

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

The Board of Supervisors of the County of Butte ordains as follows:

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

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

Section 3. Effective Date and Publication. This Ordinance shall take effect thirty (30) days after the date of its passage. The Clerk of the Board of Supervisors is authorized and directed, before the expiration of fifteen (15) days after its passage, to publish this Ordinance once, with the names of the members of the Board of Supervisors voting for and against it, in the

1 Chico Enterprise Record, a newspaper published in the County of Butte,
2 State of California.

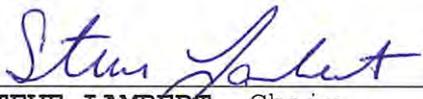
3 **PASSED AND ADOPTED** by the Board of Supervisors of the County of Butte,
4 State of California, on the 24th day of April, 2018, by the following
5 vote:

6
7 **AYES:** Supervisors Connelly, Kirk, Teeter, and Chair Lambert

8 **NOES:** Supervisor Wahl

9 **ABSENT:** None

10 **NOT VOTING:** None

11 
12 STEVE LAMBERT, Chair
13 Butte County Board of Supervisors

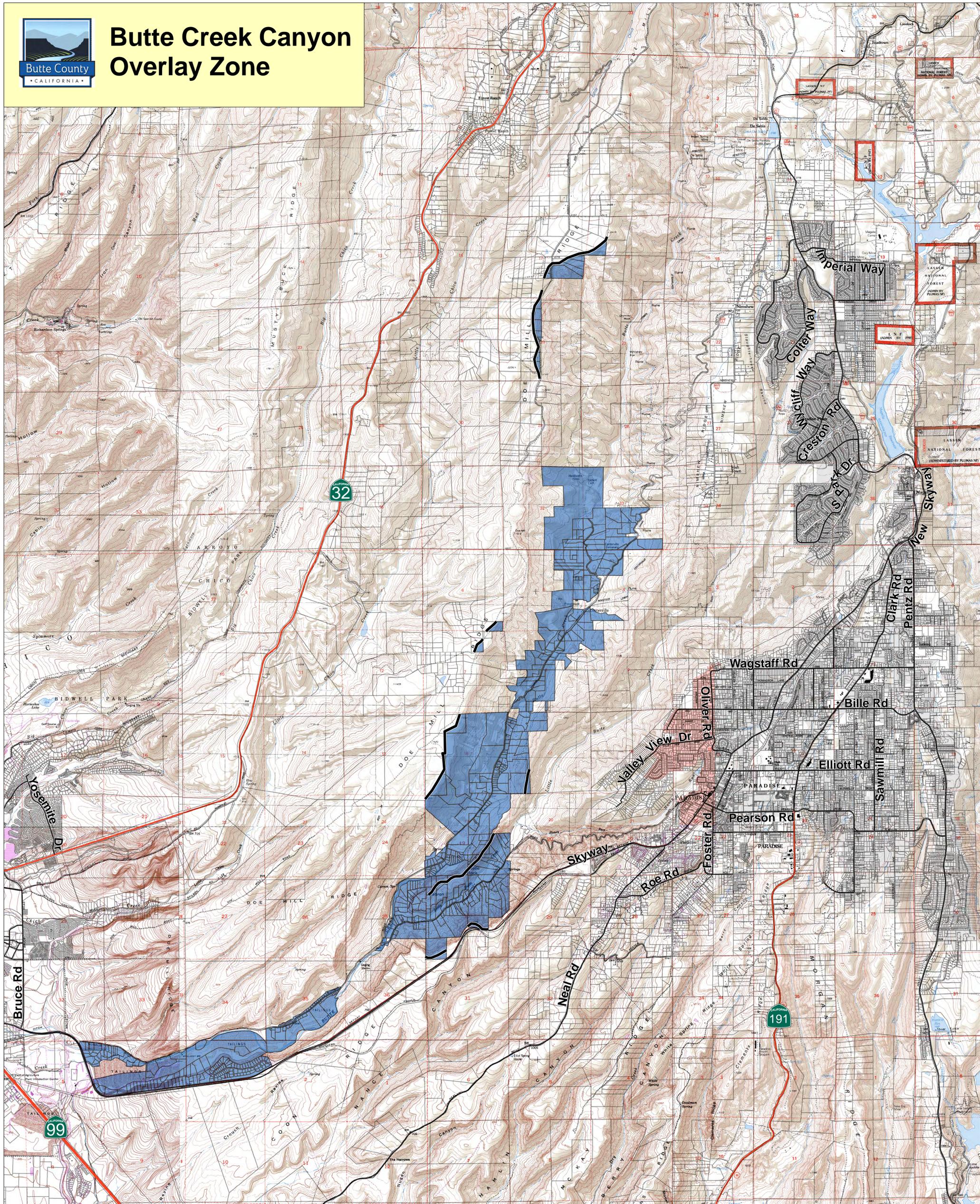
14 **ATTEST:**

15 **SHARI MCCRACKEN**, Interim Chief Administrative Officer
16 and Clerk of the Board

17 By: 
18 Deputy



Butte Creek Canyon Overlay Zone



Butte Creek Overlay Zone Parcel Designated Ridgelines Highway Primary Route

0 1 2 3 4 5 6 Miles



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.

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.