

AN ORDINANCE OF THE COUNTY OF BUTTE AMENDING BUTTE COUNTY CODE  
CHAPTER 24, ZONING ORDINANCE, BY AMENDING THE BUTTE CREEK CANYON  
OVERLAY ZONE (-BCC) AND WATERSHED PROTECTION OVERLAY ZONE (-WP)

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

Section 1. Section 24-34.1 is amended to read as follows:

**Section 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

1 building site based upon existing site constraints and the -BCC  
2 Overlay Zone's land use development standards.

3 C. Applicability:

4 1. The -BCC Overlay Zone applies to the Butte Creek Canyon  
5 area, as shown by the -BCC Overlay Zone Map.

6 2. The -BCC Overlay Zone may be combined with any base zone  
7 except the AG-160 (Agriculture, 160-acre minimum parcel size),  
8 TM (Timber Mountain), TP (Timber Preserve), and Indus-trial  
9 zones. The -BCC Overlay Zone may be applied to any future  
10 rezone of an AG-160, TM, TP, or Industrial zone in the Butte  
11 Creek Canyon area.

12 3. The -BCC Overlay Zone shall not require changes to  
13 existing legal uses and structures, or cause such structures  
14 or uses to become nonconforming. Any expansion or  
15 modification of nonconforming uses and structures shall comply  
16 with this chapter and Butte County Code Chapter 24, Article  
17 22. Nonconforming Uses and Structures.

18 D. Land Use and Development Standards:

19 1. Public Hearings and Noticing. When a public hearing is  
20 required in accordance with the Butte County Zoning Ordinance,  
21 in addition to the requirements set forth under Chapter 24,  
22 Article 36, Public Notice and Hearings, which requires notice  
23 of the hearing to be mailed to all owners of real property  
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1 within 300 feet of the exterior boundary of the parcel that is  
2 the subject of the hearing, public notice shall also be  
3 provided by email to all interested parties through a list  
4 maintained by the Department of Development Services.

5 2. Hillside Development Standards. This section does not  
6 apply to operations subject to the State Forest Practices Act  
7 or State Forest Practice Rules.

8 a. Slope. Development in areas with a slope of greater  
9 than 15 percent shall be permitted only when an  
10 alternative Development Area with a slope of less than 15  
11 percent is not available on the parcel, or as otherwise  
12 permitted by the Director of Development Services pursuant  
13 to Section 24-34.1 B. Administrative Relief.

14 b. Vegetation Removal. Removal of living and healthy  
15 vegetation outside of a Development Area as defined in  
16 Chapter 24, Article 42 (Glossary) shall not be permitted,  
17 except under the following circumstances:

18 i. Vegetation removal required to comply with  
19 defensible space requirements set forth in Public  
20 Resources Code Section 4290 (Fire Safety  
21 Regulations).

22 ii. Removal of dead, dying, diseased, or hazard  
23 trees.

1           iii. Fuel breaks and fuel reduction consistent with  
2 projects undertaken by local Fire Safe Councils or  
3 other public and non-profit entities.

4           iv. Routine agricultural grading as defined under  
5 Chapter 13, Article 1. Grading, Section 13 5 (g).

6           v. Projects relating to the installation,  
7 maintenance, or repair of a public utility.

8           vi. Projects undertaken in compliance with a  
9 Streambed Alteration Permit approved by the  
10 California Department of Fish and Wildlife.

11           vii. Non-native and invasive plant eradication.

12           viii. Pedestrian walkways and trails.

13           3. Clustered Development. Clustered Development as allowed  
14 by Chapter 24, Article 18, Clustered Development, shall be  
15 prohibited.

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

1 a. Ridgeline Setbacks:

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

5 ii. Buildings equal to or greater than 25 feet in  
6 height: A 150-foot building setback is required from  
7 either side of the designated ridgeline.

8 iii. Walls and fences pursuant to Chapter 24,  
9 Article 13, Walls and Fences: A 100-foot building  
10 setback is required from either side of the  
11 designated ridgeline.

12 iv. Accessory decks, patios, and railings are not  
13 subject to the ridgeline setback.

14 v. The specific location of the designated canyon  
15 ridgeline shall be determined through an on- site  
16 review by the Department of Development Services.

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

4 i. Exterior Wall Surfaces. The apparent size of  
5 exterior wall surfaces visible from off the site  
6 shall be minimized through the use of setbacks,  
7 overhangs, roof pitches, native landscaping, and/or  
8 other means of horizontal and vertical articulation  
9 to create changing shadow lines and break up massive  
10 forms.

11 1. Colors and Materials. A mixture of  
12 materials and color shall be used to blend  
13 structures with the natural appearance of the  
14 hillside.

15 2. Based upon the graphic principle that  
16 darker colors are less noticeable than light  
17 colors, darker tones, including earth tones  
18 shall generally be used for building walls and  
19 roofs on highly visible sites so that  
20 buildings and exterior finishes appear to  
21 blend in with the natural terrain.

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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 de-signed 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:

- a. Nicholl Family Cemetery in Helldown
- b. Boneyard Flat in Helldown
- c. Centerville Schoolhouse
- d. Centerville Cemetery

1 e. Honey Run Covered Bridge

2 6. Heavy Equipment Storage:

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

10 7. Outdoor Lighting:

11 a. All outdoor lighting shall be regulated using the  
12 same standards as set forth under Butte County Code  
13 Chapter 24, Article 14. Outdoor Lighting.

14 b. Outdoor lighting shall use full cut-off fixtures  
15 directing lighting to buildings and outdoor activity  
16 areas, shielding off-site areas and the night sky.

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

20 a. Land Use Regulations. Zoning amendments that  
21 propose to allow for the creation of additional parcels  
22 (exceeding amounts allowed under the November 6, 2012  
23 Zoning Map) shall not be allowed, unless the Board of  
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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 1 acre in size or greater. Impervious surface shall not exceed 15 percent of the parcel's total size.

ii. Parcels less than 1 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

1                   they are surfaced with gravel or are finished with  
2                   pervious pavement or asphalt.

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

7                   i.   Perennial and intermittent rivers and streams,  
8                   as shown on the latest USGS 7.5 minute quad map: 100  
9                   lineal feet.

10                   ii.  Buffer distances shall be measured in  
11                   accordance with Chapter 24, Article 16 (Riparian  
12                   Areas), Section 24-77 A.

13                   iii. All structures, grading, excavation, removal  
14                   of trees, use of fertilizers and pesticides, sewage  
15                   disposal, and paving, excepting those uses set forth  
16                   under Article 16 (Riparian Areas) Section 24-78 A.

17                   Permitted Activities, and Section 24-78 B.

18                   Conditionally Per-mitted Uses, are prohibited within  
19                   vegetative buffer areas.

20                   iv.  Vegetation removal, as permitted under Section  
21                   24-34.1 (D) (2) (b), is allowed.

22           d.   Septic System and Portable Chemical Toilet Setbacks:  
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1           i.    Septic systems for new development shall be  
2           setback a minimum of 200 feet from perennial and  
3           intermittent rivers and streams, as shown on the  
4           latest USGS 7.5 minute quad map.

5           ii.   Minimum setback distances shall be measured in  
6           accordance with Chapter 24, Article 16 (Riparian  
7           Areas), Section 24-77 A.

8           iii.  Repair or replacement of a septic system on  
9           existing development that does not comply with the  
10          200-foot setback may be allowed if it is determined  
11          by the Local Enforcement Agency that water quality  
12          can be maintained.

13          iv.   If no other feasible alternative exists, a  
14          100-foot septic system setback may be allowed for  
15          new development if it is determined by the Local  
16          Enforcement Agency that water quality can be  
17          maintained.

18          v.    Portable Chemical toilets for temporary use at  
19          construction sites or for special events shall be  
20          setback a minimum of 200 feet from perennial and  
21          intermittent rivers and streams.

22          e.    Erosion Control:  
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1 a. An erosion and sediment control plan, pursuant  
2 to Butte County Code Section 13-10, shall be  
3 approved by the County prior to issuance of a  
4 building permit and subject to the following  
5 additional requirements and building standards:

6 i. Erosion and sediment control plans shall  
7 not be required for public utilities,  
8 residential additions that are less than 25  
9 percent of the size of the original structure,  
10 or permitted accessory uses and structures  
11 defined under Butte County Code Section 24-  
12 156.

13 ii. The plan shall be prepared by a  
14 professional civil engineer registered by the  
15 State of California, or a Qualified Stormwater  
16 Developer who holds the certification required  
17 by the CA Water Quality Control Board's  
18 Construction General Permit 2009-009-DWQ.

19 iii. The plan shall identify measures to  
20 prevent sediment and other pollutant  
21 discharges from reaching watershed drainages  
22 and streams, and shall address both interim  
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1 (during construction) and final (post  
2 construction) erosion control measures.

3 iv. All driveways proposed for new home sites  
4 shall be surfaced with at least two inches of  
5 Class 2 aggregate base, unless required by the  
6 County to be developed to a higher standard.

7 v. Soil disturbance shall not be conducted  
8 during the rainy season (November 15 through  
9 April 1). The County may require financial  
10 security to ensure that control measures are  
11 implemented and maintained.

12 vi. All areas where land clearing has been  
13 completed between April 1 and November 15  
14 shall be re-vegetated, hydroseeded, mulch  
15 protected, or otherwise stabilized no later  
16 than December 1.

17 vii. Site work shall be limited to the  
18 permitted development area, and shall preserve  
19 natural topography and vegetation at the site  
20 to the greatest possible extent.

21 E. Coordination with Other Regulatory Agencies. All required  
22 permits from the California Department of Fish and Wildlife, the  
23 California Department of Forestry and Fire Protection, the U.S.

1 Army Corps of Engineers, the California State Regional Water  
2 Quality Control Board, the Central Valley Flood Protection Board,  
3 or other applicable agencies, including any permit required under  
4 an approved Habitat Conservation Plan, shall be obtained prior to,  
5 concurrently with, or as a condition of, the approval of any County  
6 permits for development within the -BCC Overlay Zone. Evidence of  
7 approval or pending approval of any such permit shall be submitted  
8 to the County, including all appropriate supporting materials,  
9 environmental documentation, and studies.

10 Section 2. Section 24-46 is amended to read as follows:

11 **Section 24-46 Watershed Protection Overlay Zone**

12 A. Purpose. The Watershed Protection (-WP) overlay zone is  
13 intended to maintain and improve water quality by establishing  
14 additional development standards within sensitive watershed areas.

15 B. Applicability.

16 1. The -WP overlay zone may be combined with any base zone.

17 2. Areas subject to the -WP overlay zone include the  
18 Firhaven Creek watershed and the Paradise and Magalia  
19 Reservoirs watershed, as shown on the Zoning Map.

20 C. Land Use Regulations. Permitted and conditionally permitted  
21 uses in the -WP overlay zone are the same as the base zone, except  
22 as specified below.

1 1. Existing parcel sizes in the Firhaven Creek Watershed  
2 shall be maintained. No further division of lots or parcels  
3 shall be permitted.

4 2. Existing zoning shall be maintained within the Magalia  
5 Reservoir, Paradise Reservoir, and Firhaven Creek Watersheds.  
6 Rezoning to a smaller minimum parcel size is not allowed.

7 3. Prior to the approval of a rezoning or discretionary  
8 permit application, the applicant shall demonstrate to the  
9 satisfaction of the review authority that the cumulative  
10 effects of additional sewage disposal and surface water runoff  
11 resulting from the proposed action will not result in any  
12 adverse impacts on the water quality of the watershed.

13 4. Second units and accessory dwelling units proposed within  
14 the -WP overlay zone shall require the approval of a  
15 Conditional Use Permit.

16 5. Clustered development as allowed by Article 18 (Clustered  
17 Development) shall be prohibited within the -WP overlay zone.

18 D. Maximum Impervious Surface. For new development within the -  
19 WP overlay zone, impervious surfaces shall not exceed 50 percent of  
20 the total site area.

21 E. Vegetative Buffers.

22 1. Vegetative buffers shall be maintained on all sides of  
23 water bodies in the -WP overlay zone as follows:  
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1 a. Lakes and reservoirs: 200 lineal feet.

2 b. Perennial and intermittent rivers and streams: 100  
3 lineal feet.

4 2. For rivers and streams, minimum buffer distances shall be  
5 measured from the annual average stream bank.

6 3. All structures are prohibited within buffer areas.

7 4. Grading, excavation, removal of trees, the use of  
8 fertilizers and pesticides, sewage disposal, and paving are  
9 prohibited within buffer areas.

10 F. Septic System Regulations. Leach fields, septic tanks, and  
11 chemical toilets shall be setback a minimum of 50 feet in addition  
12 to the required vegetative buffer under Subsection F.1 above.

13 G. Erosion Control.

14 1. All driveways for new home sites shall be surfaced with  
15 at least two inches of Class 2 aggregate base, unless required  
16 by the County to be developed to a higher standard.

17 2. Erosion and sediment control plans shall not be required  
18 for public utilities, residential additions that are less than  
19 25 percent of the size of the original structure, or permitted  
20 accessory uses and structures defined under Butte County Code  
21 Section 24-156.

22 3. An erosion and sediment control plan shall be approved by  
23 the County prior to issuance of a building permit. The plan  
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1 shall be developed by a professional civil engineer registered  
2 by the State of California or by a Qualified Stormwater  
3 Developer who holds the certification required by the CA Water  
4 Quality Control Board's Construction General Permit 2009-009-  
5 DWQ. The plan shall identify measures to prevent sediment and  
6 other pollutant discharges from reaching watershed drainages  
7 and streams, and shall address both interim (during  
8 construction) and final (post construction) control measures.

9 4. Soil disturbance shall not be conducted during the rainy  
10 season (November 15 through April 1.) The County may require  
11 financial security to ensure that control measures are  
12 implemented and maintained.

13 5. All areas where land clearing has been completed between  
14 April 1 and November 15 shall be revegetated, hydroseeded,  
15 mulch protected, or otherwise stabilized no later than  
16 December 1.

17 6. Site work shall preserve natural topography and  
18 vegetation at the site to the greatest possible extent.

19 H. Timber Harvest. Timber harvesting permitted under a Less Than  
20 Three-Acre Conversion Exemption approved by CAL-FIRE shall not be  
21 conducted in the -WP overlay during the period from November 15 to  
22 April 1.

1 Section 3. CEQA. The Board of Supervisors adopts a CEQA Guidelines  
2 Section 15061 (b) (3) "Common Sense" exemption. The proposal poses  
3 no significant impact on the environment and there is no potential  
4 for negative impacts to the environment. The proposal has been  
5 reviewed by the Department of Public Works and the Department of  
6 Development Services and determined that the amendments to the  
7 Zoning Ordinance do not negatively affect the efficacy to mitigate  
8 potential erosion impacts within the -BCC and -WP overlay zones.  
9 There will be no additional environmental impacts: by allowing a  
10 Qualified Stormwater Developer to perform the Erosion Control  
11 Plans; by eliminating the Administrative Permit requirement because  
12 the Administrative Permit standards are found in Code and imposed  
13 at the Building Permit level; or by exempting certain additions and  
14 accessory structures in the -WP zone (in alignment with existing  
15 regulations of the -BCC zone). This exemption does not eliminate  
16 all erosion and topsoil protections. This exemption does not  
17 eliminate California State Green Building Code standards that  
18 implement certain erosion control measures.

19 Section 4. Severability. If any provision of this Ordinance or the  
20 application thereof to any person or circumstances is for any reason  
21 held to be invalid by a court of competent jurisdiction, such  
22 provision shall be deemed severable, and the invalidity thereof shall  
23 not affect the remaining provisions or other applications of the  
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1 Ordinance which can be given effect without the invalid provision or  
2 application thereof.

3 Section 5. Effective Date and Publication. This Ordinance shall take  
4 effect thirty (30) days after the date of its passage. The Clerk of  
5 the Board of Supervisors is authorized and directed to publish this  
6 Ordinance before the expiration of fifteen (15) days after its  
7 passage. This Ordinance shall be published once, with the names of  
8 the members of the Board of Supervisors voting for and against it,  
9 in a newspaper of general circulation published in the County of  
10 Butte, State of California.

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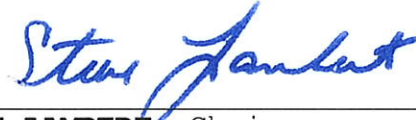
2 **PASSED AND ADOPTED** by the Board of Supervisors of the County of Butte,  
3 State of California, on the 27th day of October, 2020 by the following  
4 vote:

5  
6 **AYES:** Supervisors Connelly, Lucero, Ritter, and Chair Lambert

7 **NOES:** None

8 **ABSENT:** None

9 **ABSTAIN:** None



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11 **STEVE LAMBERT**, Chair  
Butte County Board of Supervisors

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13 **ATTEST:**

14 **ANDY PICKETT**, Chief Administrative Officer  
and Clerk of the Board

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16 By:

  
Deputy

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