



**Department of Development Services**

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**Butte County Board of Supervisors**  
**AGENDA REPORT**  
**Butte County General Plan 2030 – Draft Butte Creek Canyon Overlay Zone**

April 24, 2018

**To:** Butte County Board of Supervisors  
**From:** Tim Snellings, Development Services Director  
**Subject:** **Butte County General Plan 2030**  
**Draft Butte Creek Canyon Overlay Zone Ordinance and Map**

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**I. RECOMMENDATION:**

1. Adopt a resolution approving an EIR Addendum pursuant to the California Environmental Quality Act (CEQA), and authorize the Chair to sign; and
2. Adopt an Ordinance amending Chapter 24, (Zoning Ordinance) making text and map amendments to include a new Section 24-34.1, entitled Butte Creek Canyon Overlay Zone, and authorize the Chair to sign.

**II. AGENDA FOR PUBLIC HEARING**

1. Development Services Staff Presentation (~10 minutes)
2. Board of Supervisors Question and Answer Period (~10 minutes)
3. Public Comment (~30 minutes)
4. Board of Supervisors Discussion and Action (~10 minutes)

### III. BACKGROUND

This Agenda Report supplements the report provided to the Board of Supervisors at the February 27, 2018 public hearing. The public hearing for consideration of the Draft Butte Creek Canyon Overlay Zone and EIR Addendum was continued open from the February 27, 2018 hearing. At the conclusion of the February 27 hearing, the Board of Supervisors directed staff to provide more information concerning several issues as discussed in the following section.

Staff recommended changes to the Draft Butte Creek Canyon Overlay Zone Ordinance text and map are attached to this report as edits to the Draft Overlay Zone Ordinance. Recommendations concerning the specific landowner requests for exclusion from the Draft Overlay received at the February 27, 2018 public hearing are provided under item IV. 5 below.

### IV. SUPPLEMENTARY ANALYSIS AND INFORMATION

#### 1. Development Standards Comparison Summary Table

During the February 27, 2018 Board hearing concern was expressed about the new development standards under the Butte Creek Canyon Overlay and how they differed from existing standards imposed by the Zoning Ordinance. In response to this concern, Development Services Staff has prepared a Development Standards Comparison Summary Table (attached Table 1). This Table summarizes twelve development standards required under the Butte Creek Canyon Overlay, and compares them to current Zoning Ordinance standards.

#### 2. Vegetation Removal

During public testimony, several people brought up the issue of vegetation removal, especially with regard to dead, dying, diseased, and/or hazard trees. A discussion took place concerning whether permits were necessary from CAL FIRE for the removal of such trees. **Development Services Staff contacted CAL FIRE concerning this issue and it was determined that CAL FIRE does not inspect or generate a permit for a homeowner to remove trees in this condition.** The State Forest Practice Act and the State Forest Practice Rules Exemption allows the removal of a fire hazard trees within 150 feet of a structure. Removal of fire hazard trees do not require the services of a Registered Professional Forester. A Licensed Timber Operator, tree removal service or a homeowner can take down an obviously dead or diseased tree.

Homeowners can use timber for their own private use, for firewood, or to mill into boards, for example. However, if owners sell, trade, or barter the timber, a permit is required

from CAL FIRE because such activity defines it as a wood product under State law.

CAL FIRE advises that the existing section of the Draft Overlay (Section 24-34.1 D.2.) regarding the State Forest Practices Act and State Forest Practice Rules provides homeowners the ability to remove dead, dying, diseased trees, as well as hazard trees without permits. In order to clarify this allowance, Development Services staff has included additional edits to this section, now reflected in the attached Draft Overlay Zone.

### **3. Septic System Setbacks**

The issue concerning the applicability of the 200-foot septic system setback from perennial and intermittent rivers and streams for new development was discussed at the February 27, 2018 Board hearing. Members of the Board indicated that if technology can ensure maintenance of water quality, the 200-foot minimum setback could potentially be relaxed to a minimum of 100 feet.

Development Services staff consulted with the Environmental Health Division of the Public Health Department concerning this issue. Environmental Health supports setbacks for septic systems as set forth in the Draft Overlay ordinance, and recognizes the review and discussion from the Wastewater Advisory Committee and the conservative nature of the proposed setback standard. **Environmental Health advised that allowing a reduction to 100 feet is appropriate provided no other feasible alternative exists, and provided that water quality can be maintained.** Accordingly, Development Services staff has amended this section of the Draft Ordinance.

### **4. Clustered Development**

The issue of Clustered Development, as currently prohibited under the Draft Overlay, was discussed during public testimony and Board deliberations. Clustered development has the advantage of retaining undeveloped open lands for habitat and for the protection of natural resources in exchange for the ability to cluster smaller parcels (a minimum of 7,500 sq. ft. and a maximum of 1-acre in size) in less environmentally-sensitive portions of a property.

Public testimony has provided both support and opposition to clustered development. The Butte Creek Canyon Overlay Committee continues to oppose clustered development. Their concerns include that clustering encourages denser development that would be out of character for the Butte Creek Canyon community. They are also concerned that clustered development could exacerbate fire danger, erosion, as well as access and circulation problems on both Centerville and Honey Run Roads.

The Board of Supervisors discussed that clustered development could compliment migratory deer herd ranges, but that density incentives (as currently allowed under the Clustered Development ordinance) would not be appropriate. The Board also discussed that property that was clearly unfit for development (due to severe slopes) would not be appropriate for the transfer of development as allowed under clustered development.

**Development Services staff is recommending that Clustered Development continue to be prohibited under the Draft Overlay due to the contributing factors outlined below.** A combination of factors contribute to staff's recommendation. The Butte Creek Canyon area is susceptible to natural disasters, especially from forest fires and flooding. Circulation in and out of the Butte Creek Canyon area is limited to Honey Run Road and Centerville Roads (the exception being the subdivisions accessed from the Skyway, such as Spanish Gardens and Skansen). While there are connections on both ends of Honey Run and Centerville Roads providing for secondary access, they are several miles away from most canyon locations. During an evacuation or emergency response, access in and out of the canyon area could be hindered or blocked, with no other feasible alternatives. Clustered subdivisions, which will intensify development, especially in more level areas of Butte Creek Canyon, would contribute to these life-safety impacts.

Factors Contributing to the Staff Recommendation to Prohibit Clustered Development:

- **Parcel Size.** The average parcel size in the Butte Creek Canyon area is 8-acres, much larger than the allowed clustered parcel size of 7,500 sq. ft. to 1-acre.
- **Erosion Hazard.** Moderate to Severe Erosion Hazards are identified in most areas of Butte Creek Canyon under General Plan Health and Safety Element Figure 7.
- **Flooding.** Level areas of the Butte Creek Canyon Overlay near the Creek are prone to flooding pursuant to FEMA mapping.
- **Flood Impacts.** Clustered Development is restricted in Flood Zones unless it can be determined to pose no more of an impact than conventional development, or is determined to reduce flood-related hazards.
- **Fire Hazard.** High to Very High Fire Hazard Severity Zones are located in the majority of the Butte Creek Canyon Overlay area. Clustered development would be more susceptible to fire impacts.
- **Circulation.** Clustered Development may intensify development in more level areas of the Canyon and could exacerbate fire safety and traffic ingress and egress during evacuations related to natural disasters including floods and fires.
- **Community Input.** The Butte Creek Canyon Community's project proponents are not in favor of Clustered Development in Butte Creek Canyon.

## 5. Requests from the Public – Staff Recommendations

Eight property owners made requests for the removal of property from the Draft Overlay boundaries. Some of these requests were received prior to the February 27, 2018 public hearing, and several others were made during public testimony. Development Services Staff has reviewed these requests and makes the following recommendations:

### **Parcels Recommended for Removal from the Draft Overlay Zone (these removed parcels are shown on the attached Butte Creek Canyon Overlay Zone Exhibit Map):**

- 1) **René Vercruyssen, Knife River Construction, APN: 017-260-180; Zoning: GI (General Industrial); 7-acres.** The provisions of the Butte Creek Canyon Overlay zone are directed at residential development and not industrial development. Additionally, the development of Industrial buildings and uses would be subject to additional development regulations regarding drainage and stormwater run-off pursuant to County Improvement Standards and the State Regional Water Quality Control Board.
- 2) **Marsha and Roman Krapf, APN: 063-040-120 (and related parcels); Zoning: FR-40 (Foothill Residential, 40-acre minimum parcel size); 10-acres.** This property is located in the far northeastern extent of the overlay and is not located in the Butte Creek Canyon area. The property is off Doe Mill Ridge Road and is close to the community of Forest Ranch. Similar to the Nimshew Road area removed from the Draft Overlay, this area is not located in the Butte Creek Canyon community, and is not located on a ridgeline. Staff recommends the removal of this parcel, as well as four other adjacent parcels (APNs: 063-040-116, 063-040-129; 063-040-027; and, 063-040-030).
- 3) **Magalia Dam South 8 Parcels (Staff Recommendation).** Zoning: RC (Resource Conservation) and RR-5 (Rural Residential, 5-acre minimum parcel size) 066- 010-002, -003, -008, 066-510-004, -005, -007, -008, -032; 8 parcels 234-acres total. These properties are more closely related to the Magalia area and are not located in the Butte Creek Canyon community.

### **Parcels Not Recommended for Removal from the Draft Overlay Zone:**

Development Services Staff does not recommend the approval of the following requests:

- 1) **Dan Allen, Signalized Intersection West LLC.** Zoning: AG-40 (Agriculture, 40-acre minimum parcel size; 3 parcels totaling 325 (+/-) acres; APNs: 017-090-141, 017-090-140, 017-090-099

- 2) **René Vercruyssen, Knife River Construction.** Zoning: FR-5 (Foothill Residential, 5-acre minimum parcel size); APN: 017-250-021; 65 acres
- 3) **Greg Colby.** Zoning: FR-20; 3 parcels totaling 9.5 acres; APNs: 017-090-102, 017-140-046, 017-140-045
- 4) **Joan Stewart.** Parcel 1 Zoned FR-20 (Foothill Residential, 20-acre minimum parcel size), 56.11 acres, APN: 017-270-035; Parcel 2 Zoned FR-5 (Foothill Residential, 5-acre minimum parcel size), 9.7 acres, APN: 017-270-035
- 5) **Dave Maurer.** Zoning: VLDCR (Very Low Density Country Residential); 3.3-acre parcel; APN: 017-260-159
- 6) **Mike Wimer.** Zoning: AG-40 (Agriculture, 40-acre minimum); 2 parcels of 4.25 and 5.23 acres; APNs: 017-100-084, 017-100-085  
  
(Mr. Wimer was also concerned about Heavy Equipment regulation. The development standard pertaining to heavy equipment setbacks and screening only applies to the FR and RR zones, adjacent to County roads, the standard does not apply to Mr. Wimer's property, which is zoned Agriculture.)
- 7) **John Bessolo.** Zoning: FR-20 (Foothill Residential, 20-acre minimum parcel size); 5 parcels of 2.8, 1.46, 7.85, 3.61, and 19.12 acres, APNs: 017-050-027, 017-050-016, 017-050-008, 017-060-018, and, 017-050-028

The primary criteria used for these recommendations includes the location of these parcels in Butte Creek Canyon, similar to other parcels in their vicinity, the Foothill Residential and Agriculture zoning at a minimum parcel size of 40-acres or less, and the potential for residential development.

The application of the additional development standards in the Draft Overlay will not take away development rights provided by the base zoning, or prohibit the ability to develop or subdivide if already allowed under the base zoning. The Draft Overlay's boundaries and development standards are applicable where additional residential development is likely to occur, and where the use of these standards support the stated purpose of the Overlay Zone:

*The purpose of the Overlay Zone is to facilitate the protection and preservation of the scenic resource and the historical and ecological foundation of Butte Creek Canyon, including the survival of endangered wild 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.*

Several inquiries were made to Development Services Staff after the hearing concerning the applicability of the Draft Overlay standards to existing development. The Overlay's standards apply to new development only and do not limit the ability of homeowners to maintain their homes, accessory structures, or driveways. The Draft Overlay also states that the Butte Creek Canyon Overlay Zone shall not require changes to existing legal uses and structures, or cause such structures or uses to become nonconforming.

#### **V. NEXT STEPS**

Upon adoption by the Board of Supervisors, the Butte Creek Canyon Overlay Zone will become effective in 30 calendar days.

**TABLE 1. Development Standards Comparison – Summary  
Butte Creek Canyon Overlay Zone Compared to Existing Zoning Ordinance Standards**

	<b>Development Standard</b>	<b>Butte Creek Canyon Overlay</b>	<b>Existing Zoning Ordinance</b>
1.	<b>Development Limitation on Slopes &gt; 15 percent</b>	Yes. Administrative relief if no site under 15 percent slope is available.	No limitation.
2.	<b>Limitation on Vegetation Removal outside of Development Area</b>	No removal of healthy veg/trees outside of Development Area (allowances for defensible space, fuel breaks, diseased, dying, dead, or hazard tree removal, public utilities, non-native plant removal, trails, AG grading)	No limitation (Cohasset Overlay Zone imposes some restrictions on vegetation removal)
3.	<b>Clustered Development pursuant to Zoning Ordinance (Article 18)</b>	No.	Yes. Allowed in the TM, FR, RR, VLDR, VLDR-2.5, VLDCR, and LDR zones
4.	<b>Ridgeline Development Setback (100-150 ft.)</b>	Yes (with alternative building design standards allowing development in setback)	No setback
5.	<b>Historic, Cultural, and Arch. site records review for building permits and discretionary permits</b>	Yes, for selected important sites	No records review for building permits; yes for discretionary permits
6.	<b>Heavy Equipment Storage (Screening and Setback from County Roads)</b>	100-foot setback and screening from County roads in FR and RR zones	No screening or setback (VLDR , RCR and FCR Zones require screening but only apply standard building setback)
7.	<b>Outdoor Lighting (shielding)</b>	Yes, including AG zones	Yes, but not in AG zones
8.	<b>Restriction on Rezones allowing additional parcels</b>	Yes (unless amended by Board of Supervisors)	No restriction (Magalia Watershed Protection Overlay Zone has similar restriction)
9.	<b>Maximum Developed Impervious Surface Limitation</b>	15 percent of a parcel's size for parcels 1-acre or larger; separate standards for parcels of less than 1-acre	Only in North Chico Specific Plan Area (same as BCCO Zone) and Magalia Watershed Protection Overlay Zone (50 percent of total site area)
10.	<b>Vegetative Buffer from Streams</b>	100 feet from top of bank	50 feet from top of bank (Magalia Watershed Protection Overlay: -100 ft. for streams, -200 ft. for lakes)
11.	<b>Septic System and Chemical Toilet Setback from Streams</b>	200 feet from top of bank <sup>[1]</sup>	50 feet from top of bank (Magalia Watershed Protection Overlay: -150 ft. for streams, -250 ft. for lakes)

12.	<b>Erosion Control</b>	<ul style="list-style-type: none"> <li>• Erosion and Sediment Control Plan for all building permits, by Reg. Civil Eng.</li> <li>• Driveways require 2-inches of aggregate base</li> <li>• No soil disturbance during rainy season (Nov 15 - Apr 1)</li> <li>• Clearing completed between April 1 - Nov 15 shall be re-vegetated and stabilized by Dec 1.</li> </ul>	No erosion control (Magalia Watershed Protection Overlay Zone has identical requirements)
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**[1] Septic System Setback Allowances:** A 100-foot septic system setback may be allowed for new development if it is determined by the Local Enforcement Agency that water quality can be maintained. Repair or replacement of a septic system on existing development that does not comply with the 200-foot setback may be allowed if it is determined by the Local Enforcement Agency that water quality can be maintained.

1 Ordinance No. \_\_\_\_\_

2 AN ORDINANCE TO AMEND CHAPTER 24, ENTITLED "ZONING," MAKING TEXT AND  
3 MAP AMENDMENTS TO INCLUDE NEW SECTION 24-34.1, ENTITLED BUTTE CREEK CANYON  
4 OVERLAY ZONE

5  
6  
7 The Board of Supervisors of the County of Butte ordains as follows:

8 Section 1. Chapter 24 of the Butte County Code and the Official Zoning  
9 Map are amended as provided for under "ATTACHMENT A", incorporated herein by  
10 reference.

11 Section 2. Severability. If any provision of this Ordinance or the  
12 application thereof to any person or circumstances is for any reason held to be  
13 invalid by a court of competent jurisdiction, such provision shall be deemed  
14 severable and the invalidity thereof shall not affect the remaining provisions  
15 or applications of the Ordinance which can be given effect without the invalid  
16 provision or application thereof.

17 Section 3. Effective Date and Publication. This Ordinance shall take  
18 effect thirty (30) days after the date of its passage. The Clerk of the Board  
19 of Supervisors is authorized and directed, before the expiration of fifteen  
20 (15) days after its passage, to publish this Ordinance once, with the names of  
21 the members of the Board of Supervisors voting for and against it, in the  
22 \_\_\_\_\_, a newspaper published in the County of Butte, State of  
23 California.

1 PASSED AND ADOPTED by the Board of Supervisors of the County of Butte,  
2 State of California, on the 24<sup>th</sup> day of April 2018, by the following vote:

3 AYES:

4 NOES:

5 ABSENT:

6 NOT VOTING:

7 \_\_\_\_\_  
8 Steve Lambert, Chair of the  
9 Butte County Board of Supervisors

11  
12 ATTEST:

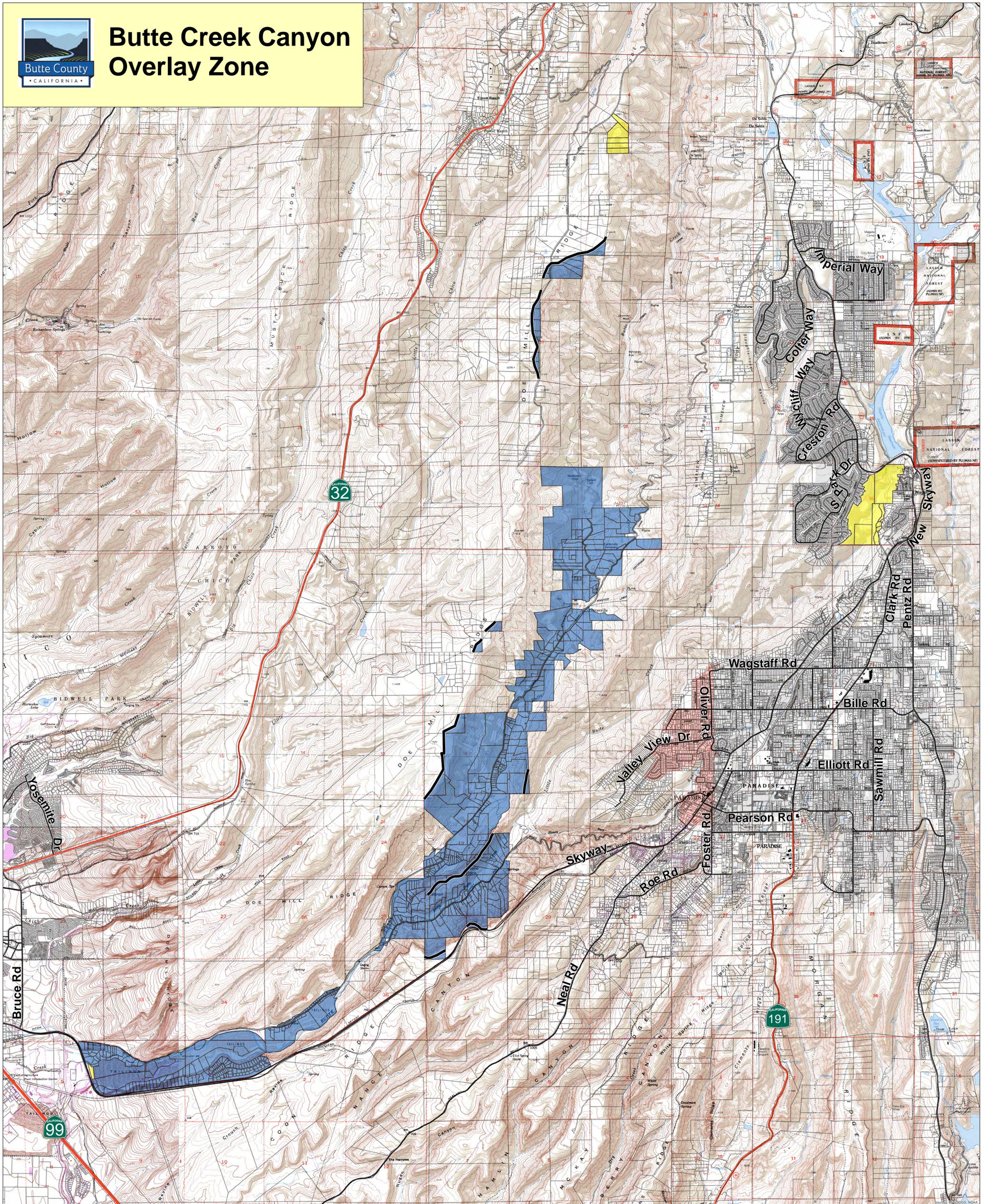
13 Shari McCracken, Interim Chief Administrative  
14 Officer and Clerk of the Board

15  
16  
17  
18 By \_\_\_\_\_

19 Deputy



# Butte Creek Canyon Overlay Zone



## Butte Creek Canyon Overlay Zone

- Include
- Remove

- Parcel
- Designated Ridgelines

- Highway
- Primary Route



## 24-34.1 Butte Creek Canyon Overlay Zone

- A. Purpose:** The Butte Creek Canyon (-BCC) Overlay Zone preserves and protects the uniquely valuable qualities of Butte Creek Canyon which is a significant resource of Butte County. The purpose of the –BCC Overlay Zone is to facilitate the protection and preservation of the scenic resource and the historical and ecological foundation of Butte Creek Canyon, including the survival of endangered wild 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.
- B. Administrative Relief.** If the application of the –BCC Overlay Zone inhibits development of a primary dwelling, as allowed by the base zone, to the extent that it cannot be permitted, the Director of Development Services shall determine a feasible and appropriate building site based upon existing site constraints and the –BCC Overlay Zone’s land use development standards.
- C. Applicability:**
1. The –BCC Overlay Zone applies to the Butte Creek Canyon area, as shown by the –BCC Overlay Zone Map.
  2. The –BCC Overlay Zone may be combined with any base zone except the AG-160 (Agriculture, 160-acre minimum parcel size), TM (Timber Mountain), ~~and~~ TP (Timber Preserve), and Industrial zones. The –BCC Overlay Zone may be applied to any future rezone of an AG-160, TM, TP, or Industrial zone in the Butte Creek Canyon area.
  3. The –BCC Overlay Zone shall not require changes to existing legal uses and structures, or cause such structures or uses to become nonconforming. Any expansion or modification of nonconforming uses and structures shall comply with this chapter and Butte County Code Chapter 24, Article 22. Nonconforming Uses and Structures.
- D. Land Use and Development Standards**
1. **Public Hearings and Noticing.** When a public hearing is required in accordance with the Butte County Zoning Ordinance, in addition to the requirements set forth under Chapter 24, Article 36, Public Notice and Hearings, which requires notice of the hearing to be mailed to all owners of real property within 300 feet of the exterior boundary of the parcel that is the subject of the hearing, public notice shall also be provided by email to all interested parties through a list maintained by the Department of Development Services.
  2. **Hillside Development Standards.** This section does not apply to operations subject to the State Forest Practices Act or State Forest Practice Rules.

- a. **Slope.** Development in areas with a slope of greater than 15 percent shall be permitted only when an alternative Development Area with a slope of less than 15 percent is not available on the parcel, or as otherwise permitted by the Director of Development Services pursuant to Section 24-34.1 B. Administrative Relief.
  
- b. **Vegetation Removal.** Removal of living and healthy vegetation outside of a Development Area as defined in Chapter 24, Article 42 (Glossary) shall not be permitted, except under the following circumstances:
  - i. Vegetation removal required to comply with defensible space requirements set forth in Public Resources Code Section 4290 (Fire Safety Regulations).
  - ii. Removal of dead, dying, diseased, or hazard trees.
  - iii. Fuel breaks and fuel reduction consistent with projects undertaken by local Fire Safe Councils or other public and non-profit entities.
  - iv. Routine agricultural grading as defined under Chapter 13, Article 1. Grading, Section 13-5 (g).
  - v. Projects relating to the installation, maintenance, or repair of a public utility.
  - vi. Projects undertaken in compliance with a Streambed Alteration Permit approved by the California Department of Fish and Wildlife.
  - vii. Non-native and invasive plant eradication.
  - viii. Pedestrian walkways and trails.

**3. Clustered Development.** Clustered Development as allowed by Chapter 24, Article 18, Clustered Development, shall be prohibited.

**4. Butte Creek Canyon Ridgeline Development.** The specific canyon ridgelines subject to this section are shown on the –BCC Overlay Zone Exhibit. Ridgelines on the –BCC Overlay Zone Map are shown in their approximate location. A site review is required to determine specific locations (see below). In order to preserve views of designated canyon ridgelines, development on either side of designated canyon ridgelines shall comply with the following minimum development standards:

**a. Ridgeline Setbacks**

- i. Buildings less than 25 feet in height: A 100 foot building setback is required from either side of the designated ridgeline.

- ii. Buildings equal to or greater than 25 feet in height: A 150 foot building setback is required from either side of the designated ridgeline.
- iii. Walls and fences pursuant to Chapter 24, Article 13, Walls and Fences: A 100 foot building setback is required from either side of the designated ridgeline.
- iv. Accessory decks, patios, and railings are not subject to the ridgeline setback.
- v. The specific location of the designated canyon ridgeline shall be determined through an on- site review by the Department of Development Services.

**b. Alternative Building Design Standards.** As an alternative to the Ridgeline Setbacks as set forth under this section, the following Building Design Standards shall be required through an Administrative Permit. The Building Design Standards as set forth shall be approved by the Director of Development Services during Administrative Permit review. It is the obligation of the applicant to furnish the materials and plans necessary, with the Administrative Permit application, to facilitate review and compliance with these standards:

- i. Exterior Wall Surfaces. The apparent size of exterior wall surfaces visible from off the site shall be minimized through the use of setbacks, overhangs, roof pitches, native landscaping, and/or other means of horizontal and vertical articulation to create changing shadow lines and break up massive forms.
  - 1. Colors and Materials. A mixture of materials and color shall be used to blend structures with the natural appearance of the hillside.
  - 2. Based upon the graphic principle that darker colors are less noticeable than light colors, darker tones, including earth tones shall generally be used for building walls and roofs on highly visible sites so that buildings and exterior finishes appear to blend in with the natural terrain.
- ii. Roofs. Roof pitches shall generally be placed to follow the angle of the slope; but with variations to avoid a monotonous appearance.
- iii. Support Structures. Support structures (for example, columns, pilings, etc.) below the lowest floor on the downhill side of a house shall be enclosed or colored and designed to blend with the natural appearance of the hillside.
- iv. Any additional standards proposed by the applicant that would mitigate visual impacts to the ridgeline as determined by the Director of Development Services.

**5. Historic, Cultural, and Archeological Sites.** Prior to any building permit issuance or discretionary approval at the following recognized sites, the Department of Development Services shall consult with the California Historical Resources Information System (Northeast Information Center) at CSU Chico for recommendations and mitigations necessary to preserve historic, cultural and archeological resources:

- i. Nicholl Family Cemetery in Helltown
- ii. Boneyard Flat in Helltown
- iii. Centerville Schoolhouse
- iv. Centerville Cemetery
- v. Honey Run Covered Bridge

**6. Heavy Equipment Storage.**

a. Heavy equipment storage yards in the FR (Foothill Residential) and RR (Rural Residential) zones shall be setback 100 feet from County roads and screened to prevent view from the road through the use of a wall, fence or vegetation. Walls and fences used for this purpose shall comply with Butte County Code Chapter 24, Article 13. Walls and Fences.

**7. Outdoor Lighting**

- a. All outdoor lighting shall be regulated using the same standards as set forth under Butte County Code Chapter 24, Article 14. Outdoor Lighting.
- b. Outdoor lighting shall use full cut-off fixtures directing lighting to buildings and outdoor activity areas, shielding off-site areas and the night sky.

**8. Watershed Protection.** This section does not apply to operations subject to the State Forest Practice Act or State Forest Practice Rules.

a. **Land Use Regulations.** Zoning amendments that propose to allow for the creation of additional parcels (exceeding amounts allowed under the November 6, 2012 Zoning Map) shall not be allowed, unless the Board of Supervisors, through its police powers, acts to amend this section of the Zoning Ordinance to allow such zoning amendments.

b. **Maximum Impervious Surface.** Impervious surfaces are those surfaces that prevent normal water infiltration and/or cause runoff to other areas, such as asphalt, concrete, and structures (surfaces that are 100 percent impermeable to water percolation). For new development within the –BCC Overlay Zone, impervious surfaces shall be limited in accordance with the following standards:

- i. Parcels one-acre in size or greater. Impervious surface shall not exceed 15 percent of the parcel's total size.
- ii. Parcels less than one-acre in size, see Table 24-34.1-1, below.

Table 24-34.1-1. Maximum Impervious Surface for Parcels Less than 1-acre in Size	
Parcel Size	Maximum Impervious Surface
> 1/2 acre - < 1 acre	6,530 sq. ft.
> 1/3 acre - ≤ 1/2 acre	5,800 sq. ft.
> 1/4 acre - ≤ 1/3 acre	4,900 sq. ft.
> 5,000 sq. ft. - ≤ 1/4 acre	3,250 sq. ft.

- iii. Road surfaces and other areas such as patios and driveways shall not count as being impervious if they are surfaced with gravel or are finished with pervious pavement or asphalt.

**c. Vegetative Buffers.** In addition to the requirements set forth under Chapter 24, Article 16 (Riparian Areas), vegetative buffers shall be maintained on all sides of water bodies as follows:

- i. Perennial and intermittent rivers and streams, as shown on the latest USGS 7.5 minute quad map: 100 lineal feet.
- ii. Buffer distances shall be measured in accordance with Chapter 24, Article 16 (Riparian Areas), Section 24-77 A.
- iii. All structures, grading, excavation, removal of trees, use of fertilizers and pesticides, sewage disposal, and paving, excepting those uses set forth under Article 16 (Riparian Areas) Section 24-78 A. Permitted Activities, and Section 24-78 B. Conditionally Permitted Uses, are prohibited within vegetative buffer areas.
- iv. Vegetation removal, as permitted under Section 24-34.1 (D) (2) (b), is allowed.

**d. Septic System and Portable Chemical Toilet Setbacks**

- i. ~~Leach fields and septic tanks~~ Septic systems for new development shall be setback a minimum of 200 feet from perennial and intermittent rivers and streams, as shown on the latest USGS 7.5 minute quad map.
- ii. Minimum setback distances shall be measured in accordance with Chapter 24, Article 16 (Riparian Areas), Section 24-77 A.

- iii. Repair or replacement of a septic system on existing development that does not comply with the 200-foot setback may be allowed if it is determined by the Local Enforcement Agency that water quality can be maintained.
- iv. If no other feasible alternative exists, a 100-foot septic system setback may be allowed for new development if it is determined by the Local Enforcement Agency that water quality can be maintained.
- v. Portable Chemical toilets for temporary use at construction sites or for special events shall be setback a minimum of 200 feet from perennial and intermittent rivers and streams.

**e. Erosion Control.**

- a. An erosion and sediment control plan, pursuant to Butte County Code Section 13-10, shall be approved by the County prior to issuance of a building permit and subject to the following additional requirements and building standards:
  - i. Erosion and sediment control plans shall not be required for public utilities, residential additions that are less than 25 percent of the size of the original structure, or permitted accessory uses and structures defined under Butte County Code Section 24-156.
  - ii. The erosion and sediment control plan shall be developed by a professional civil engineer registered by the State of California.
  - iii. The plan shall identify measures to prevent sediment and other pollutant discharges from reaching watershed drainages and streams, and shall address both interim (during construction) and final (post construction) erosion control measures.
  - iv. All driveways proposed for new home sites shall be surfaced with at least two inches of Class 2 aggregate base, unless required by the County to be developed to a higher standard.
  - v. Soil disturbance shall not be conducted during the rainy season (November 15 through April 1). The County may require financial security to ensure that control measures are implemented and maintained.
  - vi. All areas where land clearing has been completed between April 1 and November 15 shall be re-vegetated, hydroseeded, mulch protected, or otherwise stabilized no later than December 1.
  - vii. Site work shall be limited to the permitted development area, and shall preserve natural topography and vegetation at the site to the greatest possible extent.

**E. Coordination with Other Regulatory Agencies.** All required permits from the California Department of Fish and Wildlife, the California Department of Forestry and Fire Protection, the U.S. Army Corps of Engineers, the California State Regional Water Quality Control Board, the Central Valley Flood Protection Board, or other applicable agencies, including any permit required under an approved Habitat Conservation Plan, shall be obtained prior to, concurrently with, or as a condition of, the approval of any County permits for development within the -BCC Overlay Zone. Evidence of approval or pending approval of any such permit shall be submitted to the County, including all appropriate supporting materials, environmental documentation, and studies.



# BOARD OF SUPERVISORS

## COUNTY OF BUTTE, STATE OF CALIFORNIA

Resolution No.

**A RESOLUTION OF THE BUTTE COUNTY BOARD OF SUPERVISORS ADOPTING AN EIR ADDENDUM TO THE GENERAL PLAN 2030 FINAL ENVIRONMENTAL IMPACT REPORT AND SUPPLEMENTAL FINAL ENVIRONMENTAL IMPACT REPORT FOR AMENDMENT TO BUTTE COUNTY CODE CHAPTER 24 (ZONING ORDINANCE) FOR THE BUTTE CREEK CANYON OVERLAY ZONE**

**WHEREAS**, the Butte County 2030 Update process was initiated by action of the Board of Supervisors, including the adoption of Resolution 06-085 on May 23, 2006, which created the Butte County General Plan Citizens Advisory Committee and set in motion a process of holding public workshops and meetings regarding the County's General Plan 2030 Update; and,

**WHEREAS**, on October 26, 2010 Butte County adopted a new General Plan (General Plan 2030), including a new General Plan Land Use Map (Resolution 10-152); and,

**WHEREAS**, Butte County initiated an update to the Butte County Zoning Ordinance ("Zoning Ordinance Update"), being a part of the overall Butte County General Plan 2030 project directed by the Board of Supervisors also referred to as "Meeting Series #8", which involved a comprehensive update to the existing Butte County Zoning Ordinance; and,

**WHEREAS**, on September 27, 2012 the Planning Commission made recommendations to the Board of Supervisors and on November 6, 2012 the Board of Supervisors adopted the Zoning Ordinance Update under Ordinance #4050; and,

**WHEREAS**, the General Plan 2030 FEIR (SCH #2008092062) was certified on October 26, 2010 by the Butte County Board of Supervisors (Resolution 10-150) and the Supplemental FEIR (SCH #2012022059) was certified on November 6, 2012 (Resolution 12-123); and,

**WHEREAS**, the County complied with the requirements of the California Environmental Quality Act, Public Resources Code sections 21000-21178.1 (CEQA) in approving the FEIR and SFEIR; and,

**WHEREAS**, the Butte County General Plan 2030 contains action items directing the completion of further tasks as well as amendment to the Zoning Ordinance; and,

**WHEREAS**, the Butte Creek Canyon Overlay Zone was developed under direction of General Plan 2030 Conservation Element Action Item COS-A6.2, which states "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."

**WHEREAS**, the County has determined that the proposed amendment adding the Butte Creek Canyon Overlay Zone to the Zoning Ordinance does not meet the criteria for preparing a subsequent or supplemental EIR under CEQA Guidelines Section 15162; and,

**WHEREAS**, an Addendum to the General Plan 2030 FEIR and Supplemental FEIR has therefore been prepared pursuant to CEQA Guidelines Section 15164 for the proposed Butte Creek Canyon Overlay Zone amendment; and

**WHEREAS**, the Butte County Planning Commission recommended to the Board of Supervisors the approval of the EIR Addendum for the Butte Creek Canyon Overlay Zone amendment in accordance with the California Environmental Quality Act (CEQA) at a public hearing held on November 9, 2017.

**WHEREAS**, the Addendum provides analysis and cites substantial evidence that supports the County's determination that the proposed Butte Creek Canyon Overlay Zone amendment does not meet the criteria for preparing a subsequent or supplemental EIR under CEQA Guidelines Section 15162 including:

1) The proposed Butte Creek Canyon Overlay Zone amendment would not cause a new significant impact or substantially increase the severity of a previously identified significant impact from the General Plan EIR or Supplemental EIR (CEQA Guidelines Section 15162[a][1]) that would require major revisions to either EIR. All impacts would be nearly equivalent to the impacts previously analyzed in the General Plan 2030 EIR and Supplemental EIR. Relatedly, the General Plan 2030 and Zoning Ordinance amendment is not inconsistent with any of the General Plan 2030 policies intended to mitigate environmental impacts.

2) The proposed Butte Creek Canyon Overlay Zone amendment is programmatic in nature and are not changes in physical circumstances that would cause a new significant impact or substantially increase the severity of a previously identified significant impact, and there have been no other changes in the circumstances that meet this criterion.

3) As documented in Section 3.0 of the Addendum, there is no new information of substantial importance (which was not known or could not have been known at the time of the General Plan 2030 adoption in October 2010, or General Plan 2030 amendment and Zoning Ordinance adoption in November 2012), that identifies: a new significant impact (condition "A" under CEQA Guidelines Section 15162[a][3]); a substantial increase in the severity of a previously identified significant impact (condition "B" CEQA Guidelines Section 15162[a][3]); mitigation measures or alternatives previously found infeasible that would now be feasible and would substantially reduce one or more significant effects of the General Plan; or mitigation measures or alternatives which are considerably different from those analyzed in the General Plan 2030 EIR which would substantially reduce one or more significant effects on the environment (conditions "C" and "D" CEQA Guidelines Section 15162[a][3]).

**NOW, THEREFORE, BE IT RESOLVED**, that the Board of Supervisors hereby approves the EIR Addendum for the General Plan 2030 FEIR and Supplemental FEIR prepared for the Butte Creek Canyon Overlay Zone amendment.

**PASSED AND ADOPTED** by the Butte County Board of Supervisors this 24<sup>th</sup> day of April, 2018, by the following vote:

**AYES:**

**NOES:**

**ABSENT:**

**NOT VOTING:**

\_\_\_\_\_  
**Steve Lambert**, Chair  
Butte County Board of Supervisors

**ATTEST:**

Shari McCracken, Interim Chief Administrative Officer and  
Clerk of the Board of Supervisors

By: \_\_\_\_\_  
Deputy

**BUTTE COUNTY**  
**Department of Development Services**



**EIR ADDENDUM**  
**to the**  
**GP 2030 EIR & Supplemental EIR for**  
**the**  
**Butte Creek Canyon Overlay Zone**

BUTTE COUNTY  
Department of Development Services  
7 County Center Drive, Oroville, CA 95965  
530-538-7629

November 1, 2017

## 1.0 INTRODUCTION

This EIR Addendum was prepared in accordance with the California Environmental Quality Act (CEQA) and the CEQA Guidelines. This document has been prepared to serve as an Addendum to the previously certified General Plan Environmental Impact Report (General Plan EIR, State Clearinghouse Number 2008092062) and Supplemental Environmental Impact Report (GPA and Zoning Ordinance EIR, State Clearinghouse Number 2012022059) for the Butte County General Plan and Zoning Ordinance. The County of Butte is the lead agency for the environmental review for the Butte Creek Canyon Overlay project.

This Addendum addresses the proposed amendments to the Zoning Ordinance in relation to the previous environmental review prepared for the Butte County General Plan EIR and Supplemental EIR.

CEQA Guidelines Section 15164 defines an Addendum as:

*The lead agency or responsible agency shall prepare an addendum to a previously certified EIR if some changes or additions are necessary but none of the conditions described in Section 15162 calling for preparation of a subsequent EIR have occurred.*

*.....A brief explanation of the decision not to prepare a subsequent EIR pursuant to Section 15162 should be included in an addendum to an EIR, the lead agency's findings on the project, or elsewhere in the record.*

Information and technical analyses from the Butte County General Plan EIR and Supplemental EIR are utilized throughout this Addendum. Relevant passages from this document (consisting of the General Plan EIR and Supplemental EIR) are cited and available for review at:

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## **1.1 Background and Purpose of the EIR Addendum**

The General Plan EIR (SCH #2008092062) was certified on October 26, 2010 by the Butte County Board of Supervisors. The Supplemental EIR (SCH #2012022059) was certified on November 6, 2012. Text and Mapping changes are proposed to the Zoning Ordinance and map. Please refer to Section 2.0 (Project Description) for a detailed description of the Butte Creek Canyon Overlay.

In determining whether an Addendum is the appropriate document to analyze the modifications to the project and its approval, CEQA Guidelines Section 15164 (Addendum to an EIR or Negative Declaration) states:

- (a) The lead agency or a responsible agency shall prepare an addendum to a previously certified EIR if some changes or additions are necessary but none of the conditions described in Section 15162 calling for preparation of a subsequent EIR have occurred.*
- (b) An addendum to an adopted negative declaration may be prepared if only minor technical changes or additions are necessary or none of the conditions described in Section 15162 calling for the preparation of a subsequent EIR or negative declaration have occurred.*
- (c) An addendum need not be circulated for public review but can be included in or attached to the final EIR or adopted negative declaration.*
- (d) The decision-making body shall consider the addendum with the final EIR or adopted negative declaration prior to making a decision on the project.*
- (e) A brief explanation of the decision not to prepare a subsequent EIR pursuant to Section 15162 should be included in an addendum to an EIR, the lead agency's required findings on the project, or elsewhere in the record. The explanation must be supported by substantial evidence.*

## **1.2 Basis for Decision to Prepare Addendum**

When an environmental impact report has been adopted for a project, Public Resources Code Section 21166 and CEQA Guidelines Sections 15162 and 15164 set forth the criteria for determining whether a subsequent EIR, subsequent negative declaration, addendum, or no further documentation be prepared in support of further agency action on the project. Under these Guidelines, a subsequent EIR or negative declaration shall be prepared if any of the following criteria are met.

*(a) When an EIR has been certified or negative declaration adopted for a project, no subsequent EIR shall be prepared for that project unless the lead agency determines, on the basis of substantial evidence in the light of the whole record, one or more of the following:*

*(1) Substantial changes are proposed in the project which will require major revisions of the previous EIR or negative declaration due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects;*

*(2) Substantial changes occur with respect to the circumstances under which the project is undertaken which will require major revisions of the previous EIR or negative declaration due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects; or*

*(3) New information of substantial importance, which was not known and could not have been known with the exercise of reasonable diligence at the time the previous EIR was certified as complete or the negative declaration was adopted, shows any of the following:*

*(A) The project will have one or more significant effects not discussed in the previous EIR or negative declaration;*

*(B) Significant effects previously examined will be substantially more severe than shown in the previous EIR;*

*(C) Mitigation measures or alternatives previously found not to be feasible would in fact be feasible and would substantially reduce one or more significant effects of the project, but the project proponents decline to adopt the mitigation measure or alternative; or*

*(D) Mitigation measures or alternatives which are considerably different from those analyzed in the previous EIR would substantially reduce one or more significant effects on the environment, but the project proponents decline to adopt the mitigation measure or alternative.*

*(b) If changes to a project or its circumstances occur or new information becomes available after adoption of a negative declaration, the lead agency shall prepare a subsequent EIR if required under subdivision (a). Otherwise the lead agency shall determine whether to prepare a subsequent negative declaration, and addendum, or no further documentation.*

As demonstrated in the environmental analysis provided in Section 3.0 (Environmental Analysis), the proposed amendments do not meet the criteria for preparing a subsequent EIR or negative declaration. An addendum is appropriate here because, as explained in Section 3.0, none of the conditions calling for preparation of a subsequent EIR or negative declaration have occurred.

## **2.0 PROJECT DESCRIPTION**

This section provides a detailed description of the proposed Butte Creek Canyon Overlay Zone. The reader is referred to Section 3.0 (Environmental Analysis) for the analysis of environmental effects of this project in relation to the analysis provided in the previously certified General Plan Environmental Impact Report (General Plan EIR, State Clearinghouse Number 2008092062) and Supplemental Environmental Impact Report (GPA and Zoning Ordinance EIR, State Clearinghouse Number 2012022059).

### **2.1 Project Location**

Butte County lies in north central California at the northeastern end of the Sacramento Valley, approximately 150 miles northeast of San Francisco and 70 miles north of Sacramento. State Highways 70 and 99, which extend in a north-south direction through Butte County, are the principal transportation corridors connecting the County to the region. State Highways 32 and 162 provide sub regional connections to areas to the east, northeast, and west of the county and to Interstate 5.

From the northeastern end of the Sacramento Valley, Butte County extends into the foothills at the confluence of the southern Cascade and the northern Sierra Nevada mountain ranges. The total land area of Butte County is approximately 1,680 square miles, and can be divided into three general topographical areas: the western 45 percent of the County is a valley area, about 25 percent of the County is foothills to the east of the valley, and the eastern 30 percent of the County is mountainous.

The Zoning Ordinance Amendments proposed under the Butte Creek Canyon Overlay Zone apply to the unincorporated portion of Butte County more particularly described by the Overlay Map. The specific amendments to the Zoning Ordinance text and the Overlay Map showing the area in question are provided under the Planning Commission's November 9, 2017 staff report for which this document is attached.

### **2.2 Overview of the Butte County General Plan, Zoning Ordinance, and Associated EIR and Supplemental EIR**

#### Purpose of the Butte County General Plan

The General Plan represents the basic community values, ideals and aspirations with respect to land use, development and conservation policy that will govern Butte County through 2030. This General Plan addresses all aspects of development, including land use; circulation and transportation; open space, natural resources and conservation; public facilities and services; safety; and noise.

The preparation of a General Plan is required by California Government Code Section 65302. California Government Code Section 65300 requires the General Plan to be comprehensive and internally

consistent, and to provide long-term guidance for the community.

Purpose of the Zoning Ordinance

1. **General.** The Zoning Ordinance is adopted to implement the Butte County General Plan and to protect and promote the health, safety, and welfare of Butte County residents.
2. **Specific.** The Zoning Ordinance is intended to:
  - a. Preserve, protect, and enhance the fundamentally rural character of Butte County.
  - b. Protect agricultural lands and associated industries as an important aspect of Butte County's economy.
  - c. Protect sensitive environmental resources, including conservation areas, habitat for special status species, and wetlands.
  - d. Protect the county's water resources.
  - e. Promote an environmentally sustainable pattern of development.
  - f. Promote economic growth and the creation of jobs for Butte County residents.
  - g. Allow for residential, commercial, and industrial growth in a manner consistent with Butte County's rural character.
  - h. Preserve the quality of life and character of existing residential neighborhoods.
  - i. Protect the public from hazards associated with natural and man-made disasters, including airport-related hazards.
  - j. Promote and support an efficient multi-modal transportation system.
  - k. Allow for public services and facilities to adequately serve the county population.
  - l. Allow for public participation in government decision-making regarding land use and development in a manner consistent with State law.

Purpose of Zones and Zoning Map

The Zoning Ordinance identifies all of the zones that apply to property within the County and establishes the official Butte County Zoning Map. The Zoning Map is divided into Base Zones, Overlay Zones, and further divided into Rural and Urban Zones as follows:

1. **Base Zones.** Butte County is divided into Base Zones that implement the General Plan. All of the zones are shown in Table 24-11-1 of the Zoning Ordinance.
2. **Rural and Urban Zones.** The Zoning Ordinance establishes varying standards and regulations that apply to rural and urban zones within the county. Distinguishing between rural and urban zones is intended to help preserve and enhance the rural character of the County and eliminate unnecessary and inappropriate regulations in rural areas.
3. **Overlay Zones.** The Zoning Ordinance and Zoning Map include Overlay Zones that provide additional requirements and uses on properties in addition to requirements of the underlying base zone. All of the Overlay Zones are shown in Table 24-11-2 of the Zoning Ordinance.

### Relationship of the Zoning Ordinance to the General Plan

The Zoning Ordinance implements the goals and policies of the Butte County General Plan by regulating the uses of land and structures within the county. The Zoning Ordinance and the General Plan must be consistent with one another. If there are inconsistencies between the Zoning Ordinance and the General Plan, the General Plan governs.

### Purpose of the General Plan 2030 EIR

The General Plan 2030 Environmental Impact Report (EIR) provides an assessment of the potential environmental consequences of adoption and implementation of the proposed Butte County General Plan. This assessment is intended to inform County residents, decision-makers, and responsible and trustee agencies of the nature of General Plan 2030, and their effect on the environment. This EIR was prepared in accordance with and in fulfillment of California Environmental Quality Act (CEQA) requirements.

Program EIRs are not project-specific and do not evaluate the impacts of specific development ‘projects’ that may be proposed under General Plan 2030. Such projects will require separate environmental review to secure the necessary development entitlement. This EIR is intended, where appropriate, to be used as a first-tier environmental document for future projects, but it is not intended to address impacts of individual development projects.

By incorporating policies intended to avoid environmental impacts and by steering development to existing incorporated and unincorporated cities and communities, General Plan 2030 is largely self-mitigating. Rather than mitigating impacts from implementation of General Plan 2030 through mitigation measures in this EIR, the policies and land use map in General Plan 2030 are intended to prevent the majority of environmental impacts altogether. This includes some policies within the General Plan that are required as means to mitigate environmental impacts under the California Environmental Quality Act (CEQA). These policies all use the imperative “shall,” and in all cases are mandatory. These policies are marked with an asterisk (\*), and are provided under **Appendix A**.

The implementation of the proposed General Plan 2030 has the potential to generate 24 significant environmental impacts. Of these impacts, 18 are the result of the proposed General Plan 2030, and six are the result of General Plan 2030 combined with other cumulative development in the larger region.

Section 15126.2(b) of the CEQA Guidelines requires that an EIR describe any significant impacts that cannot be avoided, even with the implementation of feasible mitigation measures. As described in Chapter 4 of the Draft EIR, significant unavoidable impacts were identified in the areas of agriculture, biological resources, hydrology and water quality, noise, transportation and circulation, and greenhouse gas emissions. On October 26, 2010, the Butte County Board of Supervisors adopted a Statement of Overriding Considerations for the Significant and Unavoidable Impacts identified under the General Plan 2030 EIR.

## Purpose of the Supplemental General Plan EIR

The purpose of this Supplemental EIR is to inform the general public and decision makers of the changes to the environmental impacts of General Plan 2030 caused by General Plan 2030 (the “Approved Project” in the Supplemental EIR), in combination with an Amendment to the General Plan Amendment and the Zoning Ordinance Update (“Modified Project”). The Supplemental EIR looks at the differences between the Modified Project and the Approved Project and evaluates whether the impacts would be increased or reduced, and how they would differ.

As a Program EIR, the Supplemental EIR is not project-specific. It does not evaluate the impacts of specific projects that may be proposed under the GPA or Zoning Ordinance. Such projects will require separate environmental review to secure the necessary discretionary development permits. While future environmental review may be tiered off the Supplemental EIR, the Supplemental EIR is not intended to address impacts of individual projects.

The Supplemental EIR determined that Implementation of the proposed GPA and Zoning Ordinance has the potential to generate five new significant environmental impacts beyond what was identified in the 2010 EIR for the Approved Project. All of the impacts are considered significant and unavoidable. The proposed GPA contributes to all of the impacts on a programmatic level. Because it implements General Plan 2030, as modified by the proposed GPA, the Supplemental EIR found that the proposed Zoning Ordinance would not create any new impacts in and of itself. Rather, the Zoning Ordinance would work to reduce potential impacts of General Plan 2030 and the GPA by including specific standards and regulations that would restrict development beyond the restrictions established in the General Plan. On November 6, 2012, the Butte County Board of Supervisors adopted a Statement of Overriding Considerations for the Significant and Unavoidable Impacts identified under the Supplemental General Plan 2030 EIR.

## **2.3 Summary of Proposed Amendments to the Zoning Ordinance and Map**

The Butte Creek Canyon Overlay will apply a new overlay zone designation to the Zoning Map. New text is being added to both the Zoning Ordinance that will identify the overlay, explain its purpose and implement a new section in the Zoning Ordinance. 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.

Under this direction, Development Services staff held several meetings with a local community group representing the Butte Creek Canyon area, the Butte Creek Canyon Overlay Committee (BCCOC). This group in-turn held several public meetings, one of which included a presentation on the General Plan from Development Services staff as well as attendance by the area's District 5 Board of Supervisor. A working draft Butte Creek Canyon Overlay ordinance was developed in coordination with the BCCOC. This working draft ordinance was the subject of 4 public workshops held with the Butte County Planning Commission from June, 2016 through April 2017. These workshops helped to review the draft ordinance with the public and Planning Commission, and to refine the ordinance's standards and requirements. The boundary of the Butte Creek Canyon Overlay was also modified based upon input from the public and Planning Commission.

The development of ridgeline development limitations is also supported by the General Plan. Specifically Conservation and Open Space Element Goal COS-17 indicates that the County will maintain and enhance the quality of Butte County's scenic and visual resources. The Butte Creek Canyon area is identified under General Plan Figure COS-7, as a significant scenic resource. The General Plan further provides the following policies and action program concerning ridgeline development:

#### 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.

Butte Creek Canyon is also used by many Butte County residents for recreational pursuits such as rafting, bicycling, site seeing, hiking, fishing and others. The protection of views and aesthetic qualities of the Butte Creek Canyon area upholds the purpose of the planning strategy, set forth under COS-A6.2, to facilitate the optimum balance of recreational and residential uses.

#### Draft Butte Creek Canyon Overlay Zoning Ordinance Amendment

The Draft Butte Creek Canyon (-BCC) Overlay Zone preserves and protects the uniquely valuable qualities of Butte Creek Canyon which is a significant resource of Butte County. The purpose of the –BCC Overlay Zone is to facilitate the protection and preservation of the scenic resource and the historical and ecological foundation of Butte Creek Canyon, including the survival of endangered wild 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. This new section of the Butte County Zoning Ordinance will be applied as an Overlay Zone to the Butte Creek Canyon area, as shown on the –BCC Overlay Zone Map. The –BCC Overlay Zone may be combined with any base zone except the AG-160 (Agriculture, 160 acre minimum parcel size), TM (Timber Mountain), and TP (Timber Preserve) zones.

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. However, the Zoning Ordinance (under Section 24-33) indicates that whenever a requirement of an overlay zone conflicts with a requirement of the underlying base zone, the overlay zone requirements shall control. The Draft –BCC Overlay Zone contains the following sections: A) Purpose; B) Administrative Relief; C) Applicability; D) Land Use Development Standards, inclusive of subsections on: 1. Public Hearings and Noticing, 2. Hillside Development Standards, inclusive of subsections on slope and vegetation removal; 3. Clustered Development, 4. Ridgeline Development, inclusive of subsections on ridgeline setbacks and alternative building design standards; 5. Historic, Cultural and Archeological Sites; 6. Heavy Equipment Storage; 7. Outdoor Lighting; 8. Watershed Protection inclusive of subsections on land use regulations, maximum impervious surface, vegetative buffers, septic systems, chemical toilet setbacks, erosion control; and, E) Coordination with Other Regulatory Agencies.

The Zoning Ordinance Amendments proposed under the Butte Creek Canyon Overlay apply to the unincorporated portion of Butte County more particularly described by the Overlay Map and covering the Butte Creek Canyon area. The specific amendments to the Zoning Ordinance text and the Overlay Map are provided under the Planning Commission’s November 9, 2017 Staff Report, for which this document is attached.

### 3.0 ENVIRONMENTAL ANALYSIS

This section of the Addendum provides analysis and cites substantial evidence that supports the County's determination that the proposed amendments to the Zoning Ordinance under the proposed Butte Creek Canyon Overlay Zone do not meet the criteria for preparing a subsequent or supplemental EIR under CEQA Guidelines Section 15162.

First, as addressed in the analysis below, the proposed amendments to the Zoning Ordinance as proposed by the Butte Creek Canyon Overlay, ("Project") is supported by the existing General Plan. Some policies in the General Plan are also required as means to mitigate environmental impacts under the California Environmental Quality Act (CEQA). These policies all use the imperative "shall," and in all cases are mandatory. These policies are marked with an asterisk (\*), and are provided under **Appendix A**. The project would not cause a new significant impact or substantially increase the severity of a previously identified significant impact from the General Plan EIR or Supplemental EIR (CEQA Guidelines Section 15162[a][1]) that would require major revisions to either EIR. All impacts would be nearly equivalent to the impacts previously analyzed in the General Plan EIR and Supplemental EIR. Relatedly, the project is not inconsistent with any of the General Plan policies set forth under **Appendix A**.

As indicated in Section 1.0, by incorporating policies intended to avoid environmental impacts and by steering development to existing incorporated and unincorporated cities and communities, General Plan 2030 is largely self-mitigating. Rather than mitigating impacts from implementation of General Plan 2030 through mitigation measures in the EIR, the policies and land use map in General Plan 2030 are intended to prevent the majority of environmental impacts altogether.

Second, proposed modifications to the General Plan and Zoning Ordinance are programmatic in nature and are not changes in physical circumstances that would cause a new significant impact or substantially increase the severity of a previously identified significant impact, and there have been no other changes in the circumstances that meet this criterion (CEQA Guidelines Section 15162[a][2]). There have been no changes in the environmental conditions in the Butte County Planning Area not contemplated and analyzed in the General Plan EIR or Supplemental EIR that would result in new or substantially more severe environmental impacts.

Third, as documented in Section 3.0, there is no new information of substantial importance (which was not known or could not have been known at the time of the General Plan adoption in October 2010, or General Plan Amendment and Zoning Ordinance adoption in November 2012), that identifies: a new significant impact (condition "A" under CEQA Guidelines Section 15162[a][3]); a substantial increase in the severity of a previously identified significant impact (condition "B" CEQA Guidelines Section 15162[a][3]); mitigation measures or alternatives previously found infeasible that would now be feasible and would substantially reduce one or more significant effects of the General Plan; or mitigation measures or alternatives which are considerably different from those analyzed in the General Plan EIR which would substantially reduce one or more significant effects on the environment

(conditions “C” and “D” CEQA Guidelines Section 15162[a][3]). The reader is referred to County Resolution No’s. 10-150 and 12-123 regarding findings on the feasibility of alternatives evaluated in the General Plan EIR and Supplemental EIR. None of the “new information” conditions listed in the CEQA Guidelines Section 15162[a] [3] are present here to trigger the need for a subsequent or Supplemental EIR.

CEQA Guidelines Section 15164 states that “The lead agency or a responsible agency shall prepare an addendum to a previously Certified EIR if some changes or additions are necessary but none of the conditions described in Section 15162 calling for preparation of a subsequent EIR have occurred.” An addendum is appropriate here because, as explained above, none of the conditions calling for preparation of a subsequent EIR have occurred.

### **3.1 Zoning Ordinance Amendments Impact Discussion**

The amendments to the Zoning Ordinance are intended to implement the General Plan. The Butte Creek Canyon Overlay Zone implements a number of land use and development standards intended to facilitate the protection and preservation of the historical and ecological foundation of the Butte Creek Canyon watershed, including the survival of wild 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 uses.

The Draft –BCC Overlay Zone contains the following sections: A) Purpose; B) Administrative Relief; C) Applicability; D) Land Use Development Standards, inclusive of subsections on: 1. Public Hearings and Noticing, 2. Hillside Development Standards, inclusive of subsections on slope and vegetation removal; 3. Clustered Development, 4. Ridgeline Development, inclusive of subsections on ridgeline setbacks and alternative building design standards; 5. Historic, Cultural and Archeological Sites; 6. Heavy Equipment Storage; 7. Outdoor Lighting; 8. Watershed Protection inclusive of subsections on land use regulations, maximum impervious surface, vegetative buffers, septic systems, chemical toilet setbacks, erosion control; and, E) Coordination with Other Regulatory Agencies.

The proposed amendment to include the Butte Creek Canyon Overlay in the Zoning Ordinance will not result in any new significant impacts not already anticipated under the General Plan 2030 Final EIR or Supplemental EIR. All of the proposed land use and development standards set forth in the Draft Ordinance will further environmental protections to the Butte Creek Canyon area by minimizing the impact of development on the watershed. The proposed amendment promotes the protection of the Butte Creek Canyon Watershed and the furtherance of the goal set forth by the General Plan to conserve and enhance habitat for protected species and sensitive biological communities as it relates to the Butte Creek Canyon area and facilitates the protection and preservation of the historical and ecological foundation of Butte Creek Canyon.

### 3.2 GP 2030 EIR and Supplemental EIR Significant Impacts Discussion

The following includes a detailed discussion of applicable significant impacts identified under the GP 2030 EIR and Supplemental EIR in relation to the project. All impacts identified under both EIRs have been determined to be Significant and Unavoidable, and were addressed under a Statement of Overriding Considerations at the time of adoption of the General Plan, the General Plan Amendment, and the Zoning Ordinance (County Resolution #10-150 and #12-123).

#### AGRICULTURE AND FORESTRY

**Impact AG-1:** Although the goals, policies, actions and regulations of General Plan 2030 would reduce and partially offset the conversion of farmland, the proposed project designates approximately 5,120 acres (4,700 acres addressed in the original General Plan 2030 EIR + 420 acres addressed in the Supplemental EIR) of farmlands of concern under CEQA for non-agricultural uses (significant and unavoidable impact).

**Mitigation Adopted by the County:** No feasible mitigation is available.

**Impact AG-2:** Although the goals, policies, actions, and regulations of General Plan 2030 would reduce and partially offset conflicts with Williamson Act contracts, the proposed project designates approximately 90 acres of lands with existing Williamson Act contracts for residential or industrial uses (significant and unavoidable impact).

**Mitigation Adopted by the County:** No feasible mitigation is available.

**Impact AG-3:** Although the goals, policies, actions, and regulations of General Plan 2030 would reduce and partially offset regional agricultural impacts, the proposed project would contribute to cumulatively significant agricultural impacts in the region (significant and unavoidable impact).

**Mitigation Adopted by the County:** No feasible mitigation is available.

**Impact AG-4:** The GPA would allow 4,460 acres of forest land to be redesigned to a non-forest designation (significant and unavoidable impact).

**Mitigation Adopted by the County:** No feasible mitigation is available.

**Impact AG-5:** The GPA would allow for the conversion of forest lands to non-forest use because they include non-forest designations on such lands, as described in Impact AG-4 (significant and unavoidable impact).

**Mitigation Adopted by the County:** No feasible mitigation is available.

**Impact AG-6:** Although General Plan 2030 goals, policies, and actions related to forest land would reduce and partially offset Butte County's contribution to forest land impacts, the

overall cumulative impact would remain significant (significant and unavoidable impact).

**Mitigation Adopted by the County:** No feasible mitigation is available.

### **Discussion**

These impacts were identified and discussed on pages 4.2-1 through 4.2-18 of the General Plan 2030 EIR and pages 4.2-1 through 4.2-22 of the Supplemental EIR.

None of these impacts reference or pertain to the proposed project. In addition, the amendments would not affect agriculture or forestry impacts because they would not change land use designations or the extent of anticipated residential development or increase in land use intensity or density. Thus, no new or increased severity of significant land use or agriculture or forestry impacts would occur beyond what was addressed in the General Plan Final EIR and Supplemental EIR. There are no changed circumstances or new information that meets the standard for requiring further environmental review under CEQA Guidelines Section 15162.

### **BIOLOGICAL RESOURCES**

**Impact BIO-1:** General Plan 2030 contains extensive goals, policies, and actions that mitigate impacts to undeveloped lands that support sensitive biological resources, including special-status species, sensitive natural communities, federally-protected wetlands, and wildlife and fish movement corridors, to a less-than-significant level and that additionally minimize the effects of development on biological resources in general. Development allowed under General Plan 2030, the GPA, and the Zoning Ordinance Update would contribute to the on-going loss of undeveloped lands that support such sensitive biological resources in Butte County. The cumulative loss of habitat and sensitive natural communities in Butte County could potentially contribute to a general decline for the region, and might result in the loss or displacement of wildlife that would have to compete for suitable habitats with existing adjacent populations (significant and unavoidable impact).

**Mitigation Adopted by the County:** No feasible mitigation is available.

### **Discussion**

These impacts were identified and discussed on pages 4.4-1 through 4.4-86 of the General Plan 2030 EIR and pages 4.4-1 through 4.4-18 of the Supplemental EIR.

None of these impacts reference or pertain to the proposed project. In addition, the amendments would not affect Biological Resource impacts because they would not change the extent of anticipated residential development or increase in land use intensity or density. Thus, no new or increased severity

of significant Biological Impacts would occur beyond what was addressed in the General Plan Final EIR or Supplemental EIR. There are no changed circumstances or new information that meets the standard for requiring further environmental review under CEQA Guidelines Section 15162.

## **HYDROLOGY AND WATER QUALITY**

**Impact HYDRO-1:** Although General Plan 2030 policies and actions reduce risks associated with levee failure, they do not eliminate risks to people and property. In addition, recently-adopted policies by FEMA would de-certify a number of levees in Butte County, which indicates that larger areas of Butte County are subject to levee inundation than realized under previous policies (significant and unavoidable impact).

**Mitigation Adopted by the County:** No feasible mitigation is available.

**Impact HYDRO-2:** Although General Plan 2030 policies and actions reduce risks associated with dam failure, they do not eliminate risks to people and property (significant and unavoidable impact).

**Mitigation Adopted by the County:** No feasible mitigation is available.

**Impact HYDRO-3:** General Plan 2030, the GPA, and the Zoning Ordinance Update would contribute to development in levee and dam inundation areas, resulting in a significant cumulative impact (significant and unavoidable impact).

**Mitigation Adopted by the County:** No feasible mitigation is available.

## **Discussion**

These impacts were identified and discussed on pages 4.8-1 through 4.8-36 of the General Plan 2030 EIR and pages 4.8-1 through 4.8-18 of the Supplemental EIR.

None of these impacts reference or pertain to the proposed project. In addition, the amendments would not affect Hydrology and Water Quality impacts because they would not change the extent of anticipated residential development or increase in land use intensity or density. Thus, no new or increased severity of significant Hydrology and Water Quality impacts would occur beyond what was addressed in the General Plan Final EIR and Supplemental EIR. There are no changed circumstances or new information that meets the standard for requiring further environmental review under CEQA Guidelines Section 15162.

## **NOISE**

**Impact NOI-1:** Implementation of General Plan 2030, the GPA, and the Zoning Ordinance Update would cause a substantial permanent increase in ambient noise levels because

more people would be living, driving, and flying in Butte County (significant and unavoidable impact).

**Mitigation Adopted by the County:** No feasible mitigation is available.

**Impact NOI-2:**

Implementation of General Plan 2030, the GPA, and the Zoning Ordinance Update would contribute to conditions that exceed County noise standards and that cause a substantial permanent increase in ambient noise levels, causing a significant cumulative noise impact (significant and unavoidable impact).

**Mitigation Adopted by the County:** No feasible mitigation is available.

**Discussion**

These impacts were identified and discussed on pages 4.10-1 through 4.10-48 of the General Plan 2030 EIR and pages 4.10-1 through 4.10-8 of the Supplemental EIR.

None of these impacts reference or pertain to the proposed project. In addition, the amendments would not affect Noise impacts because they would not change the extent of anticipated residential development or increase in land use intensity or density. Thus, no new or increased severity of significant Noise impacts would occur beyond what was addressed in the General Plan Final EIR and Supplemental EIR. There are no changed circumstances or new information that meets the standard for requiring further environmental review under CEQA Guidelines Section 15162.

**TRANSPORTATION AND CIRCULATION**

**Impact TRAF-1:**

Implementation of General Plan 2030, the GPA, and the Zoning Ordinance Update would lead to unacceptable LOS F operations on State Route 32 between Muir Avenue and W. 1<sup>st</sup> Street (significant and unavoidable impact).

**Mitigation Adopted by the County:**

Mitigation Measure TRAF-1: Widen State Route 32 to four lanes through this section.

**Impact TRAF-2:**

Implementation of General Plan 2030, the GPA, and the Zoning Ordinance Update would lead to unacceptable LOS F operations on State Route 99 between the Sutter County Line and East Biggs Highway (significant and unavoidable impact).

**Mitigation Adopted by the County:**

Mitigation Measure TRAF-2: Widen and convert State Route 99 to a four-lane conventional highway through this section.

**Impact TRAF-3:**

Implementation of General Plan 2030, the GPA, and the Zoning Ordinance Update would lead to unacceptable LOS F operations on State Route 99 between State Route 149 and the Skyway (significant and unavoidable impact).

**Mitigation Adopted by the County:**

Mitigation Measure TRAF-3: Convert State Route 99 to a grade separated, limited access freeway facility through this section (significant and unavoidable impact).

**Impact TRAF-4:**

Implementation of General Plan 2030, the GPA, and the Zoning Ordinance Update would lead to unacceptable LOS F operations on State Route 99 between East 20<sup>th</sup> Street and Cohasset Road (significant and unavoidable impact).

**Mitigation Adopted by the County:**

Mitigation Measure TRAF-4: Widen State Route 99 to six lanes through this section.

**Impact TRAF-5:**

Implementation of General Plan 2030 would lead to unacceptable LOS F operations on State Route 99 between Eaton Road and Keefer Road (significant and unavoidable impact).

**Mitigation Adopted by the County:**

Mitigation Measure TRAF-5: Widen State Route 99 to four lanes through this section.

**Impact TRAF-6:**

Implementation of General Plan 2030, the GPA, and the Zoning Ordinance Update would lead to unacceptable LOS E operations on State Route 162 between Larkin Road and State Route 70 (significant and unavoidable impact).

**Mitigation Adopted by the County:**

Mitigation Measure TRAF-6: Widen State Route 162 to four lanes through this section.

**Impact TRAF-7:**

Implementation of General Plan 2030, the GPA, and the Zoning Ordinance Update would lead to unacceptable LOS F operations on State Route 162 between State Route 70 and Lower Wyandotte Road (significant and unavoidable impact).

**Mitigation Adopted by the County:**

Mitigation Measure TRAF-7: Widen State Route 162 to six lanes through this section.

**Impact TRAF-8:**

Implementation of General Plan 2030, the GPA, and the Zoning Ordinance Update would lead to unacceptable LOS E operations on State Route 162 between

Foothill Boulevard and Canyon Drive.

**Mitigation Adopted by the County:**

Mitigation Measure TRAF-8: Widen State Route 162 to four lanes through this section.

**Impact TRAF-9:**

Implementation of General Plan 2030, the GPA, and the Zoning Ordinance Update would lead to unacceptable LOS F operations on Cohasset Road between State Route 99 and East Avenue (significant and unavoidable impact).

**Mitigation Adopted by the County:**

Mitigation Measure TRAF-9: Construct a raised median on this roadway section to enhance capacity.

**Impact TRAF-10:**

Implementation of General Plan 2030, the GPA, and the Zoning Ordinance Update would lead to unacceptable LOS D operations on Midway between the planned Southgate Extension and Durham-Dayton Road (significant and unavoidable impact).

**Mitigation Identified, but Not Adopted, by the County:**

Mitigation Measure TRAF-10: Widen Midway to four lanes through this section.

**Impact TRAF-11:**

Implementation of General Plan 2030, the GPA, and the Zoning Ordinance Update would lead to unacceptable LOS F operations on the Skyway between State Route 99 and Notre Dame Boulevard (significant and unavoidable impact).

**Mitigation Adopted by the County:**

Mitigation Measure TRAF-11: Construct a raised median on this roadway section to enhance capacity.

**Impact TRAF-12:**

Implementation of General Plan 2030, the GPA, and the Zoning Ordinance Update would lead to unacceptable LOS D/E operations on the Skyway between Neal Road and Bille Road (significant and unavoidable impact).

**Mitigation Adopted by the County:**

Mitigation Measure TRAF-12: Convert this section of the Skyway to a four-lane limited access expressway.

**Impact TRAF-13:**

Implementation of General Plan 2030, the GPA, and the Zoning Ordinance Update would lead to unacceptable LOS D/E operations on the Skyway between Bille Road and Pentz Road (significant and unavoidable impact).

**Mitigation Adopted by the County:**

Mitigation Measure TRAF-13: Widen the section of the Skyway between Bille Road and Wagstaff Road to a four-lane, divided arterial, and widen the section of the Skyway from Wagstaff Road to Pentz Road to a four-lane, undivided arterial.

**Impact TRAF-14:**

Implementation of General Plan 2030, the GPA, and the Zoning Ordinance Update would cause increased traffic that would exacerbate existing deficiencies along regional roadways, contributing to a cumulatively significant transportation impact (significant and unavoidable impact).

**Mitigation Adopted by the County:** No feasible mitigation is available.

**Impact TRAF-15:**

Implementation of General Plan 2030, the GPA, and the Zoning Ordinance Update would lead to unacceptable LOS F operations on State Route 99 between East Biggs Highway and the southern intersection of State Route 99 and State Route 162 (significant and unavoidable impact).

**Mitigation Adopted by the County:**

Mitigation Measure TRAF-15: Incorporate passing lanes into the section of State Route 99 between East Biggs Highway and the southern intersection of State Route 99 and State Route 162 as described in the State Route 99 Transportation Concept Report published by Caltrans in August 2010. The County will support the Butte County Association of Governments (BCAG) and Caltrans for the procurement of necessary State and federal highway funds for this improvement (significant and unavoidable impact).

**Impact TRAF-16:**

Implementation of General Plan 2030, the GPA, and the Zoning Ordinance Update would lead to unacceptable LOS D operations on Honey Run Road between Skyway and Centerville Road (significant and unavoidable impact).

**Mitigation Identified, but Not Adopted, by the County:**

Mitigation Measure TRAF-16: Upgrade the section of Honey Run Road between Skyway and Centerville Road to the County's arterial roadway standards.

**Discussion**

These impacts were identified and discussed on pages 4.13-1 through 4.13-60 of the General Plan 2030 EIR and pages 4.13-1 through 4.13-10 of the Supplemental EIR.

None of these impacts reference or pertain to the proposed project. In addition, the amendments would not affect Transportation and Circulation impacts because they would not change the extent of anticipated residential development or increase in land use intensity or density. Thus, no new or increased severity of significant Transportation and Circulation impacts would occur beyond what was addressed in the General Plan Final EIR and Supplemental EIR. There are no changed circumstances or new information that meets the standard for requiring further environmental review under CEQA Guidelines Section 15162.

## **GREENHOUSE GAS EMISSIONS**

**Impact CC-1:** Implementation of General Plan 2030, the GPA, and the Zoning Ordinance Update would result in greenhouse gas emissions that would contribute to cumulative greenhouse gas emissions and global climate change. The 2020 greenhouse gas forecast for the county indicates that emissions would be greater than 85 percent of current (2006) conditions, creating a significant contribution to greenhouse gas emissions and associated climate change impacts. Policies and actions would provide a comprehensive framework for reducing greenhouse gas emissions in the county, but they would not ensure that the County can meet the reduction goal (significant and unavoidable impact).

**Mitigation Adopted by the County:** No feasible mitigation is available.

### **Discussion**

These impacts were identified and discussed on pages 4.15-1 through 4.15-66 of the General Plan 2030 EIR and pages 4.15-1 through 4.15-6 of the Supplemental EIR.

None of these impacts reference or pertain to the proposed project. In addition, the amendments would not affect Greenhouse Gas Emission impacts because they would not change the extent of anticipated residential development or increase in land use intensity or density. Thus, no new or increased severity of significant Greenhouse Gas Emission impacts would occur beyond what was addressed in the General Plan Final EIR and Supplemental EIR. There are no changed circumstances or new information that meets the standard for requiring further environmental review under CEQA Guidelines Section 15162.

###

## Appendix A

### General Plan 2030 Polices and Actions

Some policies in the General Plan are also required as means to mitigate environmental impacts under the California Environmental Quality Act (CEQA). These policies all use the imperative “shall,” and in all cases are mandatory. These policies are marked with an asterisk (\*), and are provided herein.

LU-P4.1 The integrity and stability of existing residential neighborhoods shall be promoted and preserved.\*

LU-P5.3 New industrial uses shall be designed to avoid adverse impacts to adjacent uses, particularly residential neighborhoods, with respect to, but not limited to, noise, dust and vibration, water quality, air quality, agricultural resources, and biological resources.\*

LU-P15.2 New urban development shall be primarily located in or immediately adjoining already urbanized areas.\*

AG-P5.3 The Zoning Ordinance shall require that a buffer be established on property proposed for residential development in order to protect existing agricultural uses from incompatible use conflicts. The desired standard shall be 300 feet, but may be adjusted to address unusual circumstances.\*

W-P1.7 Agriculture, logging, mining, recreational vehicle use and other open space uses shall follow best management practices to minimize erosion and protect water resources.\*

W-P2.9 Applicants for new major development projects, as determined by the Department of Development Services, shall demonstrate adequate water supply to meet the needs of the project, including an evaluation of potential cumulative impacts to surrounding groundwater users and the environment.\*

W-P3.3 The County shall protect groundwater recharge and groundwater quality when considering new development projects.\*

W-P4.6 New development projects shall adopt best management practices for water use efficiency and demonstrate specific water conservation measures.\*

W-P5.2 New development projects shall identify and adequately mitigate their water quality impacts from stormwater runoff.\*

W-P5.4 Temporary facilities shall be installed as necessary during construction activities in order to adequately treat stormwater runoff from construction sites.\*

W-P6.2 Where streambanks are already unstable, as demonstrated by erosion or landslides along banks, tree collapse or severe in-channel sedimentation, proponents of new development projects shall prepare a hydraulic and/or geomorphic assessment of on-site and downstream drainageways that are affected by project area runoff.\*

COS-P5.2 Developers shall implement best management practices to reduce air pollutant emissions associated with the construction and operation of development projects.\*

COS-P5.4 Stationary air pollutant emission sources, such as factories, shall be located more than 500 feet and/or downwind from residential areas and other sensitive receptors.\*

COS-P5.5 Residential developments and other projects with sensitive receptors shall be located more than 500 feet from stationary air pollutant sources. Residential developments and other projects with sensitive receptors (e.g. housing, schools, child care centers, playgrounds, hospitals, and senior centers) that are located within 500 feet of a high-volume roadway that carries over 50,000 vehicles per day shall incorporate feasible mitigation measures to protect sensitive receptors from harmful concentrations of air pollutants, as recommended in the California Air Resources Board's (CARB's) Air Quality and Land Use Handbook.\*

COS-P5.6 New sources of toxic air pollutants shall comply with the permitting requirements of the Butte County Air Quality Management District and Section 44300 et. seq. of the California Health and Safety Code.\*

COS-P7.3 Creeks shall be maintained in their natural state whenever possible, and creeks and floodways shall be allowed to function as natural flood protection features during storms.\*

COS-P7.4 New development projects shall mitigate their impacts in habitat areas for protected species through on- or off-site habitat restoration, clustering of development, and/or project design and through the provisions of the Butte Regional Habitat Conservation Plan (HCP) and Natural Community Conservation Plan (NCCP) within the HCP/NCCP Planning Area, upon the future adoption of the HCP/NCCP.\*

COS-P7.5 No new development projects shall occur in wetlands or within significant riparian habitats, except within the Butte Regional Habitat Conservation Plan (HCP) and Natural Community Conservation Plan (NCCP) Planning Area where such development is consistent with the conditions of the HCP/NCCP, upon the future adoption of the HCP/NCCP.\*

COS-P7.6 New development projects shall include setbacks and buffers along riparian corridors and adjacent to habitat for protected species, except where permitted in the Butte Regional Habitat Conservation Plan (HCP) and Natural Community Conservation Plan (NCCP) Planning Area and where such development is consistent with the conditions of the HCP/NCCP, upon the future adoption of the HCP/NCCP.\*

COS-P7.7 Construction barrier fencing shall be installed around sensitive resources on or adjacent to construction sites. Fencing shall be installed prior to construction activities and maintained throughout the construction period.\*

COS-P7.8 Where sensitive on-site biological resources have been identified, construction employees operating equipment or engaged in any development-associated activities involving vegetation removal or ground disturbing activities in sensitive resource areas shall be trained by a qualified biologist and/or botanist who will provide information on the on-site biological resources (sensitive natural communities, special status plant and wildlife habitats, nests of special-status birds, etc.), avoidance of invasive plant introduction and spread, and the penalties for not complying with biological mitigation requirements and other State and federal regulations.\*

COS-P7.9 A biologist shall be retained to conduct construction monitoring in and adjacent to all habitats for protected species when construction is taking place near such habitat areas.\*

COS-P8.4 Introduction or spread of invasive plant species during construction of development projects shall be avoided by minimizing surface disturbance; seeding and mulching disturbed areas with certified weed-free native mixes; and using native, noninvasive species in erosion control plantings.\*

COS-P9.1 A biological resources assessment shall be required for any proposed development project where special-status species or critical habitat may be present. Assessments shall be carried out under the direction of Butte County. Additional focused surveys shall be conducted during the appropriate season if necessary. Upon adoption of the Butte Regional Habitat Conservation Plan (HCP) and Natural Community Conservation Plan (NCCP), assessment requirements of the HCP/NCCP shall be implemented for development projects within the HCP/NCCP area.\*

COS-P9.2 If special-status plant or animal species are found to be located within a development site, proponents of the project shall engage in consultation with the appropriate federal, State and regional agencies and mitigate project impacts in accordance with State and federal law. Upon adoption of the Butte Regional Habitat Conservation Plan (HCP) and Natural Community Conservation Plan (NCCP), assessment requirements of the HCP/NCCP shall be implemented for development projects with the HCP/NCCP area. Examples of mitigation may include\*:

- a. Design the proposed project to avoid and minimize impacts.
- b. Restrict construction to specific seasons based on project-specific special-status species issues (e.g. minimizing impacts to special-status nesting birds by constructing outside of the nesting season).
- c. Confine construction disturbance to the minimum area necessary to complete the work.
- d. Mitigate for the loss of special-status species by purchasing credits at an approved conservation bank (if a bank exists for the species in question), funding restoration or habitat improvement projects at existing preserves in Butte County or purchase
- e. Maintain a minimum 100-foot buffer on each side of all riparian corridors, creeks and streams for special-status and common wildlife.
- f. Establish setbacks from the outer edge of special-status species habitat areas.
- g. Construct barriers to prevent compaction damage by foot or vehicular traffic.

COS-P12.2 Mineral resources identified by the State to be of regional or statewide significance for mineral resource extraction shall be conserved.\*

COS-P15.1 Areas found during construction to contain significant historic or prehistoric archaeological artifacts shall be examined by a qualified consulting archaeologist or historian for appropriate protection and preservation. Historic or prehistoric artifacts found during construction shall be examined by a qualified consulting archaeologist or historian to determine their significance and develop appropriate protection and preservation measures.\*

COS-P15.2 Any archaeological or paleontological resources on a development project site shall be either preserved in their sites or adequately documented as a condition of removal. When a development

project has sufficient flexibility, avoidance and preservation of the resource shall be the primary mitigation measure.\*

COS-P16.4 If human remains are located during any ground disturbing activity, work shall stop until the County Coroner has been contacted, and, if the human remains are determined to be of Native American origin, the NAHC and most likely descendant have been consulted.\*

COS-P17.1 Views of Butte County's scenic resources, including water features, unique geologic features and wildlife habitat areas, shall be maintained.\*

COS-P17.2 Ridgeline development near scenic resources shall be limited via the adoption of specific development guidelines in order to minimize visual impacts.\*

COS-A1.1 Within one year of adoption of General Plan 2030, coordinate with regional agencies to develop a Climate Action Plan, which, in combination with other existing policies and regulations by other agencies and business sectors of the economy, would achieve reduction consistent with State guidelines using methodology deemed appropriate at the time of quantification. Include the following as components in the Climate Action Plan:\*

- a. Establish a detailed inventory of current (2006) GHG emissions in Butte County, including, but not limited to, residential, commercial, industrial and agricultural emissions.
- b. Forecast GHG emissions for areas within the jurisdictional control of the County for “business as usual” conditions in 2030. Identify methods to reduce GHG emissions to a level that would achieve reduction consistent with State guidelines at the time of quantification.
- c. Identify methods to reduce GHG emissions to a level that would achieve reduction consistent with State guidelines at the time of quantification.
- d. Quantify the 2030 reductions in GHG emissions from the identified methods.
- e. Require monitoring and reporting of GHG emissions.
- f. Establish a schedule of actions for implementation through 2020.
- g. Identify funding sources for implementation through 2020.
- h. Identify a process to set a reduction goal for 2030 by 2020.
- i. Update the Climate Action Plan by 2020 to include reduction measures to achieve the adopted 2030 reduction goal.
- j. Develop a Climate Change Preparedness Plan that will prepare for the impacts of climate change on the county’s economic and natural ecosystems and promote a climate resilient community.

HS-P1.1 New development projects proposed in areas that exceed the land use compatibility standards in Tables HS-2 and HS-3 of the General Plan shall require mitigation of noise impacts.\*

HS-P1.2 Noise from transportation sources shall not exceed land use compatibility standards in General Plan Table HS-2.\*

HS-P1.3 New noise-sensitive land uses shall not be located within the 55 Ldn contour of airports, roadways, and other noise generating uses, with the exception of the Chico Municipal Airport.\*

HS-P1.4 New noise-sensitive land uses shall not be located within the 60 Ldn contour of the Chico Municipal Airport.\*

HS-P1.9 The following standard construction noise control measures shall be required at construction sites in order to minimize construction noise impacts:\*

- a. Equip all internal combustion engine driven equipment with intake and exhaust mufflers that are in good condition and appropriate for the equipment.
- b. Locate stationary noise-generating equipment as far as possible from sensitive receptors when sensitive receptors adjoin or are near a construction project area.
- c. Utilize quiet air compressors and other stationary noise-generating equipment where appropriate technology exists and is feasible.

HS-P2.4 Development projects on lands within the 100-year flood zone, as identified on the most current available maps from FEMA (the most current available map at the time of the publication of General Plan 2030 is shown on Figure HS-1), shall be allowed only if the applicant demonstrates that it will not:\*

- a. Create danger to life and property due to increased flood heights or velocities caused by excavation, fill, roads and intended use.
- b. Create difficult emergency vehicle access in times of flood.
- c. Create a safety hazard due to the height, velocity, duration, rate of rise and sediment transport of the flood waters expected at the site.
- d. Create excessive costs in providing governmental services during and after flood conditions, including maintenance and repair of public facilities.
- e. Interfere with the existing water conveyance capacity of the floodway.
- f. Substantially increase erosion and/or sedimentation.
- g. Require significant storage of material or any substantial grading or substantial placement of fill that is not approved by the County through a development agreement, discretionary permit, or other discretionary entitlement; a ministerial permit that would result in the construction of a new residence; or a tentative map or parcel map.
- h. Conflict with the provisions of the applicable requirements of Government Code Sections 65865.5, 65962 or 66474.5.

HS-P2.5 The lowest floor of any new construction or substantial improvement within Flood Zones A, AE, AH and shaded Zone X, as shown in Figure HS-1 or the most current maps available from FEMA, shall be elevated 1 foot or more above the 100-year flood elevation. (County Flood Ordinance Sec. 26-22). Within urban or urbanizing areas, as defined in Government Code 65007, the lowest floor of any new

construction or substantial improvements shall be elevated a minimum of 1 foot above the 200-year flood elevation.\*

HS-P3.2 Applicants for new development projects shall provide plans detailing existing drainage conditions and specifying how runoff will be detained or retained on-site and/or conveyed to the nearest drainage facility and shall provide that there shall be no increase in the peak flow runoff to said channel or facility.\*

HS-P3.3 All development projects shall include stormwater control measures and site design features that prevent any increase in the peak flow runoff to existing drainage facilities.\*

HS-P6.1 Appropriate detailed seismic investigations shall be completed for all public and private development projects in accordance with the Alquist-Priolo Earthquake Fault Zoning Act.\*

HS-P7.1 Site-specific geotechnical investigations shall be required to assess landslide potential for private development projects and public facilities in areas rated "Moderate to High" in Figure HS-5 or the most current available mapping.\*

HS-P8.1 Site-specific geotechnical investigations shall be required to assess erosion potential for private development projects and public facilities in areas rated "Very High" in Figure HS-5 or the most current available mapping.\*

HS-P9.1 Site-specific geotechnical investigations shall be required to assess risks from expansive soils for private development projects and public facilities in areas rated "High" in Figure HS-6 or the most current available mapping.\*

PUB-P1.2 County facilities shall be designed, constructed and operated to be environmentally sustainable, and beneficial to the community and the region.\*

PUB-P12.3 New community sewerage systems shall be managed by a public County sanitation district or other County-approved methods. Proponents shall demonstrate the financial viability of constructing, operating and maintaining the proposed community sewerage system.\*

**From:** [Menchaca, Clarissa](#)  
**To:** [Shellings, Tim](#); [Breedon, Dan](#); [Thistlethwaite, Charles](#); [Calarco, Pete](#)  
**Subject:** FW: Butte Creek Canyon Overlay  
**Date:** Monday, April 9, 2018 8:10:13 AM

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Please see the below correspondence from Rick Ganguet.

*Clarissa Menchaca*

*Associate Clerk of the Board*

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**From:** Rick Ganguet <[rganguet@hotmail.com](mailto:rganguet@hotmail.com)>  
**Sent:** Saturday, April 7, 2018 3:57 PM  
**To:** Wahl, Larry <[LWahl@buttecounty.net](mailto:LWahl@buttecounty.net)>; BOS District 4 <[District4@buttecounty.net](mailto:District4@buttecounty.net)>; Teeter, Doug <[DTeeter@buttecounty.net](mailto:DTeeter@buttecounty.net)>; Kirk, Maureen <[MKirk@buttecounty.net](mailto:MKirk@buttecounty.net)>  
**Cc:** Clerk of the Board <[clerkoftheboard@buttecounty.net](mailto:clerkoftheboard@buttecounty.net)>  
**Subject:** Butte Creek Canyon Overlay

I have lived in Butte Creek Canyon for 30 years and would like to express my support for the Overlay plan. It addresses my concerns regarding cluster housing, light pollution and ridge line fire issues and viewshed problems. We need to protect this unique and valuable watershed for current and future generations. Thank you for your consideration.

Rick Ganguet  
530-321-04676

Butte Creek Canyon Overlay Zone

Public Comment

February 27 – April 9, 2018

**From:** [Menchaca, Clarissa](#)  
**To:** [Shellings, Tim](#); [Breedon, Dan](#); [Thistlethwaite, Charles](#); [Calarco, Pete](#)  
**Subject:** FW: Butte Creek Canyon Overlay  
**Date:** Monday, April 9, 2018 8:09:17 AM

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Please see the below correspondence.

*Clarissa Menchaca*

*Associate Clerk of the Board*

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**From:** Marcia Briggs <marciabriggsdesign@gmail.com>  
**Sent:** Saturday, April 7, 2018 2:58 PM  
**To:** BOS District 4 <District4@buttecounty.net>  
**Cc:** Clerk of the Board <clerkoftheboard@buttecounty.net>  
**Subject:** Butte Creek Canyon Overlay

Dear Steve Lambert,

I have lived in Butte Creek Canyon for 34 years and know that much thought, work and positive energy has gone into the planning of the Butte Creek Canyon Overlay. I support it as it is, with no changes. Thank you for your consideration.

Most sincerely,  
Marcia Briggs  
1834 Arroyo Canyon Lane  
Chico, CA 95928  
(530) 345-2436

**From:** [Menchaca, Clarissa](#)  
**To:** [Shellings, Tim](#); [Breedon, Dan](#); [Thistlethwaite, Charles](#); [Calarco, Pete](#)  
**Subject:** FW: SUPPORT with no changes: The Butte Creek Canyon Overlay  
**Date:** Thursday, April 5, 2018 10:58:36 AM

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Please see the below correspondence from Mark Lightcap.

*Clarissa Menchaca*

*Associate Clerk of the Board*

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**From:** mark lightcap <mlightcap1@msn.com>  
**Sent:** Thursday, April 5, 2018 10:31 AM  
**To:** BOS District 4 <District4@buttecounty.net>  
**Cc:** Clerk of the Board <clerkoftheboard@buttecounty.net>  
**Subject:** SUPPORT with no changes: The Butte Creek Canyon Overlay

Dear Steve,

I am writing to let you know that I support the Butte Creek Canyon Overlay as it is written with no changes for the following reasons:

**Clustered Development is not allowed.** I want to be clear, I don't oppose the building of homes; after all, that's what we did. However, Clustered Development is not appropriate due to the steep terrain, nor in keeping with the aesthetics of the canyon. Subdivisions would destroy the beauty that makes this canyon special.

**Ridgeline development needs setbacks for the fire safety, deer herd migration, and to protect scenic qualities.** I enjoy an outdoor shower on the side of my house. If a home were built above us on the ridgeline, the residents would be looking right into our house, not to mention the outdoor shower.

**High Concern of fire danger and limited resources to protect existing homes.** We have had two wildfires roar through our 32 acres since we built our home in 1991. It is no small coincidence that we survived both. The hard work we put each year into maintaining at least a 100 foot fuel free zone around our stucco, cement tiled roof home has allowed firefighters to save it both times.

**Limited water supply.** We have a private well that meets our needs. However, if development was allowed on the ridge above our home, or if Cluster Housing was allowed nearby it could well impact our water supply. Our 1 1/2" fire hose connection on our well was a big help in fighting both fires. If our well was impacted by nearby development it would impact our ability to fight fire.

**Road cannot handle any more traffic.** We live off Centerville Road. Down canyon from us a large oak tree fell and took out one of the lanes. It's been more than a year that traffic has been reduced to one lane. (Through no fault of the County I might add. I

know Public Works has been working hard on a solution.) This only exacerbates the problem of a road already stressed by the number of cars and trucks that travel it each day. The cost to the County of maintaining Honeyrun Road and Centerville Road gets higher with each additional vehicle that uses it.

Very truly yours,

Mark Lightcap  
4569 Rim View Drive  
Chico, CA 95928  
530-898-9534  
Resident since December 25, 1991

**From:** [Menchaca, Clarissa](#)  
**To:** [BOS](#); [McCracken, Shari](#)  
**Cc:** [Snellings, Tim](#); [Breedon, Dan](#); [Thistlethwaite, Charles](#); [Calarco, Pete](#)  
**Subject:** FW: Butte Creek Canyon Overlay  
**Date:** Tuesday, April 3, 2018 4:36:52 PM

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Please see the below correspondence from Elizabeth Devereaux.

Clarissa Menchaca  
Associate Clerk of the Board

Butte County Administration  
25 County Center Drive, Suite 200, Oroville, CA 95965  
T: 530.552.3308 | F: 530.538.7120

[Twitter](#) | [Facebook](#) | [YouTube](#) | [Pinterest](#)

-----Original Message-----

From: Elizabeth Devereaux <edevero@devglas.com>  
Sent: Tuesday, April 3, 2018 4:23 PM  
To: BConnelly@ButteCounty.net  
Cc: Clerk of the Board <clerkoftheboard@buttecounty.net>  
Subject: Butte Creek Canyon Overlay

Dear Supervisor Connelly,

I want you to know that I am very strongly supporting the Butte Creek Canyon Overlay. I hope to be at the April 24th meeting, and hope you will vote in favor of the Overlay, since it will preserve for both present and future generations the many other species this unique and beautiful Canyon is also home to.

Thanks very much for your consideration,

Elizabeth Devereaux and Nick Malone

**From:** [Menchaca, Clarissa](#)  
**To:** [Breedon, Dan](#); [Hatcher, Casey](#)  
**Cc:** [Calarco, Pete](#); [Thistlethwaite, Charles](#)  
**Subject:** RE: Action Plan Update  
**Date:** Tuesday, April 3, 2018 12:13:40 PM

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Thanks Dan!

*Clarissa Menchaca*

*Associate Clerk of the Board*

[Butte County Administration](#)  
[25 County Center Drive, Suite 200, Oroville, CA 95965](#)  
T: [530.552.3308](tel:530.552.3308) | F: 530.538.7120

[Twitter](#) | [Facebook](#) | [YouTube](#) | [Pinterest](#)

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**From:** Breedon, Dan  
**Sent:** Tuesday, April 3, 2018 12:07 PM  
**To:** Hatcher, Casey <CHatcher@buttecounty.net>; Menchaca, Clarissa <cmenchaca@buttecounty.net>  
**Cc:** Calarco, Pete <PCalarco@buttecounty.net>; Thistlethwaite, Charles <cthistlethwaite@buttecounty.net>  
**Subject:** Action Plan Update

Casey and Clarissa,

I finished the Action Plan Update/GPA report up early and placed it into the Admin File folder. It is scheduled to be heard by the Board on April 24.

I will next be concentrating efforts on finishing up the Butte Creek Canyon Overlay Zone supplementary report, also to be heard on April 24.

Feel free to call or email with any questions.

Best,

Dan Breedon, AICP  
Principal Planner – [530.552.3682](tel:530.552.3682)

**From:** [Menchaca, Clarissa](#)  
**To:** [Snellings, Tim](#); [Breedon, Dan](#); [Thistlethwaite, Charles](#); [Calarco, Pete](#)  
**Subject:** FW: Butte Creek Canyon Overlay  
**Date:** Tuesday, April 3, 2018 11:33:07 AM

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Please see the below correspondence from Jim Brobeck.

*Clarissa Menchaca*

*Associate Clerk of the Board*

[Butte County Administration](#)  
[25 County Center Drive, Suite 200, Oroville, CA 95965](#)  
T: [530.552.3308](tel:530.552.3308) | F: 530.538.7120

[Twitter](#) | [Facebook](#) | [YouTube](#) | [Pinterest](#)

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**From:** Jim Brobeck <jrbrobeck@outlook.com>  
**Sent:** Monday, April 2, 2018 4:40 PM  
**To:** Clerk of the Board <clerkoftheboard@buttecounty.net>  
**Subject:** Butte Creek Canyon Overlay

Dear Clerk of the Board,

I just finished sending this letter to the 5 supervisors of Butte County. Please enter my comments into the public record.

Dear Supervisors,

For the past 45 years I have lived in Butte County including a few years in Butte Creek Canyon. During summer I enjoyed many days near the Creek and marveled at the giant fish that I would see migrating upstream to the Centerville Powerhouse and beyond. These wild spawning anadromous fish are part of the last robust Spring Run Chinook left in the entire central valley where they used to live in every perennial stream. Now it is up to the people of Butte County to do everything we can do to protect this refuge of the fish.

This requires watershed protection that includes vegetative streamside buffers, surfaces that allow percolation of water, erosion control, and septic system setbacks. Considering the narrow access roads into Butte Creek Canyon, the danger of wildfire in the wildland/urban interface (WUI), and the presence of valuable wildlife (bald eagle, osprey, and migratory deer herds) there must be special parameters of development for both public safety and nature's treasures.

The scenic views and natural animal patterns of behavior require us to recognize the importance of a comprehensive plan to preserve the Canyon from the ridgetop to the Creek. Concerned citizens of Butte County have put years of thought, conversation and interaction with officials to assemble the Butte Creek Canyon Overlay. When the Overlay is considered at

the April 24 Supervisors' meeting I join with my neighbors to urge you to vote for approval.  
Jim Brobeck

**From:** [Menchaca, Clarissa](#)  
**To:** [BOS](#); [McCracken, Shari](#)  
**Cc:** [Snellings, Tim](#); [Breedon, Dan](#); [Thistlethwaite, Charles](#); [Calarco, Pete](#)  
**Subject:** FW: Butte Creek Canyon Overlay  
**Date:** Tuesday, April 3, 2018 11:31:37 AM

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Please see the below correspondence from Walt Schafer.

Clarissa Menchaca  
Associate Clerk of the Board

Butte County Administration  
25 County Center Drive, Suite 200, Oroville, CA 95965  
T: 530.552.3308 | F: 530.538.7120

[Twitter](#) | [Facebook](#) | [YouTube](#) | [Pinterest](#)

-----Original Message-----

**From:** Walt Schafer <ws.chico@yahoo.com>  
**Sent:** Friday, March 30, 2018 10:04 AM  
**To:** Connelly, Bill <BConnelly@buttecounty.net>  
**Cc:** Clerk of the Board <clerkoftheboard@buttecounty.net>  
**Subject:** Butte Creek Canyon Overlay

Supervisor Connelly,

As a 40-year resident and small farmer in Butte Creek Canyon, I strongly encourage you to vote to approve the Butte Creek Canyon Overlay. This measure will ensure long-term quality of life for residents and will help preserve the beauty and environment of the canyon. The Overlay has broad support of canyon residents. Please vote yes.

Walt Schafer  
5357 Nimsheew Run Lane  
Chico, CA 95928

Sent from my iPad

**From:** [Menchaca, Clarissa](#)  
**To:** [BOS; McCracken, Shari](#)  
**Cc:** [Snellings, Tim](#); [Breedon, Dan](#); [Thistlethwaite, Charles](#); [Calarco, Pete](#)  
**Subject:** FW: Butte Creek Canyon  
**Date:** Tuesday, April 3, 2018 11:30:59 AM

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Please see the below correspondence from Donna Dolinar.

*Clarissa Menchaca*

*Associate Clerk of the Board*

[Butte County Administration](#)  
[25 County Center Drive, Suite 200, Oroville, CA 95965](#)  
T: [530.552.3308](tel:530.552.3308) | F: 530.538.7120

[Twitter](#) | [Facebook](#) | [YouTube](#) | [Pinterest](#)

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**From:** Donna Dolinar <donnadolinar@yahoo.com>  
**Sent:** Thursday, March 29, 2018 3:22 PM  
**To:** Connelly, Bill <BConnelly@buttecounty.net>  
**Cc:** Clerk of the Board <clerkoftheboard@buttecounty.net>  
**Subject:** Butte Creek Canyon

Dear Supervisor,

I urge you to continue to protect the Canyon and its Ridge Preserve and protect the uniquely valuable qualities of Butte Creek Canyon which is a designated cultural & scenic resource of Butte County in the General Plan.

The Canyon and its Ridges are a wildlife refuge: a haven for endangered salmon, threatened Tehama migratory deer herd, black bear, bald eagle..and more!

Sincerely,

Donna & Bill Dolinar  
220 Chaparral Dr.  
Paradise, CA 95969

**From:** [Menchaca, Clarissa](#)  
**To:** [Shellings, Tim](#); [Breedon, Dan](#); [Thistlethwaite, Charles](#); [Calarco, Pete](#)  
**Subject:** FW: Butte Creek Canyon Overlay  
**Date:** Tuesday, April 3, 2018 9:12:07 AM

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FYI - Correspondence from Elizabeth Johnson.

*Clarissa Menchaca*

*Associate Clerk of the Board*

[Butte County Administration](#)  
[25 County Center Drive, Suite 200, Oroville, CA 95965](#)  
T: [530.552.3308](tel:530.552.3308) | F: 530.538.7120

[Twitter](#) | [Facebook](#) | [YouTube](#) | [Pinterest](#)

---

**From:** Elizabeth Johnson <[bettanj@sbcglobal.net](mailto:bettanj@sbcglobal.net)>  
**Sent:** Monday, April 2, 2018 7:45 PM  
**To:** Connelly, Bill <[BConnelly@buttecounty.net](mailto:BConnelly@buttecounty.net)>  
**Cc:** Clerk of the Board <[clerkoftheboard@buttecounty.net](mailto:clerkoftheboard@buttecounty.net)>  
**Subject:** Butte Creek Canyon Overlay

I am writing to ask you to support the Butte Creek Canyon Overlay. I love Butte Creek and visit often to hike, bike and swim. It is a unique treasure in our area and needs our support and protection.

Thanks,  
Elizabeth Johnson  
530-828-9292

**From:** [Menchaca, Clarissa](#)  
**To:** [Snellings, Tim](#); [Breedon, Dan](#); [Thistlethwaite, Charles](#); [Calarco, Pete](#)  
**Subject:** FW: BUTte Creek Overlay support  
**Date:** Tuesday, April 3, 2018 8:50:59 AM

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FYI

*Clarissa Menchaca*

*Associate Clerk of the Board*

[Butte County Administration](#)  
[25 County Center Drive, Suite 200, Oroville, CA 95965](#)  
T: [530.552.3308](tel:530.552.3308) | F: 530.538.7120

[Twitter](#) | [Facebook](#) | [YouTube](#) | [Pinterest](#)

**From:** Kathleen Faith <kathawow@gmail.com>  
**Sent:** Thursday, March 29, 2018 9:09 AM  
**To:** Connelly, Bill <BConnelly@buttecounty.net>  
**Cc:** Clerk of the Board <clerkoftheboard@buttecounty.net>  
**Subject:** BUTte Creek Overlay support

Dear Supervisor Connelly,

I want to thank you for your years of service to the county, and to your thoughtful consideration of issues. I am writing to you to express my support for the Butte Creek Canyon overlay as it is written as of February, 2018.

The overlay is a well-written and well-thought out document intended to protect the uniquely valuable qualities of Butte Creek Canyon which is a designated cultural & scenic resource of Butte County in the General Plan.

There are so many reasons to support this overlay. The fire concern is the canyon is overwhelming. We have one road and in places right now, only a one lane section due to erosion caving in of half the road. This road in its best condition cannot handle any more traffic. There are also limited resources to protect the homes that exist here.

There are good reasons for setbacks on the ridges, which include fire safety, deer herd migration, and protection of scenic qualities.

It may seem we are adrift in water, but every year, the creek goes down and people need to dig deeper wells for their homes.

Though clustered development is a good idea in some places, the canyon is with its unique terrain is no place for clustered development.

There are good reasons for setbacks on the ridges, for fire safety, deer herd migration, and to protect scenic qualities

The overlay also addresses watershed protection that includes vegetative streamside buffers, surfaces that allow percolation of water, erosion control, and septic system setbacks. These are obvious proper steps to take in all areas close to our water systems.

Thank you for listening,

Kathleen Faith  
2188 Honey Run RD  
Chico, CA 95928

530-343-8561

**From:** [Menchaca, Clarissa](#)  
**To:** [Shellings, Tim](#); [Breedon, Dan](#); [Thistlethwaite, Charles](#); [Calarco, Pete](#)  
**Subject:** FW: Butte Creek Canyon Overlay  
**Date:** Tuesday, April 3, 2018 8:33:37 AM

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FYI

Clarissa Menchaca  
Associate Clerk of the Board

Butte County Administration  
25 County Center Drive, Suite 200, Oroville, CA 95965  
T: 530.552.3308 | F: 530.538.7120

[Twitter](#) | [Facebook](#) | [YouTube](#) | [Pinterest](#)

-----Original Message-----

From: Kay Simenc <kaysimenc@yahoo.com>  
Sent: Wednesday, March 28, 2018 9:56 PM  
To: BConnelly@ButteCounty.net  
Cc: Clerk of the Board <clerkoftheboard@buttecounty.net>  
Subject: Butte Creek Canyon Overlay

Dear Supervisor Connelly,

I am writing to express my support for the Butte Creek Canyon Overlay as written, with no exemptions. This document, crafted over the course of many years by county staff members, canyon residents, and others, contains ordinances that can be used to ensure appropriate land use and development in keeping with the rural nature of Butte Creek Canyon. The overlay, as written, will help protect canyon residents, human and otherwise, from misuse of the land and unwanted rampant development that would potentially harm the canyon environment and also change the nature of Butte Creek Canyon as it stands today.

Thank you for taking the time to read this letter, and it is my fervent hope that you will approve the overlay as written, with no exemptions.

Sincerely,

Kay Simenc

**From:** [Menchaca, Clarissa](#)  
**To:** [Shellings, Tim](#); [Breedon, Dan](#); [Thistlethwaite, Charles](#); [Calarco, Pete](#); [McCracken, Shari](#)  
**Subject:** FW: Butte Creek Overlay  
**Date:** Tuesday, April 3, 2018 8:11:36 AM

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Please see the below correspondence from Nancy Jensen.

*Clarissa Menchaca*

*Associate Clerk of the Board*

[Butte County Administration](#)  
[25 County Center Drive, Suite 200, Oroville, CA 95965](#)  
T: [530.552.3308](tel:530.552.3308) | F: 530.538.7120

[Twitter](#) | [Facebook](#) | [YouTube](#) | [Pinterest](#)

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**From:** Jensen, Nancy <JensenNa@butte.edu>  
**Sent:** Wednesday, March 28, 2018 5:07 PM  
**To:** Clerk of the Board <clerkoftheboard@buttecounty.net>; BConnelly@ButteCounty.net; BOS District 4 <District4@buttecounty.net>; Teeter, Doug <DTeeter@buttecounty.net>; Kirk, Maureen <MKirk@buttecounty.net>; Wahl, Larry <LWahl@buttecounty.net>  
**Subject:** Butte Creek Overlay

Attn: Supervisors

RE: Butte Creek Overlay being discussed at Supervisors Meeting on April 24<sup>th</sup>

I am a resident of Butte Creek and supporter of keeping Butte Creek Canyon the GEM that it is. I am writing to endorse any policy that helps preserve the Butte Creek Canyon area which is home to the largest population of wild chinook salmon in all of California.

I agree with a plan that supports addressing the following issues of this area.

- Preserve and protect the uniquely valuable qualities of Butte Creek Canyon which is a designated cultural & scenic resource of Butte County in the General Plan.
- Fix Centerville Road where it is down to one lane since the road fell in over a year ago. This is extremely dangerous as it puts hundreds of current residence in this area without an adequate safe exit route if a fire was to break out. Fixing this road should be top on the priority list due to the high fire danger of this area.

Any future building should be limited due to the following issues:

- Current roads cannot handle any more traffic

- High concern of fire danger and limited resources to protect existing homes.
- Limited water supply. Wells are already being re-drilled by current residents.
- Clustered Development is not allowed – not appropriate for terrain of the Canyon
- Ridgeline development needs setbacks for fire safety, deer herd migration, protect scenic qualities
- Watershed protection that includes vegetative streamside buffers, surfaces that allow percolation of water, erosion control, and septic system setbacks
- The Canyon and its Ridges are a wildlife refuge: a haven for endangered salmon, threatened Tehama migratory deer herd, black bear, bald eagle..and more!

SPECIAL NOTE: Since the shutdown of the power plant and the flumes which, provided the ability to manage cold water to protect the salmon as I understand, this population will become increasingly endangered as temperatures rise. Therefore, butte creek residences and Friends of Butte Creek hope supervisors would support any efforts made by any party to reopen the power plant or anyone ideas which continue to divert cold water as needed to protect the salmon in this area from future decline.

Additionally, the Paddleheads, that I am affiliated with, with over 50 active members currently, hopes you support keeping this wonderful creek flowing for both the kayakers and the salmon. If a letter is needed from the group I can provide this as well.

Thank you for your continued support of Beautiful Butte Creek. I hope if you haven't taken a drive up Centerville Road that you will do so soon. The Salmon generally arrive mid April and stay till they spawn in late September. This picture taken from my back deck a few years ago when the population was much greater.



*Nancy Jensen*

[jensenna@butte.edu](mailto:jensenna@butte.edu)

12578 Centerville Road

Chico, CA 95928  
530-354-5353

**From:** Greg Colby  
**To:** [Connelly, Bill](#); [Wahl, Larry](#); [Kirk, Maureen](#); [BOS District 4](#); [Teeter, Doug](#)  
**Cc:** [Breedon, Dan](#)  
**Subject:** Butte Creek Canyon Overlay  
**Date:** Thursday, March 1, 2018 11:03:50 AM

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Supervisors Connelly, Wahl, Kirk, Lambert, Teeter;

Thank you for the opportunity to provide input on the BCC Overlay at the Feb 27, 2018 meeting. Due to the time constraints I skipped a couple of points I wanted to make at the meeting and would like to address them with you separately here in an email.

1- Erosion Control - Butte County has lots of regulations already in place when it comes to development of property. This section requires excessive costs by mandating hiring civil engineers to develop property. This is unnecessary! The county already inspects projects and there is no reason to burden burden taxpayers further.

Added costs for developing property is a hindrance and time waster. Butte County should be aiding development so the tax base will go up. We are closing fire stations and we are making it more difficult to increase tax revenue through legitimate development. As a retired firefighter, I find this appalling. I pulled many shifts at Station 42 in North Chico. Most of this overlay looks like an attempt to hinder and make development more expensive. Also, eliminating being able to move dirt during the "wet season" or winter months is too restrictive. There are lots of days of "dry" during the so called "wet season". One only has to look at this dry winter we are having to see that fact (even though it is raining cats and dogs today).

2- During one of the earlier Planning Commission meetings, Jeff Carter, an attorney who stated he was on the General Plan 2030 committee, told the Planning Commission that there was no mandate for the overlay. In looking at the language provided in documents for this overlay, the only language in the General Plan 2030 that says "shall" is for the ridge top development. County Counsel pointed this out during the Feb 27th meeting.

Thank you for your time, attention and NO vote.

Greg Colby  
Colby Family Trust.



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**From:** dave@soundsbydave.net  
**To:** [Breedon, Dan](#)  
**Subject:** Butte Creek Canyon Overlay Feb 26 2018  
**Date:** Tuesday, February 27, 2018 8:51:43 AM

---

As a property owner bordering Butte Creek (Lot 12 Spanish Gardens) I am opposed to the Counties arbitrary doubling of Fish and Games vegetarian buffer zone. The expansion of this exclusionary zone prohibits me from the reasonable use of a substantial part of my property and as such devalues my property. Such a devaluation is defined under by the 5<sup>th</sup> amendment of the US constitution as a "taking". Butte County has no scientific studies that backup this expansion and so it must not be done. Fish and game has previously set a 50 foot buffer which is backed by scientific study there is no need for Butte county to arbitrarily and capriciously double the buffer. If Butte County does follow thru with the 100 ft. zone expansion, then I would fully anticipate (at a minimum) that my property taxes shall be reduced by the percentage of property that the county effectively makes off limits for my reasonable use. Additionally, the section of the ordnance that "grandfathers" properties in Spanish Gardens must be rewritten to define very specially what constitutes an "expansion or change of use" . Better yet would be to just leave us all alone, and allow the current mountain of regulation under which we currently live remain the same. Dave Maurer 224 Spanish Garden Drive Chico Calif. 95928