





















- 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 vegetation outside of a Development Area as defined in 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. Fuel breaks and ~~other~~ fuel reduction consistent with projects undertaken by local Fire Safe Councils or other public and non-profit entities.
  - iii. Routine agricultural grading as defined under Chapter 13, Article 1. Grading, Section 13-5 (g).
  - iv. Projects relating to the installation, maintenance, or repair of a public utility.
  - v. Projects undertaken in compliance with a Streambed Alteration Permit approved by the California Department of Fish and Wildlife.
  - vi. Non-native and invasive plant eradication.
  - vii. Pedestrian walkways and trails that are a part of the Development Area.

**3. Clustered Development.** Clustered Development as allowed by Article 18, Clustered Development, shall be prohibited within the –BCC Overlay Zone.

**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 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

- a. 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. The storage of heavy equipment such as graders, backhoes, bulldozers, containers, excavators, and similar equipment, and heavy vehicles such as dump trucks, semi-tractor trailers, and similar vehicles having an un-laden weight of 10,000 lbs. or more in the FR (Foothill Residential) and RR (Rural Residential) zones shall be in accordance with this section. This section does not apply to heavy equipment or vehicles used primarily for on-site maintenance and/or on-site agricultural activities, or recreational vehicles.
- b. For parcels less than or equal to ten (10) acres, the storage of up to two (2) pieces of heavy equipment in conjunction with a primary residence is a permitted use. The storage of greater than two (2) pieces of heavy equipment requires the approval of a Minor Use Permit.
- c. For parcels greater than ten (10) acres the storage of up to four (4) pieces of heavy equipment in conjunction with a primary residence is a permitted use. The storage of greater than four (4) pieces of heavy equipment requires the approval of a Minor Use Permit.
- d. 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. Residential Lighting**

- a. Outdoor residential lighting shall be regulated under Butte County Code Article 14. Outdoor Lighting in all zones included within the Butte Creek Canyon Overlay Zone, including non-residential zones.
- b. Outdoor residential lighting shall use full cut-off fixtures directing lighting to buildings and outdoor activity areas, shielding off-site areas and the night sky.

**78. 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 Article 16 (Riparian Areas), vegetative buffers shall be maintained on all sides of water bodies as follows:

- i. Perennial and intermittent rivers and streams: 100 lineal feet.
- ii. For rivers and streams, minimum buffer distances shall be measured in accordance with Article 16 (Riparian Areas), Section 24-77 A. ~~from the annual average stream bank.~~
- 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.

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

- i. Leach fields and septic tanks for new development shall be setback a minimum of 200 feet from perennial and intermittent rivers and streams.
- ii. For rivers and streams, minimum setback distances shall be measured in accordance with Article 16 (Riparian Areas), Section 24-77 A.
- iii. Repairs or replacement of septic systems 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. 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, 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.

**D. 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.

## 24-34.1 Butte Creek Canyon Overlay Zone (WORKING DRAFT April 27, 2017)

- 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 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) zones.
  3. The -BCC Overlay Zone shall not require changes to existing legal uses and structures. Any expansion or modification of nonconforming uses and structures shall comply with this chapter and Butte County Code 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 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 vegetation outside of a Development Area as defined in 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. Fuel breaks and fuel reduction consistent with projects undertaken by local Fire Safe Councils or other public and non-profit entities.
  - iii. Routine agricultural grading as defined under Chapter 13, Article 1. Grading, Section 13-5 (g).
  - iv. Projects relating to the installation, maintenance, or repair of a public utility.
  - v. Projects undertaken in compliance with a Streambed Alteration Permit approved by the California Department of Fish and Wildlife.
  - vi. Non-native and invasive plant eradication.
  - vii. Pedestrian walkways and trails that are a part of the Development Area.

**3. Clustered Development.** Clustered Development as allowed by Article 18, Clustered Development, shall be prohibited within the –BCC Overlay Zone.

**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 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**

- a. 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. The storage of heavy equipment such as graders, backhoes, bulldozers, containers, excavators, and similar equipment, and heavy vehicles such as dump trucks, semi-tractor trailers, and similar vehicles having an un-laden weight of 10,000 lbs. or more in the FR (Foothill Residential) and RR (Rural Residential) zones shall be in accordance with this section. This section does not apply to heavy equipment or vehicles used primarily for on-site maintenance and/or on-site agricultural activities, or recreational vehicles.
- b. For parcels less than or equal to ten (10) acres, the storage of up to two (2) pieces of heavy equipment in conjunction with a primary residence is a permitted use. The storage of greater than two (2) pieces of heavy equipment requires the approval of a Minor Use Permit.
- c. For parcels greater than ten (10) acres the storage of up to four (4) pieces of heavy equipment in conjunction with a primary residence is a permitted use. The storage of greater than four (4) pieces of heavy equipment requires the approval of a Minor Use Permit.
- d. 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. Residential Lighting**

- a. Outdoor residential lighting shall be regulated under Butte County Code Article 14. Outdoor Lighting in all zones included within the Butte Creek Canyon Overlay Zone, including non-residential zones.
- b. Outdoor residential 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 Article 16 (Riparian Areas), vegetative buffers shall be maintained on all sides of water bodies as follows:
- i. Perennial and intermittent rivers and streams: 100 lineal feet.
  - ii. For rivers and streams, minimum buffer distances shall be measured in accordance with 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.
- d. **Septic System and Portable Chemical Toilet Setbacks**
- i. Leach fields and septic tanks for new development shall be setback a minimum of 200 feet from perennial and intermittent rivers and streams.
  - ii. For rivers and streams, minimum setback distances shall be measured in accordance with Article 16 (Riparian Areas), Section 24-77 A.
  - iii. Repairs or replacement of septic systems 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. 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, 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.

**D. 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.

# **Attachment B**

Summary Notes from  
January 26, 2017 Public  
Workshop



## Butte Creek Canyon Overlay Planning Commission Workshop

### SUMMARY NOTES

January 26, 2017

The Butte County Planning Commission held a Public Workshop on January 26, 2017, for the consideration of the proposed Draft Butte Creek Canyon Overlay Zone Ordinance and Overlay Map. This workshop was continued from the October 27, 2016 public workshop. The purpose of the Public Workshop was to introduce the draft Ordinance and Map to the Planning Commission and public and to answer questions and receive comment and direction. The public was encouraged to attend and provide comment, either written or orally at the Planning Commission Workshop. Further direction from the Planning Commission will be incorporated into a final draft ordinance with further hearings scheduled at the Planning Commission for further consideration and action, prior to review by the Board of Supervisors. The following presents a summary of public comment and the Planning Commission comments and directions.

Principal Planner Dan Breedon provided a staff presentation. Mr. Breedon summarized staff recommended amendments to the Butte Creek Canyon Overlay Ordinance stemming from the last workshop pertaining to the following draft ordinance sections:

1. Amending the Overlay Boundary by removing the AG (Agriculture), TM (Timber Mountain) and TP (Timber Production) Zones
2. Section 24-34.1 D.2 (b) Vegetation Removal
3. Section 24-34.1 D.4 Butte Creek Canyon Ridgeline Development
4. Section 24-34.1 D.6 Heavy Equipment Storage
5. Section 24-34.1 D.7 b. Maximum Impervious Surface
6. Section 24-34.1. D.7 (d). Septic System Regulations

### Planning Commission Questions and Comments

#### **Amending the Overlay Boundary by removing the AG (Agriculture), TM (Timber Mountain) and TP (Timber Production) Zones**

**Commissioner Jacquie Chase** inquired about land divisions in the AG-160 zone, indicating that it could eventually be divided. Staff responded that the land divisions would be at a 160 acre parcel size minimum. Zone changes would come with a set of criteria to support and a demonstration of findings. Commissioner Chase also inquired the types of agriculture taking place and staff responded that a variety of agricultural activities take place.

**Commissioner Rocky Donati** inquired as to whether the areas proposed not to be included in the overlay could be considered in the future if the zoning changes. Staff responded that a decision could be made to consider whether it should be included at the time of a zone change.

**Commissioner Jacque Chase** inquired about not including agricultural lands in the Overlay. Staff responded that if lands are considered for a change in zoning from Agriculture to Residential, that decision-makers could decide if the Butte Creek Canyon Overlay could be applied as well. Commissioner Chase also discussed agriculture being left out of the overlay, and indicated concern about the watershed component of the overlay and agricultural uses. Staff indicated that all of the existing standards of the overlay applied to residential development and not to agricultural uses. Commissioner Chase indicated that is not saying that agricultural uses do not have effects.

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

**Commissioner Larry Grundmann** inquired about the wording in this section and was concerned about the ability of property owners to clear vegetation, in addition to the required setback clearing. Wanted to know if a property owner could undertake that on their own without involving a fire safe council. Staff responded that this concern was captured and that staff would come back to that concern.

**Commissioner Mary Kennedy** inquired about removal of diseased trees. Staff responded that CAL-Fire allows the removal of dead and diseased trees and that this is supported by the forest practice rules.

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

**Chair Phil John** inquired as to whether the County had an architectural commission. Staff responded no that the review concerning the standards for ridgeline development would be strictly a review with the Department of Development Services. The standards were made very prescriptive in nature to allow staff to determine compliance.

**Commissioner Larry Grundmann** inquired about how the ridgelines get identified. Staff pointed out the exhibit showing the ridgelines and clarified that only designated ridgelines are subject to the standards. Ridgelines are shown in an approximate form, they follow topography but a field visit would be required for each property.

**Commissioner Jacque Chase** inquired about how many people would opt to move their house back 100 feet over painting their house beige. Felt that the setback standards would be gone under the new standards. Staff responded that it was felt that the right balance was struck, but that more people may choose the alternative standard over the setback. Commissioner Chase also inquired as to whether a technical study was available regarding the setback and whether it

was arbitrary and felt it was difficult to make a decision without knowing how the setback worked.

Several commissioners engaged in a discussion on the standard for the setback. Commissioner Chase indicated that if there are studies that exist that support the standards that would be helpful. Staff indicated that there was no studies in support of the standard, but that the setback was chosen as an appropriate amount to prevent homes from being silhouetted against the sky on a ridgeline. Staff indicated that research of other jurisdictions standards showed that some complex analysis. Staff spoke to Chico Architect Greg Peitz who has extensive background on developing homes in sensitive areas. His opinion was that the views that are in the canyon are distant views. He indicated that design standards were very effective to hide homes for distant views. It is more difficult to use design standards on more close in views.

**Commissioner Larry Grundman** inquired about the issue of extending the ridgeline setback to both sides of the Ridgeline. Staff responded that the setback applies to both sides of the Ridgeline. The ridgeline itself follows the watershed in certain locations. Some areas where this took place on the Meline property have been removed. Staff clarified that the standard would have to potentially apply to the other watershed.

#### **Section 24-34.1 D.6 Heavy Equipment Storage**

**Commissioner Jacque Chase** inquired about the connection with runoff and heavy equipment and asked how that worked. Staff indicated that there is always a potential for stormwater runoff from heavy equipment such as oil if it is not covered.

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

No questions from the Planning Commission were brought up for this recommendation.

#### **Section 24-34.1. D.7 (d). Septic System Regulations**

**Chair Phil John** indicated that the commission would have to wait until the report from the Wastewater Advisory Committee.

**Commissioner Larry Grundmann** indicated that engineered systems should be applied to failed systems on existing development similar to the requirement on new development. Chair Phil John agreed with Commissioner Grundmann's statement.

## THE HEARING WAS OPENED FOR PUBLIC COMMENT

Pamela Posey – Butte Creek Canyon Coalition provided a presentation and PowerPoint:

Called the little grand canyon of Butte County, contributes to recreation all aspects of Butte County. BCCC was formed over a poorly conceived development. Petitions were submitted to Board to protect rural nature of county. Marker placed in BCC Overlay. Addresses Urban and Rural zoning districts and GP polices related to AG. Policies related to important environmental concerns, migratory deer herd, fire hazards and migratory habitat for spring run Chinook salmon. Discussed impervious surface requirement to have low impact development, minimizing habitat degradation. Provided example of good ridgeline development, setback from the edge. Provides a planning tool for protection of canyon area. Provided ridgeline protection handout with examples from other jurisdictions all over the United States. Handout includes website and names of ordinances and functions. Also mentioned the 100 postcards submitted at the last workshop from people supporting the overlay.

Robert Catalano

- If property is rezoned, can it be automatically included in Overlay?
- Grazing has limited impacts compared to construction; agrees with exemption of Meline/Rabo.
- 100 - 150' setback applies to main structure. Setback also maintains privacy of those below. Does not mean they cannot build a deck. Setback number is arbitrary, but could be verified by an engineer.
- In the past roads and driveways have been built without permits. Fire trucks cannot get up roads that have been built. Unpermitted driveways need to be restricted. Requirements need to be enforced.
- Setbacks from ridges also protects structures from fire moving up the ridge.
- Engineered septic tanks - the proposed rule would motivate people to inspect their systems to keep them functioning.

Vanessa Church - 40-year resident/50-acre property owner

- Has been a member of Centerville Historic Recreation Board and helped build museum
- Canyon needs overlay to provide direction
- Most concerned about setback and views onto her property from ridgetop development.
- Concerned about lighting from ridgeline development.
- Fires burn down the hill slowly; however, fire traveling up a hill is much faster; concerned that people building on the ridge would not be protected.
- Supports overlay.

Allen Harthorne, Exec. Director, Friends of Butte Creek

- Discussed 82-83 plan to build 72 condominiums, overturned by citizen's referendum
- Migration of the creek can cause damage and bank side erosion.

- Supports requirements on ridgelines to protect the beauty of canyon.

Steve Flowers - 45-year resident and property owner.

- Concerned about nighttime views and impact from lighting from homes on ridgelines.
- Hoping that a great deal of consideration is given to protect the canyon from light pollution.

Tom Rider - 20-year property owner.

- Enjoys owning property with no neighbors.
- Collects and restores bulldozers and does not want to be limited.
- Well maintained heavy equipment does not impact watershed.

Nancy McCune - 20-year property owner

- Supports the overlay zone.
- Concerned about lighting impacts on night sky.
- Wants firm setbacks on ridges.
- Overlay preserves wildlife.

Rhonda Callahan

- Keep AG-160 and ranches included in the overlay zone.
- Maintain setbacks from ridgelines, but allow variances for unique shaped properties.
- 200' setback should have process to make exceptions for site specific circumstances.

Randall Meline

- Thanks Commission for recognizing importance of Agriculture.
- Encourages Commission to remove other Meline properties from the proposed Overlay as proposed.

Jeff Carter – Representing Meline family

- Meline Rabo families have farmed property as single piece since 1930s.
- Multi-generational agricultural family.
- No intent to not continue historic use of property.
- Thank you for removing AG-160 from proposed Overlay.
- Requests removal 78-acres in FR zone that is part of farm.

Kathleen Faith - Lived in Canyon for 20 years.

- Concerned about water quality.
- Concerned about decks and stairs on creek.
- Protect night time skies from light pollution.
- Supports standard ridgeline setback but not design standards.

William Logsdon

- Purchased property for view.
- Ridgeline setback - Figure 1 is not to scale.
- When shown with slope, a residence is not visible.
- If the County wants a park, they can trade or compensate property owners.
- 150' setback makes half of his 40 acres unusable.
- Overlay is overreaching and over regulation.
- Supports restrictions on septic systems and development on creek.

Larry Shack - 4-year resident

- Lives on top of canyon and is concerned about light pollution at bottom of canyon.
- Instead of setback, lighting can be addressed by LED directional technology.
- Heavy equipment restriction seems egregious.

Mark Lightcap - Resident since 1991, 32 acres

- Has an outdoor shower, below cliff and hill, concerned about privacy.
- Supports ridgeline setbacks.
- Noted that floodlights on a residence on the ridgeline causes pollution.

## **PUBLIC HEARING CLOSED**

### **Commission Discussion and Direction**

Commissioner Mary Kennedy: Brought up lighting restrictions and existing zoning regulations, specifically requirement to change over to screened lighting. Staff noted that the zoning ordinance does require residential lighting to conform to these regulations and that there is a requirement for existing development to comply.

Commissioner Rocky Donati - Disagrees with Overlay's restrictions on heavy equipment. What is origin of these requirements?

- Staff: BCC Overlay Committee recommended these restrictions, but they are not directed by general plan policy. It is one standard that may help promote the purpose of the Overlay.

Commissioner Mary Kennedy: Agrees with Commissioner Donati that restrictions are detrimental to business.

Commissioner Jacque Chase: What restrictions can be in place in addition to screening heavy equipment? Also concerned about noise.

Commissioner Rocky Donati: Doesn't see need for screening of Heavy Equipment. Existing regulations should have issues and violations covered.

### **1. Heavy Equipment**

Commissioner Rocky Donati - Move to remove heavy equipment storage restriction from Overlay.

Commissioner Mary Kennedy – Second.

3-2 (Commissioners Grundman, Chase, and Chair John voting no, motion failed)

Commissioner Larry Grundmann – Moves for Option 1 –Apply the FCR (Foothill Country Residential) and RCR (Rural Country Residential) Zone Heavy Equipment Storage Criteria, and keeping in screening requirement.

Commissioner Jacque Chase - Second

3-2 (Commissioners Donati and Kennedy, no, motion passes)

### **2. Amended Draft Overlay Zone Boundary**

Commissioner Larry Grundmann - Moves Option 1 (Removal of all AG-160, Timber Mountain (TM) and Timber Production (TP) zoned property) as well as the remaining Meline properties and the Alm properties from the Draft Overlay

Second – Commissioner Rocky Donati

5-0, motion passes

### **3. Hillside Development Standards**

#### **A. Vegetation Removal Amendments**

And including “Consistent with projects undertaken by local Fire Safe Councils” language

Commissioner Larry Grundmann - Motion

Second – Commissioner Jacque Chase

4-1 (Commissioner Kennedy no), motion passes

#### **B. Ridgeline Development**

##### **Alternative Design Standards**

Commissioner Larry Grundmann – Move Section B. - Include Alternative Design Standards

Second - Commissioner Mary Kennedy

3-2 (Commissioners Donati and Chase, no), motion passes

- Staff to return to the Planning Commission with additional information regarding lighting.

##### **Section A. - Ridgeline Setbacks**

Commissioner Larry Grundmann – Moves Section A. Ridgeline Setbacks

Second – Commissioner Rocky Donati

5-0, motion passes

**Maximum Impervious Surface**

Commissioner Larry Grundmann - Move to adopt Option 1 - Removal of the 1.5-acre Impervious Surface Limitation for Parcels greater than 1-acre.

Second – Commissioner Jacque Chase

4-1 (Commissioner Kennedy, no), motion passes

**Commissioner Rocky Donati** indicated a need for another workshop to discuss septic issues April 27th at 1:00 p.m. This was motioned and approved by the Planning Commission.