

3.12 Land Use

3.12.1 Introduction

This section analyzes the proposed project's potential impacts related to land use. It describes existing conditions in the study area and summarizes the overall Federal, state, and local regulatory framework for land use, and it analyzes the potential for the proposed project to affect this resource.

3.12.2 Existing Conditions

This section discusses the existing conditions related to land use in the study area. For purposes of the land use evaluation, the study area consists of the project area (i.e., portion of the OWA D-Unit directly subjected to the proposed project activities), as well as overall land use patterns within and adjacent to the project area.

The study area is in southern Butte County, immediately southeast of the Feather River at the southern end of Thermalito Afterbay (a part of the Oroville Dam project), and approximately halfway between the cities of Oroville and Biggs, which lie to the northeast and southwest, respectively. Butte County has a total area of 1,677 square miles, of which 1,639 square miles are land and 38 square miles are water. The population of unincorporated Butte County as of January 2015, was 83,731 (California Department of Finance 2015).

Agricultural and public uses occupy most of Butte County. Nearly 60% of Butte County lands are devoted to agriculture (County of Butte 2012a). The county's second most common land use is public/quasi-public, which includes parcels owned by Federal, state, and county agencies; publicly owned parcels; parcels owned by special districts; and parcels that accommodate civic and institutional uses, such as churches and hospitals, and utilities. Public and quasi-public uses account for approximately 178,400 acres, roughly 17% of land in the unincorporated county (County of Butte 2012a). Slightly more than 10% of unincorporated Butte County consists of residential uses (County of Butte 2012a).

Butte County has five incorporated cities, as well as numerous unincorporated communities: Oroville, the County seat; Chico; Paradise; Gridley; and Biggs. All of these cities and communities are outside the area expected to experience the proposed project's land use effects and are therefore not discussed further.

The project area is part of the Oroville Wildlife Area (OWA), an 11,869-acre recreation and resource conservation area managed by the California Department of Fish and Wildlife (DFW). The OWA is comprised of an approximately 6,000-acre area that includes Thermalito Afterbay and surrounding lands, as well as 5,000 acres spanning and adjacent to a 12-mile-long reach of the Feather River. Existing land uses within the OWA are primarily recreational in nature, and include fishing, boating, camping, wildlife viewing, hunting, and a shooting range for rifles, pistols, shotguns, and archery (California Department of Fish and Wildlife 2016).

The project area is located immediately east of the Feather River, southeast of Thermalito Afterbay, and is delimited by OWA lands on three sides: north, west, and south. Agricultural lands abut the

eastern side of the OWA; the agricultural lands are approximately 0.25 mile from the nearest project components.

3.12.3 Regulatory Setting

Land use regulations and policies relevant to the proposed project are noted below.

3.12.3.1 Federal

Because land use issues are generally handled at the state and local level, no Federal policies related to land use apply to implementation of the proposed project.

3.12.3.2 State

Butte Regional Conservation Plan

The Butte Regional Conservation Plan (BRCP), currently in development, will serve as a federal Habitat Conservation Plan (HCP) and a state Natural Community Conservation Plan (NCCP) for the geographic area encompassing lowland Butte County and the cities of Chico, Oroville, Gridley, and Biggs (Butte County Association of Governments 2015). The BRCP is intended to streamline the environmental permitting process for federal and state endangered and threatened species in the plan area over a 50-year period, establish conservation easements, and contribute to the recovery of species and the conservation of their ecosystems (Butte County Association of Governments 2015). Because the BRCP is currently in development and has not yet been adopted, it is not considered further in this analysis.

Central Valley Flood System Conservation Strategy

The Central Valley Flood System Conservation Strategy (CVFSCS), currently in development, supports the goals of the Central Valley Flood Protection Plan. The focus of the CVFSCS is to improve ecosystem functions through the integration of ecological restoration with flood risk reduction projects. The proposed project includes components that are consistent with the CVFSCS; however, because the CVFSCS is currently in development and has not yet been adopted, it is not considered further in this analysis.

3.12.3.3 Local

Butte County General Plan

The Butte County General Plan contains goals and policies that guide the general distribution and intensity of land uses within unincorporated Butte County, enabling the County to direct growth to areas within or near existing developed areas in order to preserve and minimize impacts on natural and agricultural resources. The Butte County General Plan includes the following relevant goals and policies related to land use.

Goal LU-1. Continue to uphold and respect the planning principles on which the County's land use map is based.

- **Policy LU-P1.6.** The County shall conserve important habitat and watershed areas, while protecting the public safety of County residents.

Goal LU-12. Coordinate planning efforts within the county and region.

Land Use Designations

As described above, the Butte County General Plan specifies land use designations for all properties within unincorporated Butte County. The Project site is split designated, Resource Conservation (40-acre minimum) and Agriculture (County of Butte 2012b).

Resource Conservation. This designation allows natural, wilderness, and study areas, as well as limited recreational and commercial recreational uses that do not detract from the area's value for habitat, open space, or research. Residential uses are limited to one single-family dwelling per legal parcel, except in the North Chico Specific Plan area, where residential uses in the Resource Conservation designation are prohibited. The minimum parcel size is 40 acres. Existing legal parcels smaller than the minimum may remain as legal parcels.

Agriculture. This designation allows the cultivation, harvest, storage, processing, sale, and distribution of all plant crops, especially annual food crops, as well as roadside stands for the sale of agricultural products grown or processed on the property. The Agriculture designation also allows livestock grazing, animal husbandry, intense animal uses, and animal matter processing. Alternative energy facilities are allowed in the Agriculture designation, subject to permit requirements. Residential uses in the Agriculture land use designation are limited to one single-family dwelling and a second dwelling unit per legal parcel. Farm labor housing is also permitted. The minimum parcel size is between 20 to 160 acres, although existing parcels smaller than the minimum may remain as legal parcels.

Outside the OWA boundary, adjacent lands east of the project area are designated Agriculture and Rural Residential by the Butte County General Plan, with a Specific Plans to be Developed overlay, (County of Butte 2012b). The agricultural lands east of the OWA are approximately 0.25 mile from the nearest project components, and consist primarily of grazing land and orchards. The Specific Plans to be Developed overlay applies to areas that the County expects to be developed under a specific plan.

Butte County Zoning Ordinance

The Butte County Zoning Ordinance codifies the land uses allowed within the unincorporated areas of Butte County. The zoning ordinance defines and maps a series of zoning districts, establishes regulatory standards for development and resource protection, and identifies the specific permitted uses within each of those districts.

Most lands within the OWA, including the project area and adjacent lands, are designated Resource Conservation by the Butte County Zoning Ordinance; a smaller area within the project area carries an Agriculture-80 (80-acre minimum) designation but is not in agricultural use (County of Butte 2012c). Outside the OWA boundary, adjacent lands east of the project area are zoned Agriculture-40, Very Low Density Residential (up to 1 dwelling unit/acre), and Recreation Commercial (County of Butte 2012c).

Butte County Airport Land Use Compatibility Plan

The Butte County Airport Land Use Compatibility Plan (ALUCP), adopted in 2000 by the Butte County Airport Land Use Commission (ALUC), is intended promote compatibility between Butte County's airports and their surrounding land uses. The ALUCP defines the influence area for each of the airports as an area extending approximately 2 to 3 miles from the airport runways (Butte County Airport Land Use Commission 2000). The project area is approximately 1.6 miles south of the Oroville Municipal Airport and falls within the airport's influence area. The stated land use compatibility concerns of the ALUCP are

- (a) Exposure to aircraft noise;
- (b) Land use safety with respect both to people on the ground and the occupants of aircraft;
- (c) Protection of airport airspace; and
- (d) General concerns related to aircraft overflights.

Oroville Wildlife Area and Oroville/Spenceville Management Plans

Although these plans were prepared by California Department of Fish and Game (now DFW), they are included with the local regulatory information because they are considered local policies. Detailed information about these plans is provided in the regulatory setting of Section 3.10, *Wildlife*. DFW is developing an updated management plan for OWA (California Department of Water Resources 2007). However, because that plan has not yet been developed or approved, it does not apply to the proposed project and is not discussed further. When the license is issued for Federal Energy Regulatory Commission Project No. 2100, a new OWA management plan will be developed.

3.12.4 Environmental Effects

Potential impacts of the proposed project on land use are discussed in the context of State CEQA Guidelines Appendix G checklist items.

a. Would the project physically divide an established community?

As noted in Chapter 2, *Project Description*, the project area is within the OWA and is characterized by open space and minimally developed recreational use within a highly disturbed floodplain. No communities are present either within the project area or in the immediate vicinity; therefore the project would not physically divide an established community. There would be no impact.

b. Would the project conflict with any applicable land use plan, policy, or regulation of an agency with jurisdiction over the project (including, but not limited to, a general plan, specific plan, local coastal program, or zoning ordinance) adopted for the purpose of avoiding or mitigating an environmental effect?

The proposed project would implement vegetation management activities, recreation improvements, and hydraulic improvements to the existing system of weirs and interior channels, including reconnection of the project area to the Feather River. All project activities would take place within the project area and would support the intent of the OWA Management Plan and the relevant goals and policies of the Butte County General Plan. The proposed project would not conflict with the Butte County ALUCP because it would not attract additional users to the project area or involve the construction of structures that would interfere with airport overflights or airspace. The activities would comply with the project area's zoning designation, as current uses of the project area are consistent with applicable zoning regulations and no land use changes would occur as a result of the proposed project. There would be no impact.

c. Would the project conflict with any applicable habitat conservation plan or natural community conservation plan?

Implementation of the project would not conflict with any applicable habitat conservation plan or natural community conservation plan, as the BRCP is currently in development and has not yet been adopted. Consequently, checklist item *c* above does not apply to the proposed project and is not considered further in this analysis. There would be no impact.