 10% changes should be allowed for small parcels. 2) Allow average within ¼ mile. She doesn't like retroactive stipulations for lot line adjustments. 3) Interpret the four parcel limit as four parcels per application, not four parcels total over time. Remember, no new lots are created. Please direct more revisions to open up possibilities.

Michael Evans. He thinks new LLA regulations still need additional work. What is distinction between a gas station and auto service station that used to happen at gas stations. Use 'Director' or 'zoning administrator' consistently. Are site plans subject to appeal? Developers need to know when

**Staff recommendations were moved on Draft Zoning Ord. Part 5. Vote: Nelson-Marin 4-0.**

**Staff recommendations were moved on Draft Zoning Ord. Part 6. Vote: Nelson-Marin 4-0.**

**Staff recommendations were moved on Draft Zoning Ord. Part 7. Vote: Nelson-Marin 4-0.**

**Foster request to an A-80 from A-160 zone tabled earlier in the day for further consideration. No recommendation at this time. Vote: Nelson 3-1.**