

### Article 44-5: Resource Management Provisions

#### Sections:

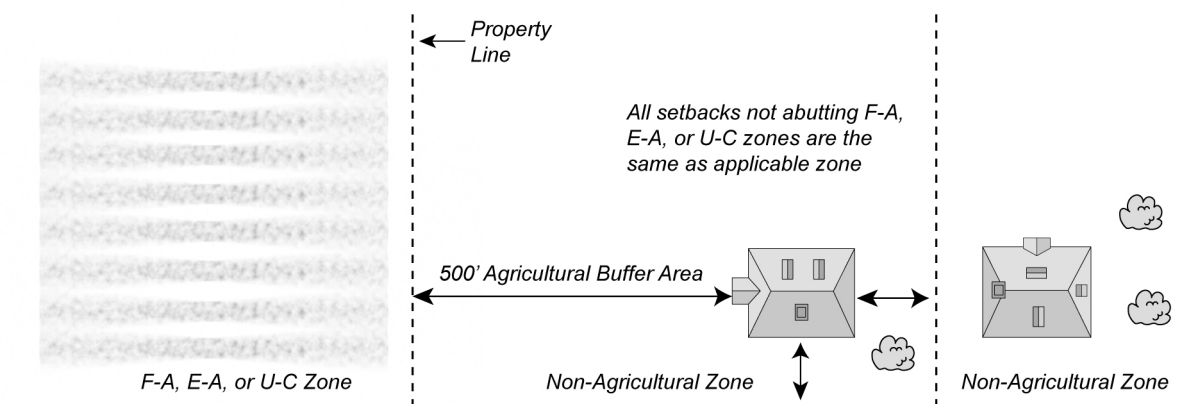
- 44-5.10: Agricultural Buffers  
 44-5.20: Wetlands, Waterways, Riparian Habitat, and Sensitive Habitat  
 44-5.30: Habitat Mitigation Banks and Habitat Management Areas  
 44-5.40: Hillside and Ridgeline Development

**44-5.10 Agricultural Buffers.** The purpose of this section is to protect agricultural lands, agricultural operations, and agricultural resources throughout Colusa County from encroachment and conversion to urban uses and to protect the financial viability of agricultural operations. This section is also intended to protect residential land uses and other sensitive land uses (such as schools, day care facilities, and hospitals/medical facilities) from potential adverse effects, discomfort, and annoyance from adjacent agricultural operations.

#### 44-5.10.010 *Applicability.*

- A. This section applies to residential structures in all non-agricultural zoning classifications and to sensitive land uses, including, but not limited to, schools, day care facilities, residential care homes, medical offices, hospitals, and motels/hotels located within an agricultural buffer area. The agricultural buffer area is applied to the following areas of the county:
1. Lands within 500 feet of the following agricultural zoning classifications: Foothill Agriculture (F-A), Exclusive Agriculture (E-A), and Upland Conservation (U-C), as shown in Figure 44-5.10-1 (Agricultural Buffer Areas).

FIGURE 44-5.10-1: AGRICULTURAL BUFFER AREAS



- B. This section does not apply to permitted residential uses in agricultural zoning classifications.

- C. The agricultural buffer requirement shall apply to the parcel where the residential development or other sensitive land use is proposed.

44-5.10.020     ***Setback Requirements.***

- A. The setback distance for residential structures and sensitive land uses within an agricultural buffer area shall be a minimum of 300 feet from any property line that abuts an A-P, E-A, or U-C zoning classification and need not be greater than 500 feet. Exceptions to this setback requirement may be considered by the Director for parcels less than 800 feet deep.
- B. Projects requesting a setback of less than 300 feet from a property line that abuts an A-P, E-A, or U-C zoning classification must demonstrate, to the satisfaction of the Director, that the proposed residential or sensitive land use would not present an impediment or detriment to the agricultural use or practices on the adjacent agricultural parcel(s).
  - 1. In determining the appropriate distance for a setback requirement, the Director shall consider the following factors:
    - a. The topography of the land within the agricultural buffer area,
    - b. The existing and potential future agricultural operations on the adjacent agricultural parcel(s), and
    - c. The scale and intensity of the proposed residential or sensitive land use.

44-5.10.030     ***Permitted Uses within an Agricultural Buffer.*** The following uses are permitted within an agricultural buffer setback area:

- A. Greenbelts and naturalized habitat,
- B. Drainage features,
- C. Roadways and/or utility easements,
- D. Parks with passive recreational features, including trails, bike paths, dog parks, and maintained open space areas,
  - 1. Parks with active recreational features such as sports fields or playgrounds are not permitted,
- E. Non-agricultural tree stands,
- F. Landscape berms, and
- G. Open space.

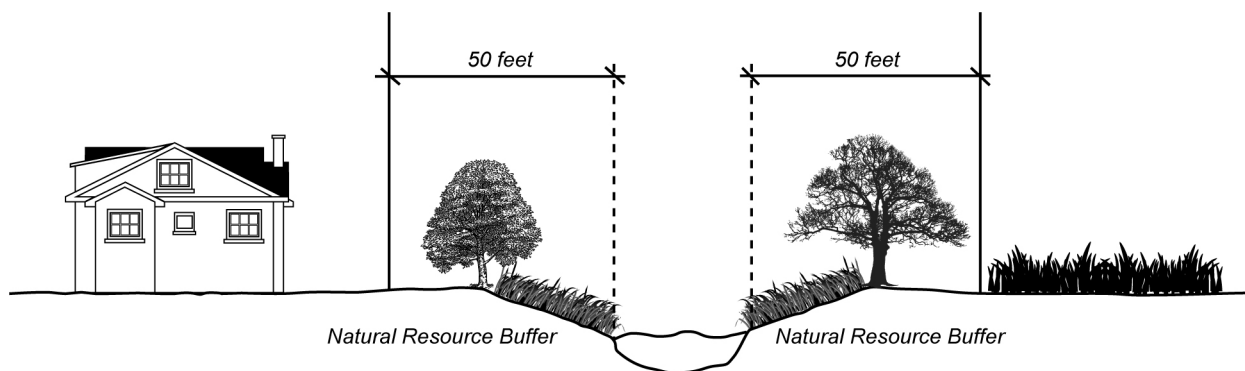
**44-5.20 Wetlands, Waterways, Riparian Habitat, and Sensitive Habitat.** The purpose of this section is to establish standards for wetlands, waterways, riparian habitat areas, and sensitive habitat areas in order to:

- A. Protect and enhance the chemical, physical, and biological integrity of water resources in the County,
- B. Minimize pollutants entering water bodies from stormwater runoff,
- C. Reduce the risks to life and property from erosion and flooding, and
- D. Preserve and protect habitat connectivity to support identified special-status species.

44-5.20.010 **Applicability.** This section applies to all areas in the County within 50 feet of a wetland, waterway, riparian habitat, or sensitive habitat, as defined in this Zoning Code. Lands within 50 feet of a wetland, waterway, riparian habitat, or sensitive habitat shall be referred to as a natural resources buffer area unless the land has already been developed with urban or agricultural uses, as determined by the Director.

- A. Natural resource buffer areas shall include areas between the banks and 50 feet in width measured outward from the top of bank of any lakes, perennial ponds, rivers, creeks, sloughs, and perennial streams, as shown in Figure 44-5.20-1 (Natural Resource Buffer Areas).

FIGURE 44-5.20-1: NATURAL RESOURCE BUFFER AREAS



- B. Natural resource buffer areas shall include lands within 50 feet of sensitive habitat, as determined by a qualified biologist, and lands within 50 feet of a wetland subject to the jurisdiction of the U.S. Army Corps of Engineers. For the purposes of this section, sensitive habitat means vegetation types and habitat types that are relatively limited in distribution, and support concentrations of plants or animals legally protected under the California Endangered Species Act or the Federal Endangered Species Act.

- C. Excluded from this section are culverted creeks and engineered systems developed by a public agency for the collection of storm or flood waters, or systems designed to deliver irrigation or water supplies that do not include riparian or sensitive habitat.

44-5.20.020 ***Use Regulations.***

- A. **Permitted Activities.** The following activities are permitted within the natural resource buffer areas for wetlands, lakes, perennial ponds, rivers, creeks, sloughs, and perennial streams:
  - 1. Fire and flood protection areas,
  - 2. Maintenance of riparian habitat,
  - 3. Recreational trails,
  - 4. Vegetated landscaping,
  - 5. Boat launch facilities,
  - 6. Levees,
  - 7. Docks,
  - 8. Irrigation pumps,
  - 9. Storm drains into riparian areas and creeks,
  - 10. Construction and maintenance of public-agency owned culverts, rip-rap, and other drainage facilities, and
  - 11. Construction and maintenance of public-agency owned bridges.
- B. **Conditionally Permitted Uses.** The following uses may be conditionally permitted within the natural resource buffer areas for wetlands, lakes, perennial ponds, rivers, creeks, sloughs, and perennial streams, with approval of a Minor Use Permit.
  - 1. Uses, structures, and activities permitted in the applicable zone are permitted within natural resource buffer areas only with approval of a Minor Use Permit.
  - 2. To approve a Minor Use Permit for development within a natural resource buffer area, the Zoning Administrator shall make all of the following findings:
    - a. The proposed use, structure, or encroachment cannot be feasibly located outside the natural resource buffer area, or such location would have a more adverse effect on the environment.

- b. Measures are included that provide adequate protection of wildlife habitat, water quality, in-stream habitat, and capacity for flood management.
- c. The proposed development obtains and fully complies with all applicable permits and permit provisions from regulatory agencies responsible for the management and protection of the potentially impacted resource area.

44-5.20.030 ***Performance Standards.***

- A. **Impervious Surfaces.** No more than 50 percent of the area of a parcel that contains riparian habitat or a natural resource buffer area may be covered with impervious surfaces.
- B. **Construction.** Construction is prohibited in a natural resource buffer areas unless the necessary permits have been obtained from other responsible governmental agencies, and plans have been approved by the Director.
- C. **Grading or Alterations to Riparian Vegetation.** Grading, alteration of the natural contours of the land, or cutting or alteration of natural vegetation that protects a riparian habitat or natural resource buffer area is prohibited except when such action is:
  - 1. Required for the construction of an approved structure;
  - 2. Necessary to protect public health and safety; or
  - 3. Associated with a creek or habitat restoration and enhancement project intended to improve the health and environmental integrity of the waterway or sensitive natural resource.
- D. **Streambed Alteration.** Filling, grading, excavating, or obstructing streambeds is prohibited, except in the following circumstances:
  - 1. Placement of a public-agency approved storm drain or irrigation outflow structures shall be designed to eliminate or minimize increases in the rate and amount of storm or irrigation water discharge;
  - 2. Place of utility lines;
  - 3. Construction of bridges and their connecting roadways;
  - 4. Maintenance activities necessary to protect public health and safety; and
  - 5. Creek restoration and improvement projects.

44-5.20.040 ***Coordination with Other Regulatory Agencies.*** All required permits from responsible regulatory agencies, including but not limited to, the California Department of Fish and Wildlife, the U.S. Army Corps of Engineers, the California State Water Resources Control Board, the Central Valley Flood Protection Board, or

other applicable agencies, shall be obtained concurrently with, or subsequent to, the approval of a County permits for development with natural resource buffer areas. 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.

**44-5.30 Habitat Mitigation Banks and Habitat Management Areas.** The purpose of this section is to establish standards for habitat mitigation banks and habitat management areas in order to:

- A. To help ensure that habitat mitigation banks and activities within habitat management areas are located, constructed, and managed in a manner that is consistent with the General Plan, compatible with surrounding land uses to the extent feasible, and sensitive to the needs of the County's agricultural economy, the protection of biological resources, flood protection, vector control, and other appropriate local and regional concerns.
- B. To require the proponents of habitat mitigation and management projects to design and implement projects that achieve multiple community objectives, and that include management plans or similar means of ensuring the responsible stewardship of such projects over time.
- C. To protect agricultural lands and agricultural operations in the vicinity of habitat mitigation banks and habitat management areas from adverse effects and financial impacts.
- D. To promote and encourage resource conservation activities that support active and ongoing agricultural use of a habitat mitigation bank or habitat management area.
- E. To avoid significant concentrations of habitat management areas in areas of the County suitable for agricultural production.
- F. To provide a mechanism and opportunities for the County and interested citizens to participate in the process of review habitat mitigation and management projects by establishing a permitting process that includes public hearing requirements and other opportunities for public input.

44-5.30.010 ***Applicability.*** This section applies to the following:

- A. The establishment of a habitat mitigation bank or a habitat management area on agricultural lands that would result in the conversion of the land from an agricultural use to a non-agricultural use is subject to the requirements of this section.
- B. Habitat mitigation banks and habitat management areas established on lands zoned for agricultural use, but which are fallow, un-farmed, or in a naturalized condition shall be subject to the conditions of this section if the habitat mitigation bank or habitat management activities would preclude the future

use of the land for active agricultural activities and operations. Examples include the placement of a conservation easement on an agricultural parcel that would preclude the use of the parcel for agricultural activities or operations in the future.

- C. The establishment of a habitat mitigation bank on agricultural lands that would not result in the conversion of the land to a non-agricultural use is not subject to the requirements of this section. Examples include mitigation banks for species foraging habitat on lands that are actively farmed or conservation easements on parcels that remain in active agricultural production.
- D. Nothing in this section is intended to restrict or in any way affect or impair the agricultural use of land within the County. In some cases, state and federal laws may regulate certain types or characteristics of projects covered by this section. This section shall be construed to provide the County with the maximum control consistent with such other laws.

44-5.30.020 ***Zoning Requirements, Exemptions, and Excluded Activities.***

- A. **Zoning Requirements.** Subject to the exemptions set forth below, no person shall engage in grading, clearing, or other activities, including the recordation of a conservation easement, with the intent to implement a habitat mitigation bank or a habitat management plan that would preclude or limit the use of an agricultural parcel from active agricultural use without first applying for and receiving a General Plan Amendment and a Rezone to designate and zone the parcel Resource Management (R-M).
- B. **Exemptions.** The following projects shall be exempt from the General Plan Amendment and Rezone requirements, and other provisions of this section:
  1. All covered habitat mitigation and management projects that do not create 10 or more acres of new habitat, or result in the loss of 10 or fewer acres of agricultural land.
  2. The recordation of conservation easements that do not preclude the continued active agricultural use of the land as a primary activity.
  3. Limited term pilot projects undertaken for scientific research and related purposes, including feasibility assessments, in connection with the potential future implementation of a covered habitat mitigation or management project. Such projects are not covered by this section so long as they occur in a time and manner that does not substantially interfere with the reasonable agricultural use of the pilot project site, or adversely affect surrounding lands and surrounding agricultural operations.

Notwithstanding the foregoing, any expansion or other change to a covered habitat mitigation or management project previously covered by one or more of these exemptions shall require a General Plan Amendment and Rezone to

Resource Management if the proposed expansion or other change would remove the project, viewed as a whole, from the scope of these exemptions.

- C. Activities Not Covered. The following activities do not constitute covered habitat mitigation or management projects, and are not subject to regulation under this section, so long as they are undertaken in the usual and customary manner prevailing in the County at the time this section was adopted:
1. All activities undertaken in connection with, and in furtherance of, the agricultural use of land. This includes, but is not limited to, the construction and maintenance of stock ponds and small reservoirs, tail-water ponds, irrigation canals and sloughs, rice fields, and similar activities.
  2. Projects undertaken for the primary purpose of flood control, flood protection, or related matters of flood safety and the protection of life and property.
  3. The winter flooding of agricultural fields for the primary purpose of providing temporary habitat for migratory waterfowl, provided such flooding does not occur in a time or manner that prevents or substantially interferes with the reasonable agricultural use of the site or adversely affect surrounding lands.

44-5.30.030 ***General Plan Amendment and Rezoning Application Contents and Review Procedures.***

- A. General Plan Amendment and Rezoning Applications and Review Procedures. General Plan Amendment and Rezoning applications and review procedures shall be governed by Article 44-1 of this Zoning Code.
- B. Application Contents. An application for a General Plan Amendment and Rezone to Resource Management for a covered habitat mitigation bank or habitat management project shall include all of the following:
1. Appropriate site-specific technical reports, including but not limited to such documents as a biological resources analysis, a hydrology analysis, a geotechnical analysis, and an engineered excavation plan. The types of reports that may be required may vary depending on the existing site features and characteristics, the surrounding land uses, and the nature of the proposed habitat management activity. Upon request, the Director will advise an applicant of the types of reports and studies that should be submitted with a General Plan Amendment and Rezone application, or in connection with environmental review of a proposed project. In some instances, the applicant may be able to satisfy these technical report requirements by providing documents prepared in connection with applications to other federal, state, or local agencies relating to the project.



2. A site plan showing property lines, assessor's parcel numbers, onsite and adjoining land uses, surrounding property owners, topography, access, and existing/proposed patterns of vegetation and surface water coverage.
3. A proposed management plan that identifies how the project will be operated and managed over time. Among other things, the management plan should explain how the project will be actively operated and managed in perpetuity to ensure that its environmental and other benefits are realized on a continuous basis, how vector control issues will be addressed, if applicable, and how any unanticipated events and impacts to surrounding land uses, particularly agricultural operations, will be addressed. The proposed management plan shall also include measures to address onsite and offsite crop depletion to the extent it is a reasonably foreseeable consequence of the proposed project. The management plan should also identify established long-term funding sources to be used for implementation of the management plan.

In addition to the foregoing, the Director may require additional information relevant to the project, as needed, to perform appropriate environmental analysis, to determine whether the proposed project may affect public health, safety, and welfare, whether the project may result in detrimental impacts to surrounding agricultural lands and agricultural operations, and for other good cause as determined by the Director at his or her sole discretion.

**44-5.40 Hillside and Ridgeline Development.** The purpose of this section is to provide for the reasonable use of hillsides and mountainous areas while protecting the public health, safety, and welfare by ensuring that development will not induce soil erosion, result in excessive grading, create sewage disposal problems, increase wildfire danger and slope instability, or lead to a loss of aesthetic value.

44-5.40.010 **Applicability.** This section implements the goals and policies of the Colusa County General Plan and sets specific standards and regulations for all grading and development of slopes exceeding 15 percent average natural slope. This section is not a base zoning classification or combining classification, however, it is applicable to all development in any zoning classification on slopes that exceed 15 percent average natural slope.

44-5.40.020 **Average Natural Slope Calculation.**

- A. For the purposes of this section, slope is defined as the relationship between the change in elevation (rise) of land and the horizontal distance (run) over which the elevation occurs. The percent slope of any given slope is determined by dividing the rise by the run on the natural slope of land, multiplied by one hundred (100).
- B. Average natural slope shall be calculated by using the following formula:

$$S = \frac{I \times L \times (0.002296)}{A}$$

Where: S = average natural slope (in percent)

I = contour interval (in feet)

L = total length of all contour lines within the development footprint (in feet)

A = gross area of the development footprint (in acres)

0.002296 = a constant used to convert square feet into acres by 100 percent

The calculated average natural slope shall be rounded to the nearest whole number.

44-5.40.030 **General Development Standards.**

- A. The developable area should be located, to the maximum extent feasible, on stable land and on natural slopes which allow building without excessive cuts and fills.
- B. Natural slopes having a 30 percent or greater grade should not be disturbed.
- C. Access should be through lands where roads or driveways can be designed without cuts and fills, to the greatest extent feasible.

- D. The area proposed for development must include suitable lands for a septic system, unless the property is connected to a municipal sewer system.
- E. The design of building sites shall be done in the manner that best protects the hillsides from excessive disturbance of the terrain and vegetation.

44-5.40.040 **Residential Density Standards.** Residential development shall not exceed the maximum density permitted by the General Plan Land Use Designation applicable to the parcel. In addition, the following residential density standards apply:

- A. No lot shall be created after the effective date of this section on which the average natural slope exceeds 60 percent, except if the lot contains a contiguous area of 10,000 square feet within which there is no slope greater than 10 percent and on which development is proposed.
- B. One single-family dwelling may be built on any lot that was legally created prior to the effective date of this section, regardless of slope, provided that all other requirements of this section are met.
- C. Residential density standards shall comply with the density standards shown in Table 44-5.40-1 (Hillside Residential Density Standards).

TABLE 44-5.40-1: HILLSIDE RESIDENTIAL DENSITY STANDARDS

AVERAGE NATURAL SLOPE	MAXIMUM RESIDENTIAL DENSITY
0% - 15%	As governed by the base zoning classification
15.1% - 20%	1 dwelling unit/10 acres
20.1% - 30%	1 dwelling unit/20 acres
30.1% - 40%	1 dwelling unit/40 acres
40.1% or greater	1 dwelling unit/80 acres

44-5.40.050 **Grading Standards.** Grading shall respect the natural contour of the existing terrain wherever possible. The following grading standards shall apply to all land subject to this section, in addition to the grading requirements of Chapter 70 of the latest edition of the California Building Code as adopted and modified, and Chapter 9 (Land Grading and Leveling) of the Colusa County Code:

- A. Grading shall be limited to building pads and access drives thereto, and extensive grading shall be discouraged.
- B. Cuts in excess of 16 feet in height from top to toe shall be discouraged.

- C. Where grading is necessary, the principles of contour grading should be employed:
  - 1. Cut slopes shall not exceed two horizontal to one vertical (2:1). Shallower slopes may be required if indicated by soils and geologic investigations to be necessary.
  - 2. Graded slopes should be rounded and shaped to simulate the natural terrain.
  - 3. Grading should follow the natural contours as much as possible.
  - 4. Graded slopes should blend with naturally occurring slopes at a radius compatible with the existing natural terrain.
- D. Graded slopes should be screened from view under or behind buildings or by landscaping or natural topographical features wherever possible.
- E. Graded slopes shall be revegetated with a mixture of grass seeds, shrubs, or other native vegetation, as recommended by the Director. Planting may be waived by the Director for slopes that, due to the rock character of the material, will not support plant growth.

44-5.40.060 **Drainage Standards.** All proposed drainage facilities shall respect the natural terrain, preserve major drainage channels in the natural state, and be designed in such a manner as to minimize soil erosion and to otherwise preserve the public health, safety, and welfare. The following standards shall apply to all lands subject to this section, in addition to the requirements of the Colusa County Subdivision Ordinance and Chapter 9 (Land Grading and Leveling) of the Colusa County Code:

- A. To the maximum extent possible, all natural drainage courses serving major drainage areas, and containing significant perennial vegetation which may constitute a significant wildlife habitat, should remain in their natural state.
- B. In the event that off-site drainage facilities will be required to handle increased runoff, interim drainage facilities which provide for no increase in peak runoff rate from a 10-year storm shall be constructed and maintained until such time as the permanent facilities are completed.
- C. The overall drainage system shall be completed and made operational at the earliest possible time during construction or shall be otherwise provided for in a manner acceptable to the County of Colusa.

44-5.40.070 **Driveways and Access Roads Standards.** All proposed driveways and access roads shall be designed to provide convenient and safe access while minimizing the extent of grading. The following standards shall apply to all lands subject to this section in addition to the requirements of the Colusa County Subdivision Ordinance and Chapter 9 (Land Grading and Leveling) of the Colusa County Code:

- A. Driveways and access roads shall enter the fronting public road or street as nearly at right angle (or radial line, if on a curve) as physical features permit.
- B. Driveways shall be designed and constructed in such a manner that stormwater runoff originating on the roadway will not drain down the drive, and stormwater runoff originating on the private property will not drain down the roadway, except in the ditch or gutter line.
- C. Adequate and safe sign distance shall be provided for a design speed of 15 miles per hour.
- D. Wherever feasible, driveways and access roads shall be installed parallel to elevation contours and shall not cut perpendicularly across contours.
- E. The maximum grade for driveways and access roads should be 15 percent.
- F. Driveways entering a public road or street shall comply with all requirements of an Encroachment Permit issued by the Department of Public Works.
- G. Driveways and access roads shall comply with the requirements of the Colusa County Department of Public Works.

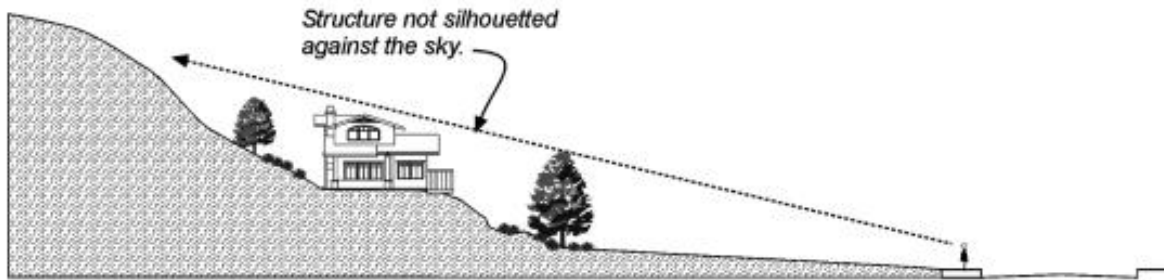
44-5.40.080 **Additional Standards.** The following standards apply to the issuance of a building permit on existing parcels, as well as subdivision of existing parcels subject to this Section.

- A. Development Plan. Prior to the approval of any parcel split, a development plan for all contiguous parcels under a single ownership shall be submitted and approved by the Planning Commission.
- B. Water.
  - 1. Prior to the approval of any subdivision creating five or more parcels or any parcel map creating four or fewer parcels, the proponent shall demonstrate to the satisfaction of the Director that sufficient water exists within the underlying aquifer to support the ultimate population for the lands within overlie the aquifer, or the proponent shall provide a water development plan, which demonstrates that sufficient water will be provided to the residents for domestic use and fire protection.
  - 2. Parcels shall have a test well dug and certified to yield a minimum of five-gallons per hour for 24 hours. If feasible, the test should be conducted not sooner than one month after cessation of winter rains.

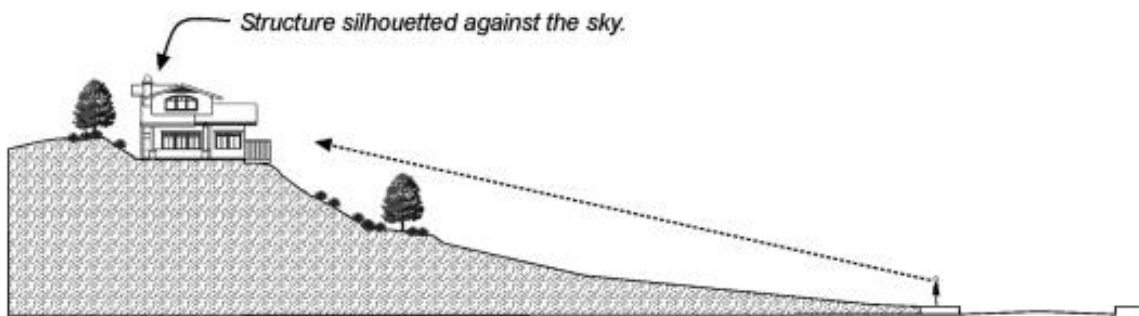
44-5.40.090 **Placement of Structures.** Proposed structures shall comply with the following standards, to maintain the natural appearance of hillsides and ridgelines:

- A. Each structure shall be located as follows, provided that the review authority may modify or waive these standards where it determines that a structure on the only feasible building site of an existing parcel cannot comply.
  1. No part of a proposed structure shall appear silhouetted against the sky above the nearest ridge or knoll when viewed from a public street. See Figure 44-5.40-1 (Silhouetted Structure).
  2. The topmost point of a proposed structure and all site grading shall be at least 30 feet below the top of the nearest ridge or knoll. See Figure 44-5.40-1 (Location of Structure Below Ridgeline).

FIGURE 44-5.40-1: SILHOUETTED STRUCTURE

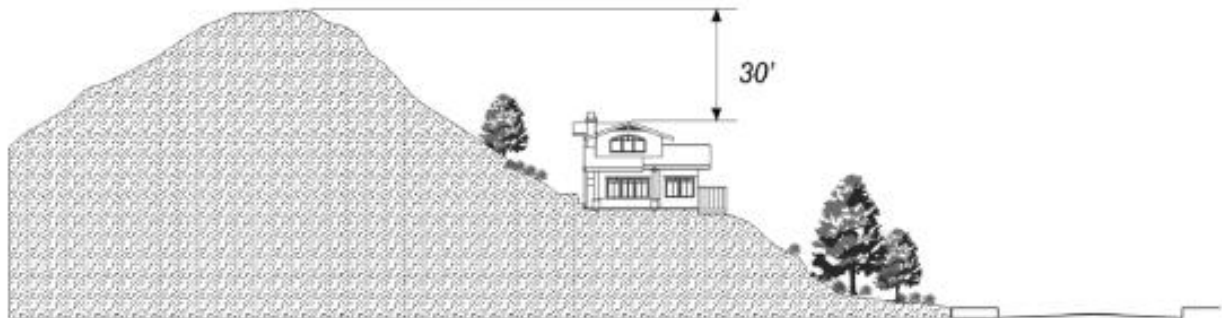


THIS



NOT THIS

FIGURE 44-5.40-2: LOCATION OF STRUCTURE BELOW RIDGELINE



This page left intentionally blank.