



## Butte Creek Canyon Overlay Planning Commission Workshop

### SUMMARY NOTES

January 26, 2017

The Butte County Planning Commission held a Public Workshop on January 26, 2017, for the consideration of the proposed Draft Butte Creek Canyon Overlay Zone Ordinance and Overlay Map. This workshop was continued from the October 27, 2016 public workshop. The purpose of the Public Workshop was to introduce the draft Ordinance and Map to the Planning Commission and public and to answer questions and receive comment and direction. The public was encouraged to attend and provide comment, either written or orally at the Planning Commission Workshop. Further direction from the Planning Commission will be incorporated into a final draft ordinance with further hearings scheduled at the Planning Commission for further consideration and action, prior to review by the Board of Supervisors. The following presents a summary of public comment and the Planning Commission comments and directions.

Principal Planner Dan Breedon provided a staff presentation. Mr. Breedon summarized staff recommended amendments to the Butte Creek Canyon Overlay Ordinance stemming from the last workshop pertaining to the following draft ordinance sections:

1. Amending the Overlay Boundary by removing the AG (Agriculture), TM (Timber Mountain) and TP (Timber Production) Zones
2. Section 24-34.1 D.2 (b) Vegetation Removal
3. Section 24-34.1 D.4 Butte Creek Canyon Ridgeline Development
4. Section 24-34.1 D.6 Heavy Equipment Storage
5. Section 24-34.1 D.7 b. Maximum Impervious Surface
6. Section 24-34.1. D.7 (d). Septic System Regulations

### Planning Commission Questions and Comments

#### **Amending the Overlay Boundary by removing the AG (Agriculture), TM (Timber Mountain) and TP (Timber Production) Zones**

**Commissioner Jacquie Chase** inquired about land divisions in the AG-160 zone, indicating that it could eventually be divided. Staff responded that the land divisions would be at a 160 acre parcel size minimum. Zone changes would come with a set of criteria to support and a demonstration of findings. Commissioner Chase also inquired the types of agriculture taking place and staff responded that a variety of agricultural activities take place.

**Commissioner Rocky Donati** inquired as to whether the areas proposed not to be included in the overlay could be considered in the future if the zoning changes. Staff responded that a decision could be made to consider whether it should be included at the time of a zone change.

**Commissioner Jacque Chase** inquired about not including agricultural lands in the Overlay. Staff responded that if lands are considered for a change in zoning from Agriculture to Residential, that decision-makers could decide if the Butte Creek Canyon Overlay could be applied as well. Commissioner Chase also discussed agriculture being left out of the overlay, and indicated concern about the watershed component of the overlay and agricultural uses. Staff indicated that all of the existing standards of the overlay applied to residential development and not to agricultural uses. Commissioner Chase indicated that is not saying that agricultural uses do not have effects.

#### **Section 24-34.1 D.2 (b) Vegetation Removal**

**Commissioner Larry Grundmann** inquired about the wording in this section and was concerned about the ability of property owners to clear vegetation, in addition to the required setback clearing. Wanted to know if a property owner could undertake that on their own without involving a fire safe council. Staff responded that this concern was captured and that staff would come back to that concern.

**Commissioner Mary Kennedy** inquired about removal of diseased trees. Staff responded that CAL-Fire allows the removal of dead and diseased trees and that this is supported by the forest practice rules.

#### **Section 24-34.1 D.4 Butte Creek Canyon Ridgeline Development**

**Chair Phil John** inquired as to whether the County had an architectural commission. Staff responded no that the review concerning the standards for ridgeline development would be strictly a review with the Department of Development Services. The standards were made very prescriptive in nature to allow staff to determine compliance.

**Commissioner Larry Grundmann** inquired about how the ridgelines get identified. Staff pointed out the exhibit showing the ridgelines and clarified that only designated ridgelines are subject to the standards. Ridgelines are shown in an approximate form, they follow topography but a field visit would be required for each property.

**Commissioner Jacque Chase** inquired about how many people would opt to move their house back 100 feet over painting their house beige. Felt that the setback standards would be gone under the new standards. Staff responded that it was felt that the right balance was struck, but that more people may choose the alternative standard over the setback. Commissioner Chase also inquired as to whether a technical study was available regarding the setback and whether it

was arbitrary and felt it was difficult to make a decision without knowing how the setback worked.

Several commissioners engaged in a discussion on the standard for the setback. Commissioner Chase indicated that if there are studies that exist that support the standards that would be helpful. Staff indicated that there was no studies in support of the standard, but that the setback was chosen as an appropriate amount to prevent homes from being silhouetted against the sky on a ridgeline. Staff indicated that research of other jurisdictions standards showed that some complex analysis. Staff spoke to Chico Architect Greg Peitz who has extensive background on developing homes in sensitive areas. His opinion was that the views that are in the canyon are distant views. He indicated that design standards were very effective to hide homes for distant views. It is more difficult to use design standards on more close in views.

**Commissioner Larry Grundman** inquired about the issue of extending the ridgeline setback to both sides of the Ridgeline. Staff responded that the setback applies to both sides of the Ridgeline. The ridgeline itself follows the watershed in certain locations. Some areas where this took place on the Meline property have been removed. Staff clarified that the standard would have to potentially apply to the other watershed.

#### **Section 24-34.1 D.6 Heavy Equipment Storage**

**Commissioner Jacque Chase** inquired about the connection with runoff and heavy equipment and asked how that worked. Staff indicated that there is always a potential for stormwater runoff from heavy equipment such as oil if it is not covered.

#### **Section 24-34.1 D.7 b. Maximum Impervious Surface**

No questions from the Planning Commission were brought up for this recommendation.

#### **Section 24-34.1. D.7 (d). Septic System Regulations**

**Chair Phil John** indicated that the commission would have to wait until the report from the Wastewater Advisory Committee.

**Commissioner Larry Grundmann** indicated that engineered systems should be applied to failed systems on existing development similar to the requirement on new development. Chair Phil John agreed with Commissioner Grundmann's statement.

## THE HEARING WAS OPENED FOR PUBLIC COMMENT

Pamela Posey – Butte Creek Canyon Coalition provided a presentation and PowerPoint:

Called the little grand canyon of Butte County, contributes to recreation all aspects of Butte County. BCCC was formed over a poorly conceived development. Petitions were submitted to Board to protect rural nature of county. Marker placed in BCC Overlay. Addresses Urban and Rural zoning districts and GP polices related to AG. Policies related to important environmental concerns, migratory deer herd, fire hazards and migratory habitat for spring run Chinook salmon. Discussed impervious surface requirement to have low impact development, minimizing habitat degradation. Provided example of good ridgeline development, setback from the edge. Provides a planning tool for protection of canyon area. Provided ridgeline protection handout with examples from other jurisdictions all over the United States. Handout includes website and names of ordinances and functions. Also mentioned the 100 postcards submitted at the last workshop from people supporting the overlay.

Robert Catalano

- If property is rezoned, can it be automatically included in Overlay?
- Grazing has limited impacts compared to construction; agrees with exemption of Meline/Rabo.
- 100 - 150' setback applies to main structure. Setback also maintains privacy of those below. Does not mean they cannot build a deck. Setback number is arbitrary, but could be verified by an engineer.
- In the past roads and driveways have been built without permits. Fire trucks cannot get up roads that have been built. Unpermitted driveways need to be restricted. Requirements need to be enforced.
- Setbacks from ridges also protects structures from fire moving up the ridge.
- Engineered septic tanks - the proposed rule would motivate people to inspect their systems to keep them functioning.

Vanessa Church - 40-year resident/50-acre property owner

- Has been a member of Centerville Historic Recreation Board and helped build museum
- Canyon needs overlay to provide direction
- Most concerned about setback and views onto her property from ridgetop development.
- Concerned about lighting from ridgeline development.
- Fires burn down the hill slowly; however, fire traveling up a hill is much faster; concerned that people building on the ridge would not be protected.
- Supports overlay.

Allen Harthorne, Exec. Director, Friends of Butte Creek

- Discussed 82-83 plan to build 72 condominiums, overturned by citizen's referendum
- Migration of the creek can cause damage and bank side erosion.

- Supports requirements on ridgelines to protect the beauty of canyon.

Steve Flowers - 45-year resident and property owner.

- Concerned about nighttime views and impact from lighting from homes on ridgelines.
- Hoping that a great deal of consideration is given to protect the canyon from light pollution.

Tom Rider - 20-year property owner.

- Enjoys owning property with no neighbors.
- Collects and restores bulldozers and does not want to be limited.
- Well maintained heavy equipment does not impact watershed.

Nancy McCune - 20-year property owner

- Supports the overlay zone.
- Concerned about lighting impacts on night sky.
- Wants firm setbacks on ridges.
- Overlay preserves wildlife.

Rhonda Callahan

- Keep AG-160 and ranches included in the overlay zone.
- Maintain setbacks from ridgelines, but allow variances for unique shaped properties.
- 200' setback should have process to make exceptions for site specific circumstances.

Randall Meline

- Thanks Commission for recognizing importance of Agriculture.
- Encourages Commission to remove other Meline properties from the proposed Overlay as proposed.

Jeff Carter – Representing Meline family

- Meline Rabo families have farmed property as single piece since 1930s.
- Multi-generational agricultural family.
- No intent to not continue historic use of property.
- Thank you for removing AG-160 from proposed Overlay.
- Requests removal 78-acres in FR zone that is part of farm.

Kathleen Faith - Lived in Canyon for 20 years.

- Concerned about water quality.
- Concerned about decks and stairs on creek.
- Protect night time skies from light pollution.
- Supports standard ridgeline setback but not design standards.

William Logsdon

- Purchased property for view.
- Ridgeline setback - Figure 1 is not to scale.
- When shown with slope, a residence is not visible.
- If the County wants a park, they can trade or compensate property owners.
- 150' setback makes half of his 40 acres unusable.
- Overlay is overreaching and over regulation.
- Supports restrictions on septic systems and development on creek.

Larry Shack - 4-year resident

- Lives on top of canyon and is concerned about light pollution at bottom of canyon.
- Instead of setback, lighting can be addressed by LED directional technology.
- Heavy equipment restriction seems egregious.

Mark Lightcap - Resident since 1991, 32 acres

- Has an outdoor shower, below cliff and hill, concerned about privacy.
- Supports ridgeline setbacks.
- Noted that floodlights on a residence on the ridgeline causes pollution.

## **PUBLIC HEARING CLOSED**

### **Commission Discussion and Direction**

Commissioner Mary Kennedy: Brought up lighting restrictions and existing zoning regulations, specifically requirement to change over to screened lighting. Staff noted that the zoning ordinance does require residential lighting to conform to these regulations and that there is a requirement for existing development to comply.

Commissioner Rocky Donati - Disagrees with Overlay's restrictions on heavy equipment. What is origin of these requirements?

- Staff: BCC Overlay Committee recommended these restrictions, but they are not directed by general plan policy. It is one standard that may help promote the purpose of the Overlay.

Commissioner Mary Kennedy: Agrees with Commissioner Donati that restrictions are detrimental to business.

Commissioner Jacque Chase: What restrictions can be in place in addition to screening heavy equipment? Also concerned about noise.

Commissioner Rocky Donati: Doesn't see need for screening of Heavy Equipment. Existing regulations should have issues and violations covered.

### **1. Heavy Equipment**

Commissioner Rocky Donati - Move to remove heavy equipment storage restriction from Overlay.

Commissioner Mary Kennedy – Second.

3-2 (Commissioners Grundman, Chase, and Chair John voting no, motion failed)

Commissioner Larry Grundmann – Moves for Option 1 –Apply the FCR (Foothill Country Residential) and RCR (Rural Country Residential) Zone Heavy Equipment Storage Criteria, and keeping in screening requirement.

Commissioner Jacque Chase - Second

3-2 (Commissioners Donati and Kennedy, no, motion passes)

### **2. Amended Draft Overlay Zone Boundary**

Commissioner Larry Grundmann - Moves Option 1 (Removal of all AG-160, Timber Mountain (TM) and Timber Production (TP) zoned property) as well as the remaining Meline properties and the Alm properties from the Draft Overlay

Second – Commissioner Rocky Donati

5-0, motion passes

### **3. Hillside Development Standards**

#### **A. Vegetation Removal Amendments**

And including “Consistent with projects undertaken by local Fire Safe Councils” language

Commissioner Larry Grundmann - Motion

Second – Commissioner Jacque Chase

4-1 (Commissioner Kennedy no), motion passes

#### **B. Ridgeline Development**

Alternative Design Standards

Commissioner Larry Grundmann – Move Section B. - Include Alternative Design Standards

Second - Commissioner Mary Kennedy

3-2 (Commissioners Donati and Chase, no), motion passes

- Staff to return to the Planning Commission with additional information regarding lighting.

Section A. - Ridgeline Setbacks

Commissioner Larry Grundmann – Moves Section A. Ridgeline Setbacks

Second – Commissioner Rocky Donati

5-0, motion passes

**Maximum Impervious Surface**

Commissioner Larry Grundmann - Move to adopt Option 1 - Removal of the 1.5-acre Impervious Surface Limitation for Parcels greater than 1-acre.

Second – Commissioner Jacque Chase

4-1 (Commissioner Kennedy, no), motion passes

**Commissioner Rocky Donati** indicated a need for another workshop to discuss septic issues April 27th at 1:00 p.m. This was motioned and approved by the Planning Commission.