

Butte County Planning Commission

October 27, 2016

PUBLIC WORKSHOP

BUTTE CREEK CANYON OVERLAY ZONE



Agenda for Public Workshop

Agenda for Public Workshop

1. Development Services Presentation
2. Planning Commission Question and Answer Period
3. Butte Creek Canyon Overlay Committee Presentation
4. Public Comment
5. Planning Commission Discussion and Direction

June 30, 2016 Public Workshop

1. 22 members of the public addressed the Planning Commission
2. Comment Letters/Emails
3. Direction from Planning Commission
4. Staff reviewed all testimony, public comment letters, and Planning Commission direction

Workshop Resources

- A. Planning Commission Workshop Summary, June 30, 2016; (including comment letters)
- B. Amended Draft Butte Creek Canyon Overlay (in both edited and finalized versions)
- C. Supplemental Information
 - 1. Butte Creek Canyon Overlay Mapping Data
 - 2. Sacramento River Watershed Program, Butte Creek Watershed Chapter
 - 3. Butte Creek Watershed Project Existing Conditions Report
 - 4. Butte Creek Watershed Management Strategy

Project Description

- The Butte Creek Canyon Overlay Zone occupies a 23,581-acre portion of the Butte Creek watershed (about 15 percent of the watershed's overall size).
- Approach is similar to the Magalia areas 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 Purpose

- 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 Workshop Overview

- **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

- 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

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

- 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

Public Outreach

- **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 Public Workshop
- **Publication of display ads** in the Chico Enterprise Record and the Paradise Post concerning the Public Workshop
- **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 a Web Page** devoted to the Butte Creek Canyon Overlay

October 27, 2016 Public Workshop Staff Report

- **Supplements June 30, 2016 Staff Report**
- **Recommends amendments to the Draft Overlay**
 - Describes each amendment
 - Describes why amendment is being proposed
 - Describes why it is consistent with the General Plan
- **Provides Supplemental Background Information**
 - Detailed Thematic Mapping of Overlay
 - Comparison of –BCC Overlay and –WP Overlay
 - Includes two background reports: 1) Sacramento River Watershed Program’s Butte Creek Chapter, 2) Butte Creek Watershed Project Existing Conditions Report & Related Management Strategy

Recommended Amendments to the Draft Overlay Zone

1. Applicability of the Overlay to the AG (Agriculture), TM (Timber Mountain) and TP (Timber Production) Zones.
2. Section 24-34.1 B. Administrative Relief.
3. Section 24-34.1. C. (3) Applicability.
4. Section 24-34.1 D.2 (b) Vegetation Removal.
5. Section 24-34.1 D.4 Butte Creek Canyon Ridgeline Development.
6. Section 24-34.1 D.5 Historic, Cultural and Archeological Site.
7. Section 24-34.1 D.6 Heavy Equipment Storage.
8. Section 24-34.1 D.7 b. Maximum Impervious Surface.
9. Issues relating to the Boundary of the Butte Creek Canyon Overlay Zone

Applicability of the Overlay to the AG (Agriculture), TM (Timber Mountain) and TP (Timber Production) Zones

This amendment would remove the Overlay's applicability to the AG, TM and TP zones for the following requirements:

- Hillside Development Standards (Including Slope and Vegetation Removal standards)
- Heavy Equipment Storage
- Watershed Protection (Including Land Use Regulations, Maximum Impervious Surface, Vegetative Buffers, Septic System Regulations, and Erosion Control standards)

The following Overlay requirements would still apply to the AG, TM and TP zones:

- Public Hearing and Noticing
- Clustered Development Prohibition
- Butte Creek Canyon Ridgeline Development
- Historic, Cultural and Archeological Sites
- Coordination with Other Regulatory Agencies

24-34.1 B. Administrative Relief.

- This new section provides an avenue for the approval of a primary dwelling when the Overlay's regulatory constraints would otherwise prohibit development of the dwelling.

Section 24-34.1. C. (3)

Applicability.

- This new section clarifies that the Overlay would not require changes to existing legal uses and structures, and cites compliance with Butte County Code Chapter 24, Article 22. pertaining to Nonconforming Uses and Structures.

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

- This section was amended to include four new allowances for vegetation removal, including: 1) Harvesting of dead, dying or diseased trees, 2) Routine agricultural grading, 3) Non-native and invasive plant eradication, and, 4) Pedestrian walkways and trails.

Additional Staff Recommendation: Also include an additional allowance pertaining to Public Utilities, based upon input from the Paradise Irrigation District.

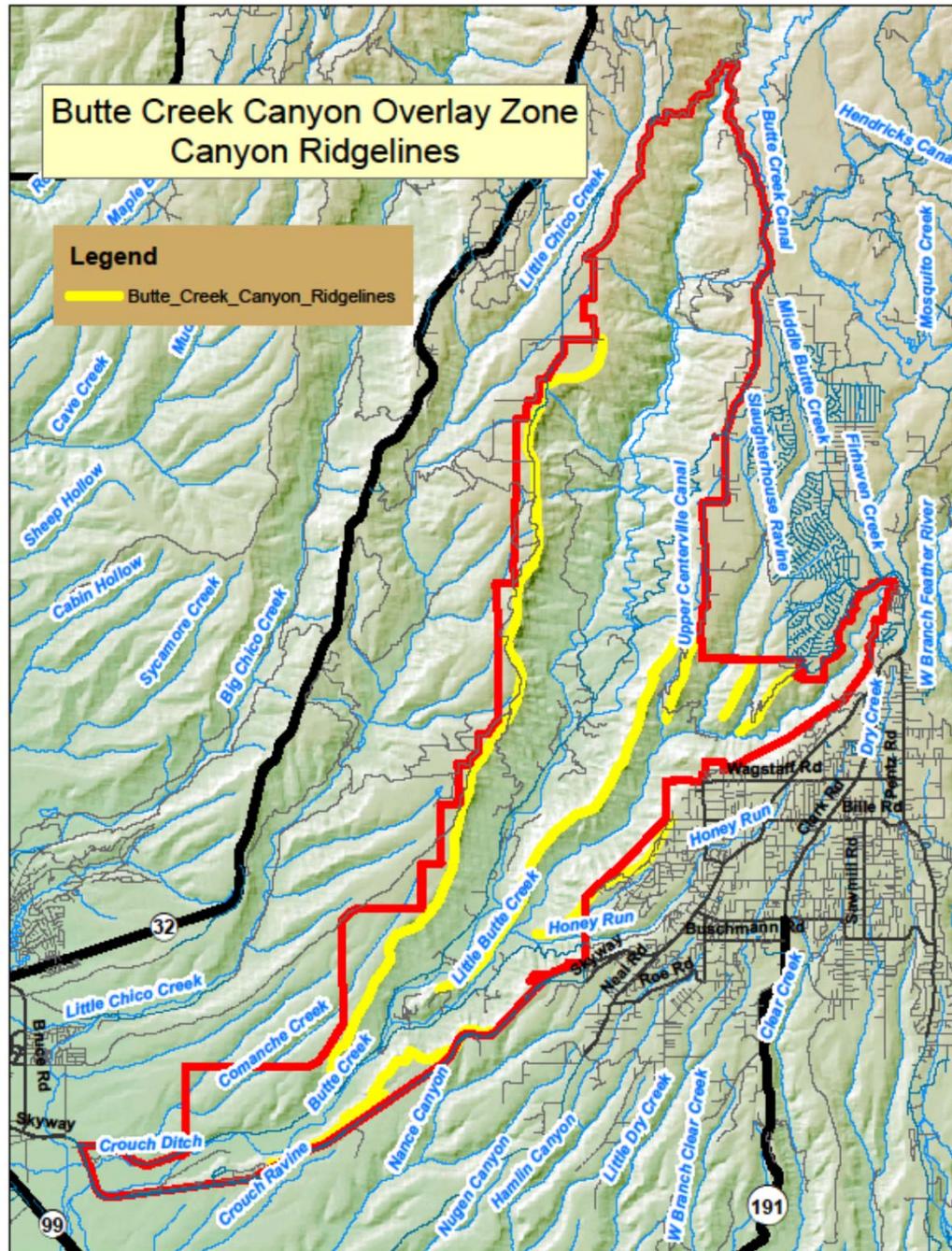
Section 24-34.1 D.4 Butte Creek Canyon Ridgeline Development.

- This section has been amended to remove the citation regarding percent slope, and instead to indicate that setbacks will be measured from the designated ridgeline. It is also being amended to indicate that ridgelines that are shown on the Overlay are approximate, and that an on-site review would be required to locate the applicable ridgeline. The section regarding the existing subdivisions (Rocky Bluffs, Skansen, and The Bluffs at Spanish Gardens) is removed, as there is no designated ridgeline in the proximity of these existing subdivisions.

Butte Creek Canyon Overlay Zone Canyon Ridgelines

Legend

Butte_Creek_Canyon_Ridgelines



Amended Ridgeline Setback Diagram



Ridgeline development standards are supported by the General Plan.

Conservation and Open Space Element Policy COS-P17.1

Views of Butte County's scenic resources, including water features, unique geologic features and wildlife habitat areas, shall be maintained.

Conservation and Open Space Element Policy COS-P17.2

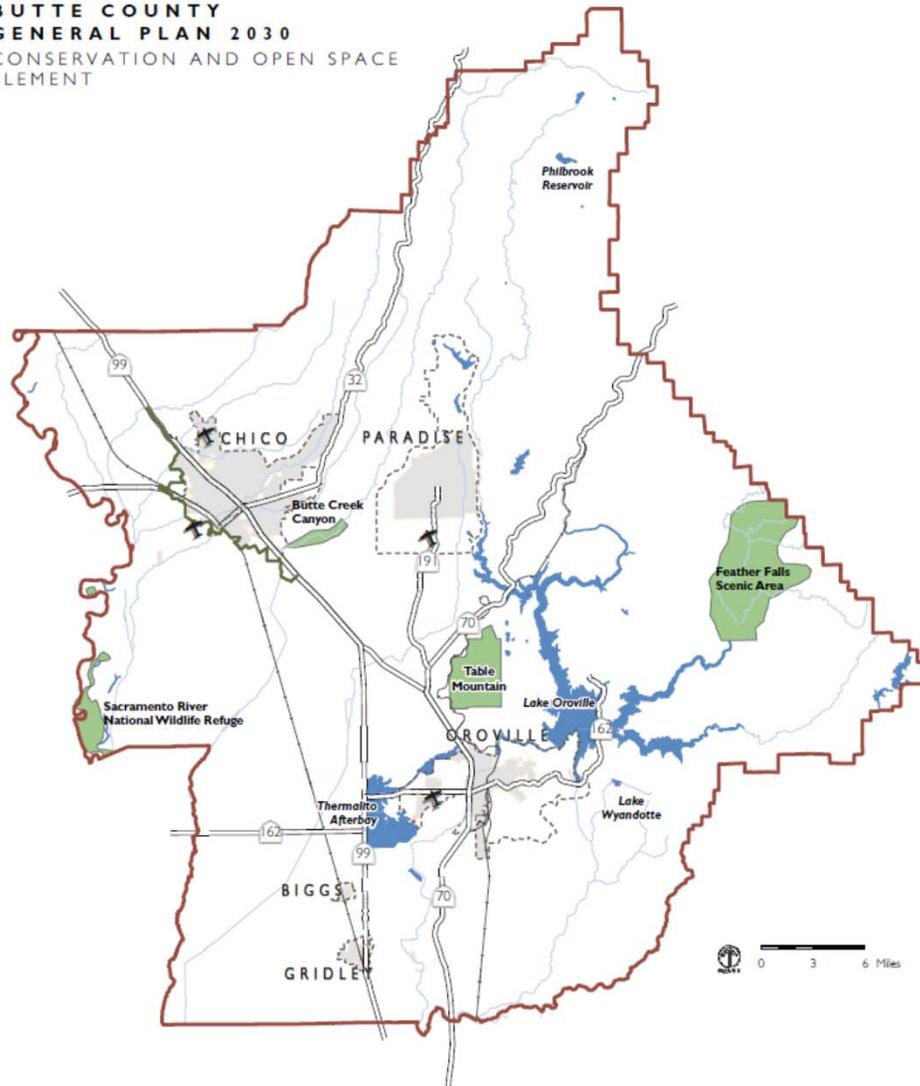
Ridgeline development near scenic resources shall be limited via the adoption of specific development guidelines in order to minimize visual impacts.

Conservation and Open Space Element Action COS-A17.1

Adopt development guidelines that mitigate the impacts of ridgeline development near scenic resources.

Conservation and Open Space Element Figure COS-7 Scenic Resources

BUTTE COUNTY GENERAL PLAN 2030 CONSERVATION AND OPEN SPACE ELEMENT



Source: Butte County GIS, 2009.

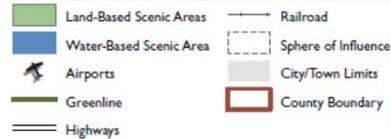


FIGURE COS-7
SCENIC RESOURCES

Section 24-34.1 D.5 Historic, Cultural and Archeological Site.

- This section has been amended to remove the reference to parcels abutting recognized sites.

Section 24-34.1 D.6 Heavy Equipment Storage.

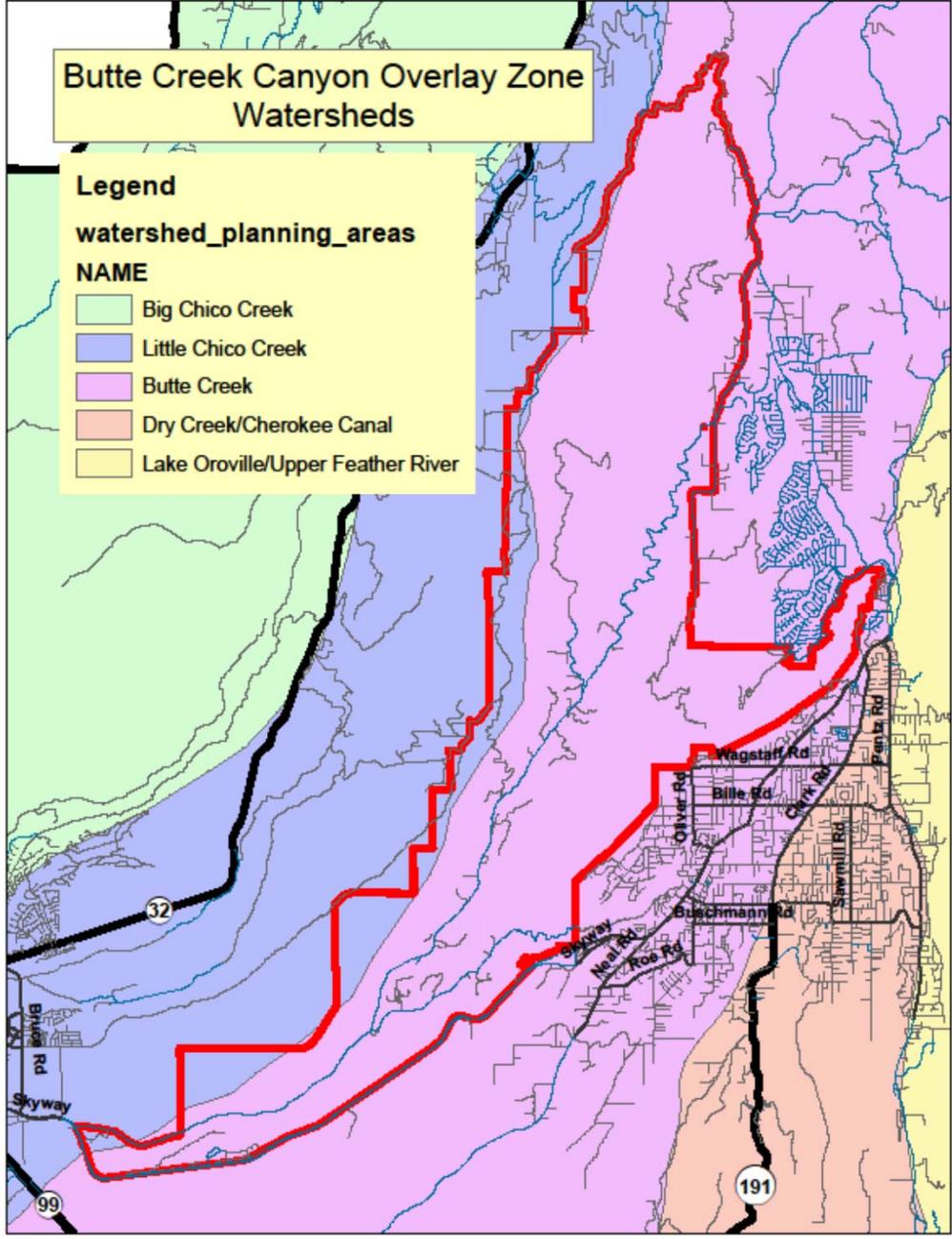
- This section has been amended to clarify that it applied to Heavy Equipment Storage Yards in the FR (Foothill Residential) and RR (Rural Residential) Zones and that the 100 foot setback would only apply to County Roads. The amendment also allows for vegetation to be used for screening in addition to fencing and walls.

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

- This section has been amended to indicate that road surfaces and other areas such as patios and driveways would not count as being impervious if they are surfaced with gravel, or are finished with pervious pavement or asphalt.

Issues relating to the Boundary of the Butte Creek Canyon Overlay Zone

- Overlay Boundary currently follows parcel boundaries
- Concerns expressed about boundary of Overlay zone, not following Butte Creek Watershed
- This presents issues on the westerly boundary along Doe Mill Ridge
- Staff presents two options for the Planning Commission's consideration



Overlay Boundary Options

Direct staff to do one of the following options:

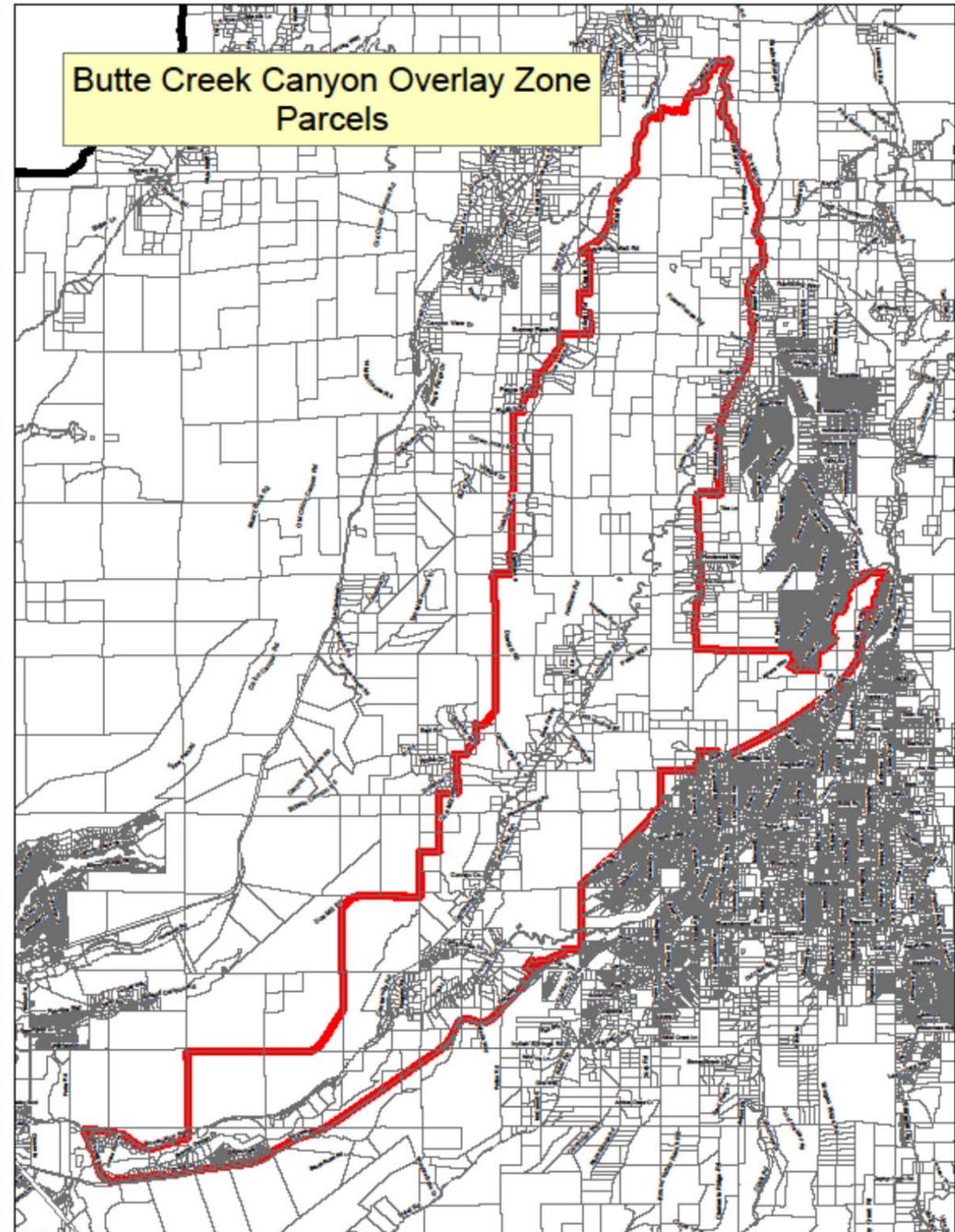
1. Amend the westerly boundary to follow Doe Mill Ridge, and extending out as a buffer 150 feet from the ridgelines to ensure that the Butte Creek Canyon Ridgeline standard may be applied.
2. Leave the boundary as is, including the entirety of each parcel, even if portions of the parcel are not located in the Butte Creek watershed.

SUPPLEMENTAL INFORMATION

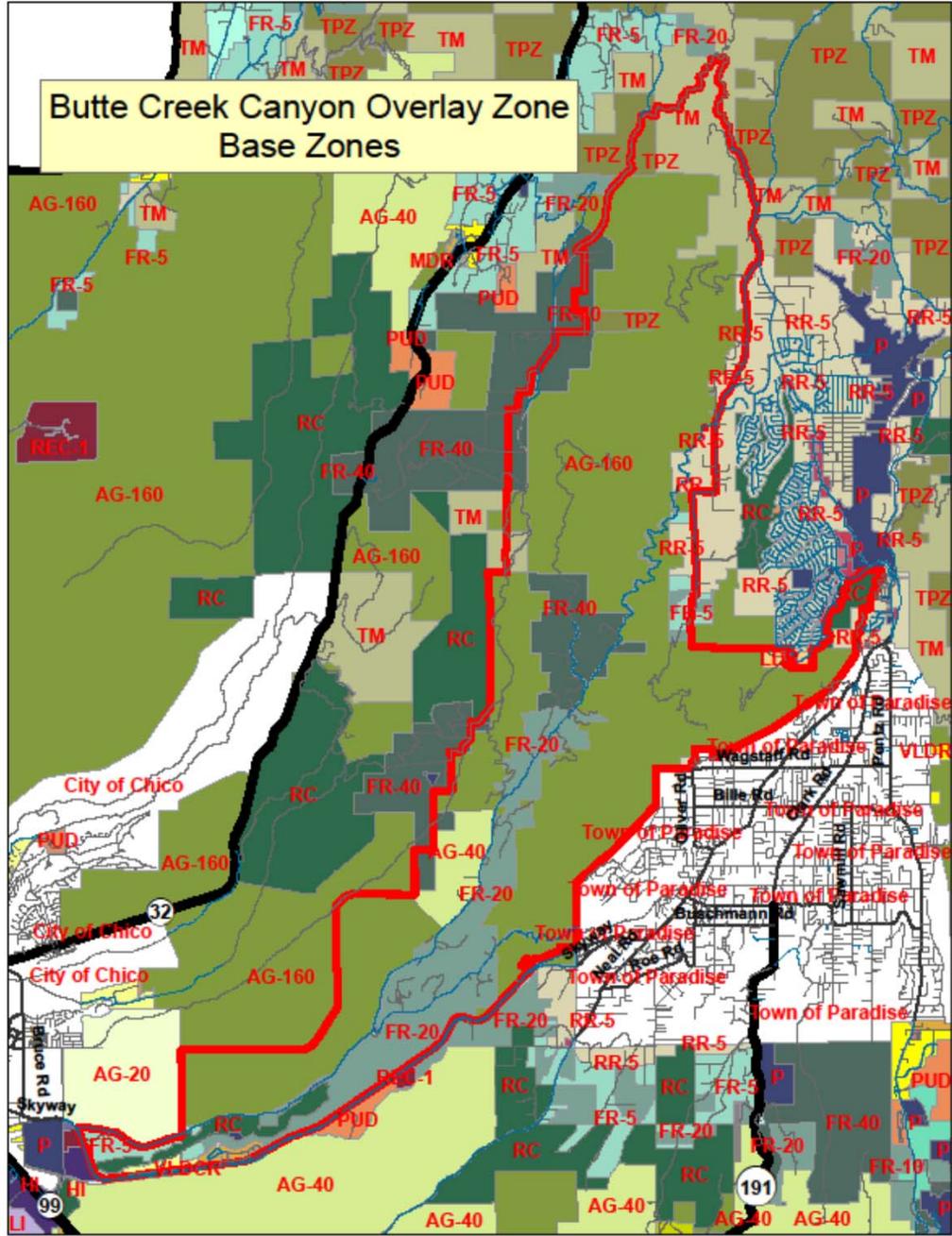
- Detailed Thematic Mapping of Overlay
- Comparison of –BCC Overlay and –WP Overlay
- Two background reports:
 - Sacramento River Watershed Program's Butte Creek Chapter,
 - Butte Creek Watershed Project Existing Conditions Report & Related Management Strategy

Quick Facts:

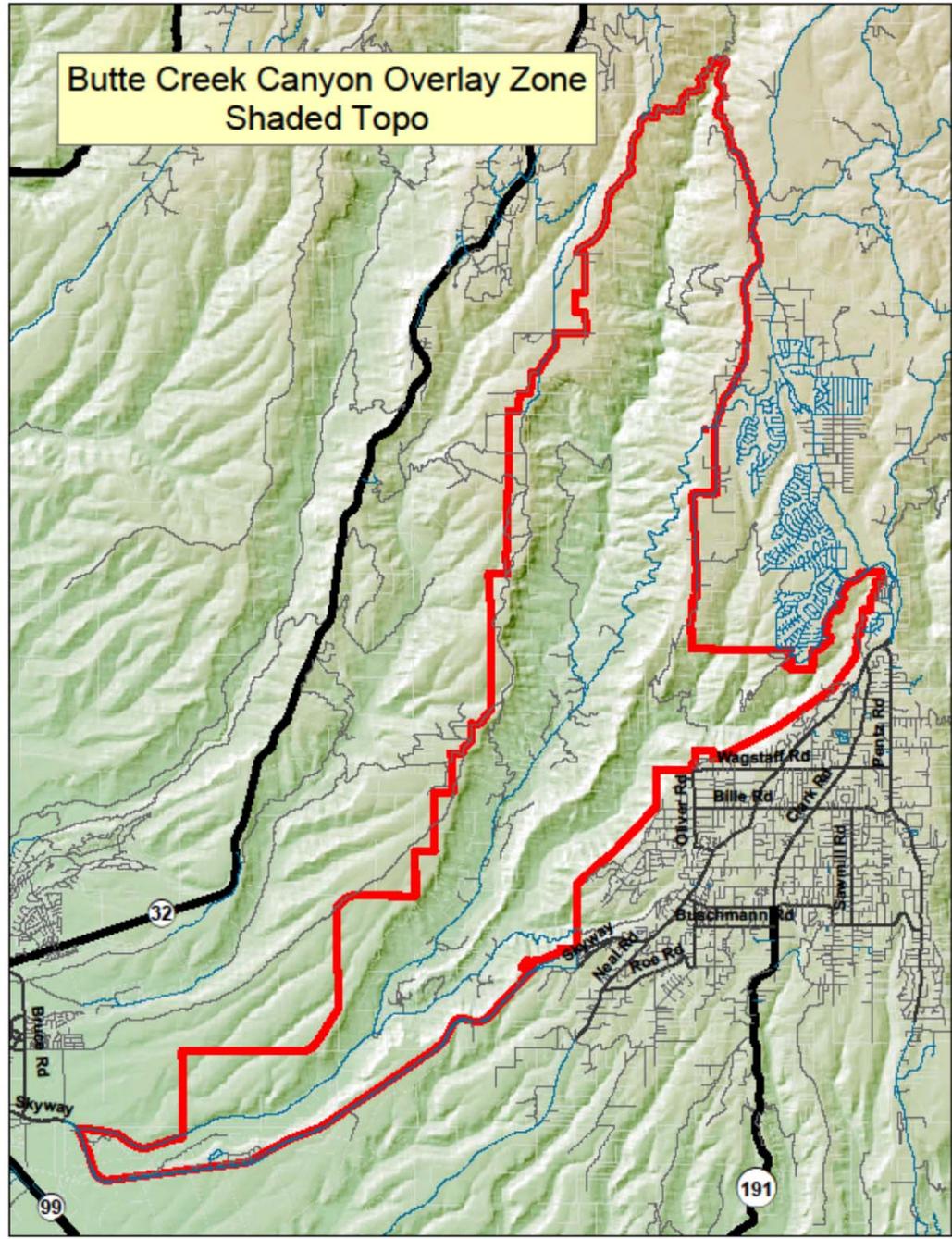
- 1,002 Total Parcels
- 23,581 Total Acres
- 17,336 Acres Zoned AG or TM
- 6,245 Acres Zoned Residential
- 23.5 acre average parcel size
- 27 federally owed parcels totaling approx. 3,225 acres
- 23 PG&E parcels totaling approx. totaling approx. 2,181 acres



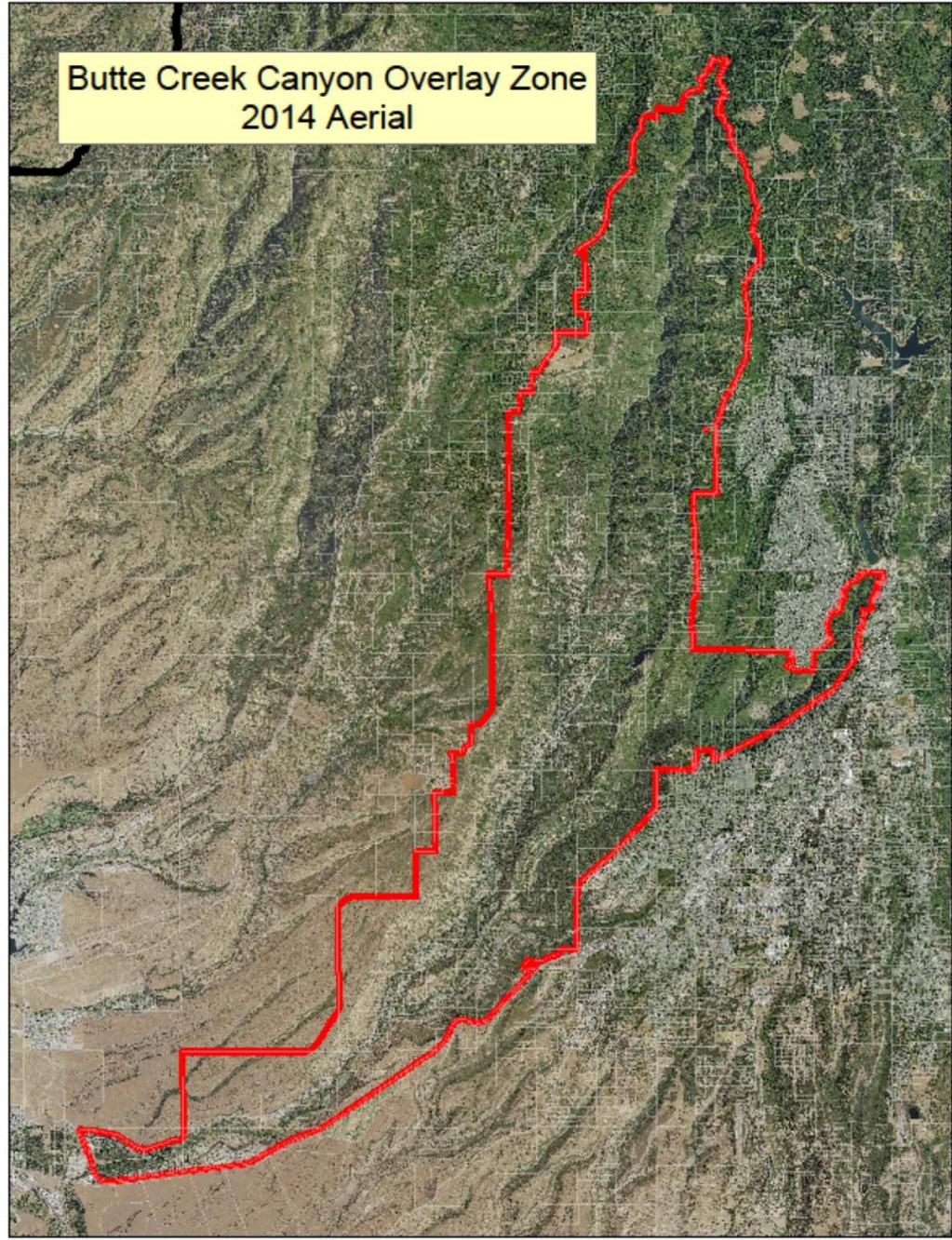
Butte Creek Canyon Overlay Zone Base Zones



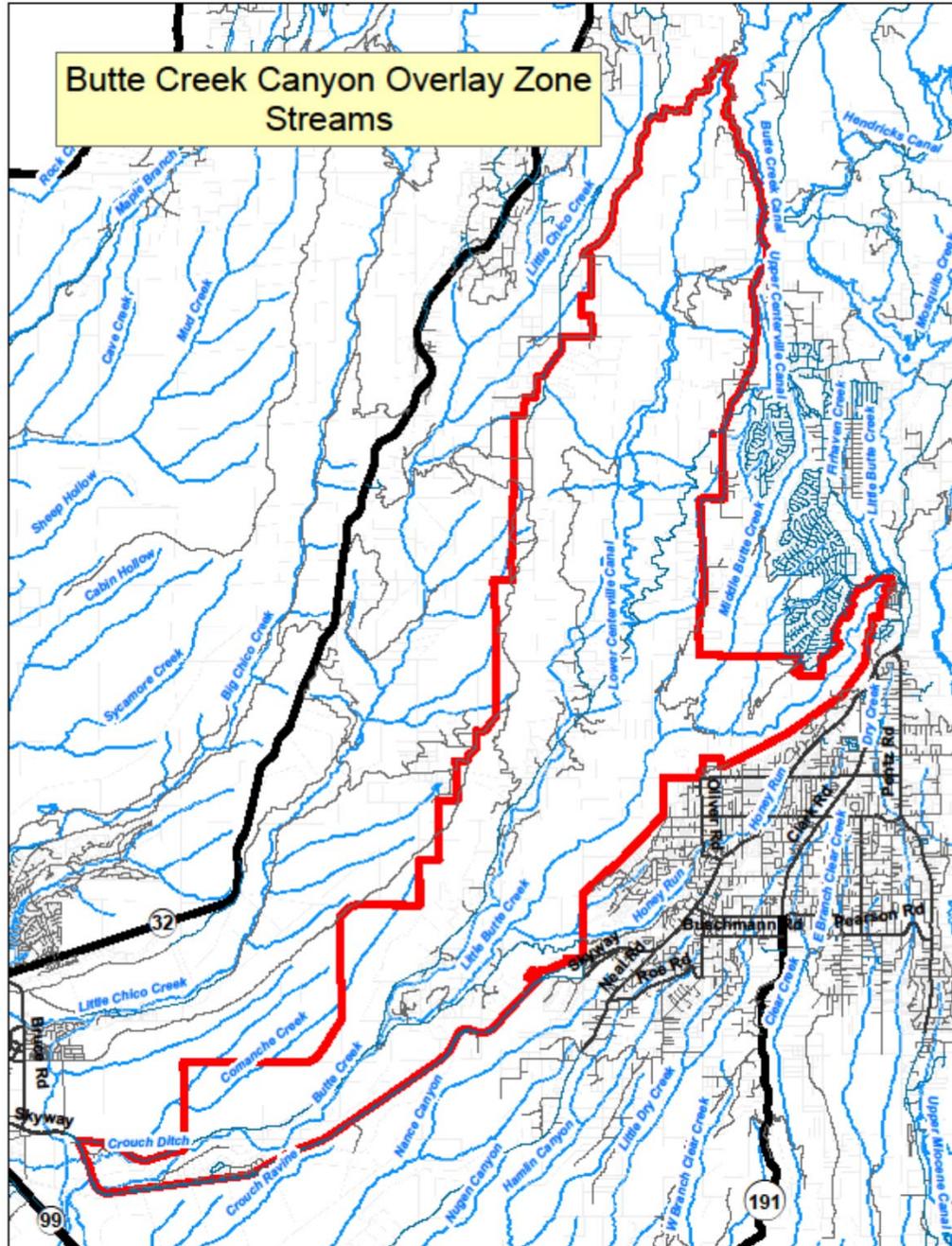
Butte Creek Canyon Overlay Zone
Shaded Topo



Butte Creek Canyon Overlay Zone
2014 Aerial



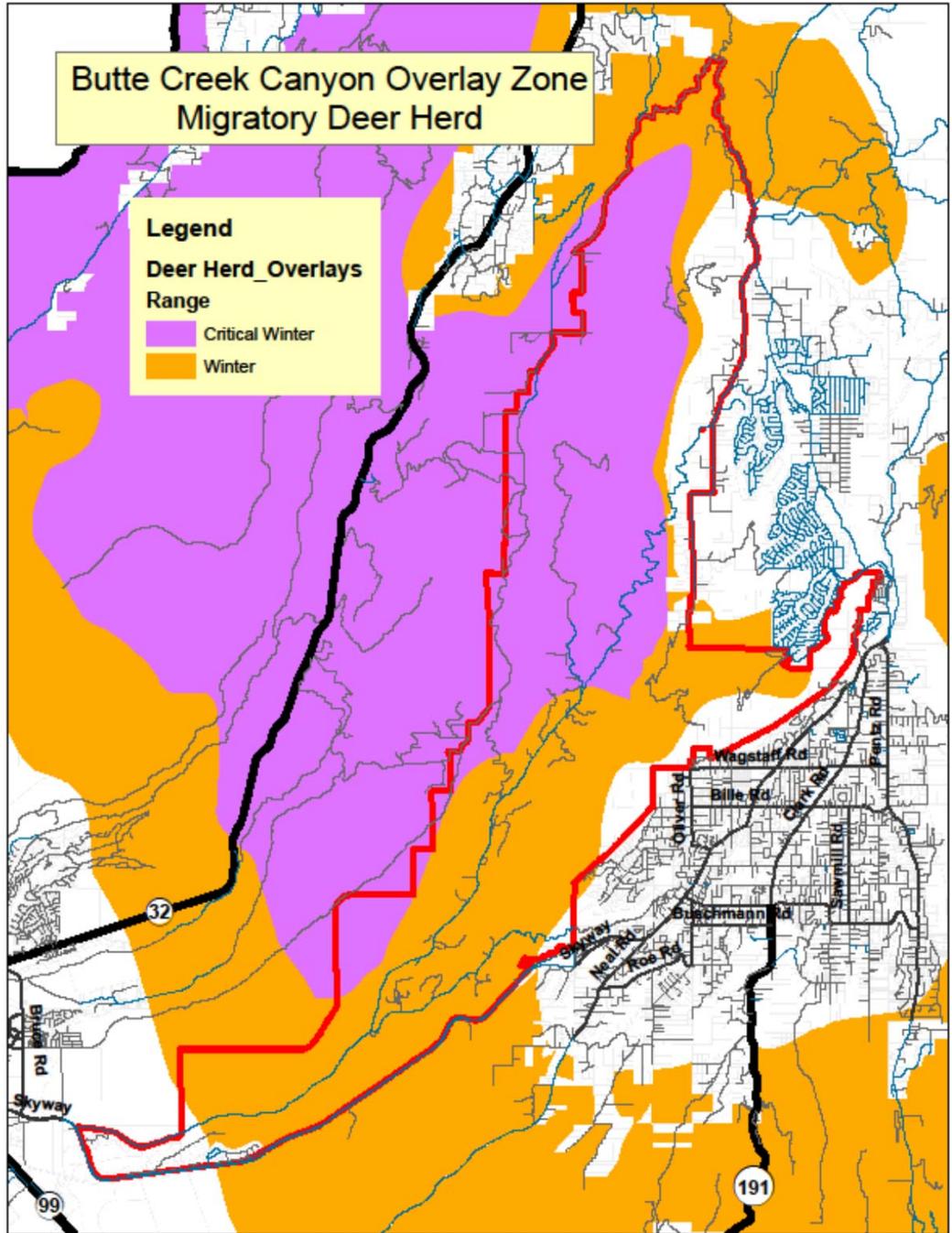
Butte Creek Canyon Overlay Zone
Streams



Butte Creek Canyon Overlay Zone Migratory Deer Herd

Legend
Deer Herd_Overlays
Range

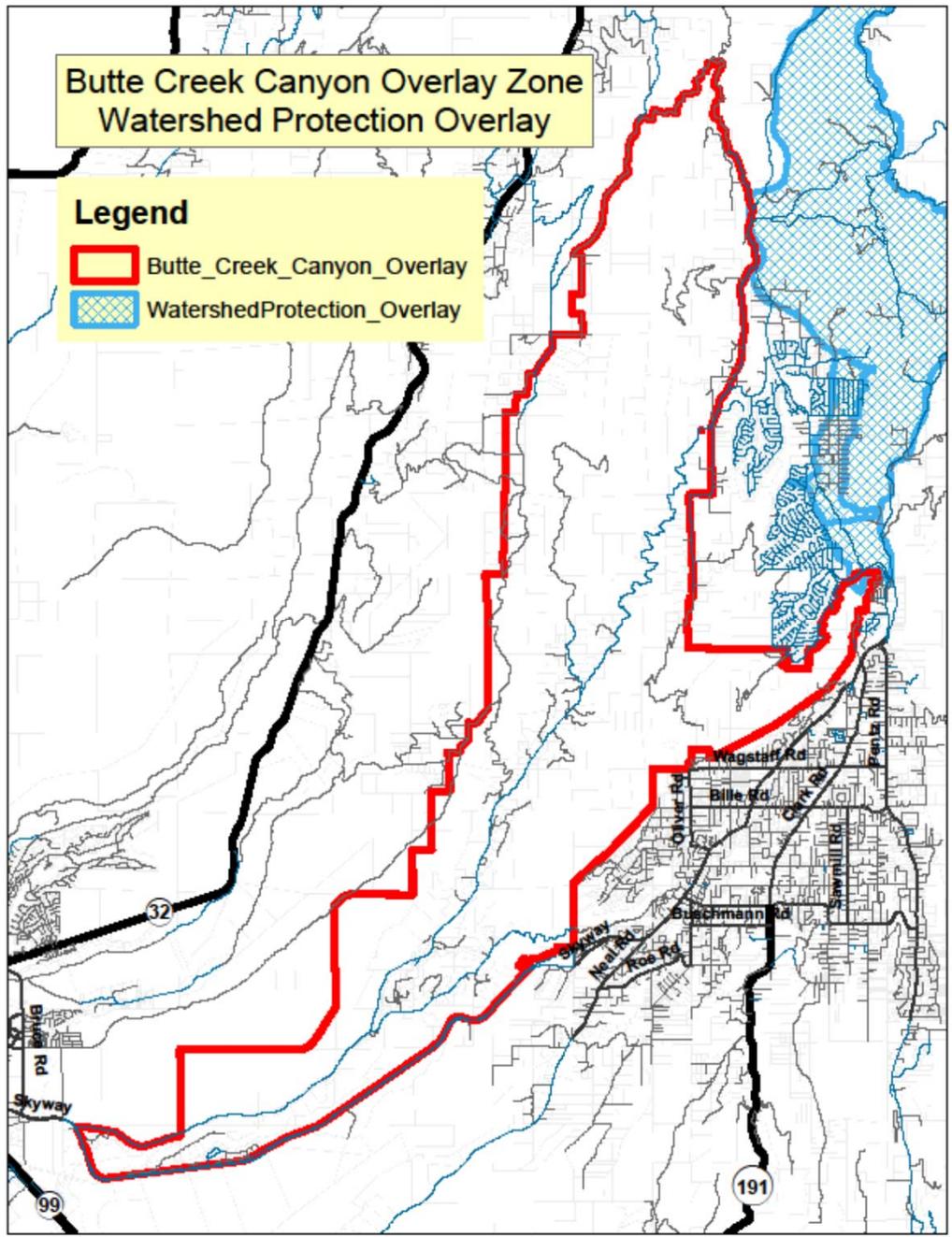
- Critical Winter
- Winter



**Butte Creek Canyon Overlay Zone
Watershed Protection Overlay**

Legend

-  Butte_Creek_Canyon_Overlay
-  WatershedProtection_Overlay

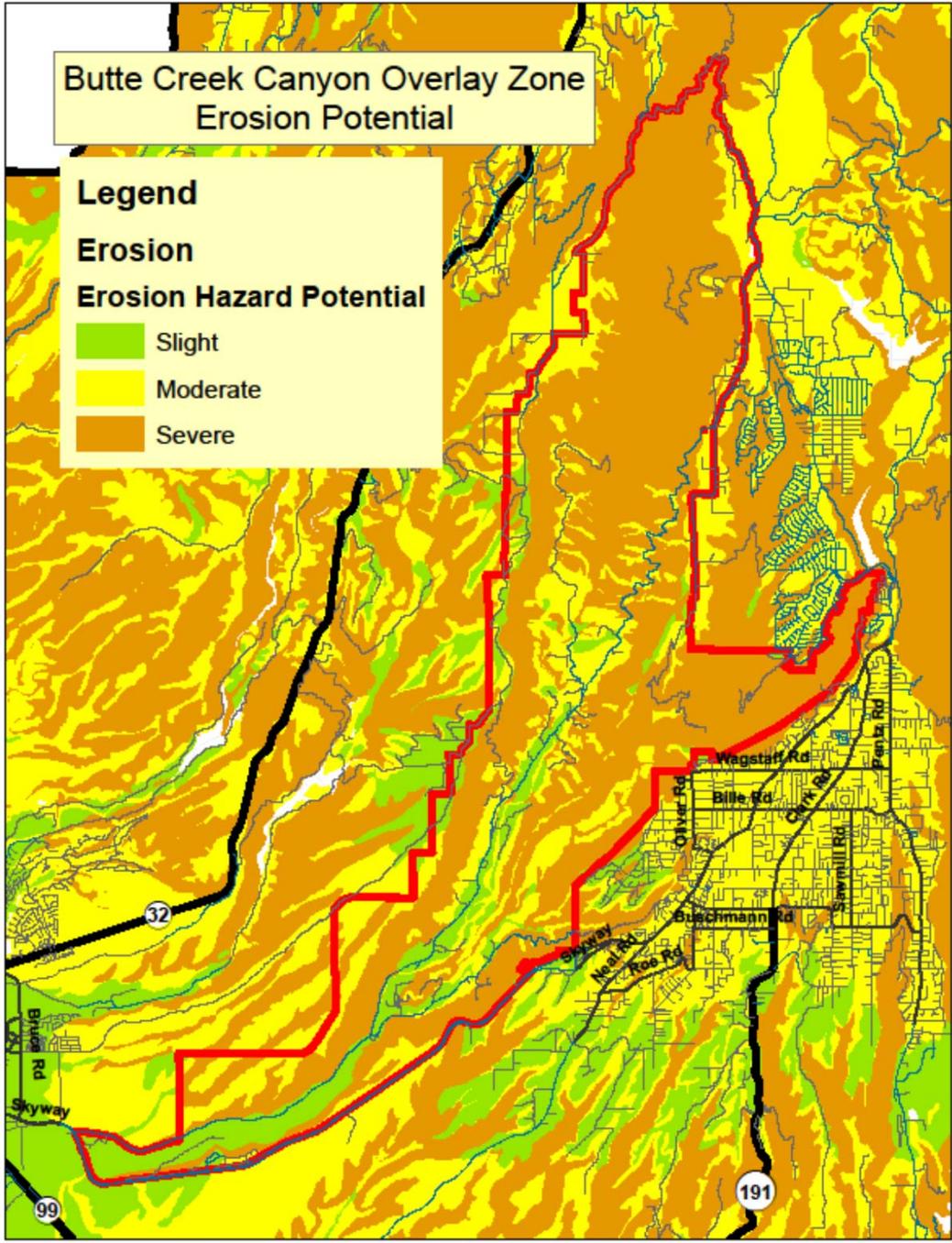


**Butte Creek Canyon Overlay Zone
Erosion Potential**

Legend

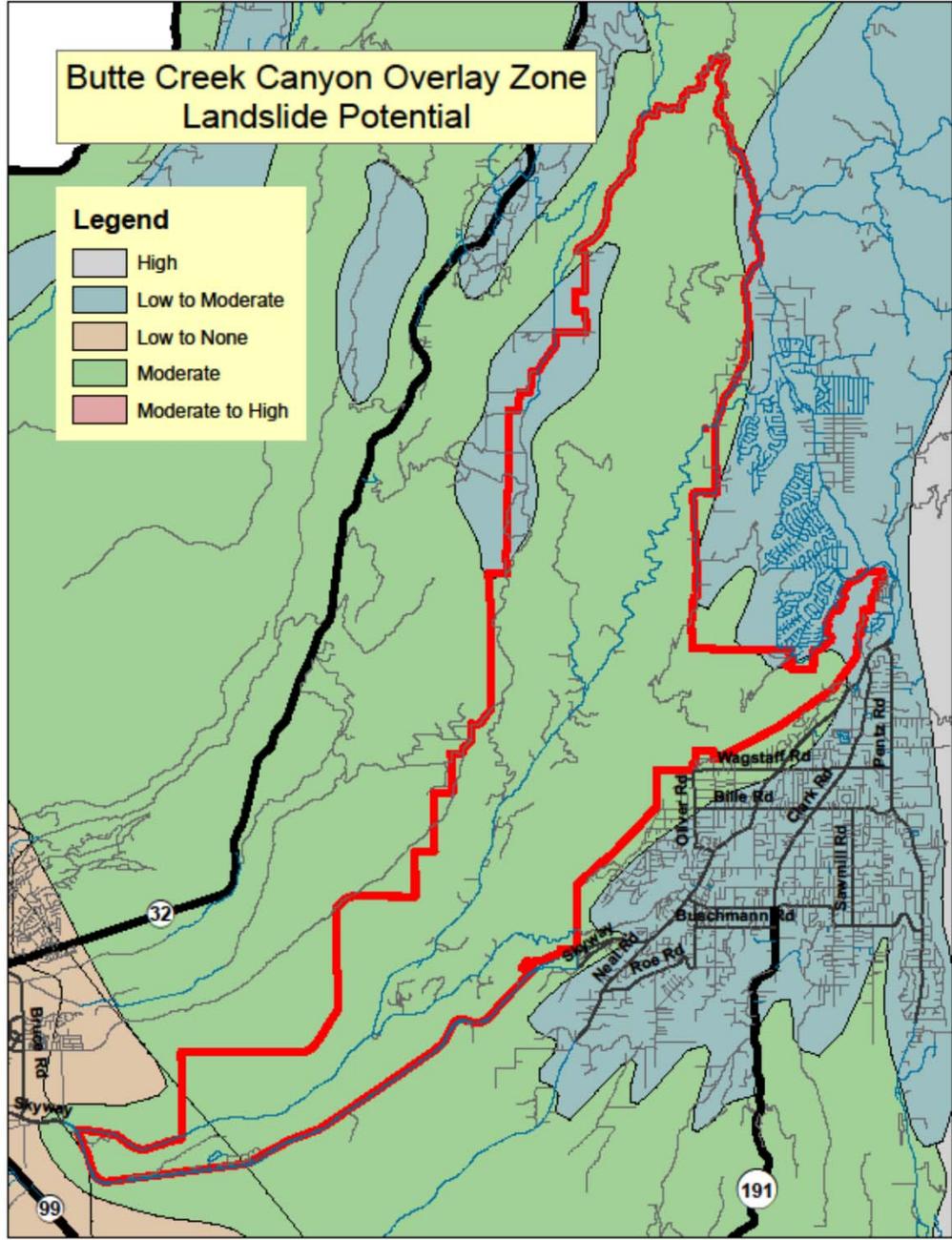
**Erosion
Erosion Hazard Potential**

- Slight
- Moderate
- Severe



Butte Creek Canyon Overlay Zone Landslide Potential

- Legend**
- High
 - Low to Moderate
 - Low to None
 - Moderate
 - Moderate to High



Comparison of Standards
 -BCC Overlay
 -WP Overlay

Requirement/Standard	Butte Creek Canyon Overlay	Watershed Protection Overlay (adopted 1987)
Hillside Development	Yes	No
Clustered Dev. Restriction	Yes	No
Ridgeline Development	Yes	No
Historic, Cultural, and Arch.	Yes	No
Heavy Equipment Storage	Yes	No
Applicable to AG, TM, TPZ Zones	No (with the exception of Ridgeline Standards which apply)	Yes (except no AG zone in this Overlay)
Land Use Regulations	Yes	Yes
Maximum Impervious Surface	Yes (15 percent of parcel size up to maximum of 1.5 acres; separate standards for parcels of less than 1-acre)	Yes (50 percent of total site area)

Comparison of Standards

- BCC Overlay
- WP Overlay

Vegetative Buffer	Yes (100 feet for streams)	Yes (100 feet for streams) (200 feet for lakes)
Septic System Setback	Yes (200 feet for streams)	Yes (150 feet for streams) (250 feet for lakes)
Erosion Control	Yes	Yes

Two background reports. . .

1. *Sacramento River Watershed Program's Butte Creek Chapter*
2. *Butte Creek Watershed Project Existing Conditions Report & Related Management Strategy*
 - Supplement the background information regarding Butte Creek and its related watershed
 - Set forth valuable information regarding the physical characteristics and conditions of the watershed, including its water quality, fisheries, wildlife, and scenic and recreational resources
 - Sets forth a *Top Ten Issues and Concerns*, including the impact of urban run-off due to urbanization's contribution to water quality degradation
 - Management objectives parallel the purpose of the Butte Creek Canyon Overlay Zone in helping to protect Butte Creek Canyon's water quality, biological communities, and its watershed

Butte Creek Canyon Overlay Zone

Planning Commission Questions
and Comments

Butte Creek Canyon Overlay Zone

Butte Creek Canyon Overlay
Committee Presentation

Butte Creek Canyon Overlay Zone

PUBLIC COMMENT

Butte Creek Canyon Overlay Zone

Planning Commission Direction

Next Steps

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. A public hearing will be scheduled for further consideration of the draft overlay by the Planning Commission and recommendations to the Board of Supervisors.