

# Butte County Planning Commission

APRIL 27, 2017  
PUBLIC WORKSHOP

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BUTTE CREEK CANYON OVERLAY ZONE



# Agenda for Public Workshop

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1. Development Services Presentation
2. Planning Commission Question and Answer Period
3. Public Comment
4. Planning Commission Discussion and Direction

# Recommendations

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1. Hold a Public Workshop, continued open from January 26, 2017, and provide direction to staff regarding the Draft Butte Creek Canyon Overlay Zone Ordinance and Map;
2. Direct staff to conclude the Public Workshop process and set a public hearing before the Planning Commission to provide recommendations to the Board of Supervisors on the adoption of the Draft Butte Creek Canyon Overlay Zone and Map

# June 30, October 27, 2016 and January 26, 2017 Public Workshops

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1. A total of 54 members of the public addressed the Planning Commission
2. Comment Letters/Emails
3. Direction Received from the Planning Commission
4. Staff reviewed all testimony, public comment letters, and Planning Commission direction

# Workshop Resources

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- A. Draft Butte Creek Canyon Overlay Zone  
(in edited and finalized versions)
- B. Summary Notes from January 26, 2017, Public  
Workshop

# Public Workshop Purpose

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The Butte County Planning Commission is holding a Public Workshop for the consideration of the proposed Draft Butte Creek Canyon Overlay Zone Ordinance and Overlay Map.

The purpose of this Public Workshop is to introduce the draft Ordinance and Map to the Planning Commission and public and to answer questions and receive comment and direction.

Further direction from the Planning Commission will be incorporated into a final draft ordinance and a Public Hearing will be scheduled at the Planning Commission for further consideration and action, prior to review by the Board of Supervisors.

# Public Outreach

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**October 5, 2013 Presentation** to the Butte Creek Canyon Overlay Committee and General Public held at the Centerville Schoolhouse

**Direct Mail** to over 1,000 property owners within the overlay boundaries informing owners of the June 30, 2016 and October 27, 2016 Public Workshops

**Publication of display ads** in the Chico Enterprise Record and the Paradise Post concerning the Public Workshops

**News release** concerning the Public Workshop to all major local papers and news organizations

**Direct email** through Development Services Constant Contact list of interested parties

**General Plan Updates** to the Board of Supervisors during public hearings.

**KPAY Radio Interview** with Development Services staff regarding public workshop (June 14, 2016)

**Creation of a Web Page** devoted to the Butte Creek Canyon Overlay

# Project Description

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The Butte Creek Canyon Overlay Zone originally occupied a 23,581-acre portion of the Butte Creek watershed (about 15 percent of the watershed's overall size).

- With the changes proposed to the boundary (removal of AG-160, TM and TP zones) the Overlay Zone will occupy 6,726 acres.

Approach for Butte Creek Canyon Overlay is similar to the Magalia area Watershed Protection Overlay Zone

An **overlay zone** “lays over” the existing zoning on a property and further influences land uses and regulations. The existing “base” zoning and all uses and regulations remain in place, unchanged. Whenever a requirement of an overlay zone conflicts with a requirement of the underlying base zone, the overlay zone requirements shall control.

# Public Workshop Overview

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**No ordinance is being approved today.** This workshop has been set aside to hear comment from property owners and the general public and to inform the Planning Commission and public about the WORKING DRAFT Ordinance and Map

**This is early in the process** of developing the ordinance. An additional public workshop (s) may be needed in order to accurately reflect the desires of the Butte Creek Canyon community

After the Public Workshop process **additional public hearings will be scheduled** before the Planning Commission and Board, which will be open to the public and where additional comment will be accepted and considered.

**This is a community driven process, directed by the General Plan.** Staff and the Planning Commission desires to make this overlay **representative of the community**, this will take time and opposing viewpoints are a welcome part of this process.

# Public Workshop Overview

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- The Butte Creek Canyon Overlay is applying additional land use regulations in support of its stated purpose
- The Draft Ordinance is not changing the rights provided by the base zoning, but is adding additional development requirements
- Focus should be brought upon the overall purpose and goals of the – BCC Overlay Zone under the General Plan, while ensuring an optimum balance of private property rights, regulation, and residential uses

# Background

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The Overlay was developed under direction of General Plan Conservation and Open Space Element Action Item COS-A6.2:

## **COS-A6.2:**

Work with Butte Creek Canyon residents and local groups toward adopting a planning strategy for a Butte Creek Canyon overlay. The purpose of the planning strategy is to facilitate the protection and preservation of the historical and ecological foundation of Butte Creek Canyon, including the survival of salmon, steelhead and other sensitive plants and animals such as the East Tehama Deer Herd, preservation of historical sites and ecological preserves, and the optimum balance of recreation and residential use.

# Background

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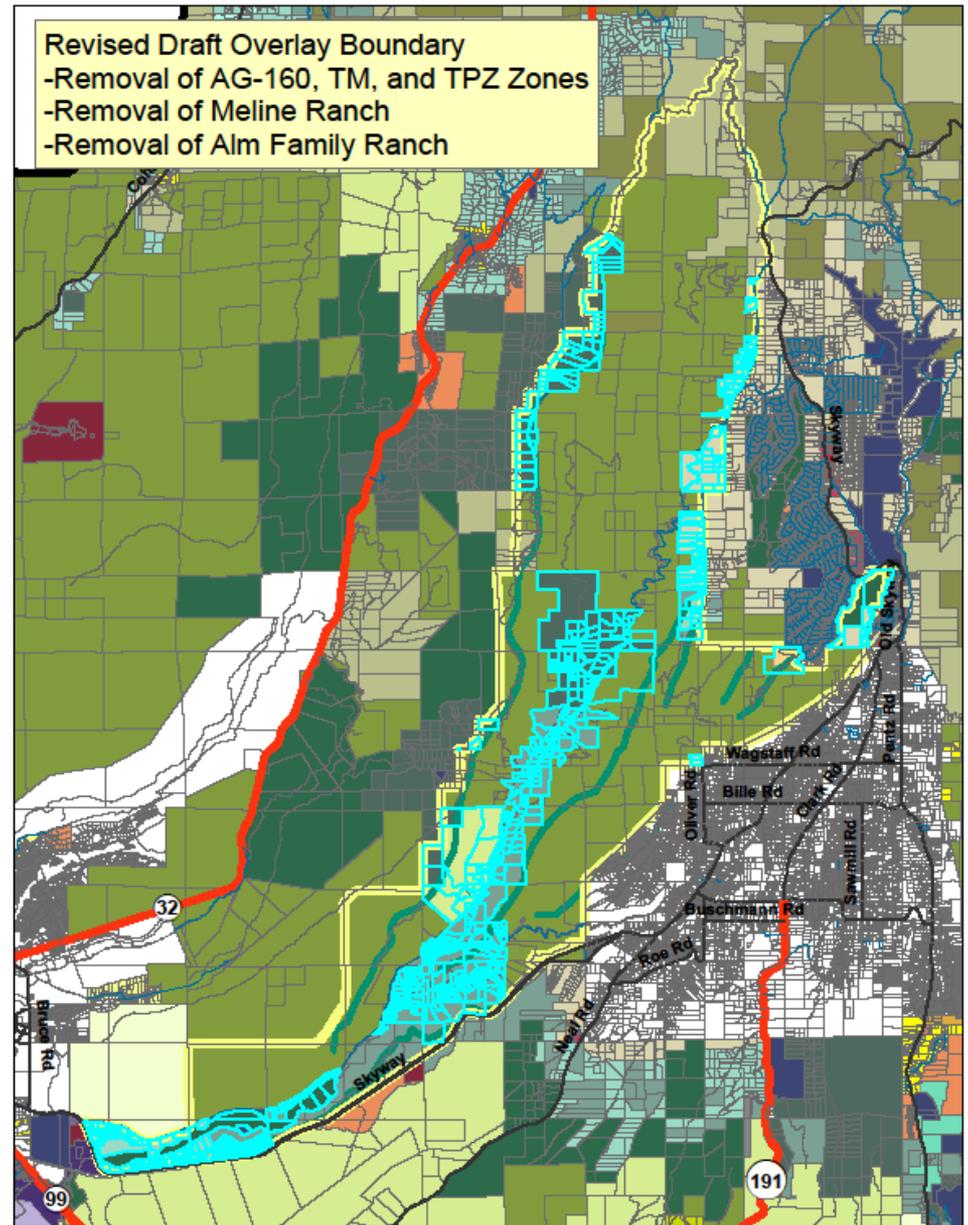
- Under the General Plan's direction, Development Services staff held numerous meetings with a local community group representing the Butte Creek Canyon area, the Butte Creek Canyon Overlay Committee.
- This Committee also held several public meetings, which included an October 5, 2013 presentation on the General Plan, Zoning Ordinance and Overlay Zones from Development Services staff
- Since this time, a working draft Butte Creek Canyon Overlay Zone Ordinance and Map were developed in coordination with the Committee.
- June 30, 2016 Planning Commission Public Workshop
- October 27, 2016 Planning Commission Public Workshop
- January 26, 2017 Planning Commission Public Workshop

# Amendments directed at the January 26, 2017 Workshop

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1. Amend the Overlay Boundary by removing the AG-160 (Agriculture), TM (Timber Mountain) and TP (Timber Production) Zones.
2. Section 24-34.1 D.2 (b) ii. Fuel Breaks and reduction projects
3. Section 24-34.1 D.4 Butte Creek Canyon Ridgeline Development, Alternative Design Standards
4. Section 24-34.1 D.6 Heavy Equipment Storage
5. Section 24-34.1 D.8 (b). Maximum Impervious Surface

Butte Creek Canyon Overlay Zone  
Revised Boundary  
(applicable parcels highlighted)



# Staff Follow-Up Items for the Planning Commission's Review

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1. Section 24-34.1.D.7. Residential Lighting
2. Section 24-34.1. D.8 (d). Septic System Regulations

# Section 24-34.1.D.7 Residential Lighting -Options

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1. Leave the regulation of residential lighting as required under Article 14. (residential lighting in the AG-40 zone would not be regulated)
2. **Include the AG-40 zone by reference, indicating that the Article 14 standards apply to all properties in the Overlay regardless of zoning (Staff Recommended)**
3. Develop lighting standards specific to the Overlay, which would be similar to Article 14

# Septic System and Portable Toilet Setbacks - 24-34.1. D.8 (d).

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- Wastewater Advisory Committee (WAC) Reviewed standards on March 14, 2017
- Based upon the direction provided by the WAC, staff has provided amendments to the Draft Overlay under new Section 24-34 D. 8. (d) –Septic System and Portable Chemical Toilet Setbacks.

# Septic System and Portable Toilet Setbacks - 24-34.1. D.8 (d).

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- The WAC generally agreed with the increased setback to protect water quality, streambank erosion, and habitat.
- The general consensus of the WAC was that engineered systems would be less successful given the rocky nature of the soils
- Repairs for existing development (as opposed to new development) that does not achieve a 200 ft. setback should be allowed if it is determined that water quality could be maintained.

# Butte Creek Canyon Overlay Committee Request

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1. Limit the use of the Alternative Design Standards for Ridgeline Development to parcels that cannot accommodate a Ridgeline Setback.
  - BCCO Committee finds that the alternative standards would not be effective in reducing all visual impacts
  - BCCO Committee finds that most if not all developments would choose the alternative standards over the more effective ridgeline setback

# Butte Creek Canyon Overlay Zone

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PLANNING COMMISSION  
QUESTIONS AND COMMENTS

# Butte Creek Canyon Overlay Zone

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PUBLIC COMMENT

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# Butte Creek Canyon Overlay Zone

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PLANNING COMMISSION  
DIRECTION

# Recommendation

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1. Direct staff to conclude the Public Workshop process and set a public hearing before the Planning Commission to provide recommendations to the Board of Supervisors on the adoption of the Draft Butte Creek Canyon Overlay Zone and Map

# Next Steps

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After the completion of the Public Workshop staff will review comments and direction provided by the Planning Commission and update the draft Butte Creek Canyon Overlay Zone. Public hearings will be scheduled for further consideration of the Draft Overlay and EIR Addendum pursuant to CEQA by the Planning Commission and ultimately consideration by the Board of Supervisors.