

BUTTE COUNTY PLANNING COMMISSION MINUTES
May 9, 2008

I. PLEDGE OF ALLEGIANCE

II. PRESENT: Commissioners Leland, Marin, Nelson, Lambert and Chair Wilson

ABSENT: NONE

ALSO PRESENT:

<i>Development Services</i>	Tim Snellings, Director Charles Thistlethwaite, Planning Manager Dan Breedon, Principal Planner, Advanced Planning Stacey Joliffe, Principal Planner, Current Planning Tiffany Upton, Office Specialist, Senior
<i>Environmental Health D C & E</i>	Doug Fogel, Program Manager Tanya Sundberg, Consultant

III. BUTTE COUNTY GENERAL PLAN 2030 STUDY SESSION

Mr. Tim Snellings gave a brief introduction and overview of what was going to be discussed and who will be speaking to the Commission. He also indicated that there are several department representatives in the audience if they are needed to answer any department specific questions.

Mr. Snellings reviewed the Citizens Advisory Committee (CAC) meetings from Meeting Series #4, the different study areas and Butte County General Plan 2030 work products to date.

Commissioner Leland asked if the growth projections assume the existing boundaries of the cities or does it include annexations as well.

Mr. Snellings said that the projections do include annexations.

Commissioner Lambert asked if we were using urban limits or spheres of cities.

Mr. Snellings said that information would come into play later in the discussion, and he went over some population numbers provided by the City of Chico.

Commissioner Leland said that he was thinking about it in terms of how the County would want to accommodate a certain number of dwelling units in the General Plan. According to this the County would have to accommodate on existing County land, not only the ten thousand that's projected to remain as a growth area, but the ten thousand that Chico is going to swallow up as well.

Mr. Snellings said that was correct. That we would need to be planning for that with Chico and we are.

Chair Wilson asked if the unincorporated area is taking into consideration the units that the unincorporated area would lose as they are being annexed into the cities and still have a 1.1% growth.

Mr. Snellings said yes.

Mr. Snellings went over the different roles in the General Plan 2030 process, public, Planning Commission, Board of Supervisors, Water Commission, Development Services, School Districts, State Agencies, etc.

Commissioner Nelson asked if Development Services perceives having to go back to Alternative 4 after Alternative 5.

Mr. Snellings said that he believes Alternative 5 will refine Alternative 4 and lead us to Alternative 6. He also went over fiscalization of land use, sphere planning, growth areas and the 13 guiding principals.

Commissioner Leland said that they are making policy decisions inevitably when they are selecting a preferred alternative.

Mr. Snellings went over the different documents that have been produced so far, the Briefing Book, the Key Issues Summary, the Settings and Trends Report and the Alternatives Evaluation Report.

Mr. Dan Breedon reviewed the alternatives evaluation process and report. He provided history of the document and how it came about. He said that there is a chapter devoted to each study area that talks about each specific constraint area. He said that for each topic area there is a grade scale: A, B, C, D or 0. The zero denotes no applicable rating due to no conceivable impact due to that specific development or non-development. The A, B, C, D score is a ranking with A being the highest and D being the lowest. They are aimed at comparing alternatives for a given study area. It's more or less to get a judgment of how each study area lines up with an alternative.

Commissioner Marin asked about the A, B, C, D or 0 score and wanted to know if "0" is just not applicable.

Mr. Breedon confirmed that the "0" is just a non-applicable rating.

Commissioner Nelson asked about how the rating system works and wanted to know what the concept is. He wanted to know what would happen if an area received all D's.

Mr. Breedon said that would be something that the department would really have to review.

Commissioner Leland gave some suggestions as to how we could deal with growth and said that it presents an opportunity to decide on how we want Butte County to grow. He asked if there is a growth projection to see how many people the County is looking at accommodating.

Mr. Snellings said that we will be going over the CAC's growth projections later.

Commissioner Lambert asked if they should look at the cities and then work outward or look on the fringe of the city and work outward.

Mr. Snellings gave a little more explanation as to how the process is going to continue on. He said that there are a lot of competing factors, and the task for the Planning Commission is to take everything into account and assess each area in the best possible way.

Commissioner Nelson asked about services such as water and sewage and wanted to know if it was going to be cost prohibitive.

Mr. Snellings said that one of two things has happened, either you will see D's for scores for public services or there is an expectation that they will provide their own services.

Mr. Breedon said that the alternatives themselves lend a theme to each alternative, the existing general plan as it is and what it is, city centered growth and more dispersed growth in the County. These are general themes that the CAC is looking at, making adjustments to and also making brand new alternatives based on aspects of each one. The alternatives lend themselves to determining a goal as to how you want to have a land use pattern in the County.

Commissioner Nelson said that it appears that alternatives 1, 2, and 3 are essentially going to be different for each study area. He said that one scenario in one area is a different scenario in another.

Mr. Snellings said that early on there might have been a hope that you might see a recommendation from the CAC for alternative 2. But that didn't happen. In fact in some areas the existing general plan is what they are recommending, in other areas they saw the justification for some rural extension and in other cases the CAC came up with an alternative 4 or 5, which they ended up recommending. There is no straight recommendation that this is going to be a city centered, urban centered focused general plan.

Commissioner Nelson wanted to know if the majority of the growth is around the urban fringes.

Mr. Breedon said that they could take a look at that and provide the Commission with the information.

Commissioner Nelson said that economically for the County that it would be best to have the development around the urban core so that it could be serviced more efficiently. He said that should be what we are striving for-- to keep the County healthy.

Mr. Snellings said that may require revenue sharing because otherwise the County is giving away their tax base to the cities. That is the danger, without having a funding source for the provision of services that the County has an obligation to provide. He said that from a planning perspective Commissioner Nelson is right.

Commissioner Leland asked about the fiscal dimensions of annexation.

Mr. Snellings used the County library as an example. He said that if the city adds twenty thousand homes, the County then has to improve its library services, provide more services,

more staff resources, more hours because of greater demand. What is the funding source for that additional provision of services?

Commissioner Lambert asked if the same goes for the courts and jails.

Mr. Snellings said that the courts are funded a little differently. But the jails are a good example. Unless there is a revenue sharing agreement that allocates from that new growth a funding source back to the County, the County will come up short. The County has to protect its own interest.

Commissioner Nelson said that the revenue sharing is going to have to be worked out regardless of where the growth occurs.

Mr. Snellings said not necessarily.

Commissioner Leland said that if the County puts a new town in an area that can't be annexed, then that's good tax base that will stay within the County.

Commissioner Nelson asked if there is any exchange when a person is arrested in the city and booked in the County jail is there any payback.

Mr. Snellings said that he did not believe so.

Commissioner Leland asked if the Local Agency Formation Commission (LAFCO) imposes revenue sharing agreements or if they can when annexations arise.

Mr. Charles Thistlethwaite said that they work within the general framework of trying to ensure revenue neutrality. He said that they typically concur with agreements as long as both the receiving and the giving entities agree.

Mr. Snellings said that a typical problem is when the existing land use designation is agriculture and a city is going to annex it and put industrial or residential on it so that the tax base in the County is very low. When it annexes and grows and improves, then the tax base goes up. But there's no sharing back to the County because it was agriculture when it was in the County. The city will receive the benefits without a revenue sharing agreement.

Commissioner Lambert said that by developing it, costs of services go up that weren't needed when it was in agriculture.

Commissioner Leland asked which County supplied services are provided to city land.

Mr. Snellings said that there is a list of around forty services in the Settings and Trends report.

Commissioner Nelson asked where the revenue sharing agreement is going. He wanted to know if these issues are being discussed.

Mr. Snellings said that they are looking into different strategies on how to do good planning and protect the viability of each jurisdiction, the city and the County.

Chair Wilson asked if special districts would be useful.

Mr. Snellings said that he believes that's basically a "bargaining chip" for the County.

Commissioner Leland said that he agrees with Chair Wilson regarding the special districts.

Break at 10:15.

Recommenced at 10:35.

Chair Wilson opened public comment with Study Area 10.

Mr. Jay Birkowitz, the manager of the Tuscan Ridge Golf Club, stated that he attended all of the CAC meetings and has comments regarding the Tuscan Ridge Golf Club. He said that they are proposing 163 homes on approximately 35 acres. He said that they are the only facility that has a practice range, that all of the local schools utilize, and that the golf course needs a housing project or they will not be able to survive.

Mr. Snellings wanted to make the Planning Commission aware that the Department of Development Services will be compiling all of these comments and providing them to the Planning Commission on 5/30/2008.

Mr. Jim Stevens with Northstar Engineering said that he wants to look at a larger picture in regards to Study Area 10. He wanted to state some of his observations regarding the CAC meetings. Instead of looking at the appropriateness of an area, the CAC was coming down and looking at project level analysis and opinion.

Commissioner Nelson asked how the line was drawn on Study Area 10.

Mr. Stevens said that it is a geographic anomaly.

Mr. Mark Stenbeck stated that he is in support of a General Plan alternative that would allow the Tuscan Ridge Golf Course to have housing. He supports this because he believes that it is a necessary step for the golf course to remain open. He's also in support of the course remaining because it's an important recreational and fellowship facility. He stated that he is also a resident of Paradise and doesn't want to see the Skyway being developed with houses and businesses up and down the road.

Commissioner Leland asked about how housing will allow the course to stay open.

Mr. Stenbeck said that he would leave that to management to answer.

Mr. Ron Dennisson wanted to offer his support for the Tuscan Ridge Golf Course.

Mr. Mo West said that having housing on the golf course would support it by the members paying monthly dues in addition to persons purchasing the homes. He spoke of grading, water, and sewer. He said that the water would also be recycled through the homes, and that these elements were not proposed in the constraints analysis. The proposal is to center the homes on the golf course, and he said that only about 40% of their frontage would be used for homes and the other 60% would be left alone. He also said that only about 35 acres of the 163 acre property would be utilized for the golf course and the homes.

Commissioner Nelson asked how close the Paradise town limit is in relation to the course.

Mr. West showed the Commission on a map where the Paradise town limit was located.

Commissioner Wilson asked what the zoning was.

Mr. Breedon said that it is unclassified.

Mr. Clinton Williams spoke of traffic and that it's not very congested now. He said that he does not view the Tuscan Ridge project as having a large impact on emergency services.

Mr. Eric Murray, owner of Tile City and avid golfer at Tuscan Ridge, wanted to state that one unique thing about the course is that the location allows it to be a great recreational facility.

Mr. Bob Cromer, property owner in the Bell Muir area, said that he wanted to talk about some issues regarding changing this area. He said that issues such as transportation, services and preserving viable agricultural land are important. He thinks that having growth centralized next to the city limits is very important. His concern is the CAC's support of the alternative for the mixed density residential development includes the comment that it only occurs after annexation or in close cooperation with the City of Chico. His concern is based on some preliminary discussions with the City of Chico Planning Department that residential only annexations are not likely since they don't pay for themselves. He said that many of the Bell Muir owners have been working with the County towards changing the zoning in that area from A-5 (Agriculture, 5 acre minimum) to LDR (Low Density Residential). Through an internal study, it was discovered that approximately 30% of the parcels are less than one acre already, 2/3rd of the parcels are less than three acres and only about 15% are five acres or more. Also, there is very little viable commercial agricultural land inside Bell Muir because of the parcelization and urbanization. He asked that the Planning Commission recognize this urbanization and land use in and around Bell Muir, the close proximity to Chico's city limits and support the zoning change from A-5 to LDR without the comment "that only occurs after annexation or in close cooperation with the City of Chico." He suggested that the wording say "Encourage annexation and cooperation with the city." His other comment was in regards to another study area (Mud Creek) that the Board did not choose to use in the General Plan 2030. He suggested that the Planning Commission revisit the idea of making it a study area.

Commissioner Nelson asked if Mr. Cromer was for annexation, and he wanted to know what the general opinion of the people in Bell Muir is regarding annexation and rezoning.

Mr. Cromer said that they are for rezoning, and he said that annexation is probably a natural outcome, but he reiterated that the City of Chico has said that residential annexations are not very attractive since there is not the commercial revenue to pay for the services that need to be provided. Commercial and residential annexation together would make a lot more sense in an area like Bell Muir.

Mr. Roger Cutler, Chairman of the Berry Creek Community Association, wanted to urge the adoption of Grassroots Alternative 4. He proposes that the "fire" map be used to have the boundaries for Berry Creek instead of the way they stand now. He wants rural residential zoning and 20 acres for retail and commercial use and another 50 acres for Community public lands such as parks.

Commissioner Lambert asked about the grassroots alternative and said that she has not heard about it.

Mr. Cutler said that he has provided documents for the Planning Commission.

Commissioner Nelson asked about how large the population in Berry Creek is and how large the parcels are.

Mr. Cutler said that the population is approximately 3500 and most parcels are 5 acre minimum.

Commissioner Lambert said that she read that about 300 units are proposed, and she wanted to know if the numbers had changed.

Mr. Snellings said that they would be covering that on the 30th.

Mr. Cutler spoke about the zoning designations.

Mrs. Geri Benedict from the Upper Ridge said that growth needs to be limited in study area 5 until four things happen: assured adequate water, a road to Chico from the Upper Ridge, adequate fire protection and adequate sheriff protection.

Mr. Bruce Hall spoke about study area 6. He spoke of the different alternatives such as water, safety and preserving historical sites. He wants to put in parks, wineries, clustering in the community, water, sewage and protecting 2000 to 2500 acres of open space.

Mr. Bill Brouhard spoke regarding study area 9. He said that the area has good access to the site and infrastructure. One of his suggestions was to have a regional community park.

Commissioner Nelson asked if Alternative 5 is the same concept except that it would be annexed to the City.

Mr. Brouhard confirmed that.

Mrs. Sue Seropian spoke about area 13. She said that she is concerned about water because the community well runs dry. She believes that the area shouldn't be developed until the water issue is resolved. Safety is an issue in regards to fire and evacuation.

Mr. Scott Wyckoff, representative of an owner in area 13, said that the existing land use is residential. It is in the Town of Paradise's sphere of influence. He wants to maintain the existing land use designation and wants to see around 300 to 350 homes.

Break for lunch from 12:05 p.m. to 1:05 p.m.

Mr. Dylan Paul spoke about area 15. He would like to see a Research Park in the area, and he wants to be able to retain the students from Chico and Butte College to create more jobs. He said that we need economic growth, and the area comes out of the Williamson Act in January of 2012.

Mr. Ernesto Alvarado said that he wants to develop 10 acres in Durham and is concerned that his parcel is not included in the General Plan for growth and development. He wants to have this area reviewed by the Planning Commission.

Commissioner Marin said that he agrees that the area is prime for infill development.

Mr. Mark Adams Northstar Engineering, said that he supports Alternative 1 and that he wants the Planning Commission to adopt the CAC's recommendation.

Mr. Breedon said that the CAC voted to keep the Durham-Dayton-Nelson plan in place.

Mr. Richard Jones said that there are no growth issues and believes in building from the center of town out. He recommends Alternative 3 as he feels that higher density would be more practical, likes clustering.

Mr. Bert Garland spoke on study area 19. He said that he supports Alternative 4 which supports commercial/industrial development.

Mr. David Palmerly spoke on study area 30. He said that he wants the County to preserve the beauty of the land. He wants to keep plenty of open space, with compact urban cores that provide a benefit by having lower impacts on public services such as police and fire, roads and highways, commuting, auto use and improves on mass transit.

Mrs. Johanna Tuite spoke on study area 27. She went over the Rio Del Oro project proposal and said that she is in support of a specific plan for the area.

Mr. Chris Hawke spoke about his project proposal and about the City of Oroville's specific plan, which the City of Oroville has already approved. He urged the Planning Commission to approve the alternative that will support the specific plan designation.

Commissioner Leland asked if since the City of Oroville has already approved it, if they are planning to annex it.

Mr. Hawke said yes, but they will have to go through a process of annexation as well, and he is taking the precaution by suggesting that the specific plan designation be applied to study area 25.

Commissioner Nelson asked if there are any airport issues.

Mr. Hawke said no, their plan has already been reviewed and approved by the Airport Land Use Commission (ALUC).

Mr. Scott Perkins spoke about area 23. He asked that the Planning Commission approve the CAC's recommendation regarding study area 23.

Mrs. Jane Warmack said that she wants to maintain a rural agricultural area in area 23 rather than allow a lot of leapfrogging from the city. She is concerned that housing will surround and permeate the agricultural areas and change the character of the area. She is also concerned about safety, habitat and the irrigation canals.

Mrs. Jeane Cecchi with Greyfox Vineyards wanted to express the importance of the agricultural designation in area 23 and how beneficial Agri-Tourism can be for the County.

The Planning Commission took a break from 2:20 p.m. to 2:38 p.m.

Mr. Jim Bishop spoke on area 23 and submitted a letter to the Commission. He is concerned that the land designation for the area will be altered and if it was to change, valuable farmland would be lost.

Commissioner Nelson asked whether people want to keep the unique agricultural lands as it is and allow a residential designation for other parcels as applicable.

Mr. Bishop said that was correct.

Commissioner Nelson said that area 23 really needs to be looked at with regards to how the land is designated.

Mr. Robert Friedman spoke on area 23 and the importance of preserving the unique farmland in this area.

Mrs. Paula Kelso said that she does not agree with the previous speakers. She would like to keep the land designation of AR-5 (Agricultural-Residential, 5 acre parcels) on her parcel. She said that many people want to live in that area.

Commissioner Lambert asked if the area is conducive to vineyards.

Mrs. Kelso said yes.

Mr. Mark Adams, who is representing the major property owners in Area 24, spoke in favor of recommending an alternative that would allow the Stringtown Resort Project to be developed.

Mr. Donald Schwartz spoke about Area 14, Nance Canyon. He is a supporter of Business and Research Parks and wants to encourage the Commission to maintain and sustain this land use classification.

Mr. Bill Kinsley, who is a CAC member, supports the alternative that allows both agriculture and residential designations. He asked that the Commission look at the totality of the area when making their recommendation to the Board.

Mr. Bruce McClintock told the Commission that the CAC was basically trying to go with Oroville's General Plan in regards to study area 23. He also said that regarding study area 10, the CAC was split between the 165 homes that Tuscan Ridge is proposing and no development.

Mr. Breedon went over the CAC's actions and votes regarding the alternative choices recommended to the Commission.

Commissioner Leland wanted to know when the County will defer to the cities. Does it independently zone it in a way that it thinks mimics what the city is going to do, or should the County promote urban reserve zoning if the city will annex it anyway?

Mr. Snellings said that with Oroville it did make sense to adopt the city's preferred alternative because the City of Oroville is further along in its General Plan process.

Commissioner Lambert asked how the urban reserve designation in the Gridley-Biggs area differs from the Bell Muir area, where development only occurs after annexation or in close coordination with the City of Chico. If it's going to be developed in "coordination with a city" would an urban reserve designation be a good choice?

Mr. Snellings said that that would be a good discussion to have on the 30th.

Commissioner Lambert asked about the residents of Bell Muir voting to annex. How would the voting be accomplished?

Mr. Thistlethwaite said that the voting is done by registered voters. He said that it depends on the type of jurisdiction.

Mr. Breedon gave his closing remarks.

Commissioner Lambert asked if the City of Chico is the only area that has a nitrate problem?

Mr. Doug Fogel said that in this County, Chico is the only area that has a nitrate concern.

Commissioner Leland asked if Chico is unique in that it has a nitrate problem or is it just further along. If we continue to put in septic tanks are other areas going to have a nitrate problem?

Mr. Fogel said that Chico has some unique soil characteristics and it also went through a development phase with fairly high density that he doesn't see happening in other areas of the County.

Commissioner Lambert asked if it would depend on the sources of the nitrates.

Mr. Fogel said that there are other sources of nitrates such as fertilizers.

Commissioner Leland wanted to know if this is something that the Commission needs to take into account more directly.

Mr. Fogel said that it would be good to be cautious.

Commissioner Leland asked how deep the contaminated water goes.

Mr. Fogel said that there are two shallow aquifers in the Chico area. One approximately 30 feet deep and the other approximately 60 feet deep. When wells go below the 60 foot layer, they go past the shallow contaminated layer.

Commissioner Leland asked if that is a fix for Chico.

Mr. Fogel said that it doesn't help Chico at all.

Commissioner Leland asked if Chico could allow dense developments to proceed with septic systems.

Mr. Fogel said that the Regional Water Quality Control Board (RWQCB) stepped in and made a determination that the waters of California were being degraded.

Commissioner Leland asked if they are still trying to preserve the upper two aquifers.

Mr. Fogel said that RWQCB is trying to limit the number of nitrates entering the system so that the contamination doesn't continue to spread more than it already has.

Commissioner Lambert asked where the nitrate problem is in Chico.

Mr. Fogel said that it is primarily to the west, but it does extend throughout the Chico area.

Mr. Snellings went over a summary chart with the Commission.

Chair Wilson adjourned the meeting.

VIII. MINUTES - None

IX. COMMUNICATIONS - *Communications received and referred. (Copies of all communications are available in the Planning Division Office.)*

X. ADJOURNMENT – Meeting adjourned at 4:00 p.m.