

## 24-34.1 Butte Creek Canyon Overlay Zone (WORKING DRAFT – June 6, 2016)

**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. Applicability:**

1. The –BCC Overlay Zone applies to the majority of the Butte Creek Canyon watershed and community.
2. The –BCC Overlay Zone may be combined with any base zone within the Butte Creek Canyon Watershed.

**C. 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.**
  - a. **Slope.** Development in areas with a slope of greater than 15 percent shall be permitted only when an alternative building site with a slope of 15 percent or less is not available on the parcel.
  - 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. Timber harvesting permitted under a “Less than Three-acre Conversion Exemption” approved by CAL-FIRE. Such timber harvesting shall not be conducted during the rainy season (November 15 to April 1).
    - iii. Removal of hazard trees within 150 feet of a structure permitted under an exemption approved by CAL-FIRE.

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. In order to preserve views of designated canyon ridgelines development on or below canyon ridgelines shall comply with the following minimum development standards:
  - a. Buildings less than 25 feet in height: A 100 foot building setback on either side of the ridgeline is required from any downward facing slope that is greater than 15 percent.
  - b. Buildings equal to or greater than 25 feet in height: A 150 foot building setback on either side of the ridgeline is required from any downward facing slope that is greater than 15 percent.
  - c. Walls and fences pursuant to Article 13, Walls and Fences: A 100 foot building setback on either side of the ridgeline is required from any downward facing slope that is greater than 15 percent.
  - d. Parcels located in the *Rocky Bluffs*, *Skansen*, and *The Bluffs' at Spanish Gardens* subdivisions as shown in the official maps of record are excluded from the standards set forth under this section.
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
  - b. Future development proposed under discretionary approvals located on parcels abutting recognized sites shall not substantially degrade the existing visual character or quality of the site and its surroundings.
  - c. All future discovered archeological site (s) shall be protected in accordance with this section.

**6. Heavy Equipment and Construction Yards.**

- 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 shall be limited to two pieces per parcel in the FR (Foothill Residential) and RR (Rural Residential) zones. 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. Construction yards in the FR (Foothill Residential) and RR (Rural Residential) zones shall be setback 100 feet from major roads and walled or fenced off in accordance with this section.

**7. Watershed Protection**

- 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 limited to 15 percent of the parcel’s total size up to a maximum of 1.5 acres, whichever is less.
  - 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.

- 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 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 Section 24-78 A. Permitted Activities, and Section 24-78 B. Conditionally Permitted Uses, are prohibited within buffer areas.
- d. **Septic System Regulations.** Leach fields, septic tanks, and chemical toilets shall be setback a minimum of 100 feet in addition to the required vegetative buffer under Subsection 7.c. Vegetative Buffers.
- 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 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 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.

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