



CITY OF CHICO OFFICIAL PLANNING DIRECTOR INTERPRETATION

(Section 19.02.020 Procedures for interpretation of the Chico Municipal Code)

Applicable Code Section(s): **19.60.030 (E)(2) (Creekside development)**

Discussion: The referenced Code Section requires dedication of a 25-foot creekside setback area in connection with approval all discretionary projects located on lands abutting or including the creeks identified in Code Section 19.60.030(B).

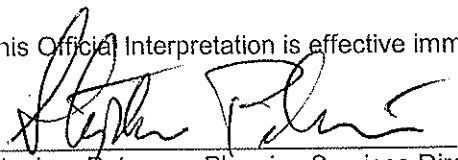
The City Attorney's Office has determined that this Section of the Code must be revised, as it does not recognize the need to establish a nexus between any certain project's impacts and the dedication requirement. Absent sufficient nexus, any such dedication requirement may not be legal. This determination does not apply to the 25-foot setback requirement of 19.60.030; it applies only to the dedication requirement.

Until such time as the Code is amended to reflect this determination, interim direction is called for.

Interim Direction:

The need for dedication of creekside setback areas in connection with discretionary land use entitlements is to be determined on a case-by-case basis. The requirement of a 25-foot setback is to remain in force.

This Official Interpretation is effective immediately.



Stephen Peterson, Planning Services Director

Date: November 4, 2008