



TO: Interested Parties, Agencies, and Groups

FROM: Tim Snellings, Director
Butte County Department of Development Services

SUBJECT: Third Draft Butte County Zoning Ordinance and Zoning Map

DATE: November 17, 2011

I am pleased to provide you with the Third Draft Butte County Zoning Ordinance and Map, which is currently under review. The Draft Butte County Zoning Ordinance and Map is part of the Butte County General Plan 2030 update process, and it has been written to be fully consistent with the General Plan in accordance with State law. The Planning Commission performed comprehensive reviews of the First Draft Zoning Ordinance and Map during eight all-day workshops and the Second Draft Zoning Ordinance and Map in five subsequent workshops. The attached User's Guide provides an overview of all seven parts of the Draft Zoning Ordinance and helps to highlight new and updated sections.

The Third Draft Zoning Ordinance and Zoning Map, incorporating all Planning Commission recommendations, as well as extensive background information, is available for public review on-line at www.buttegeneralplan.net, at all Butte County Branch Libraries, and at the Department of Development Services, 7 County Center Drive, Oroville. In addition, free CDs containing the new Draft Zoning Ordinance and Zoning Map are available by contacting Development Services at 538-7629 or by emailing dbreedon@buttecounty.net

The Board of Supervisors will hold two Public Meetings concerning the Third Draft Butte County Zoning Ordinance and Map at the following dates and times:

- On Tuesday, December 6, 2011, at 9:00 am, a Meeting will be held on the Third Draft Zoning Ordinance **Text**
- On Tuesday, December 13, 2011, at 1:00 pm, a second Meeting will be held on the Third Draft Zoning Ordinance **Map**

Members of the public who are interested in **Text** sections of the Draft Zoning Ordinance are encouraged to attend the meeting on December 6, 2011.

Members of the public who are interested in the Draft Zoning **Map** are encouraged to attend the meeting on December 13, 2011.

The meetings will be held in the Butte County Board of Supervisors' Room, County Administration Center, 25 County Center Drive, Oroville, California; all members of the public are invited to attend. The purpose of these meetings is to review the Third Draft Zoning Ordinance Text and Map and related Planning Commission recommendations and for the Board to provide additional direction to staff. This direction will allow staff to begin an environmental review process pursuant to the California Environmental Quality Act (CEQA). After this process, additional meetings will be scheduled to consider certification of environmental documents, and adoption of the Draft Zoning Ordinance and Map in mid-2012. Once approved, the Draft Zoning Ordinance and Zoning Map will replace the current zoning ordinance, which is located under Chapter 24 of the Butte County Code.

This is the first comprehensive update to the Butte County Zoning Ordinance in over 20 years. Every effort has been made to develop a Draft Zoning Ordinance and Zoning Map that will streamline permit processes, be responsive to the needs of Butte County and its citizens, and ultimately lead to the successful implementation of Butte County General Plan 2030.

The Zoning Ordinance implements various policies from Butte County General Plan 2030 and the Zoning Map establishes zoning districts in all areas of unincorporated Butte County. The Zoning Ordinance sets development standards for all zones including Agriculture, Residential, Commercial, Industrial and other special purpose zones. It also sets development standards for specific types of land uses such as outdoor lighting, clustered development, parking and loading, signs, landscaping and other applications. In addition, the Zoning Ordinance includes sections that regulate all permit processes and the administration of the Zoning Ordinance.

Butte County General Plan 2030 staff welcomes your review and comments regarding the Third Draft Butte County Zoning Ordinance and Zoning Map. All comments may be directed to:

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USER'S GUIDE

Third Draft Butte County Zoning Ordinance and Zoning Map

The new Third Draft Butte County Zoning Ordinance is divided into 7 Parts:

- Part 1 –Enactment and Applicability
- Part 2 –Zoning Districts, Land Uses, and Development Standards
- Part 3 –General Regulations
- Part 4 –Supplemental Use Regulations
- Part 5 –Land Use and Development Approval Procedures
- Part 6 –Zoning Ordinance Administration
- Part 7 –Definitions

Each of these sections is further divided into Articles (42 Articles make-up the Draft Zoning Ordinance). For purposes of familiarizing users with the Zoning Ordinance, each of the seven parts is described in more detail below, with special emphasis on new or updated sections.

Part 1 –Enactment and Applicability

Part 1 of the Draft Zoning Ordinance includes three Articles that describe the purpose of the Zoning Ordinance, how the Zoning ordinance is interpreted, and establishing the legality of the Zoning Map, which works together with the Zoning Ordinance to implement land use regulations throughout the unincorporated portion of Butte County.

Part 2 –Zoning Districts, Land Uses, and Development Standards

Part 2 of the Draft Zoning Ordinance consists of the primary regulations that apply to all of the various Zoning Districts implemented by the Zoning Map. In Part 2, users will find the purpose of each zone explained, along with “Use Regulation Tables” that provide an efficient way to determine uses that are permitted as-of-right (“P”), permitted with an administrative permit (“A”), permitted with a Minor Use Permit (“M”), permitted with a Conditional Use Permit (“C”), or not permitted at all (“-”).

The first column of the Use Regulation Table includes a listing of a variety of uses, which have been categorized into several broad groups:

- ◆ Agricultural Uses
- ◆ Natural Resource Uses
- ◆ Residential Uses
- ◆ Community Uses
- ◆ Commercial Uses
- ◆ Industrial Uses
- ◆ Transportation, Communication and Utility Uses
- ◆ Other Uses

Each of these groups are broken down into a variety of uses, such as “Bed and Breakfast” and “Hotel and Motel” in the case of the “Commercial Uses” group. All of these uses are defined under Part 7 of the zoning ordinance. For example, if you wished to know the definition of a

“Bed and Breakfast”, it can be looked up under Part 7 –Definitions. It is important to note that some uses connote a broad definition. For instance, under the “Commercial Uses” group, “Commercial Recreation, Indoor” and “Commercial Recreation, Outdoor” is listed. If you refer to the Definitions, in Part 7 you will find that these terms are defined to include a variety of listed uses. For instance, “Commercial Recreation, Outdoor” includes golf driving ranges, gun clubs, water parks, amusement parks and a large variety of other listed uses. “Commercial Recreation, Indoor” includes bowling alleys, arcades, billiard rooms, sports clubs and other uses. This same process can be used for the “Industrial Uses” group, where “Manufacturing” is divided into “General”, “Heavy” and “Light” categories, each with their own definition.

Part 2 also includes Article 10, which is devoted to the various overlay zones included in the Third Draft Zoning Ordinance. An overlay zone applies standards and regulations to specific areas, which are in addition to the requirements established by the Base Zone. For example, the “Unique Agriculture Overlay” zone applies to an area located within the east Oroville Foothills that is zoned “Rural Residential”. The land uses for this area are modified by the “Unique Agriculture Overlay”, which provides additional land uses and regulations, in addition to the ones provided by the “Rural Residential” zone.

There are many new zones and overlay zones that are intended to promote new and existing business development, protect the County’s natural resources, and to address a variety of other land use issues related to the public’s health, safety and welfare.

For example, the **Agriculture Services zone** (Section 24-12) brings the ability to site needed service industries in the Agricultural areas of the County, where such uses can compliment agricultural uses without compromising agricultural land.

The **Airport Compatibility Overlay Zone** (Section 24-34) is a new overlay zone that identifies areas in unincorporated Butte County where additional requirements apply to ensure the compatibility of land uses and development with nearby airport operations.

The **Deer Herd Migration Overlay Zone** (Section 24-37) is intended to protect sensitive habitat areas for migratory deer herds while continuing to allow development and the reasonable use of land within these areas.

The **Public Housing Overlay Zone** (Section 24-39) was developed in cooperation with the Butte County Housing Authority to apply a zoning overlay to the Gridley Farm labor housing facility. This overlay promotes goals, policy and actions contained within the General Plan’s Housing Element.

The **Neal Road Recycling, Energy, and Waste Facility Overlay Zone** (Section 24-43) was developed to protect the Neal Road facility and to promote economic interests by expanding allowed uses within 2,000 feet of the Neal Road Facility/industrial boundary and providing for complimentary industries.

The **Unique Agriculture Overlay Zone** (Section 24-44) was extended to allow the consideration of its application in the Foothill Residential zones. Additionally, this section was

updated to provide for public events to help spur economic growth and respond to a growing agritourism sector.

A new **Military Airspace Overlay Zone** (Section 24-46) provides for military review of projects that would impact military airspace (structures over 200 and 500 ft high depending on the area, this generally applies to larger wind energy turbines).

Public input was considered regarding the regulation of **Horse Stables** within the new Zoning Ordinance. Development Services staff worked to update horse stable definitions and to include a new use called a Semi-Private Stable (a middle ground between a Commercial Stable and a Private Stable). Greater flexibility is provided in the Use Tables as to where stables may be considered with an appropriate permit processes.

Part 3 –General Regulations

Part 3 of the Draft Zoning Ordinance includes regulations that apply to various applications and uses. This part includes articles pertaining to Agricultural Buffers, Setbacks, Parking and Loading, Outdoor Lighting, and Landscaping to name a few. Highlights of this section include articles related to Riparian Areas, Camping, Clustered Development, and Land Use Compatibility Standards.

A new Article devoted to **Riparian Areas** (Article 16) provides direction to developers, landowners, and staff to ensure the protection of Butte County's creeks, streams, and water resources.

The Section devoted to **Camping** (Article 15, Section 24-74) was updated to address public comment on a request to lift the 9-day maximum camping limitation. This section expands the camping allowance to 14 or fewer days within any 30-day period, subject to standards.

A new Article devoted to **Clustered Development** (Article 18) provides incentives for developments that cluster dwellings, while retaining and protecting natural and open space areas.

A new Article devoted to **Signs** (Article 20) provides needed direction in the zoning ordinance concerning a variety of signs and sign regulations. This clarity provides certainty and direction to the sign industry and to property owners concerning sign standards and permit processes.

A new Article devoted to **Land Use Compatibility Standards** (Article 24) is intended to protect land uses in Butte County, especially existing residential neighborhoods.

Part 4 –Supplemental Use Regulations

Part 4 of the Draft Zoning Ordinance establishes development and operating standards for specific land uses to minimize negative impacts on neighboring properties, implement State and federal law, and ensure the orderly development of a diversity of land uses within the County. This part of the Draft Zoning Ordinance covers a variety code sections devoted to the regulation of solar and wind energy systems, accessory uses, animal keeping standards, home businesses, live/work arrangements, kennels, mobile home parks, second units, heavy

equipment storage, and winery, olive oil, fruit and nut, micro-brewery and micro-distillery facilities to name a few. This part of the Draft Zoning Ordinance also includes Article 26, devoted to **Telecommunication Facilities** such as wireless communication towers, antennas, cell towers and similar structures.

In response to public input concerning accessory structures and uses under the Draft Zoning Ordinance, and Planning Commission direction, a new section and table (Table 24-155-1), pertaining to **Accessory Structures and Uses** (Section 24-155) is included in this section. This provides needed direction for the treatment of accessory uses and structures, which is lacking in the current zoning ordinance.

The regulations devoted to **Solar and Wind Energy Systems** (Section 24-156, Alternative Energy Structures) was extensively updated to provide the very latest approaches in promoting the development of solar and wind energy throughout Butte County in a wide variety of applications while protecting Butte County's important agricultural lands. All solar and wind energy systems are regulated through the Land Use Tables provided for each zone under Part 2, with additional regulation provided for under Section 24-156.

The section devoted to **Animal Keeping** (Section 24-157) was extensively updated. Development Services staff worked cooperatively with the Butte County Farm Advisor, Cattlemen's Association, Agricultural Commissioner, and the Public Health Department to update the previous animal keeping section. The new section provides more clarity on which zones are regulated; number of animals allowed, the weight of adult animals, and when animal density standards do not apply.

The section devoted to **Home Occupations** (Section 24-161) has been improved, including a new category of home office that does not require any permit process at all. Other home occupations, including minor and major home occupations have been updated to provide clear guidance on when each of these permit processes would apply to a home business.

The section devoted to **Heavy Equipment Storage** (Section 24-172) was re-drafted in order to focus this provision on the Very Low Density Residential (VLDR) zone. This section allows the storage of heavy equipment in this zone subject to standards and permit processes. This section does not regulate or prohibit the storage or use of heavy equipment Rural Zones (Agriculture, Timber Mountain, Timber Production, Foothill Residential, and Rural Residential).

A new allowance under **Temporary Uses** (Section 24-173) responds to public input concerning the need to provide for, and to regulate, **House Concerts**, which is the use of a private residence for regularly scheduled indoor musical concerts.

The **Winery, Olive Oil, Fruit and Nut, Micro-Brewery and Micro Distillery Production Facilities** section of the Draft Zoning Ordinance (Section 24-174) has been updated to include provisions for olive oil, fruit and nut, micro-brewery and micro-distillery facilities, to provide opportunities for these unique land uses within Butte County.

Part 5 –Land Use and Development Approval Procedures

Part 5 of the Zoning Ordinance covers Land Use and Development Approval Procedures. In this part of the Zoning Ordinance, various permit processes are discussed including articles devoted to administrative permits, conditional and minor use permits, variances and minor variances, and others. Table 24-188-1 under Article 27 –Permit Application and Review, provides an overview of the permit process, and the role of each decision-making authority. For example, for Minor Use Permits it is shown that the Zoning Administrator has decision-making authority, but decisions made by the Zoning Administrator may be appealed first to the Planning Commission, and then to the Board of Supervisors.

Part 6 –Zoning Ordinance Administration

This section describes the various administrative functions under the Zoning Ordinance. It includes articles devoted to administrative responsibility, public notice and hearings, appeals and calls for review, zoning ordinance and general plan amendments, and development agreements and lot line adjustments.

The **Zoning Administrator** function is a new function that is not currently provided for under the existing Zoning Ordinance (Section 24-255). The Zoning Administrator is tasked with routine permit applications such as Administrative Permits, Exceptions, Interpretations, Minor Use Permits, Zoning Clearances and Site Development Permits. It is also proposed that the Zoning Administrator have approval authority over Tentative Parcel Maps. This allows the less complicated permits to be handled at an administrative level, and reserves the more extensive and/or controversial permit processes for the Planning Commission and Board of Supervisors.

The article devoted to **Lot Line Adjustments** (Article 41) is a new section that addresses the need for the modification of lot lines between adjacent parcels under the Draft Zoning Ordinance. It provides greater flexibility when a parcel involved in a lot line adjustment cannot meet the minimum parcel size of the applicable zone. This section allows for an exception to the minimum parcel size required under the Zoning Ordinance in various situations, when findings can be made by the Zoning Administrator.

Part 7 –Definitions

This part of the Draft Zoning Ordinance provides definitions for terms and land uses used throughout the document. Numerous new and updated definitions have been included that are used within the Land Use Tables contained for each zone under Part 2 and in all other parts of the Zoning Ordinance.

Third Draft Zoning Map

The Zoning Map provides zoning for all unincorporated portions of Butte County. In accordance with State law, the zoning map must be consistent with the General Plan 2030 Land Use Map. The PDF format map available on-line or on the CD allows you to “zoom-in” to see details for individual areas and parcels. You must refer to the color legend on the bottom part of the map to determine the applicable zone. As an alternative to this map, you may also refer to the Parcel Look-Up feature on <http://sk.chicomapworks.com/>, which provides a way to look-up zoning for individual Assessor Parcel Numbers or street addresses.