

**AN ORDINANCE OF THE COUNCIL OF THE CITY OF CHICO
AMENDING SECTIONS 19.27.010 AND 19.52.100 REGARDING
FOOTHILL DEVELOPMENT PERMITS**

WHEREAS, the City Council adopted Ordinance 2440 on June 4, 2013, to amend and add various provisions in Title 19 of the Chico Municipal Code; and

WHEREAS, among other things, Ordinance 2440 added the requirement for a foothill development permit prior to “development” within the Foothill Development overlay zoning district; and

WHEREAS, the City has never interpreted Ordinance 2440 to mean that every project in the Foothill Development overlay zoning district requires a foothill development permit; and

WHEREAS, instead, the City’s practice has been not to require a foothill development permit for a project on a particular parcel, when that parcel is part of a subdivision plan the City approved after reviewing for compliance with the City’s foothill development standards; and

WHEREAS, the City Council wishes to formalize its existing practice as to foothill development permits, and to provide further direction on when projects require such a permit; and

WHEREAS, the City Council finds that the proposed foothill development permit amendments are consistent with the General Plan in that protections will remain in hillside development standards for protecting hillsides from excessive grading and environmental disturbance; and

WHEREAS, the City Council finds that the proposed foothill development permit amendments are consistent with other applicable provisions of the Municipal Code and compatible with the uses

1 authorized in the applicable zoning districts in that the amendments would allow similar exceptions
2 for minor permits that are allowed in other areas of the Municipal Code, while more potentially
3 impactful projects would be required to conform to the hillside development standards.

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5 NOW, THEREFORE, BE IT ORDAINED by the Council of the City of Chico as follows:

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7 **Section 1.** Section 19.27.010 of the Chico Municipal Code is amended to read as follows:

8 **19.27.010 Applicability.**

9 A foothill development permit shall be required in conjunction with any land division or prior to
10 initial development on any parcel within the Foothill Development (-FD) overlay zoning district. In
11 the Director's discretion, a foothill development permit may be required for the following projects
12 within the -FD overlay zoning district:

13 A. Construction, reconstruction, expansion of existing structures, or development projects which are
14 outside the scope of a previous review, or

15 B. Any project with design features that may conflict with the stated purpose of the -FD overlay
16 zoning district as set forth in section 19.52.100 of these regulations.

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18 **Section 2.** Section 19.52.100 of the Chico Municipal Code is amended to read as follows:

19 **19.52.100 Foothill Development (-FD) overlay zone.**

20 A. – C. [No change.]

21 D. Permit Requirements. Foothill development permit approval shall be required as set forth in
22 Section 19.27.010. The requirements in Subdivisions (G) and (H) of this Section shall apply to
23 projects for which a foothill development permit is required. They do not apply when a foothill
24 development permit is not required.

25 E. – H. [No change.]

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27 **Section 3.** Environmental Determination. This ordinance is not a project within the meaning
28 of Section 15378 of the California Environmental Quality Act (CEQA) Guidelines because it has no

1 potential to result in physical change in the environment, directly or indirectly. If this ordinance is
2 found to be a project under CEQA, it is exempt from environmental review under Section 15061 of
3 the CEQA Guidelines because it can be seen with certainty that there is no possibility that this
4 ordinance may have a significant effect on the environment.

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6 **Section 4.** Severability. If any section, subsection, sentence, clause, phrase, or word of this
7 ordinance is for any reason held to be invalid and / or unconstitutional by a court of competent
8 jurisdiction, such decision shall not affect the validity of the remaining portions of this ordinance.

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10 **Section 5.** Declaratory of Existing Law. The City Council declares that, as noted above, the
11 City's practice has been not to require a foothill development permit for a project on a particular
12 parcel, when that parcel is part of a subdivision plan the City approved after reviewing for
13 compliance with the City's foothill development standards. To the extent the amendment to the
14 Chico Municipal Code effected by this ordinance simply codifies that existing practice, it is
15 therefore declaratory of existing law.

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17 **Section 6.** Effective Date. This ordinance shall be effective 30 days after approval by the
18 City Council.

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20 **Section 7.** Certification. The City Clerk shall certify to the passage and adoption of this
21 ordinance and shall cause the same to be published or posted in the manner required by law.

1 THE FOREGOING ORDINANCE was adopted by the City Council of the City of Chico, California,
2 at its City Council meeting held on August 4, 2020, by the following vote:

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4 AYES: Huber, Morgan, Ory, Reynolds, Stone, Brown, Schwab

5 NOES: None

6 ABSENT: None

7 ABSTAINED: None

8 DISQUALIFIED: None

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10 ATTEST:

APPROVED AS TO FORM:

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Deborah Presson, City Clerk

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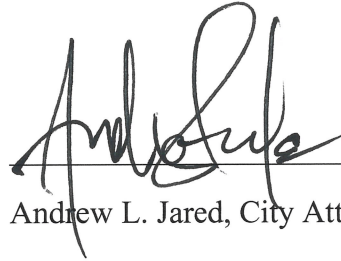
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Andrew L. Jared, City Attorney