Butte County Planning Commission
AGENDA REPORT
Butte County General Plan 2030
General Plan Amendment, Zoning Ordinance Amendments, and
Amendment to Butte County Code Chapter 35 – Right-to-Farm Ordinance

October 20, 2014

To: Butte County Planning Commission
From: Dan Breedon, AICP, Principal Planner
Subject: Amendments to the General Plan Agriculture Element,
Butte County Code Chapter 24. Zoning Ordinance, and
Butte County Code Chapter 35. Protection of Agricultural Land

I. RECOMMENDATIONS (Three Motions)

1. **Recommended Motion**: The Planning Commission recommends to the Board of Supervisors the amendment of the Butte County General Plan Agriculture Element Policy AG-P5.3 and related new Policies AG-P5.3.1 and AG-P5.3.2 as set forth under the attached Resolution (Attachment A and Exhibit A); and, the approval of an EIR Addendum (Attachment D) to the General Plan 2030 EIR and Supplemental EIR for the Zoning Ordinance Amendments prepared in accordance with the California Environmental Quality Act (CEQA).
2. **Recommended Motion:** The Planning Commission recommends to the Board of Supervisors the Amendments to the Zoning Ordinance as set forth under the attached Resolution (Attachment B and Exhibit A); and, the approval of an EIR Addendum (Attachment D) to the General Plan 2030 EIR and Supplemental EIR for the Zoning Ordinance Amendments prepared in accordance with the California Environmental Quality Act (CEQA).

3. **Recommended Motion:** The Planning Commission recommends to the Board of Supervisors the Amendments to Chapter 35. Protection of Agricultural Land (Right-to-Farm Ordinance) as set forth under the attached Resolution (Attachment C and Exhibit A).

II. ANALYSIS

**Background**
On June 24, 2014 the Board of Supervisors directed that staff prepare a General Plan Amendment to 1) prepare an amendment to General Plan Agricultural Element Policy AG-P5.3; 2) develop a new policy in the Agricultural Element to minimize compatibility conflicts between existing orchard operations and new residential development in the Very Low Density Residential (VLDR) designation; and, 3) amend the Zoning Ordinance to establish a process for consultation between the Zoning Administrator and Agricultural Commissioner to determine setbacks between existing orchard operations and new residential development in the Very Low Density VLDR zone.

The proposed General Plan Amendment and several of the amendments to the Zoning Ordinance amendments described below have been proposed in order to address this Board direction. In addition to applying this direction to the VLDR zone, staff has set forth recommendations below for policy that would apply to all residential zones, and that would allow interim agricultural uses in residential, commercial, and industrial zones.

**Summary**
General Plan Agriculture Element Policy AG-P5.3 has been amended to apply to Agriculture designations in the General Plan. Applicable sections of the Zoning Ordinance have been amended to provide setbacks in residential designations and zones for residential development adjacent to existing orchards and vineyards. The Zoning Ordinance has also been amended to allow interim agricultural uses in non-agricultural zones. A variety of other amendments are also directed at the Zoning Ordinance. Lastly, Chapter 35 of the Butte County Code, Protection of Agricultural
Land (“Right-to-Farm”) Ordinance, has been amended to extend the Right-to-Farm Ordinance to interim agricultural uses within non-agricultural (residential, commercial and industrial) designations and zones.

The three major actions recommended under the staff report (General Plan Amendment, Zoning Ordinance Amendment and Right-to-Farm Ordinance Amendment) are discussed in more detail in the following three sections.

1. **General Plan Amendment (Attachment A and Exhibit A)**

The Butte County General plan was adopted on October 26, 2010, after a four-year comprehensive update process. More recently, on November 6, 2012, Butte County adopted a County-initiated General Plan Amendment to the General Plan to address a variety of needed updates to the General Plan. Since the General Plan’s adoption in 2010, and the additional 2012 amendments, an additional amendment has been identified by staff and directed by the Board of Supervisors concerning General Plan Agriculture Element Policy AG-P5.3. Further detail concerning this amendment is provided below.

**General Plan Policy AG-P5.3**

The proposed text amendment to General Plan Policy AG-P5.3 and related new policies are intended to provide further clarification and amplification on the application of the Agricultural Buffer, a 300 foot wide section of land imposed between agriculture and residential development. This buffer is intended to establish a means to conserve and stabilize agricultural land uses in order to protect agricultural lands from encroachment and conversion to residential uses. It also has the effect of reducing negative conflicts between agriculture and residential development (e.g., dust, noise, light, chemical spray drift, vibration, and other conflicts generated by agricultural activities that present negative impacts on residential development) and avoid circumstances that impair the productivity and profitability of agricultural operations.

The text amendment is being made to clarify that the agricultural buffer is intended to protect lands designated by the General Plan as, and zoned as, Agriculture, but is not intended to protect lands with agricultural uses that are not designated by the General Plan as, and zoned as, Agriculture (e.g., an agricultural use located in a residential zone). This amendment will provide greater consistency between the General Plan and Article 17. Agricultural Buffers, of the Zoning Ordinance, and will also work to uphold this policy’s intent to reduce and mitigate the conversion of farmlands of concern.
Proposed General Plan Amendment to AG-P5.3 Text

Policy AG-P5.3
The Zoning Ordinance shall require that a buffer be established on property proposed for residential development in order to protect exiting agricultural uses lands designated Agriculture by the General Plan and zoned Agriculture under the Zoning Ordinance from incompatible use conflicts. The desired standard shall be 300 feet, but may be adjusted to address unusual circumstances.*

*This General Plan policy is required as means to mitigate environmental impacts under the California Environmental Quality Act (CEQA). These policies all use the imperative “shall,” and in all cases are mandatory.

Policy AG-P5.3.1
The Zoning Ordinance shall allow agriculture as an interim use in all non-agriculture zones. The Butte County Right-to-Farm Ordinance (Butte County Code Chapter 35) shall be amended to recognize that, while not exclusively devoted to agriculture, Residential, Commercial and Industrial zones may support agriculture as an interim use prior to development.

Policy AG-P5.3.2
The Zoning Ordinance shall require a minimum 25 foot setback between new residences and preexisting active orchard and vineyard operations on adjacent parcels in residential zones. This setback shall be imposed on the developing parcel by the Zoning Administrator in consultation with the Agriculture Commissioner and may be larger than 25 feet but shall not limit the allowed residential density and intensity permitted by the residential zone.

2. Zoning Ordinance Amendments (Attachment B and Exhibit A)
On November 6, 2012, Butte County adopted a County-initiated General Plan Amendment and Comprehensive Update to the Butte County Zoning Ordinance (Ordinance #4050). More recently, the Zoning Ordinance was amended on September 10, 2013. Since the Zoning Ordinance’s adoption, and since the last amendment in 2013, Development Services staff has assembled a number of various additional amendments to the County’s Zoning Ordinance and Map. These additional amendments are discussed below.

1) Article 2. Interpretation of the Zoning Ordinance. Section 24-8. Rules of Interpretation. F.
   A new allowance to provide zoning consistency for aliquot parts of an irregular section of land under the public land survey system.
Sections of land surveyed under the Public Land Survey System are intended to have 640-acres of land. In most cases these sections have been found to vary in size by a few acres due to survey errors, and advancements in surveying technology that account for the curvature of the earth. Property owners and surveyors have relied upon equal parts (aliquot) descriptions of said section of land for purposes of describing land divisions (see figure 1 below). However, an equal parts description of a section that is less than a full 640 acres results in parcels that are fractionally smaller than 160, 80, 40, 20, 10 or 5 acres.

![Figure 1. 640-acre Section of Land](image)

The minimum parcel size used for some of Butte County’s zoning also reflects equal parts of a section of land. For example, the Agriculture zone provides sub-zones that identify minimum parcel sizes of 160, 80, 40, and 20 acres. The Rural Residential zone provides parcel minimums of 10 and 5 acres. This new provision will allow for equal parts descriptions of irregular sections of land and additionally provides that the resulting parcels, which may be fractionally less than the zone’s minimum parcel size (either 160, 80, 40, 20, 10, or 5 acres), to be deemed consistent with the corresponding sub-zone. This provision was included under the old Zoning Ordinance and was erroneously left out of the updated Zoning Ordinance.

The current Zoning Ordinance permits Agricultural Worker Housing Centers as an accessory use in Agriculture zones. The revision to the Zoning Ordinance will provide an administrative permit process to ensure that applicants are aware of the limitations and requirements pertaining to Agricultural Worker Housing, and to apply standards that will pertain to the location and occupancy requirements of the housing, and the completion of a deed restriction. This change does not allow for further development, it simply provides further administrative oversight in the permitting of Agricultural Worker Housing.


This is a minor correction to the Medium Density Residential (MDR) zone to remove an allowance for duplex units. The MDR zone is a single family residential zone as directed by the General Plan. The correction provides for consistency with the General Plan’s Medium Density Residential designation. The correction would not increase development potential or land use intensity within the MDR zone.

4) **Article 6. Residential Zones.** Table 24-20-2. Setback and Height Standards for Residential Zones. Provisions for a setback in residential zones from interim agricultural uses (orchards and vineyards); and,


These new zoning provisions (items 4 and 5 above) are directed by the new General Plan Amendment pertaining to AG-P5.3 and related new policies AG-P5.3.1 and AG-P5.3.2 discussed above. The provisions requires a 25-foot minimum setback for residential development in residential zones to provide a separation from agricultural uses (orchards and vineyards) that are taking place on an interim basis in residential zones.

The Agricultural Setback as set forth under Article 17 of the Zoning Ordinance applies the 300-foot agricultural buffer only from adjacent agricultural zones. This leaves a gap in providing a setback to agricultural uses that are taking place in residential zones. A setback is needed to help address nuisance issues arising between the two uses (e.g., dust, noise,
light, chemical spray drift, vibration, and other impacts generated by agricultural activities that present negative impacts on residential development).

Agricultural activities taking place in residential zones are not afforded the same level of protection as provided by Agricultural designations and zones in recognition of the fact that the General Plan directs growth to these areas and residential uses are expected to develop over time. Larger setbacks (such as the 300-foot Agricultural Buffer) would limit the potential for permitted residential development because it would not permit development within the 300-foot buffer area. This would be inconsistent with the direction provided by the General Plan and Zoning Ordinance to accommodate future residential growth where designated and zoned.

The 25-foot setback is not assuming the role of an agriculture buffer. Agricultural activities will be limited because the setback will not provide as much buffering as the 300-foot setback imposed under Article 17. Rather, it is providing some additional separation from residential dwellings and adjacent agricultural operations to minimize nuisances from taking place.

6) Article 6. Residential Zones; Article 7. Commercial and Mixed Use Zones; and, Article 8 Industrial Zones (Use Regulation Tables 24-19-1, 24-22-1, 24-26-1). Provisions for animal grazing and crop cultivation in residential, commercial and industrial zones on parcels 1-acre or more in size. The provision would also allow for private stables in the Low Density Residential Zone (LDR), Medium Density Residential (MDR), Medium High Density Residential (MHDR), High Density Residential (HDR), and Very High Density Residential (VHDR) zones subject to a minor use permit on parcels of 4 acres or larger in size.

The General Plan Amendment Policy AG-P5.3.1 as discussed above and as shown below directs that the Zoning Ordinance allow agriculture as an interim use in all non-agriculture zones. The proposed amendments to the Zoning Ordinance implement the direction provided by the General Plan Amendment Policy AG-P5.3.1. This is in response to a public need that has arisen since the approval of the Zoning Ordinance to provide for grazing and crop cultivation activities in undeveloped areas of the County on a temporary basis. These interim agricultural uses do not detract from the ability to accommodate future development in accordance with zoning and require no permanent improvements. They do, however, provide for a productive use of the land while it remains in an undeveloped state.
Policy AG-P5.3.1

The Zoning Ordinance shall allow agriculture as an interim use in all non-agriculture zones. The Butte County Right-to-Farm Ordinance (Butte County Code Chapter 35) shall be amended to recognize that, while not exclusively devoted to agriculture, Residential, Commercial and Industrial zones may support agriculture as an interim use prior to development.

7) Article 7. Commercial and Mixed Use Zones. Section 24-22-1. Provisions for small-scale slaughtering accessory to a retail butcher shop or similar use in the General Commercial (GC), Community Commercial (CC) and Mixed-Use (MU) zones, and related new definition for Animal Processing, Limited in Article 42. Glossary.

This provision would require a minor use permit for the slaughtering and processing of animals raised off-site for commercial purposes that is accessory to a primary commercial use such as a butcher shop, meat market, grocery store or similar use. Animal slaughtering would be limited to no more than 40 animals per month. All confinement, slaughtering and processing of animals shall take place within an approved enclosed structure. The need for this provision has arisen from public requests from county businesses. The ability to slaughter a limited number of animals in conjunction with their businesses provides additional opportunities to serve their customers and generate business.

Animal Processing, Limited would be restricted to parcels of two acres or more in size to ensure adequate space for confinement structures, circulation, and buffering from adjacent uses. Site specific environmental review would be conducted pursuant to CEQA in conjunction with the minor use permit. The minor use permit would allow staff to make recommendations about the uses based upon site conditions and compatibility with the surrounding uses.


Staff originally apprised the Board of Supervisors of the need to address this emerging technology at the Board’s November 6, 2012 public hearing on the adoption of the Zoning Ordinance. It was identified as a future Zoning Ordinance Amendment to be brought back for both the Planning Commission’s and Board’s review.

This provision would allow for the installation of a digital (electronic) Off-Site Sign (aka: billboard sign) or the ability to convert an existing standard Off-Site Sign to a Digital Off-
Site Sign subject to a minor use permit. Definitions of Off-Site Signs are provided from the
Zoning Ordinance as follows:

**Off-Site Sign.** A sign identifying a use, facility, service, or product which is not
located, sold, or manufactured on the same premises as the sign or which
identifies a use, service, or product by a brand name which, although sold or
manufactured on the premises, does not constitute the principal item for sale or
manufactured on the premises (aka as a billboard sign).

**Off-Site Sign, Digital.** An off-site sign as defined above that uses digital-display
technology as a means of changing sign images.

Digital Off-Site Signs allow for the electronic display of sign copy. They can replace a
standard Off-Site Sign that relies on work crews to manually change sign copy. The new
provisions will include standards that will ensure that digital Off-Site Signs will be as close
to presentation style as a standard Off-Site Sign as possible, including requirements that
images may not be animated, move or present the appearance of motion and may not use
flashing, scintillating, blinking, or traveling lights or any other means not providing
constant illumination. Further, the light emitted from the sign shall not be of an intensity
or brilliance as to cause direct illumination of an adjacent residential area, impair the vision
of any driver, or interfere with any driver's operation of a motor vehicle.

Digital Off-Site Signs will be allowed in the General Commercial and Industrial zoning
districts only and will be subject to a minor use permit. Digital Off-Site Signs would not be
allowed in other zoning districts. Site specific environmental review would be conducted
pursuant to CEQA in conjunction with the minor use permit, except when abutting a
residential zone, in which case a conditional use permit shall be required. The minor use
permit or conditional use permit would allow staff to make recommendations about the
uses based upon site conditions and compatibility with the surrounding uses. A minor use
permit would be subject to approval by the Zoning Administrator, and a use permit would
be subject to approval by the Planning Commission. An appeal process would apply to
both the Zoning Administrator and Planning Commission decisions.

9) **Article 25. Supplemental Use Regulations.** Section 24-158. Animal Keeping. Provisions to
keep and maintain livestock in higher density residential zones when parcels are 1-acre or
greater in size, and for the keeping of hens and roosters in higher density residential zones,
subject to standards.
This provision is being added to the Zoning Ordinance in recognition of animal keeping uses that are taking place in undeveloped areas of the County on an interim basis and in response to public requests to allow animal keeping on parcels zoned for higher residential density but that have yet to develop at those higher densities. This provision would allow for Animal Keeping pursuant to Section 24-158 (Animal Keeping) of the Zoning Ordinance, which provides regulations addressing the keeping of livestock and chickens in a manner that will protect the health, safety, and welfare of nearby residents, and to protect the health, safety and welfare of animals. This section currently applies the animal keeping standards to the Rural Residential (RR), Rural Country Residential (RCR), Foothill Residential (FR) Foothill Country Residential (FCR), Very Low Density Residential (VLDR), and Very Low Density Country Residential (VLDCR) zones. The proposed provision would expand applicability to the Low Density Residential (LDR), Medium Density Residential (MDR), Medium High Density Residential (MHDR), High Density Residential (HDR) and Mixed Use (MU) zones. While these zones would not have the capability to provide for animal keeping when developed to maximum densities, many areas of the County are still undeveloped or only partially developed and present opportunities for animal keeping on an interim basis.

The new provision has been written to allow animal keeping pursuant to the standards set forth under Section 24-158, only when parcels are 1-acre in size or greater (the minimum parcel size allowed for the keeping of animals). The new standards would also apply a 50-foot setback for any corral or animal containment structure to any dwelling either on or off-site in order to protect compatibility with residential uses. The animal density requirements set forth under Section 24-158 are designed to minimize environmental impacts to surrounding properties. These interim agricultural uses do not detract from the ability to accommodate future development in accordance with zoning and require no permanent improvements. They do, however, provide for a productive use of the land while it remains in an undeveloped state.

10) **Article 25. Supplemental Use Regulations.** Section 24-162. Home Occupations. Limitation on use and storage of hazardous materials in conjunction with home occupations (home businesses).

The current Zoning Ordinance does not provide clear language concerning the use and storage of hazardous, flammable, combusible, or explosive materials in conjunction with a Home Occupation. The new language indicates that the storage and use of such materials is prohibited in conjunction with a Home Occupation, unless they are incidental
to the residential use of the property. This new provision provides for greater regulation of hazardous materials in conjunction with Home Occupation and therefore has a minimal environmental impact.

11) Article 41. Lot Line Adjustments. Section 24-302.B. Findings. Amendments concerning lot line adjustments to ensure that a lot line adjustment does not allow for the creation of additional parcels at the expense of creating a non-conforming parcel.

Article 41. of the Zoning Ordinance provides exceptions for minimum setbacks and parcel sizes to address issues related to property lines and the placement of new lot lines proposed under a lot line adjustment. This section provides that existing parcels may be reduced below the minimum parcel size in the applicable zone through a lot line adjustment in certain limited circumstances.

The new provision will ensure that proposed lot line adjustments will not allow for the reduction of an existing parcel below the minimum parcel size imposed by the zone if the lands that are being conveyed from the parcel to another parcel results in the ability to subdivide. The new provision is intended to prevent the creation of substandard parcels so that other parcels may be subdivided. As such, it is reducing overall development potential and environmental impacts.

12) Article 42. Glossary. Amendments to the definition of “Family” to remove the limitation of six or fewer individuals in compliance with the Housing Element of the Butte County General Plan.

General Plan Housing Element Action Program H-A5.2 (adopted by the Board on August 26, 2014) requires the Zoning Ordinance to be amended to define “family” to include groups of residents living together as a household unit, and residents of group homes, community care facilities, emergency or transitional housing, residential care facilities, or other special needs housing and to remove the requirement of six or fewer persons. This new provision is intended to comply with H-A5.2 and thus implement the Butte County General Plan. The provision would not enable any additional development that is not already contemplated under the General Plan.

13) Other amendments of a minor nature relating to corrections and clarifications. Article 26. Telecommunication Facilities. Section 24-183 C. 1. Monopoles or Towers, removing redundant statement concerning height limitations; revised definition under Article 47.
improvements to the agricultural commercial, economic frequently with county consistent. The regulations, similar protections afforded by the Right-to-Farm ordinance to interim agricultural uses in residential, commercial, and industrial zones.

The Butte County Right-to-Farm ordinance provides that no agricultural operation (or interim agricultural use per the amendment) conducted or maintained on agricultural land in a manner consistent with proper and accepted customs and standards, as established and followed by similar agricultural operations in the county, shall be or become a nuisance for purposes of county regulations if it was not a nuisance when it began, provided that such operation complies with the requirements of all applicable federal, state, and county statutes, ordinances, rules, regulations, approvals and permits. The provisions of this section does not apply where a nuisance results from the negligent or improper management or operation of an agricultural operation.

Where nonagricultural land uses, particularly residential and commercial development, extend onto agricultural land or exist side by side with agricultural operations, agricultural operations are frequently the subject of nuisance complaints. As a result, some agricultural operations are forced to cease or curtail their operations and many others are discouraged from making investments in improvements to their operations, all to the detriment of adjacent agricultural uses and the economic viability of the county's agricultural industry as a whole. It is the purpose and intent of the Right-to-Farm ordinance to reduce the loss to the County of its agricultural resources by...
limiting the circumstances under which properly conducted agricultural operations on agricultural land may be considered a nuisance.

It is the further purpose and intent of the Right-to-Farm ordinance to promote a good-neighbor policy by requiring notification of owners, purchasers, residents, and users of property adjacent to or near agricultural operations on agricultural land, of the inherent potential problems associated with being located near such operations, including, without limitation, noise, odors, fumes, dust, smoke, insects, operation of machinery during any time of day or night, storage and disposal of manure, and ground or aerial application of fertilizers, soil amendments, seeds and pesticides. It is intended that, through mandatory disclosures, owners, purchasers, residents and users will better understand the impact of living or working near agricultural operations and be prepared to accept attendant conditions from properly conducted agricultural operations as a normal and necessary aspect of living in a county with a strong rural character and an active agricultural sector.

Amendments to the right-to-farm statement have been determined to not be subject to the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines Section 15060 (c) (2) as the activity does not involve the exercise of discretionary powers by a public agency, and additionally the activity has been determined to be exempt from CEQA under Guidelines Section 15061 (b) (3) as it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment.

**California Environmental Quality Act (CEQA) Review**

An EIR Addendum (Attachment D) was prepared and is recommended for approval for the proposed project in accordance with the California Environmental Quality Act (CEQA) and the CEQA Guidelines. This document serves as an addendum to the previously certified General Plan Environmental Impact Report (General Plan EIR, State Clearinghouse Number 2008092062) and Supplemental Environmental Impact Report (GPA and Zoning Ordinance EIR, State Clearinghouse Number 2012022059) for the Butte County General Plan and Zoning Ordinance.

As demonstrated in the environmental analysis provided in Section 3.0 (Environmental Analysis) of the attached EIR Addendum, the proposed General Plan Amendment and Zoning Ordinance Amendments do not meet the criteria for preparing a subsequent EIR or negative declaration. An addendum is appropriate here because, as explained in Section 3.0, none of the conditions calling for preparation of a subsequent EIR or negative declaration have occurred.
Tribal Consultation

Invitations to consult on the proposed General Plan Amendment were provided to local Butte County tribes as listed by the Native American Heritage Commission in accordance with California Government Code § 65352.3. Applicable tribes were provided a letter and a description of the proposed General Plan Amendment. As a result of this invitation no further comment or request for additional consultation was received concerning the General Plan Amendment.
III. NEXT STEPS

The Planning Commission’s recommendations concerning the proposed General Plan Amendment, Zoning Ordinance Amendments and Amendments to Chapter 35 will be provided to the Board of Supervisors for their consideration at a public hearing tentatively scheduled for December 9, 2014. The public is encouraged to attend this hearing and provide comment to the Board. Should you have any questions please do not hesitate to contact Principal Planner Dan Breedon at 538-7629 or Tim Snellings at 538-6821.

Sincerely,

Tim Snellings, Director
Butte County Department of Development Services

ATTACHMENTS:

Attached to this Agenda Report:
A. Resolution – General Plan Amendment
   Exhibit A: General Plan Amendment
B. Resolution – Zoning Ordinance Amendment
   Exhibit A: Zoning Ordinance Amendments
C. Resolution – Chapter 35. Protection of Agricultural Land
   Exhibit A: Chapter 35. Protection of Agricultural Land Amendments
D. EIR Addendum for General Plan Amendment and Zoning Ordinance Amendments

Provided separately to the Planning Commission:
1. Butte County General Plan, November 6, 2012
2. Butte County Zoning Ordinance, November 6, 2012
4. Final Supplemental EIR, September 13, 2012
ATTACHMENT A
RESOLUTION –GENERAL PLAN AMENDMENT
A RESOLUTION OF THE BUTTE COUNTY PLANNING COMMISSION RECOMMENDING THAT THE BOARD OF SUPERVISORS ADOPT A GENERAL PLAN AMENDMENT TO BUTTE COUNTY GENERAL PLAN 2030

WHEREAS, the Butte County General Plan 2030 (GP 2030) Update process was initiated by action of the Board of Supervisors, including the adoption of Resolution 06-085 on May 23, 2006, which created the Butte County General Plan Citizens Advisory Committee and set in motion a process of holding public workshops and meetings regarding the County’s GP 2030 Update; and

WHEREAS, the purpose of the GP 2030 Update was to set policy guidelines for future conservation and development in the County and to address changed conditions since the last revision of the General Plan, which took place for various elements from 1971 to 1995. General Plan 2030 is a comprehensive, long-term general plan for Butte County and establishes an overall framework and set of land use planning goals for the unincorporated area of the County. GP 2030 has a 20-year planning horizon; and

WHEREAS, on October 26, 2010 Butte County adopted a new General Plan under County Resolution 10-152, including a new General Plan Land Use Map and Certified a Final EIR pursuant to CEQA under County Resolution 10-150; and,

WHEREAS, on September 27, 2012 the Planning Commission made recommendations to the Board of Supervisors and on November 6, 2012 the Board of Supervisors amended the General Plan under County Resolution 12-124 and Certified a Supplemental Final EIR under County Resolution 12-123; and,

WHEREAS, General Plan 2030 is intended to be a living, dynamic and comprehensive document; and,

WHEREAS, on June 24, 2014, the Butte County Board of Supervisors directed that staff prepare a General Plan Amendment to the Agriculture Element of the Butte County General Plan pertaining to Policy AG-P5.3; and,

WHEREAS, the General Plan Amendment will result in consistency between Butte County’s zoning ordinance (in accordance with California Government Code Section 65860) and the Butte County General Plan; and,

WHEREAS, comments and participation concerning the General Plan Amendment were sought from County residents, California Native American Indian Tribes pursuant to California Government Code Section 65352.3, as well as public agencies, and community groups; and,
WHEREAS, the General Plan Amendment was referred to the Butte Local Agency Formation Commission, the Butte County Association of Governments, the Butte County Air Quality Management District, local cities, and a number of other public agencies; and

WHEREAS, the Planning Commission held a duly noticed public hearing on the General Plan Amendment on October 20, 2014; and

WHEREAS, the Butte County Planning Commission reviewed and considered the information in the FEIR, on September 9, 2010 and the FSEIR on September 27, 2012, described above, administrative record, staff reports, and all oral and written testimony presented to the Planning Commission; and

WHEREAS, the County complied with the requirements of the California Environmental Quality Act, Public Resources Code sections 21000-21178.1 (CEQA) in approving the FSEIR; and,

WHEREAS, the General Plan EIR (SCH #2008092062) was certified on October 26, 2010 by the Butte County Board of Supervisors (Resolution 10-150) and the Supplemental EIR (SCH #2012022059) was certified on November 6, 2012 (Resolution 12-123); and,

WHEREAS, the County has determined that the proposed amendments to the General Plan Amendment does not meet the criteria for preparing a subsequent or supplemental EIR under CEQA Guidelines Section 15162; and,

WHEREAS, an Addendum to the General Plan EIR and Supplemental EIR has therefore been prepared pursuant to CEQA Guidelines Section 15164 for the proposed General Plan Amendment; and

WHEREAS, the Addendum provides analysis and cites substantial evidence that support’s the County’s determination that the proposed amendment to the Agriculture Element of the Butte County General Plan does not meet the criteria for preparing a subsequent or supplemental EIR under CEQA Guidelines Section 15162 including:

1) The proposed General Plan Amendment would not cause a new significant impact or substantially increase the severity of a previously identified significant impact from the General Plan EIR or Supplemental EIR (CEQA Guidelines Section 15162[a][1]) that would require major revisions to either EIR. All impacts would be nearly equivalent to the impacts previously analyzed in the General Plan EIR and Supplemental EIR. Relatedly, the General Plan Amendment is not inconsistent with any of the General Plan policies intended to mitigate environmental impacts.

2) The proposed General Plan Amendment is programmatic in nature and does not include changes in physical circumstances that would cause a new significant impact or substantially increase the severity of a previously identified significant impact, and there have been no other changes in the circumstances that meet this criterion.

3) As documented in Section 3.0 of the Addendum, there is no new information of substantial importance (which was not known or could not have been known at the time of the General Plan adoption in October 2010, or General Plan Amendment and Zoning Ordinance adoption in November 2012), that identifies: a new significant impact
(condition “A” under CEQA Guidelines Section 15162[a][3]); a substantial increase in the severity of a previously identified significant impact (condition “B” CEQA Guidelines Section 15162[a][3]); mitigation measures or alternatives previously found infeasible that would now be feasible and would substantially reduce one or more significant effects of the General Plan; or mitigation measures or alternatives which are considerably different from those analyzed in the General Plan EIR which would substantially reduce one or more significant effects on the environment (conditions “C” and “D” CEQA Guidelines Section 15162[a][3]).

NOW, THEREFORE, BE IT RESOLVED, that the Planning Commission hereby recommends to the Board of Supervisors the following findings:

1. Notice of the Planning Commission hearing on the General Plan Amendment, DEIR, FEIR, DSEIR and FSEIR was given as required by law and the actions were conducted in accordance with CEQA, and the State CEQA Guidelines.

2. An Addendum was prepared that provides analysis and cites substantial evidence that support’s the County’s determination that the proposed General Plan Amendment does not meet the criteria for preparing a subsequent or supplemental EIR under CEQA Guidelines Section 15162.

3. All individuals, groups and agencies desiring to comment were given adequate opportunity to submit oral and written comments on the General Plan Amendments and the environmental review documents. These opportunities for comment meet or exceed the requirements of the Planning and Zoning Law and CEQA.

4. The Planning Commission was presented with all of the information described in the recitals and has considered this information in adopting this resolution.

5. The proposed Adoption of the General Plan Amendment is consistent and compatible with the General Plan and any applicable community or specific plan as provided by Government Code Section 65860.

6. The proposed Adoption of the General Plan Amendment is internally consistent with other applicable provisions of the General Plan.

7. The proposed Adoption of the General Plan Amendment is in the public interest, and protects the health, safety, and welfare of the County.
BE IT FURTHER RESOLVED that the Butte County Planning Commission hereby recommends to the Butte County Board of Supervisors the adoption of the General Plan Amendment set forth under Exhibit A.

DULY PASSED AND ADOPTED this 20th day of October, 2014, by the following vote:

AYES:
NOES:
ABSENT:
ABSTAIN:

__________________________________
Chuck Nelson, Chair
Planning Commission
County of Butte, State of California

ATTEST:

__________________________________
Tim Snellings, Secretary
Planning Commission
County of Butte, State of California
EXHIBIT A

GENERAL PLAN AMENDMENT
Butte County General Plan Agriculture Element Amendment

The following shows amendments to policies located in the Agricultural Element of the Butte County General Plan in strikeout and underline text:

**AG-P5.3** The Zoning Ordinance shall require that a buffer be established on property proposed for residential development in order to protect exiting agricultural uses—lands designated Agriculture by the General Plan and zoned Agriculture under the Zoning Ordinance from incompatible use conflicts. The desired standard shall be 300 feet, but may be adjusted to address unusual circumstances.*

**AG-P5.3.1** The Zoning Ordinance shall allow agriculture as an interim use in all non-agriculture zones. The Butte County Right-to-Farm Ordinance (Butte County Code Chapter 35) shall be amended to recognize that, while not exclusively devoted to agriculture, Residential, Commercial and Industrial zones may support agriculture as an interim use prior to development.

**AG-P5.3.2** The Zoning Ordinance shall require a minimum 25 foot setback between new residences and preexisting active orchard and vineyard operations on adjacent parcels in residential zones. This setback shall be imposed on the developing parcel by the Zoning Administrator in consultation with the Agriculture Commissioner and may be larger than 25 feet but shall not limit the allowed residential density and intensity permitted by the residential zone.

*This General Plan policy is required as means to mitigate environmental impacts under the California Environmental Quality Act (CEQA). These policies all use the imperative “shall,” and in all cases are mandatory.
ATTACHMENT B

RESOLUTION – ZONING ORDINANCE AMENDMENTS
Resolution No. PC ______

A RESOLUTION OF THE BUTTE COUNTY PLANNING COMMISSION RECOMMENDING THAT THE BOARD OF SUPERVISORS ADOPT AMENDMENTS TO THE ZONING ORDINANCE (BUTTE COUNTY CODE CHAPTER 24)

WHEREAS, the Butte County General Plan 2030 (GP 2030) Update process was initiated by action of the Board of Supervisors, including the adoption of Resolution 06-085 on May 23, 2006, which created the Butte County General Plan Citizens Advisory Committee and set in motion a process of holding public workshops and meetings regarding the County’s GP 2030 Update; and

WHEREAS, on October 26, 2010 Butte County adopted a new General Plan, including a new General Plan Land Use Map; and,

WHEREAS, prior to the adoption of the new General Plan, Butte County embarked on a comprehensive update to the Butte County Zoning Ordinance (“Zoning Ordinance Update”), being a part of the overall Butte County General Plan 2030 project directed by the Board of Supervisors also referred to as “Meeting Series #8”, which involves a comprehensive update to the existing Butte County Zoning Ordinance; and,

WHEREAS, on September 27, 2012 the Planning Commission made recommendations to the Board of Supervisors and on November 6, 2012 the Board of Supervisors adopted the Zoning Ordinance Update under Ordinance #4050, and Certified a Supplemental Final EIR under County Resolution 12-123; and,

WHEREAS, additional modifications, corrections, and clean-ups to the Zoning Ordinance were adopted by the Board of Supervisors on September 10, 2013; and,

WHEREAS, additional modifications, corrections, and clean-ups to the Zoning Ordinance have since been identified and are set forth as amendments to the Zoning Ordinance (“Zoning Ordinance Amendment”) under Exhibit A; and,

WHEREAS, the Planning Commission held a duly noticed public hearing on October 20, 2014; and

WHEREAS, the Butte County Planning Commission reviewed and considered the information in the FSEIR described above, FSEIR administrative record, staff reports, and all oral and written testimony presented to the Planning Commission; and

WHEREAS, the County complied with the requirements of the California Environmental Quality Act, Public Resources Code sections 21000-21178.1 (CEQA) in approving the FSEIR; and,
WHEREAS, the General Plan EIR (SCH #2008092062) was certified on October 26, 2010 by the Butte County Board of Supervisors (Resolution 10-150) and the Supplemental EIR (SCH #2012022059) was certified on November 6, 2012 (Resolution 12-123); and,

WHEREAS, the County has determined that the proposed amendments to the Zoning Ordinance do not meet the criteria for preparing a subsequent or supplemental EIR under CEQA Guidelines Section 15162; and,

WHEREAS, an Addendum to the General Plan EIR and Supplemental EIR has therefore been prepared pursuant to CEQA Guidelines Section 15164 for the proposed Zoning Ordinance Amendments; and

WHEREAS, the Addendum provides analysis and cites substantial evidence that support’s the County’s determination that the proposed amendments to the Zoning Ordinance and Map do not meet the criteria for preparing a subsequent or supplemental EIR under CEQA Guidelines Section 15162 including:

1) The proposed Zoning Ordinance Amendments would not cause a new significant impact or substantially increase the severity of a previously identified significant impact from the General Plan EIR or Supplemental EIR (CEQA Guidelines Section 15162[a][1]) that would require major revisions to either EIR. All impacts would be nearly equivalent to the impacts previously analyzed in the General Plan EIR and Supplemental EIR. Relatedly, the Zoning Ordinance Amendments are not inconsistent with any of the General Plan policies intended to mitigate environmental impacts.

2) The proposed amendments to the Zoning Ordinance and Map are programmatic in nature and are not changes in physical circumstances that would cause a new significant impact or substantially increase the severity of a previously identified significant impact, and there have been no other changes in the circumstances that meet this criterion.

3) As documented in Section 3.0 of the Addendum, there is no new information of substantial importance (which was not known or could not have been known at the time of the General Plan adoption in October 2010, or General Plan Amendment and Zoning Ordinance adoption in November 2012), that identifies: a new significant impact (condition “A” under CEQA Guidelines Section 15162[a][3]); a substantial increase in the severity of a previously identified significant impact (condition “B” CEQA Guidelines Section 15162[a][3]); mitigation measures or alternatives previously found infeasible that would now be feasible and would substantially reduce one or more significant effects of the General Plan; or mitigation measures or alternatives which are considerably different from those analyzed in the General Plan EIR which would substantially reduce one or more significant effects on the environment (conditions “C” and “D” CEQA Guidelines Section 15162[a][3]).
NOW, THEREFORE, BE IT RESOLVED, that the Planning Commission hereby recommends to the Board of Supervisors the following findings:

1. Notice of the Planning Commission hearing on the Zoning Ordinance Amendment, DSEIR and FSEIR was given as required by law and the actions were conducted in accordance with CEQA, and the State CEQA Guidelines.

2. An Addendum was prepared that provides analysis and cites substantial evidence that support’s the County’s determination that the proposed amendments to the Zoning Ordinance do not meet the criteria for preparing a subsequent or supplemental EIR under CEQA Guidelines Section 15162

3. All individuals, groups and agencies desiring to comment were given adequate opportunity to submit oral and written comments on the Zoning Ordinance Amendments and the environmental review documents. These opportunities for comment meet or exceed the requirements of the Planning and Zoning Law and CEQA.

4. The Planning Commission was presented with all of the information described in the recitals and has considered this information in adopting this resolution.

5. The proposed Adoption of the Zoning Ordinance Amendments are consistent and compatible with the General Plan and any applicable community or specific plan as provided by Government Code Section 65860.

6. The proposed Adoption of the Zoning Ordinance Amendments is internally consistent with other applicable provisions of the Zoning Ordinance.

7. The proposed Adoption of the Zoning Ordinance Amendments is in the public interest, and protects the health, safety, and welfare of the County.
BE IT FURTHER RESOLVED that the Butte County Planning Commission hereby recommends to the Butte County Board of Supervisors the adoption of the Zoning Ordinance Amendments set forth under Exhibit A.

DULY PASSED AND ADOPTED this 20th day of October, 2014, by the following vote:

AYES:
NOES:
ABSENT:
ABSTAIN:

_____________________________
Chuck Nelson, Chair
Planning Commission
County of Butte, State of California

ATTEST:

_____________________________
Tim Snellings, Secretary
Planning Commission
County of Butte, State of California
EXHIBIT A

ZONING ORDINANCE AMENDMENTS
PART 1

Enactment and Applicability

Article 1. Purpose and Effect of the Zoning Ordinance

24-1 Title
24-2 Purpose of the Zoning Ordinance
24-3 Relationship to the General Plan
24-4 Responsibility for Administration
24-5 Applicability of Zoning Ordinance

Article 2. Interpretation of the Zoning Ordinance

24-6 Purpose
24-7 Authority
24-8 Rules of Interpretation
24-9 Procedures for Interpretation

Article 3. Zones and Zoning Map

24-10 Purpose
24-11 Zones and Zoning Map
Article 1. PURPOSE AND EFFECT OF THE ZONING ORDINANCE

Sections:
24-1 Title
24-2 Purpose of the Zoning Ordinance
24-3 Relationship to the General Plan
24-4 Responsibility for Administration
24-5 Applicability of Zoning Ordinance

24-1 Title
Chapter 24 of the Butte County Code shall be known and officially cited as the “Zoning Ordinance of Butte County, California” and referred to in this title as “the Zoning Ordinance.”

24-2 Purpose of the Zoning Ordinance
A. General. The Zoning Ordinance is adopted to implement the Butte County General Plan and to protect and promote the health, safety, and welfare of Butte County residents.

B. Specific. The Zoning Ordinance is intended to:
   1. Preserve, protect, and enhance the fundamentally rural character of Butte County.
   2. Protect agricultural lands and associated industries as an important aspect of Butte County’s economy.
   3. Protect sensitive environmental resources, including conservation areas, habitat for special-status species, and wetlands.
   4. Protect the county’s water resources.
   5. Promote an environmentally sustainable pattern of development.
   6. Promote economic growth and the creation of jobs for Butte County residents.
   7. Allow for residential, commercial, and industrial growth in a manner consistent with Butte County’s rural character.
   8. Preserve the quality of life and character of existing residential neighborhoods.
   9. Protect the public from hazards associated with natural and man-made disasters, including airport-related hazards.
   10. Promote and support an efficient multi-modal transportation system.
   11. Allow for public services and facilities to adequately serve the county population.
   12. Allow for public participation in government decision-making regarding land use and development in a manner consistent with State law.
24-3  Relationship to the General Plan
The Zoning Ordinance implements the goals and policies of the Butte County General Plan by regulating the uses of land and structures within the county. The Zoning Ordinance and the General Plan shall be consistent with one another. If there are inconsistencies between the Zoning Ordinance and the General Plan, the General Plan governs.

24-4  Responsibility for Administration
The Zoning Ordinance shall be administered by the Butte County Board of Supervisors, the Planning Commission, the Zoning Administrator, and the Department of Development Services as established in Article 35 (Administrative Responsibility).

24-5  Applicability of Zoning Ordinance
A.  Applicability to Property. The Zoning Ordinance applies to all land, uses, and structures within unincorporated areas under Butte County jurisdiction.

B.  Compliance with Regulations. No land shall be used and no structures constructed or occupied except in accordance with the provisions of the Zoning Ordinance. No use of land or structures shall be caused or allowed without the expressed consent of the property owner or an authorized agent of the property owner.

C.  Conflicting Regulations. Where conflict occurs with other County regulations or with State or federal laws, higher law shall control over lower law unless local variation is permitted. Where conflicting laws are of equal stature, the more restrictive provision shall control unless otherwise specified in the Zoning Ordinance or in State or federal law.

D.  Private Agreements. The Zoning Ordinance is not intended to interfere with, repeal, abrogate, or annul any easement; covenant; deed restriction; Covenants, Conditions, and Restrictions (CC&Rs); or other agreement between private parties. Where conflict occurs between the Zoning Ordinance and a private agreement, the County shall follow the Zoning Ordinance. Butte County shall not be responsible for monitoring or enforcing private agreements.

E.  Conditional Zoning. The Zoning Ordinance shall not interfere with, repeal, abrogate, or annul any Conditional Zoning Agreement established between the County and an applicant prior to the effective date of the Zoning Ordinance. All uses under the Conditional Zoning Agreement will continue to be permitted, in addition to all uses allowed under the zone.

F.  Enforcement. The Zoning Ordinance shall be enforced in the manner determined to be the most appropriate, which may include, but not be limited to, the procedures as established in Butte County Code Section 1-7 (General Penalty, Continuing Violations) and Chapters 32A (Abatement of Public Nuisances) and 41 (Code Enforcement Policies and Procedures), as well as any other procedures available in State or federal law.
Article 2. INTERPRETATION OF THE ZONING ORDINANCE

Sections:
24-6 – Purpose
24-7 – Authority
24-8 – Rules of Interpretation
24-9 – Procedures for Interpretation

24-6 Purpose
This article establishes rules and procedures for interpreting the Zoning Ordinance to ensure the consistent application and enforcement of the Ordinance.

24-7 Authority
The Zoning Administrator is delegated the responsibility and authority to interpret the meaning and applicability of all provisions in the Zoning Ordinance by the Board of Supervisors.

24-8 Rules of Interpretation
A. General Rules. The following general rules apply to the interpretation and application of the Zoning Ordinance.

1. The specific controls over the general.
2. Where there is a conflict between text and any figure, illustration, graphic, heading, map, table, or caption, the text governs.
3. The words “shall,” “will,” “is to,” and “are to” are mandatory. “Should” means a regulation that is not mandatory, but must be either fulfilled or the applicant must demonstrate an alternative that fulfills the intent of the regulation. “May” is permissive.
4. The following conjunctions are interpreted as follows:
   a. “And” means that all items or provisions so connected apply.
   b. “Or” means that all items or provisions so connected apply singularly or in any combination.
   c. “Either . . . or” means that one of the items or provisions so connected apply singularly, but not in combination.
5. All officials, bodies, agencies, ordinances, policies, and regulations referred to in the Zoning Ordinance are those of Butte County unless otherwise noted.

B. Calendar Days. Numbers of days specified in the Zoning Ordinance are construed as continuous calendar days. Where the last of a number of days falls on a holiday or weekend, time limits specified in the Zoning Ordinance are extended to the following working day.

C. Unlisted Land Uses. If a proposed land use is not specifically listed in the Zoning Ordinance, the use is not permitted except as follows:
1. The Zoning Administrator may determine that an unlisted proposed use is equivalent to a listed permitted or conditionally permitted use and is permitted in the same manner as the equivalent listed use if all of the following findings can be made:
   a. The use is no greater in density or intensity than other uses in the applicable zone.
   b. The use is compatible with permitted or conditionally permitted uses in the applicable zone.
   c. The use will meet the purpose of the applicable zone.
   d. The use is consistent with the goals and policies of the General Plan.
   e. The use will not be detrimental to the public health, safety, or welfare.

2. When the Zoning Administrator determines that a proposed use is equivalent to a listed permitted or conditionally permitted use, the proposed use shall be treated in the same manner as the listed use with respect to development standards, permits required, and all applicable requirements of the Zoning Ordinance.

3. Determinations shall be made and recorded in a manner consistent with Section 24-9 (Procedures for Interpretation).

D. **Zoning Map Boundaries.** If there is uncertainty about the location of any zone boundary or other line of the Zoning Map as determined by the Zoning Administrator, the following rules apply:

1. Zone boundaries shown as approximately following the property line of a parcel shall be construed to follow the property line.

2. Zone boundaries shown as following roads or other rights-of-way, or natural features such as creeks shall be construed to follow the centerline of the roads, rights-of-way, or creeks.

E. **Parcels Containing Two or More Zones.**

1. For parcels containing two or more zones (“split zoning”), the location of the zone boundary shall be determined by the Zoning Administrator.

2. For parcels containing two or more zones (“split zoning”), the applicable regulations for each zone shall apply.

3. When a zone boundary interferes with existing structures or setbacks, the Zoning Administrator may approve a minor adjustment of the boundary on the Zoning Map.

F. **Aliquot Divisions of an Irregular Section of Land.** Each parcel within the County shall have a minimum parcel size as indicated by the zoning district (e.g., AG-160, AG-80, AG-40, AG-20, RR-10, RR-5, FR-40, FR-20, FR-10, FR-5, TM, TPZ, RC, etc.). However, for the purpose of complying with the minimum parcel size as required by the zoning district, surveyed sections of land as established under the Public Land Survey System containing less than 640 acres shall be deemed to be equivalent to a full 640-acre section of land and be interpreted by the Zoning Ordinance as follows:

1. Parcels resulting from a proposed land division, submitted in accordance with the State Subdivision Map Act and Chapter 20 –Subdivision, of the Butte County Code, of a section of land that has been determined to be irregular and having less than a standard 640-acre section of land, into aliquot parts of one-quarter (~160 acres), one-eighth (~80 acres), one-sixteenth (~40 acres), one-thirty-second (~20 acres), one-sixty-fourth (~10 acres), or one-one-hundred twenty-
eighth (~5 acres) of said section of land shall be deemed to be equivalent to the aliquot parts of a standard 640-acre section of land.

2. The applicant shall provide adequate proof that the section of land in question is irregular and contains less than 640 acres and a total amount, in acres, of the section.

3. The legal description of the parent parcel and on each of the subdivided parcels shall be written as aliquot parts of the section.

F.G. Purpose Statements. The Purpose statements in Part 2 (Zoning Districts, Land Uses, and Development Standards) provide a brief statement concerning each zoning district. The purpose statement summarizes the intentions of each zone contained within the Zoning Ordinance. The purpose statement does not list all permitted uses, conditionally permitted uses, or uses listed as not allowed uses (see Use Regulation Tables for a listing of all permitted, conditionally permitted or unpermitted uses for each zone).

G.H. Use Regulation Tables. Use regulation tables in Part 2 (Zoning Districts, Land Uses, and Development Standards) establish permitted land uses within each zone. Within each use regulation table, uses are categorized as agricultural; natural resource; residential; community; commercial; industrial; and transportation, communication and utility uses. All uses are defined in Article 42 (Glossary). Notations within these tables shall have the following meanings:

1. Permitted Uses. A “P” means that a use is permitted by right in the respective zone and is not subject to discretionary review and approval.

2. Administratively Permitted Uses. An “A” means that a use requires approval through an Administrative Permit.

3. Conditionally Permitted Uses. A “C” means that a use requires approval of a Conditional Use Permit. An “M” means that a use requires approval of a Minor Use Permit.

4. Uses Not Allowed. A “-” in a cell means that a use is not allowed in the respective zone.

5. Applicable Regulations. Standards in the Zoning Ordinance that apply to specific uses are identified in the column entitled “applicable regulations.” Standards referenced in the applicable regulations column apply in all zones unless otherwise expressly stated. These standards are identified because they are specifically related to the stated use. However, other sections of the Zoning Ordinance may apply, and it should not be interpreted that they are not applicable because they are not listed under the “applicable regulations” column.

6. Other Regulations. Other regulations specific to each zone are listed below each zone’s column (e.g., Article 26 (Telecommunication Facilities) and Section 24-156 (Accessory Uses and Structures).

24-9 Procedures for Interpretation
A. **Request for Interpretation.** The Zoning Administrator shall respond in writing to written requests for interpretation of the Zoning Ordinance if, in the opinion of the Zoning Administrator, the requested interpretation would substantially clarify an ambiguity which interferes with the effective administration of the Zoning Ordinance. When the Zoning Administrator makes such a determination, the following procedures shall apply:

1. The request shall be in writing and shall state which provision is to be interpreted.
2. The petitioner of the request shall provide any information that the Zoning Administrator requires to assist in its review.
3. The Zoning Administrator shall respond to an interpretation request within 30 days of receiving the request.

B. **Form and Content of Interpretation.** Official interpretations prepared by the Zoning Administrator shall be in writing, and shall quote the provisions of the regulations that are being interpreted. The interpretation shall describe the circumstance that caused the need for the interpretation.

C. **Official Record of Interpretations.** An official record of interpretations shall be kept and updated regularly by the Department of Development Services. The record of interpretations shall be indexed by the number of the section that is the subject of the interpretation and made available for public inspection during normal business hours.

D. **Zoning Administrator Referral to Planning Commission.** The Zoning Administrator may refer any request for interpretation of the Zoning Ordinance to the Planning Commission for review and interpretation (see Section 24-266 (Appeal Subjects and Jurisdiction)).

E. **Appeals.** Any official interpretation prepared by the Zoning Administrator may be appealed to the Planning Commission. The Planning Commission’s interpretation may be appealed to the Board of Supervisors (see Table 24-189-1 (Review and Decision Making Authority)).
Article 3. ZONES AND ZONING MAP

Sections:
24-10 – Purpose
24-11 – Zones and Zoning Map

24-10 Purpose
This article identifies the zones that apply to property within the county and establishes the official Butte County Zoning Map.

24-11 Zones and Zoning Map
A. Base Zones. Butte County is divided into zones that implement the General Plan. The zones are shown in Table 24-11-1 (Base Zones).

B. Rural and Urban Zones. The Zoning Ordinance establishes varying standards and regulations that apply to rural and urban zones within the county. Distinguishing between rural and urban zones is intended to help preserve and enhance the rural character of the county and eliminate unnecessary and inappropriate regulations in rural areas. Table 24-11-1 (Base Zones) identifies the zones which are classified within the Zoning Ordinance as either rural or urban zones.

<table>
<thead>
<tr>
<th>Zone Symbol</th>
<th>Name of Zone</th>
<th>General Plan Land Use Designation Implemented by Zone</th>
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<tbody>
<tr>
<td>AG-20</td>
<td>Agriculture, 20-acre min. parcel size</td>
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<td>AG-40</td>
<td>Agriculture, 40-acre min. parcel size</td>
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<td>Agriculture, 80-acre min. parcel size</td>
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<td>AG-160</td>
<td>Agriculture, 160-acre min. parcel size</td>
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<td>Agriculture Services</td>
<td>AS</td>
</tr>
<tr>
<td>TM</td>
<td>Timber Mountain</td>
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</tr>
<tr>
<td>TPZ</td>
<td>Timber Production</td>
<td>TM</td>
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<tr>
<td>RC</td>
<td>Resource Conservation</td>
<td>RC</td>
</tr>
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<td>FR-1</td>
<td>Foothill Residential, 1-acre min. parcel size</td>
<td>FR</td>
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<tr>
<td>Zone Symbol</td>
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<td>General Plan Land Use Designation Implemented by Zone</td>
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<td>------------</td>
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<td>FR-2</td>
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<td>FCR-20</td>
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<td>RCR-10</td>
<td>Rural Country Residential, 10-acre min. parcel size</td>
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**Urban Zones**

**Residential Zones**

<table>
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<tr>
<th>Zone Symbol</th>
<th>Name of Zone</th>
<th>General Plan Land Use Designation Implemented by Zone</th>
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<tbody>
<tr>
<td>VLDR</td>
<td>Very Low Density Residential, up to 1 unit per acre</td>
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<td>VLDR-2.5</td>
<td>Very Low Density Residential, up to 1 unit per 2.5 acres</td>
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<td>VLDCR</td>
<td>Very Low Density Country Residential, up to 1 unit per acre</td>
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<td>LDR</td>
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<td>VHHDR</td>
<td>Very High Density Residential, 20 to 30 units per acre</td>
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**Commercial and Mixed Use Zones**

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<tr>
<th>Zone Symbol</th>
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<th>General Plan Land Use Designation Implemented by Zone</th>
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<td>MU-1</td>
<td>Mixed Use, 6 units per acre max. densityb</td>
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<td>MU-2</td>
<td>Mixed Use, 7 to 14 units per acrea</td>
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</tr>
<tr>
<td>MU-3</td>
<td>Mixed Use, 15 to 20 units per acrea</td>
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**Industrial Zones**

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<th>General Plan Land Use Designation Implemented by Zone</th>
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<tr>
<td>LI</td>
<td>Limited Industriala</td>
<td>I</td>
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<tr>
<td>GI</td>
<td>General Industrialdi</td>
<td>I</td>
</tr>
<tr>
<td>HI</td>
<td>Heavy Industrialdi</td>
<td>I</td>
</tr>
</tbody>
</table>
### C. Overlay Zones

The Zoning Ordinance and Zoning Map include the overlay zones shown in Table 24-11-2 (Overlay Zones). Overlay zones provide additional requirements and uses on properties in addition to requirements of the underlying base zone.

#### TABLE 24-11-2 Overlay Zones

<table>
<thead>
<tr>
<th>Overlay Zone Symbol</th>
<th>Name of Overlay Zone</th>
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<tbody>
<tr>
<td>-AC</td>
<td>Airport Land Use Compatibility</td>
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<td>-CM</td>
<td>Chapman Mulberry</td>
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<tr>
<td>-CH</td>
<td>Cohasset</td>
</tr>
<tr>
<td>-DH</td>
<td>Deer Herd Migration</td>
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<td>-MA</td>
<td>Military Airspace Overlay Zone</td>
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<tr>
<td>-NCSP</td>
<td>North Chico Specific Plan</td>
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<td>-SH</td>
<td>Scenic Highway</td>
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<tr>
<td>-SMSP</td>
<td>Stringtown Mountain Specific Plan</td>
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<tr>
<td>-RW</td>
<td>Neal Road Recycling, Energy, and Waste Facility</td>
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<tr>
<td>-UA</td>
<td>Unique Agriculture</td>
</tr>
<tr>
<td>-WP</td>
<td>Watershed Protection</td>
</tr>
</tbody>
</table>

### D. Zoning Map

1. The Board of Supervisors hereby adopts the Butte County Zoning Map ("Zoning Map"), which establishes the boundaries of all base and overlay zones provided for in the Zoning Ordinance.

2. The Zoning Map, including all legends, symbols, notations, references and other information shown on the map, is incorporated by reference and made a part of the Zoning Ordinance.
3. The Zoning Map is kept, maintained and updated electronically by the Department of Development Services, and is available for viewing by the public at the Department of Development Services and on the official County website.
PART 2
Zoning Districts, Land Uses,
and Development Standards

Article 4. Agriculture Zones

24-12 Purpose of the Agriculture Zones................................................................. 15
24-13 Land Use Regulations for Agriculture Zones.............................................. 15
24-14 Development Standards for Agriculture Zones........................................... 20

Article 5. Natural Resource Zones

24-15 Purpose of the Natural Resource Zones...................................................... 25
24-16 Land Use Regulations for Natural Resource Zones.................................... 26
24-17 Development Standards for Natural Resource Zones............................... 30

Article 6. Residential Zones

24-18 Purpose of the Residential Zones ............................................................... 32
24-19 Land Use Regulations for Residential Zones............................................. 34
24-20 Development Standards for Residential Zones........................................... 34

Article 7. Commercial and Mixed Use Zones

24-21 Purpose of the Commercial and Mixed Use Zones.................................... 42
24-22 Land Use Regulations for Commercial and Mixed Use Zones................. 44
24-23 Development Standards for Commercial and Mixed Use Zones.............. 47
24-24 Additional Standards for the Sports and Entertainment Zone.................. 49

Article 8. Industrial Zones

24-25 Purpose of the Industrial Zones................................................................. 51
24-26 Land Use Regulations for Industrial Zones................................................ 51
24-27 Development Standards for Industrial Zones............................................. 55
Article 9. Special Purpose Zones ................................................................. 59

24-28 Purpose of the Special Purpose Zones ............................................. 59
24-29 Land Use Regulations for Special Purpose Zones .............................. 60
24-30 Development Standards for Special Purpose Zones ......................... 64
24-31 Research and Business Park Zone Requirements .......................... 65
24-32 Planned Development Zone Requirements .................................. 69

Article 10. Overlay Zones ........................................................................ 73

24-33 Purpose of Overlay Zones ............................................................... 73
24-34 Airport Compatibility Overlay Zone ................................................ 73
24-35 Chapman Mulberry Overlay Zone ................................................... 74
24-36 Cohasset Overlay Zone ................................................................. 74
24-37 Deer Herd Migration Overlay Zone ................................................ 75
24-38 North Chico Specific Plan Overlay Zone ....................................... 76
24-39 Public Housing Overlay Zone ......................................................... 76
24-40 Recreation Commercial Overlay Zone ............................................ 78
24-41 Retail Overlay Zone ................................................................. 79
24-42 Scenic Highway Overlay Zone ....................................................... 80
24-43 Stringtown Mountain Specific Plan Overlay Zone ......................... 81
24-44 Neal Road Recycling, Energy, and Waste Facility Overlay Zone .... 81
24-45 Unique Agriculture Overlay Zone ................................................ 83
24-46 Watershed Protection Overlay Zone .............................................. 85
24-47 Military Airspace Overlay Zone (-MA) ............................................ 87
Article 4. **AGRICULTURE ZONES**

Sections:
24-12 – Purpose of the Agriculture Zones
24-13 – Land Use Regulations for Agriculture Zones
24-14 – Development Standards for Agriculture Zones

### 24-12 Purpose of the Agriculture Zones

**A. Agriculture (AG).** The purpose of the AG zone is to support, protect, and maintain a viable, long-term agricultural sector in Butte County. Standards for the AG zone maintain the vitality of the agricultural sector by retaining parcel sizes necessary to sustain viable agricultural operations, protecting agricultural practices and activities by minimizing land-use conflicts, and protecting agricultural resources by regulating land uses and development intensities in agricultural areas. Permitted uses include crop cultivation, animal grazing, stock ponds, and agricultural processing. More intensive agricultural activities, such as animal processing, dairies, hog farms, stables, forestry and logging, and mining and oil extraction, are permitted with the approval of a Conditional Use Permit. One single-family home and one second unit is permitted on each legally established parcel within the AG zone, and residential uses for agricultural employees are permitted as an accessory use within the AG zone. The minimum permitted parcel size in the AG zone ranges from 20 acres to 160 acres. The AG zone implements the Agriculture land use designation in the General Plan.

**B. Agriculture Services (AS).** The purpose of the AS zone is to protect, maintain, promote, and enhance agriculture as a viable, long-term economic sector by accommodating agricultural uses or compatible commercial and light industrial uses that directly support agricultural activities within the county. Standards for the AS zone are intended to allow most agricultural uses allowed in the AG zone while encouraging new, compatible support industries and operations, and to protect agricultural and other neighboring land uses by minimizing conflicts. Agricultural support uses permitted as-of-right in the AS zone include uses with minimal potential impacts on adjacent parcels, such as agricultural equipment sales and rental, light manufacturing, warehousing, and distribution and storage. Agricultural support uses that are more likely to impact adjacent parcels, such as agricultural vehicle repair and heavier manufacturing, require the approval of a Conditional Use Permit. Residential uses are not permitted in the AS zone, except caretaker quarters as an accessory use, which requires an Administrative Use Permit. The maximum permitted floor area ratio in the AS zone is 0.8. The AS zone implements the Agriculture Services land use designation in the General Plan.

### 24-13 Land Use Regulations for Agriculture Zones

**A. Permitted Uses.** Table 24-13-1 (Permitted Land Uses in the Agriculture Zones) identifies land uses permitted in the agriculture zones.
<table>
<thead>
<tr>
<th>Key</th>
<th>Zone</th>
<th>Applicable Regulations</th>
</tr>
</thead>
<tbody>
<tr>
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<td>AG</td>
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<tr>
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<td>M</td>
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<td></td>
</tr>
<tr>
<td>C</td>
<td>AS</td>
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**Table 24-13-1 PERMITTED LAND USES IN THE AGRICULTURE ZONES [1] [2]**

<table>
<thead>
<tr>
<th>Zone</th>
<th>Key</th>
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<th>Minor Use Permit required</th>
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<th>Use not allowed</th>
</tr>
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<tbody>
<tr>
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<td>P</td>
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<td>C</td>
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<tr>
<td>AS</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
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</tr>
</tbody>
</table>

**Agricultural Uses**

- Agricultural Processing
- Animal Grazing
- Animal Processing
- Animal Processing, Custom
- Crop Cultivation
- Feed Store
- Intensive Animal Operations
- Stables, Commercial
- Stables, Private
- Stables, Semiprivate

**Natural Resource Uses**

- Forestry and Logging
- Mining and Surface Mining Operations
- Oil and Gas Extraction, including reinjection wells for natural gas
- Timber Processing

**Residential Uses**

- Agricultural Worker Housing Center
- Caretaker Quarters
- Duplex Home
- Home Occupations - Major
- Home Occupations - Minor
- Live/Work Unit
- Mobile Home Park
- Multiple-Family Dwelling
- Residential Care Homes, Large
- Residential Care Homes, Small
- Second Units
- Single-Family Home

**Community Uses**

- Cemeteries, Private
<table>
<thead>
<tr>
<th>Key</th>
<th>Zone</th>
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</tr>
</thead>
<tbody>
<tr>
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<td></td>
</tr>
<tr>
<td>AS</td>
<td></td>
<td></td>
</tr>
<tr>
<td>P</td>
<td>Permitted use, subject to Zoning Clearance</td>
<td></td>
</tr>
<tr>
<td>A</td>
<td>Administrative Permit required</td>
<td></td>
</tr>
<tr>
<td>M</td>
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<tr>
<td>C</td>
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<td>–</td>
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<table>
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<tr>
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<tr>
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<td>Child Day Care, Large</td>
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<td>AS</td>
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<td>P [3]</td>
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<td>Community Centers</td>
<td>AG</td>
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<td>Community Centers</td>
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<tr>
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<td>AG</td>
<td>AS</td>
<td>Correctional Institutions and Facilities</td>
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<tr>
<td>Cultural Institutions</td>
<td>C</td>
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<td>Emergency Shelter</td>
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<td>AG</td>
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<td>Office, Governmental</td>
<td>AG</td>
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<td>Outdoor Education</td>
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**Commercial Uses**

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<thead>
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<td>Agricultural Support Services, Light</td>
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<td>Bars, Nightclubs and Lounges</td>
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<tr>
<td>Bed and Breakfast</td>
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<td>Commercial Recreation, Indoor</td>
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Section 24-159

Section 24-158
### Key

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### Zone

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<td>Wine, Olive Oil, Fruit and Nut, Micro-Brewery and Micro-Distillery Facilities</td>
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### Industrial Uses

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### Key

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<td>Conditional Use Permit required</td>
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<tr>
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### Transportation, Communication, and Utility Uses

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<th>Applicable Regulations</th>
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<td>Aerial Applicator and Support Services</td>
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<td>Airport-Related Uses</td>
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<td>Farm Airstrips</td>
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<td>Freight and Truck Terminals and Yards</td>
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### Other Uses

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<thead>
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<tr>
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</tbody>
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### Notes:

1. See Article 42 (Glossary) for definitions of listed land uses.
2. Standards in the Zoning Ordinance that apply to specific uses are identified under the column “Applicable Regulations,” defined under Section 24-8G.5, and are intended to direct the reader to a section that is related to the use.
3. Permitted only as an accessory use.
4. One single-family home and a second dwelling is permitted per legal parcel. Second Units are not allowed on parcels subject to Williamson Act contracts.
5. Permitted only for organizations that provide a service to the agricultural community, such as a grange or similar organization.
6. Manufacturing uses that directly support agricultural activities are permitted as “Agricultural Support Services, General” and “Agricultural Support Services, Light.”
7. Permitted only when not requiring permanent improvements and not interfering materially with agricultural operations.
8. Solar Energy Systems under Utilities, Major and Utilities, Intermediate shall only be permitted on “Grazing Land” or “Other Land” as defined under the latest mapping provided by the California Department of Conservation Division of Land Resource Protection Farmland Mapping Program and as shown under General Plan Agriculture Element, Figure AG-1, and only on those lands not subject to a Williamson Act Contract, unless the landowner has rescinded the Williamson Act Contract and entered into a solar-use easement pursuant to State law for marginally productive or physically impaired farmland.
B. Agricultural Maintenance Plan.

1. An Agricultural Maintenance Plan shall be submitted as part of any application for a non-agricultural use requiring a Conditional Use Permit or Minor Use Permit on a parcel with existing agricultural operations. The Agricultural Maintenance Plan shall identify specific measures to be implemented to ensure that the proposed use does not adversely impact agricultural activities on the parcel.

2. The Zoning Administrator and Agricultural Commissioner shall review the Agricultural Maintenance Plan and shall prepare comments and recommended conditions for consideration of the Planning Commission or Zoning Administrator at the hearing for the Conditional Use Permit or Minor Use Permit.

3. To approve a Conditional Use Permit or Minor Use Permit on a parcel with existing agricultural operations, the Planning Commission or Zoning Administrator shall consult with the Agricultural Commissioner to determine that the Agricultural Maintenance Plan will adequately mitigate any potential adverse impacts to agricultural operations on the parcel, in addition to making all the findings required by Article 31 (Conditional Use and Minor Use Permits).

24-14 Development Standards for Agriculture Zones

A. Agriculture Sub-Zones. The AG zone is divided into five sub-zones, each with its own minimum parcel size. All standards that apply to the AG zone in general also apply to each individual sub-zone, except for minimum parcel area as specified in Table 24-14-1 (Parcel Size and Density for Agriculture Zones).

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<thead>
<tr>
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<tr>
<td>AG-20 20 acres</td>
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<tr>
<td>AG-40 40 acres</td>
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<tr>
<td>AG-80 80 acres</td>
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<td>AG-160 160 acres</td>
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<tr>
<td>AS 20,000 sq. ft.</td>
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</tbody>
</table>

Notes:
[1] Applies only to the creation of new parcels.
[2] Second units are permitted.
[4] Floor Area Ratio (FAR) is defined and illustrated in Article 42 (Glossary).

B. Parcel Size and Density. Table 24-14-1 (Parcel Size and Density for Agriculture Zones) identifies the parcel size and density standards that apply in the agriculture zones.

C. Setbacks and Height. Table 24-14-2 (Setback and Height Standards for Agriculture Zones) identifies development standards that apply in the agriculture zones.
TABLE 24-14-2  SETBACK AND HEIGHT STANDARDS FOR AGRICULTURE ZONES

<table>
<thead>
<tr>
<th>Standard by Zone</th>
<th>AG</th>
<th>AS</th>
<th>Applicable Standards</th>
</tr>
</thead>
<tbody>
<tr>
<td>Primary Structure Setbacks (min.)</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Front [1]</td>
<td>20 ft.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Interior Side</td>
<td>25 ft. or 5 percent of the lot width, whichever is less but no less than 5 ft.</td>
<td></td>
<td>Article 17 (Agricultural Buffers) Article 16 (Riparian Areas) Article 12 (Setbacks Requirements and Exceptions)</td>
</tr>
<tr>
<td>Street Side</td>
<td>20 ft.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Rear</td>
<td>25 ft.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Accessory Structure Setback (min.)</td>
<td>See Section 24-156</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Separation Between Structures (min.)</td>
<td>As required by the California Building Code</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Primary Structure Height (max.)</td>
<td>See Subsection D, below</td>
<td></td>
<td>Article 11 (Height Measurement and Exceptions)</td>
</tr>
<tr>
<td>Accessory Structure Height (max.)</td>
<td>See Section 24-156</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

Notes:
[1] For parcels with a front property line extending to the centerline of the public right-of-way abutting the parcel, the front setback shall be measured from the edge of the public right-of-way.

D. Maximum Permitted Height in Agriculture Zones.

1. **Residential Structures.** The maximum permitted height of residential structures within an agriculture zone is 35 feet.

2. **Non-Residential Structures.** The maximum permitted height of non-residential structures within an agriculture zone is 50 feet, except as allowed by Subsection 3 below.

3. **Exceptions for Non-Residential Structures.** Water tanks, grainaries, barns, pole buildings, electronic towers, antennas, agricultural processing equipment and silos, aggregate processing equipment, and similar structures associated with agricultural operations may exceed 50 feet in height provided they do not exceed height restrictions in regulated airport approach zones. Such structures shall not exceed the maximum height necessary to perform its intended function. See also Section 24-157 (Alternative Energy Structures) concerning the height of alternative energy structures, and Article 26 (Telecommunication Facilities) concerning the height of towers, antennas, and similar structures not associated with agriculture. No structures shall exceed the maximum permitted height in areas as specified in Section 24-49 (Height Measurement) and the County’s Military Overlay Zone Map.

E. **Rezoning of Agricultural Lands.** The rezoning of land zoned AG or AS to a different zone shall be allowed only if all of the following criteria are met in addition to all applicable Zoning Ordinance Map Amendment requirements specified in Article 38 (Zoning Ordinance Amendments):
1. The parcels for which rezoning is requested (“subject parcels”) are adjacent to uses other than agriculture or agricultural support uses.

2. The rezoning will not be detrimental to existing agricultural operations.

3. The subject parcels are adjacent to existing development or urban infrastructure and conversion will constitute a logical contiguous extension of a designated urban area.

4. No feasible development alternative exists that is less detrimental to agriculture.

5. Full mitigation of impacts to the extent allowed under the law is provided, including, but not limited to, roads, drainage, schools, fire protection, law enforcement, recreation, sewage, and lighting, as established by the Board of Supervisors.

6. The subject parcels are not subject to a contract with the County pursuant to the Williamson Act.

7. The rezoning will not otherwise interfere with a Butte County General Plan policy, including the Chico Area Greenline policies.

F. **Rezoning from Larger to Smaller Agriculture Sub-Zones.** In order to preserve the viability of agricultural operations in Butte County, special criteria shall be met prior to the rezoning of parcels from one AG sub-zone to another AG sub-zone that allows a smaller minimum parcel size (e.g., rezoning from AG-40 to AG-20). The Board of Supervisors may approve an application for such a rezoning only if all of the following criteria are met in addition to all applicable Zoning Ordinance Map Amendment requirements specified in Article 38 (Zoning Ordinance Amendments):

1. The rezoning complies with Agricultural Buffer requirements as outlined in Article 17 of the Zoning Ordinance and Butte County General Plan Agriculture Element Policy 5.3, and all other applicable General Plan policies.

2. Building site envelopes allowed for by the rezoning can be accommodated in compliance with all Agricultural Buffer requirements.

3. The applicant has prepared and committed to implement an Agricultural Production and Stewardship Plan that details how the property will be kept in commercial agricultural use. The Plan shall show how the property will be planted with crops, orchards, vineyards, or utilized for grazing and animal production. The Plan shall specify agricultural infrastructure and facilities, including a production water source, irrigation, fences, and farm worker housing if needed. The Plan shall be reviewed by the County Agricultural Commissioner to verify that it will sustain farming practices and maximize agricultural compatibility.

4. For identified flood hazard areas, building site envelopes shall be located outside of the flood hazard area. Development permits will be prohibited within flood hazard areas unless findings based on substantial evidence provided by the owner show that development meets current government standards for flood protection. Some flood hazard areas may be removed from FEMA maps by requesting a change with the National Flood Insurance Program.

5. For areas of high erosion as identified by Butte County General Plan 2030 Figure HS-5 –Erosion Hazard Potential, the residential density allowed by the rezoning shall not increase sediment load or erosion characteristics on or off the subject parcels.
6. The reduced parcel size meets the terms specified under any applicable Williamson Act Contract.

G. Agricultural Worker Housing Center.

1. Permit Process. Agricultural worker housing centers shall be subject to an administrative permit pursuant to Article 29. Administrative Permits.

2. Location. The agricultural worker housing center shall be located in an area that will present the least amount of impact to agricultural resources (e.g., close to existing access and other structures, and in locations that will present the least amount of disturbance to agricultural resources and operations).

3. Size. Agricultural housing units shall be clustered in close proximity to each other and shall occupy an area of no more than 1 contiguous acre per parcel. No more than 12 agricultural worker housing units or a single building that contains no more than 36 beds, and other facilities associated with a residence, may be developed within the 1-acre area.

4. Occupancy. Agricultural worker housing shall be occupied by agricultural employees. The family members of an agricultural employee residing in agricultural worker housing are allowed occupants.

5. Deed Restriction. Prior to the issuance of a building permit for an agricultural worker housing center, a covenant of restriction to run with the land shall be recorded which specifies that the agricultural worker housing center cannot be sold separately, that the housing shall only be used to house agricultural workers and their families, and that these restrictions shall be binding on successors in ownership.

6. Williamson Act. Agricultural Worker Housing Centers shall comply with any applicable Williamson Act Program.
**Article 5. **

**NATURAL RESOURCE ZONES**

Sections:

24-15 – Purpose of the Natural Resource Zones
24-16 – Land Use Regulations for Natural Resource Zones
24-17 – Development Standards for Natural Resource Zones

24-15  **Purpose of the Natural Resource Zones**

**A. Timber Mountain (TM).** The purpose of the TM zone is to preserve Butte County’s valuable timber resources and to protect both the economic and environmental value of these lands. Standards for the TM zone are intended to support the growing and harvesting of timber, pulp woods, and other forestry products for commercial purposes. Permitted uses include logging, timber processing, crop cultivation, agricultural processing, and the management of forest lands for timber operations and animal grazing. Extractive uses that are generally compatible with forestry operations, including mining and oil and gas extraction, are conditionally permitted in the TM zone. The minimum permitted parcel size in the TM zone is 160 acres. The TM zone allows for one single-family home per parcel. The TM zone implements the Timber Mountain land use designation in the General Plan.

**B. Timber Production (TPZ).** The purpose of the TPZ zone is to preserve and protect land where timber is actively being grown and harvested, as well as minimize impacts to neighboring uses from active timber operations.

The California Forest Taxation Reform Act of 1976 places values on bare land that is related to its ability to grow trees, and it substitutes a percent tax on the value of timber at the time of harvest (“yield” tax) for the annual property tax on the trees. In exchange for this tax benefit, landowners dedicate their timberland to timber growing and compatible uses for a period of at least ten years. Unless terminated by the County or landowner, these ten years renew each year, thus creating a rolling minimum or self-perpetuating ten-year commitment (California Board of Equalization, 2000). Lands zoned in this manner are called Timberland Production Zones (TPZ). Permitted uses include logging, timber processing, crop cultivation, the management of forest lands for timber operations and animal grazing, and compatible uses, which are uses that are determined to not significantly detract from the use of the property for, or inhibit, growing and harvesting timber. Extractive uses that are generally compatible with forestry operations, including mining and oil and gas extraction, are conditionally permitted in the TPZ zone. Minimum parcel size and development standards for development in the TPZ zone are generally equivalent to the TM zone. The TPZ zone implements the Timber Mountain land use designation in the General Plan.

**C. Resource Conservation (RC).** The purpose of the RC zone is to protect and preserve natural, wilderness, and scientific study areas that are critical to environmental quality within Butte County. Standards for the RC zone are intended to protect sensitive natural resources and to provide limited recreational and commercial recreational uses for the enjoyment of Butte County residents and visitors. Permitted land uses in the RC zone include livestock grazing and limited recreational and commercial recreational
uses that do not detract from the area’s value for habitat, open space, or research. The minimum permitted parcel size in the RC zone is 40 acres. The RC zone allows for one single-family home per parcel. The RC zone implements the Resource Conservation land use designation in the General Plan. Mining may be considered by a Mining Permit in this zone when it will result in an improvement or no degradation of the habitat area as the end use pursuant to the Surface Mining and Reclamation Act.

24-16 Land Use Regulations for Natural Resource Zones

A. Permitted Uses. Table 24-16-1 (Permitted Land Uses in the Natural Resource Zones) identifies land uses permitted in the natural resource zones.

<p>| TABLE 24-16-1 PERMITTED LAND USES IN THE NATURAL RESOURCE ZONES [1] [2] |</p>
<table>
<thead>
<tr>
<th>Key</th>
<th>Zone</th>
<th>TM</th>
<th>TPZ</th>
<th>RC</th>
<th>Applicable Regulations</th>
</tr>
</thead>
<tbody>
<tr>
<td>P</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>Permitted use, subject to Zoning Clearance</td>
</tr>
<tr>
<td>A</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>Administrative Permit required</td>
</tr>
<tr>
<td>M</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>Minor Use Permit required</td>
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<tr>
<td>C</td>
<td></td>
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<td></td>
<td>Conditional Use Permit required</td>
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<tr>
<td>–</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>Use not allowed</td>
</tr>
</tbody>
</table>

Agricultural Uses

- Agricultural Processing: P M -
- Animal Grazing: P P P
- Animal Processing: - - -
- Animal Processing, Custom: P P -
- Crop Cultivation: P P -
- Feed Store: - - -
- Intensive Animal Operations: - - -
- Stables, Commercial: C - -
- Stables, Private: P P P
- Stables, Semiprivate: P M [4] -

Natural Resource Uses

- Forestry and Logging: P P -
- Oil and Gas Extraction, including reinjection wells for natural gas: C C [4] -
- Timber Processing: P P -

Residential Uses

- Agricultural Worker Housing Center: - - -
- Caretaker Quarters: - - -
- Duplex Home: - - -
<table>
<thead>
<tr>
<th>Key</th>
<th>Zone</th>
<th>Applicable Regulations</th>
</tr>
</thead>
<tbody>
<tr>
<td>P</td>
<td>Permitted use, subject to Zoning Clearance</td>
<td></td>
</tr>
<tr>
<td>A</td>
<td>Administrative Permit required</td>
<td></td>
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<tr>
<td>M</td>
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<tr>
<td>C</td>
<td>Conditional Use Permit required</td>
<td></td>
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<tr>
<td>-</td>
<td>Use not allowed</td>
<td></td>
</tr>
</tbody>
</table>

| Live/Work Unit | - | - | - |
| Mobile Home Park | - | - | - |
| Multiple-Family Dwelling | - | - | - |
| Residential Care, Large | - | - | - |
| Residential Care Homes, Small | P | P | P |
| Second Units | - | - | - |
| Single-Family Home | P | P | P |

### Community Uses

<table>
<thead>
<tr>
<th></th>
<th>TM</th>
<th>TPZ</th>
<th>RC</th>
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</thead>
<tbody>
<tr>
<td>Cemeteries, Private</td>
<td>C</td>
<td>C [4] [5]</td>
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<tr>
<td>Cemeteries, Public</td>
<td>M</td>
<td>M [4] [5]</td>
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<tr>
<td>Child Care Center</td>
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<tr>
<td>Child Day Care, Large</td>
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<tr>
<td>Child Day Care, Small</td>
<td>P</td>
<td>P</td>
<td>P</td>
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<tr>
<td>Clubs, Lodges and Private Meeting Halls</td>
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<td>P [5]</td>
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<tr>
<td>Community Centers</td>
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<tr>
<td>Correctional Institutions and Facilities</td>
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<tr>
<td>Cultural Institutions</td>
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<tr>
<td>Emergency Shelter</td>
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<td>Golf Courses and Country Clubs</td>
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<tr>
<td>Hospital</td>
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<tr>
<td>Medical Office and Clinic</td>
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<td>Office, Governmental</td>
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<tr>
<td>Outdoor Education</td>
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<td>P</td>
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<tr>
<td>Public Safety Facilities</td>
<td>C</td>
<td>C [4][5]</td>
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<td>Religious Facilities</td>
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<td>Schools, Public and Private</td>
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<td>Water Ski Lakes</td>
<td>-</td>
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### Commercial Uses

<table>
<thead>
<tr>
<th></th>
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<tbody>
<tr>
<td>Adult Businesses</td>
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<tr>
<td>Agricultural Product Sales, On-Site</td>
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<td>Agricultural Product Sales, Off-Site</td>
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</tr>
<tr>
<td>Agricultural Support Services, General</td>
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<td>-</td>
</tr>
<tr>
<td>Agricultural Support Services, Light</td>
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</tr>
<tr>
<td>Key Description</td>
<td>Zone</td>
<td>Applicable Regulations</td>
<td></td>
</tr>
<tr>
<td>-----------------</td>
<td>------</td>
<td>------------------------</td>
<td></td>
</tr>
<tr>
<td>Key</td>
<td>P</td>
<td>Permitted use, subject to Zoning Clearance</td>
<td></td>
</tr>
<tr>
<td>A</td>
<td>Administrative Permit required</td>
<td></td>
<td></td>
</tr>
<tr>
<td>M</td>
<td>Minor Use Permit required</td>
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<td></td>
</tr>
<tr>
<td>C</td>
<td>Conditional Use Permit required</td>
<td></td>
<td></td>
</tr>
<tr>
<td>–</td>
<td>Use not allowed</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

### Animal Processing, Limited
- TM: P
- TPZ: P
- RC: P

### Animal Services
- TM: C
- TPZ: –
- RC: –

### Bars, Nightclubs and Lounges
- TM: –
- TPZ: –
- RC: –

### Bed and Breakfasts
- TM: M
- TPZ: M
- RC: –

### Commercial Recreation, Indoor
- TM: –
- TPZ: –
- RC: –

### Commercial Recreation, Outdoor
- TM: C
- TPZ: –
- RC: –

### Construction, Maintenance and Repair Services
- TM: –
- TPZ: –
- RC: –

### Drive-through Facility
- TM: –
- TPZ: –
- RC: –

### Equipment Sales and Rental
- TM: –
- TPZ: –
- RC: –

### Firewood Storage, Processing and Off-Site Sales, Small
- TM: P
- TPZ: P
- RC: –

### Firewood Storage, Processing and Off-Site Sales, Medium
- TM: M
- TPZ: M
- RC: –

### Firewood Storage, Processing and Off-Site/On-Site Sales, Large
- TM: C
- TPZ: C
- RC: –

### Gas and Service Stations
- TM: –
- TPZ: –
- RC: –

### Hotel and Motel
- TM: –
- TPZ: –
- RC: –

### Heavy Equipment Storage
- TM: P
- TPZ: P
- RC: Section 24-173

### Hunting and Fishing Clubs
- TM: C
- TPZ: C
- RC: –

### Offices, Professional
- TM: –
- TPZ: –
- RC: –

### Nursery, Retail
- TM: –
- TPZ: –
- RC: –

### Nursery, Wholesale
- TM: P
- TPZ: C
- RC: –

### Personal Services
- TM: –
- TPZ: –
- RC: –

### Personal Services, Restricted
- TM: –
- TPZ: –
- RC: –

### Public/Mini-Storage
- TM: –
- TPZ: –
- RC: –

### Recreational Vehicle Parks
- TM: –
- TPZ: –
- RC: –

### Restaurant
- TM: –
- TPZ: –
- RC: –

### Retail, General
- TM: –
- TPZ: –
- RC: –

### Retail, Large Projects
- TM: –
- TPZ: –
- RC: –

### Retail, Restricted
- TM: –
- TPZ: –
- RC: –

### Vehicle Repair
- TM: –
- TPZ: –
- RC: –

### Vehicle Sales and Rental
- TM: –
- TPZ: –
- RC: –

### Vehicle Service and Maintenance
- TM: –
- TPZ: –
- RC: –

### Wine, Olive Oil, Fruit and Nut, Micro-Brewery and Micro-Distillery Facilities
- TM: Section 24-175
- TPZ: –
- RC: –
### Key

- **P**: Permitted use, subject to Zoning Clearance
- **A**: Administrative Permit required
- **M**: Minor Use Permit required
- **C**: Conditional Use Permit required
- **-**: Use not allowed

### Applicable Regulations

- **TM**: Applicable Regulations
- **TPZ**: Applicable Regulations
- **RC**: Applicable Regulations

### Industrial Uses

<table>
<thead>
<tr>
<th>Zone</th>
<th>TM</th>
<th>TPZ</th>
<th>RC</th>
<th>Applicable Regulations</th>
</tr>
</thead>
<tbody>
<tr>
<td>Composting Facilities</td>
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<tr>
<td>Manufacturing, General</td>
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<tr>
<td>Manufacturing, Heavy</td>
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<tr>
<td>Manufacturing, Light</td>
<td>-</td>
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<tr>
<td>Research and Development</td>
<td>-</td>
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<tr>
<td>Warehousing, Wholesaling and Distribution</td>
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</tr>
</tbody>
</table>

### Transportation, Communication and Utility Uses

<table>
<thead>
<tr>
<th>Zone</th>
<th>TM</th>
<th>TPZ</th>
<th>RC</th>
<th>Applicable Regulations</th>
</tr>
</thead>
<tbody>
<tr>
<td>Aerial Applicator and Support Services</td>
<td>-</td>
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<tr>
<td>Airport-Related Uses</td>
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<td>Farm Airstrips</td>
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<tr>
<td>Freight and Truck Terminals and Yards</td>
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<tr>
<td>Recycling Collection Facility, Large</td>
<td>-</td>
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<td></td>
</tr>
<tr>
<td>Recycling Collection Facility, Small</td>
<td>-</td>
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<td>-</td>
<td></td>
</tr>
<tr>
<td>Recycling Processing Facility, Heavy</td>
<td>-</td>
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<td>-</td>
<td></td>
</tr>
<tr>
<td>Recycling Processing Facility, Light</td>
<td>-</td>
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<td></td>
</tr>
<tr>
<td>Reverse Vending Machine</td>
<td>-</td>
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<td></td>
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<tr>
<td>Runways and Heliports</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td></td>
</tr>
</tbody>
</table>

### Utilities

<table>
<thead>
<tr>
<th>Zone</th>
<th>TM</th>
<th>TPZ</th>
<th>RC</th>
<th>Applicable Regulations</th>
</tr>
</thead>
<tbody>
<tr>
<td>Utilities, Major</td>
<td>C</td>
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<td>C</td>
<td>Section 24-157</td>
</tr>
<tr>
<td>Utilities, Intermediate</td>
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<td>Section 24-157</td>
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<td>Utilities, Accessory</td>
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</table>

### Other Uses

<table>
<thead>
<tr>
<th>Zone</th>
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<th>RC</th>
<th>Applicable Regulations</th>
</tr>
</thead>
<tbody>
<tr>
<td>Accessory Uses and Structures</td>
<td>P</td>
<td>P</td>
<td>P</td>
<td>Section 24-156</td>
</tr>
</tbody>
</table>

### Notes

1. See Article 42 (Glossary) for definitions of listed land uses.
2. Standards in the Zoning Ordinance that apply to specific uses are identified under the column “Applicable Regulations,” defined under Section 24-8G.5, and are intended to direct the reader to a section that is related to the use.
3. Only passive recreation with limited improvements is permitted. Allowed improvements include informational kiosks, parking areas, and other similar improvements.
4. No Conditional Use Permit or minor use permit shall be granted in a TPZ zone until a specific finding has been made that the proposed use is compatible with the growing and harvesting of timber and timber products, see section below.
5. Use allowed only if no alternative non-TPZ property available in the project area.
24-17 Development Standards for Natural Resource Zones

A. Parcel Size and Density. Table 24-17-1 (Parcel Size and Density for Natural Resource Zones) identifies the parcel size and density standards that apply in the natural resource zones.

<table>
<thead>
<tr>
<th>Parcel Area (min.)</th>
<th>Parcel Width (min.)</th>
<th>Dwelling Units per Parcel (max.)</th>
</tr>
</thead>
<tbody>
<tr>
<td>TM 160 acres</td>
<td>65 ft.</td>
<td>1 unit</td>
</tr>
<tr>
<td>TPZ 160 acres</td>
<td>65 ft.</td>
<td>1 unit</td>
</tr>
<tr>
<td>RC 40 acres</td>
<td>65 ft.</td>
<td>1 unit</td>
</tr>
</tbody>
</table>

Notes:
[1] Applies only to the creation of new parcels.

B. Setbacks and Height. Table 24-17-2 (Setback and Height Standards for Natural Resource Zones) identifies development standards that apply in the natural resource zones.

<table>
<thead>
<tr>
<th>Standard by Zone</th>
<th>Applicable Standards</th>
</tr>
</thead>
<tbody>
<tr>
<td>Front [1]</td>
<td>Article 17 (Agricultural Buffers)</td>
</tr>
<tr>
<td>Interior Side</td>
<td>Article 16 (Riparian Areas)</td>
</tr>
<tr>
<td>Street Side</td>
<td>Article 12 (Setback Requirements and Exceptions)</td>
</tr>
<tr>
<td>Rear</td>
<td></td>
</tr>
<tr>
<td>Accessory Structure Setback (min.)</td>
<td>See Section 24-156</td>
</tr>
<tr>
<td>Separation Between Structures (min.)</td>
<td>As required by the California Building Code</td>
</tr>
<tr>
<td>Primary Structure Height (max.)</td>
<td>See Subsection C, below</td>
</tr>
<tr>
<td>Accessory Structure Height (max.)</td>
<td>See Section 24-156</td>
</tr>
</tbody>
</table>

Notes:
[1] For parcels with a front property line extending to the centerline of the public right-of-way abutting the parcel, the front setback shall be measured from the edge of the public right-of-way.

C. Maximum Permitted Height in Natural Resources Zones.

1. Residential Structures. The maximum permitted height of residential structures within a natural resources zone is 35 feet.
2. **Non-Residential Structures.** The maximum permitted height of non-residential structures within a natural resource zones is 50 feet, except as allowed by Subsection 3 below.

3. **Exceptions for Non-Residential Structures.** Water tanks, agricultural processing equipment and silos, aggregate processing equipment, granaries, barns, pole buildings, electronic towers, antennas, and similar structures associated with agricultural and natural resource extraction uses may exceed 50 feet in height provided they do not exceed height restrictions in regulated airport approach zones. Such structures shall not exceed the maximum height necessary to perform its intended function. See also Section 24-157 (Alternative Energy Structures) concerning the height of alternative energy structures, and Article 26 (Telecommunication Facilities) concerning the height of towers, antennas, and similar structures not associated with agriculture. No structures shall exceed the maximum permitted height in areas as specified in Section 24-49 (Height Measurement) and the County’s Military Overlay Zone Map.

D. **Rezoning.** Any rezoning of the land from a Timber Production Zone (TPZ) zone to another zone shall be in strict conformance with the requirements of the California Timberland Productivity Act of 1982 (Section 51100 et seq. of the Government Code).

E. **Conditional Use Permits and Minor Use Permits in TPZ Districts.** No Conditional Use Permit or Minor Use Permit shall be granted in a TPZ zone until the following additional requirements are met:

1. A Registered Professional Forester (RPF) will be required to find that the use will not negatively detract from the ability to grow and harvest timber and timber products. The conditional use will be determined to be compatible with timber growing and harvesting. The RPF will provide all supporting documentation to the Department of Development Services.

2. A “right-to-log” disclosure shall be signed by the owner/operator in a TPZ zone when a Conditional Use Permit or Minor Use Permit is proposed. The “right-to-log” disclosure shall be provided to the Department of Development Services and shall include provisions that permitted uses may be subject to inconveniences associated with timber management and harvesting, and that such operations take precedent over conditionally permitted uses.
Article 6. **RESIDENTIAL ZONES**

Sections:
24-18 – Purpose of the Residential Zones
24-19 – Land Use Regulations for Residential Zones
24-20 – Development Standards for Residential Zones

24-18 Purpose of the Residential Zones

A. **Foothill Residential (FR).** The purpose of the FR zone is to allow for the appropriate development of large-lot single-family home, small farmsteads, and related uses in the foothill areas of the county. Standards for the FR zone are intended to ensure that the development of homes respond sensitively to the foothill setting. Permitted residential uses in the FR zones include a single-family home, small residential care home, and a second unit. The FR zone also conditionally permits non-residential uses compatible with a low-density rural setting, including public and quasi-public uses, mining, animal services, hunting and fishing clubs, nurseries, and commercial stables. Animal grazing, crop cultivation, private stables, on-site agricultural product sales, and other similar agricultural activities are permitted uses in the FR zone. The minimum permitted parcel size in the FR zone ranges from 1 acre to 40 acres. The FR zone implements the Foothill Residential land use designation in the General Plan.

B. **Foothill Country Residential (FCR).** The purpose of the FCR zone is to allow for the appropriate development of large-lot single-family homes, small farmsteads, and related uses in the foothill areas of the county. The FCR zone is applied to regional areas of the county for the protection of a quiet, country-like setting and does not permit certain uses that would interfere with this purpose. Standards for the FCR zone are intended to ensure that the development of homes respond sensitively to the foothill setting. Permitted residential uses in the FCR zones include a single-family home, small residential care home, and a second unit. Animal grazing, crop cultivation, private and semiprivate stables, on-site agricultural product sales, and other similar agricultural activities are permitted uses in the FCR zone. The minimum permitted parcel size in the FCR zone is 20 acres. The FCR zone implements the Foothill Residential land use designation in the General Plan.

C. **Rural Residential (RR).** The purpose of the RR zone is to allow for the appropriate development of large-lot single-family homes, small farmsteads, and related uses in the rural and agricultural areas of the county. Standards for the RR zone are intended to preserve and protect the character of existing rural residential areas and ensure that future rural residential development is compatible with adjacent agricultural uses. Permitted residential uses in the RR zones include a single-family home, small residential care home, and a second unit. The RR zone also conditionally permits non-residential uses compatible with a rural residential setting, including public and quasi-public uses, personal services, nurseries, and animal services. Animal grazing, crop cultivation, private stables, on-site agricultural product sales, and other similar agricultural activities are permitted uses in the RR zone. The minimum permitted parcel size in the RR zone ranges from 5 to 10 acres. The RR zone implements the Rural Residential land use designation in the General Plan.
D. **Rural Country Residential (RCR).** The purpose of the RCR zone is to allow for the appropriate development of large-lot single-family homes, small farmsteads, and related uses in the rural and agricultural areas of the county. The RCR zone is applied to regional areas of the county for the protection of a quiet, country-like setting and does not permit certain uses that would interfere with this purpose. Standards for the RCR zone are intended to preserve and protect the character of existing rural residential areas and ensure that future rural residential development is compatible with adjacent agricultural uses. Permitted residential uses in the RCR zones include a single-family home, small residential care home, and a second unit. Animal grazing, crop cultivation, private and semiprivate stables, on-site agricultural product sales, and other similar agricultural activities are permitted uses in the RCR zone. The minimum permitted parcel size in the RCR zone is 10 acres. The RCR zone implements the Rural Residential land use designation in the General Plan.

E. **Very Low Density Residential (VLDR).** The purpose of the VLDR zone is to allow for single-family homes and related uses in residential neighborhoods within the county. Standards for the VLDR zone are intended to preserve and protect the character of existing neighborhoods and to ensure that new residential neighborhoods provide an appropriate transition from rural to more developed areas. Permitted residential uses in the VLDR zones include single-family homes, small residential care homes, second units, animal grazing, on-site agricultural product sales, and private stables. The VLDR zone also conditionally permits non-residential uses compatible with a residential setting, including public and quasi-public uses, golf courses, park and recreational facilities, personal services, animal-keeping, large residential care homes, and medical offices and clinics. The minimum permitted parcel size in the VLDR zone is 1 acre. The VLDR zone implements the Very Low Density Residential land use designation in the General Plan.

F. **Very Low Density Country Residential (VLDCR).** The purpose of the VLDCR zone is to allow large lot single-family homes and related uses in existing residential neighborhoods that are adjacent to or surrounded by areas with uses of a different type or residential uses of a different density. Standards for the VLDCR zone are intended to preserve and protect the character of existing neighborhoods. Permitted residential uses in the VLDCR zones include single-family homes, small residential care homes, second units, animal grazing, on-site agricultural product sales, and private stables. The VLDCR zone conditionally permits uses compatible with a low-density residential setting including semiprivate stables animal keeping, and major home-occupations. The minimum permitted parcel size in the VLDCR zone is 1 acre. The VLDCR zone implements the Very Low Density Residential land use designation in the General Plan.

G. **Low Density Residential (LDR).** The purpose of the LDR zone is to allow for a mixture of housing types in a low density setting. Standards for the LDR zone are intended to preserve and protect the character of existing neighborhoods. Permitted housing types in the LDR zones include single-family homes and second units. Non-residential uses conditionally permitted in the LDR zone include public and quasi-public uses, park and recreational facilities, personal services, and medical offices and clinics. The maximum permitted residential density in the LDR zone is three dwelling units per acre. The LDR zone implements the Low Density Residential land use designation in the General Plan.

H. **Medium Density Residential (MDR).** The purpose of the MDR zone is to allow for a mixture of housing types in a medium density setting. Permitted housing types in the MDR zones include single-
family homes, *duplex homes*, and second units. Non-residential uses conditionally permitted in the MDR zone include public and quasi-public uses, park and recreational facilities, personal services, medical offices and clinics, and general retail. The maximum permitted residential density in the MDR zone is six dwelling units per acre. The MDR zone implements the Medium Density Residential land use designation in the General Plan.

I. **Medium High Density Residential (MHDR).** The purpose of the MHDR zone is to allow for a mixture of housing types in a medium high density setting. Permitted housing types in the MHDR zone include single-family homes, duplex homes, multi-family dwellings, and second units. The MHDR zone also conditionally permits mobile home parks. Non-residential uses conditionally permitted in the MHDR zone include public and quasi-public uses, park and recreational facilities, personal services, medical offices and clinics, and general retail. The maximum permitted residential density in the MHDR zone is 14 dwelling units per acre. The MDHR zone implements the Medium High Density Residential land use designation in the General Plan.

J. **High Density Residential (HDR).** The purpose of the HDR zone is to allow for a mixture of housing types in a high density setting. Permitted housing types in the HDR zones include single-family homes, duplex homes, multi-family dwellings, and second units. The HDR zone also conditionally permits mobile home parks. Non-residential uses conditionally permitted in the HDR zone include public and quasi-public uses, park and recreational facilities, personal services, medical offices and clinics, and general retail. Permitted residential density in the HDR zone ranges from a minimum of 14 dwelling units per acre to a maximum of 20 dwelling units per acre. The HDR zone implements the High Density Residential land use designation in the General Plan.

K. **Very High Density Residential (VHDR).** The purpose of the VHDR zone is to allow for a mixture of housing types at the highest residential densities in unincorporated Butte County. Permitted housing types in the VHDR zones include single-family homes, duplex homes, multi-family dwellings, and second units. The VHDR zone also conditionally permits mobile home parks. Non-residential uses conditionally permitted in the VHDR zone include public and quasi-public uses, park and recreational facilities, personal services, medical offices and clinics, and general retail. Permitted residential density in the VHDR zone ranges from a minimum of 20 dwelling units per acre to a maximum of 30 dwelling units per acre. The VHDR zone implements the Very High Density Residential land use designation in the General Plan.

24-19 **Land Use Regulations for Residential Zones**

A. **Permitted Uses.** Table 24-19-1 (Permitted Land Uses in the Residential Zones) identifies land uses permitted in the residential zones.
<table>
<thead>
<tr>
<th>Key</th>
<th>Permitted use, subject to</th>
</tr>
</thead>
<tbody>
<tr>
<td>P</td>
<td>Zoning Clearance</td>
</tr>
<tr>
<td>A</td>
<td>Administrative Permit</td>
</tr>
<tr>
<td>M</td>
<td>Minor Use Permit required</td>
</tr>
<tr>
<td>C</td>
<td>Conditional Use Permit</td>
</tr>
<tr>
<td></td>
<td>- Use not allowed</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Zone</th>
<th>FR</th>
<th>FCR</th>
<th>RR</th>
<th>RCR</th>
<th>VLD</th>
<th>VLDCR</th>
<th>LDR</th>
<th>MDR</th>
<th>MHDR</th>
<th>HDR</th>
<th>VHDL</th>
</tr>
</thead>
</table>

**Agriculture Uses**

Agricultural Processing  
Animal Processing  
Animal Processing, Custom  
Feed Store  
Crop Cultivation  
Intensive Animal Operations  
Stables, Commercial  
Stables, Private  
Stables, Semiprivate

**Natural Resource Uses**

Forestry and Logging  
Mining and Surface Mining Operations  
Oil and Gas Extraction, including reinjection wells for natural gas  
Timber Processing

**Residential Uses**

Agricultural Worker Housing Center  
Caretaker Quarters  
Duplex Homes  
Home Occupations - Major  
Home Occupations - Minor  
Live/Work Unit  
Mobile Home Park  
Multiple-Family Dwelling

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Section 24-158

Section 24-162

Section 24-167
### Key

| P | Permitted use, subject to Zoning Clearance |
| A | Administrative Permit required |
| M | Minor Use Permit required |
| C | Conditional Use Permit required |
| - | Use not allowed |

<table>
<thead>
<tr>
<th>Zone</th>
<th>FR</th>
<th>FCR</th>
<th>RR</th>
<th>RCR</th>
<th>VLDR</th>
<th>VLDCR</th>
<th>LDR</th>
<th>MDR</th>
<th>MHDR</th>
<th>HDR</th>
<th>VHDR</th>
<th>Applicable Regulations</th>
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</thead>
<tbody>
<tr>
<td>Residential Care Homes, Large</td>
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<td>-</td>
<td>-</td>
<td>-</td>
<td>M</td>
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</tr>
<tr>
<td>Residential Care Homes, Small</td>
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<td>P</td>
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<td>Second Units</td>
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<td>P</td>
<td>P</td>
<td>P</td>
<td>Section 24-172</td>
</tr>
</tbody>
</table>

### Community Uses

| Cemeteries, Private | - | - | - | - | - | - | - | - | - | - | - | |
| Cemeteries, Public | - | - | - | - | - | - | - | - | - | - | - | |
| Child Care Center | - | - | - | C | - | C | C | C | C | C | |
| Child Day Care, Large | M | M | M | M | M | - | M | M | M | M | M | Section 24-159 |
| Child Day Care, Small | P | P | P | P | P | P | P | P | P | P | P | Section 24-159 |
| Clubs, Lodges and Private Meeting Halls | C | C | C | C | C | - | C | C | C | C | C | |
| Community Centers | C | C | C | C | C | - | C | C | C | C | C | |
| Correctional Institutions and Facilities | - | - | - | - | - | - | - | - | - | - | - | |
| Cultural Institutions | - | - | - | - | - | - | - | - | - | - | - | |
| Emergency Shelter | - | - | - | - | - | - | - | - | - | - | - | |
| Golf Courses and Country Clubs | C | C | C | C | C | - | - | - | - | - | - | |
| Hospital | - | - | - | - | - | - | - | - | - | - | - | |
| Office, Governmental | - | - | - | - | - | - | - | - | - | - | - | |
| Outdoor Education | - | - | - | - | - | - | - | - | - | - | - | |
| Parks and Recreational Facilities | C | C | C | C | C | - | C | C | C | C | C | |
| Public Safety Facilities | C | C | C | C | C | - | C | C | C | C | C | |
| Religious Facilities | C | C | C | C | C | - | C | C | C | C | C | |
| Schools, Public and Private | C | C | C | C | C | - | C | C | C | C | C | |
| Water Ski Lakes | - | - | - | - | - | - | - | - | - | - | - | |
### Key

- **P**: Permitted use, subject to Zoning Clearance
- **A**: Administrative Permit required
- **M**: Minor Use Permit required
- **C**: Conditional Use Permit required
- **-**: Use not allowed

### Zone Applicable Regulations

<table>
<thead>
<tr>
<th>Zone</th>
<th>FR</th>
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<th>RR</th>
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<td><strong>Commercial Uses</strong></td>
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<td>Adult Businesses</td>
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<td>Agricultural Product Sales, Off-Site</td>
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<td>Heavy Equipment Storage</td>
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<td>Wine, Olive Oil, Fruit and Nut, Micro-Brewery and Micro-Distillery Facilities</td>
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**Industrial Uses**

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<td>Warehousing, Wholesaling and Distribution</td>
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**Transportation, Communication and Utility Uses**

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<tr>
<td>Recycling Processing Facility, Heavy</td>
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<td>Reverse Vending Machine</td>
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<td>Runways and Heliports</td>
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</table>

Telecommunications Facilities

Utilities, Major

Utilities, Intermediate

Utilities, Accessory

Utilities, Minor

Other Uses

Accessory Uses and Structures

Notes:
[1] See Article 42 (Glossary) for definitions of listed land uses.
[2] Standards in the Zoning Ordinance that apply to specific uses are identified under the column “Applicable Regulations,” defined under Section 24-8G.5, and are intended to direct the reader to a section that is related to the use.
[3] Permitted only on sites 5 acres or larger.
[4] Requires the approval of a mining permit and reclamation plan pursuant to Butte County Code Chapter 13.
[5] Permitted only on sites 1-acre or larger.
[6] One single-family home and a second dwelling is permitted per legal parcel.
[7] Micro Wind Systems are subject to an Administrative Permit in all residential zones.
[8] Agricultural Wind Energy System permitted in the FR and RR with a Minor Use Permit and not allowed in all other residential zones.
[9] Small Wind Energy Systems are subject to a Conditional Use Permit in the RR, RCR, FR and FCR zones and not allowed in all other residential zones.
[11] Medical Offices and Clinics are not permitted in areas subject to the Unique Agriculture Overlay Zone.
[14] Permitted only as an interim use on parcels of 1-acre or more in size prior to subdivision and development with residential uses.
[15] Permitted only on parcels of 4-acres or larger.
B. **Parcel Size and Density.** Table 24-20-1 (Parcel Size and Density for Residential Zones) identifies the parcel size and density standards that apply in residential zones.

<table>
<thead>
<tr>
<th>Parcel Area (min.)</th>
<th>Parcel Width (min.)</th>
<th>Residential Density [2]</th>
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</thead>
<tbody>
<tr>
<td>FR-1</td>
<td>1 acre</td>
<td>65 ft.</td>
</tr>
<tr>
<td>FR-2</td>
<td>2 acres</td>
<td>65 ft.</td>
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<tr>
<td>FR-5</td>
<td>5 acres</td>
<td>65 ft.</td>
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<tr>
<td>FR-10</td>
<td>10 acres</td>
<td>65 ft.</td>
</tr>
<tr>
<td>FR-20 / FCR-20</td>
<td>20 acres</td>
<td>65 ft.</td>
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<tr>
<td>FR-40</td>
<td>40 acres</td>
<td>65 ft.</td>
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<tr>
<td>RR-5</td>
<td>5 acres</td>
<td>65 ft.</td>
</tr>
<tr>
<td>RR-10 / RCR-10</td>
<td>10 acres</td>
<td>65 ft.</td>
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<tr>
<td>VLDR</td>
<td>1 acre</td>
<td>65 ft.</td>
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<tr>
<td>VLDR-2.5</td>
<td>2.5 acres</td>
<td>65 ft.</td>
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<tr>
<td>VLD CR</td>
<td>1 acre</td>
<td>65 ft.</td>
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<tr>
<td>LDR</td>
<td>13,500 sq. ft.</td>
<td>50 ft.</td>
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<tr>
<td>MDR</td>
<td>6,000 sq. ft.</td>
<td>50 ft.</td>
</tr>
<tr>
<td>MHDR</td>
<td>3,500 sq. ft.</td>
<td>35 ft.</td>
</tr>
<tr>
<td>HDR</td>
<td>3,500 sq. ft.</td>
<td>35 ft.</td>
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<tr>
<td>VHDR</td>
<td>3,500 sq. ft.</td>
<td>35 ft.</td>
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</tbody>
</table>

**Notes:**

[1] A minimum 40-foot parcel width is permitted for cul-de-sac parcels.

[2] Second units are permitted in all residential zones.

[3] In the FR, FCR, RR, RCR, LDR and VLDR zones, only one primary dwelling unit and one second unit is permitted per parcel, regardless of parcel size.

[4] Applies only to the creation of new parcels through the subdivision process.

[5] Corner parcels may exceed maximum permitted parcel area by up to 10 percent.

C. **Structure Setbacks and Height.** Table 24-20-2 (Setback and Height Standards for Residential Zones) identifies structure setback and height standards that apply in residential zones.
### Table 24-20-2  Setback and Height Standards for Residential Zones [1]

<table>
<thead>
<tr>
<th></th>
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<th>MDR</th>
<th>MHD</th>
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<tbody>
<tr>
<td><strong>Primary Structure Setbacks (min.)</strong></td>
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<tr>
<td>Front</td>
<td>20 ft.</td>
<td>20 ft.</td>
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<td>20 ft.</td>
<td>10 ft.</td>
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<tr>
<td>Interior Side</td>
<td>10 ft.</td>
<td>10 ft.</td>
<td>5 ft.</td>
<td>5 ft.</td>
<td>5 ft.</td>
<td>5 ft.</td>
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<tr>
<td>Street Side</td>
<td>10 ft.</td>
<td>10 ft.</td>
<td>10 ft.</td>
<td>10 ft.</td>
<td>10 ft.</td>
<td>10 ft.</td>
<td>10 ft.</td>
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<tr>
<td>Rear</td>
<td>10 ft.</td>
<td>10 ft.</td>
<td>10 ft.</td>
<td>10 ft.</td>
<td>10 ft.</td>
<td>10 ft.</td>
<td>5 ft.</td>
<td>5 ft.</td>
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<tr>
<td><strong>Accessory Structure Setbacks</strong></td>
<td>See Section 24-156</td>
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<tr>
<td><strong>Residential Setback from Orchards and Vineyards</strong></td>
<td>See Section 24-56.1</td>
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<tr>
<td><strong>Separation Between Structures</strong></td>
<td>As required by the California Building Code</td>
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<tr>
<td><strong>Primary Structure Height (max.)</strong></td>
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<td>35 ft.</td>
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<tr>
<td><strong>Accessory Structure Height</strong></td>
<td>See Section 24-156</td>
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**Additional Standards**
- Article 17 (Agricultural Buffers)
- Article 16 (Riparian Areas)
- Article 12 (Setbacks Requirements and Exceptions)

**Notes:**
1. Additional setbacks may be required by the Butte County Fire Safe regulations and the Public Resources Code, Section 4290.
Article 7. COMMERCIAL AND MIXED USE ZONES

Sections:
24-21 – Purpose of the Commercial and Mixed Use Zones
24-22 – Land Use Regulations for Commercial and Mixed Use Zones
24-23 – Development Standards for Commercial and Mixed Use Zones
24-24 – Additional Standards for the Sports and Entertainment Zone

24-21  Purpose of the Commercial and Mixed Use Zones

A. General Commercial (GC). The purpose of the GC zone is to allow for a full range of retail, service, and office uses to serve residents, workers, and visitors. Standards for the GC zone are intended to ensure that a diversity of commercial uses are available within convenient locations throughout the county. Permitted uses include general retail, personal services, professional offices, restaurants, gas and service stations, hotels and motels, and other similar commercial uses. Multiple-family dwellings, vehicle repair, light manufacturing, and warehousing and storage are permitted in the GC zone with the approval of a Conditional Use Permit. Single-family homes are not permitted in the GC zone. The maximum permitted floor area ratio in the GC zone is 0.4. The GC zone implements the Retail and Office land use designation in the General Plan.

B. Neighborhood Commercial (NC). The purpose of the NC zone is to allow for retail and service uses that meet the daily needs of nearby residents and workers. Standards for the NC zone are intended to reduce the need to drive by providing everyday goods and services close to where people live and work, and by allowing for centers of neighborhood activity that support small businesses. Permitted uses in the NC zone are similar to the GC zone, except that vehicle repair, light manufacturing, and warehousing and storage uses are not allowed. The maximum permitted floor area ratio in the NC zone is 0.3. The NC zone implements the Retail and Office land use designation in the General Plan.

C. Community Commercial (CC). The purpose of the CC zone is to allow for retail and service uses in proximity to residents in rural areas of the county. Standards in the CC zone are intended to increase rural residents’ access to retail products and services and to reduce the need for residents of remote communities to drive long distances to meet basic needs. Permitted uses include general retail, personal services, professional offices, restaurants, hotels and motels, and other similar commercial uses. Dwelling units are permitted in the CC zone. The maximum permitted floor area ratio in the CC zone is 0.2. The CC zone implements the Retail and Office land use designation in the General Plan.

D. Recreation Commercial (REC). The purpose of the REC zone is to allow for unique recreation and tourism-related uses to serve County residents and visitors. Standards in the REC zone are intended to allow for only those uses that are consistent with this objective. Conditionally permitted uses in the REC zone include golf courses and country clubs, parks and recreational facilities, RV parks, marinas, resorts and vacation cabins, restaurants, retail, and other similar uses. The maximum permitted floor area ratio in the REC zone is 0.4. The REC zone implements the Recreation Commercial land use designation in the General Plan.
E. **Sports and Entertainment (SE).** The purpose of the SE zone is to allow for sports and entertainment uses, including sports facilities, golf courses, theaters, and amphitheaters, as well as a range of related commercial uses that are compatible with the Sports and Entertainment zone. The related uses may include localized retail, commercial retail, and service establishments. The maximum permitted floor area ratio in the SE zone is 0.4. The SE zone implements the Sports and Entertainment land use designation in the General Plan. The Sports and Entertainment designation was enacted under Butte County Ordinance 3570, where additional information concerning this designation may be found. This designation is unique to several parcels of approximately 100 acres located in Butte Valley near the intersections of Highway 70 and Highway 191 (Clark Road).

F. **Mixed Use (MU).** The purpose of the MU zone is to allow for a mixture of residential and commercial land uses located close to one another, either within a single building, on the same parcel, or on adjacent parcels. Standards in the MU zone are intended to reduce reliance on the automobile, create pedestrian-oriented environments, and support social interaction by allowing residents to work or shop within walking distance to where they live. Permitted commercial uses include general retail, personal services, restaurants, professional offices, and other similar uses. Permitted residential density in the MU zone ranges from a minimum of 6 dwelling units per acre to a maximum of 20 dwelling units per acre. The maximum permitted floor area ratio in the MU zone ranges from 0.3 to 0.5. The MU zone implements the Mixed Use land use designation in the General Plan.

### 24-22 Land Use Regulations for Commercial and Mixed Use Zones

A. **Permitted Uses.** Table 24-22-1 (Permitted Land Uses in the Commercial and Mixed Use Zones) identifies land uses permitted in the commercial and mixed use zones.

| Key | Permitted use, subject to Zoning Clearance | Administrative Permit required | Conditional Use Permit required | Minor Use Permit required | Use not allowed | Zone | GC | NC | CC | REC | SE | MU | Applicable Regulations |
|-----|------------------------------------------|-----------------------------|--------------------------------|--------------------------|-----------------|-----|-----|-----|-----|-----|----|----------------------|
| P   | Agricultural Processing                   | -                           | -                              | -                        | -               | -   | -   | -   | -   | -   | -   | -                    |
|     | Animal Processing                         | -                           | -                              | -                        | -               | -   | -   | -   | -   | -   | -   | -                    |
|     | Animal Processing, Custom                 | -                           | -                              | -                        | -               | -   | -   | -   | -   | -   | -   | -                    |
|     | Feed Store                                | P                           | P                              | P                        | -               | -   | -   | -   | -   | -   | -   | -                    |
|     | Intensive Animal Operations               | -                           | -                              | -                        | -               | -   | -   | -   | -   | -   | -   | -                    |
|     | Stables, Commercial                       | -                           | -                              | P                        | C               | -   | C   | [4] |
|     | Stables, Private                          | -                           | -                              | -                        | -               | -   | A   | [4] |
|     | Stables, Semiprivate                      | -                           | -                              | -                        | M               | -   | A   | [4] |

---

[1] [2]
## Key

- **P**: Permitted use, subject to Zoning Clearance
- **A**: Administrative Permit required
- **C**: Conditional Use Permit required
- **M**: Minor Use Permit required
- **—**: Use not allowed

## Natural Resource Uses

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## Community Uses

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### Commercial Uses

| Adult Businesses | - | - | - | - | - | - | - | - | - | - | - | - |                       |
| Agricultural Product Sales, Off-Site    | - | P | P | - | - | P | - | - | - | - | - | - |                       |
| Agricultural Product Sales On-Site       | - | P | P | - | - | P | - | - | - | - | - | - |                       |
| Agricultural Support Services, General  | - | - | - | - | - | - | - | - | - | - | - | - |                       |
| Agricultural Support Services, Light    | - | - | - | - | - | - | - | - | - | - | - | - |                       |
| Animal Services                         | C  | C  | C  | - | - | C  | - | - | - | - | - | - |                       |
| Bars, Nightclubs and Lounges            | P  | C  | C  | M [3] | - | C  | - | - | - | - | - | - |                       |
| Bed and Breakfasts                      | P  | P  | P  | C  | P  | P  | - | - | - | - | - | - |                       |
| Commercial Recreation, Indoor           | P  | M  | P  | C  | P  | P  | - | - | - | - | - | - |                       |
| Commercial Recreation, Outdoor          | M  | M  | C  | C  | P  | M  | - | - | - | - | - | - |                       |
| Construction, Maintenance and Repair Services | P  | M  | M  | - | - | - | - | - | - | - | - | - |                       |
| Drive-Through Facility                  | M  | M  | M  | - | - | - | - | - | - | - | - | - | Section 24-160          |
| Equipment Sales and Rental              | A  | -  | M  | - | - | - | - | - | - | - | - | - |                       |
| Firewood Storage, Processing and Off-Site Sales, Small | - | - | P  | - | - | - | - | - | - | - | - | - |                       |
| Firewood Storage, Processing and Off-Site Sales, Medium | - | - | M  | - | - | - | - | - | - | - | - | - |                       |
| Firewood Storage, Processing and Off-Site Sales, Large | - | - | - | - | - | - | - | - | - | - | - | - |                       |
| Gas and Service Stations                | A  | -  | M  | - | - | - | - | - | - | - | - | - |                       |
| Heavy Equipment Storage                 | P  | P  | P  | - | - | - | - | - | - | - | - | - | Section 24-173          |
| Hotels and Motels                       | P  | P  | P  | C  | P  | P  | - | - | - | - | - | - |                       |
| Hunting and Fishing Clubs               | -  | -  | -  | P  | P  | - | - | - | - | - | - | - |                       |
| Offices, Professional                   | P  | P  | P  | - | - | - | - | - | - | - | - | - |                       |
### Commercial and Mixed Use Zones

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| Nursery, Retail | P | P | P | - | - | P |
| Nursery, Wholesale | P | P | P | - | - | P |
| Personal Services | P | P | P | - | C | P |
| Personal Services, Restricted | C | C | C | - | - | C |
| Public/Mini Storage | C | C | C | - | - | - |
| Recreational Vehicle Parks | M | M | M | C | P | - |
| Restaurant | P | P | P | C | P | P |
| Retail, General | P | P | P | C | C | P |
| Retail, Large Projects | C | - | - | - | - | - |
| Retail, Restricted | C | C | C | - | - | C |
| Vehicle Repair | M | - | A | - | - | - |
| Vehicle Sales and Rental | P | M | M | - | - | - |
| Vehicle Service and Maintenance | A | M | M | - | - | - |
| Wine, Olive Oil, Fruit and Nut, Micro-Brewery and Micro-Distillery Facilities | See Section 24-175 |

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| Runways and Heliports                      | Use not allowed |

| Telecommunications Facilities              | See Article 26 |

| Utilities, Major                          | C | C | C | C | C | C |
| Utilities, Intermediate                   | M | M | M | M | M | M |
| Utilities, Accessory [5]                   | A | A | A | A | A | A |
| Utilities, Minor                          | P | P | P | P | P | P |

### Other Uses

| Accessory Uses and Structures              | See Section 24-156 |

**Notes:**

- [1] See Article 42 (Glossary) for definitions of listed land uses.
- [2] Standards in the Zoning Ordinance that apply to specific uses are identified under the column “Applicable Regulations,” defined under Section 24-8G.5, and are intended to direct the reader to a section that is related to the use.
- [3] Permitted only in conjunction with a permitted commercial use. Single-family homes shall comply with all site development standards for MDR zones as specified in Section 24-20 (Development Standards for the Residential Zones).
- [4] Permitted only as an interim use on parcels of 1-acre or more in size prior to subdivision and development with commercial uses.
- [5] Permitted only in the MU-1 and MU-2 zone as an interim use prior to redevelopment to Mixed Uses.
- [6] Permitted only on sites of 2 acres or more in size.

### 24-23 Development Standards for Commercial and Mixed Use Zones

**A. Mixed Use Sub-Zones.** The MU zone is divided into three sub-zones, each with its own minimum parcel size. All standards that apply to the MU zone in general also apply to each individual sub-zone, except for minimum parcel area as specified in Table 24-23-1 (Parcel Size, Residential Density, and Intensity Standards for Commercial and Mixed Use Zones).

**B. Parcel Size and Density.** Table 24-23-1 (Parcel Size, Residential Density, and Intensity Standards for Commercial and Mixed Use Zones) identifies the parcel size, residential density, and intensity standards that apply in commercial and mixed-use zones.

| TABLE 24-23-1 PARCEL SIZE, RESIDENTIAL DENSITY, AND INTENSITY STANDARDS FOR COMMERCIAL AND MIXED USE ZONES |
|----------------------------------------------------|-------------------------------------------------|---------------------------------|-----------------------------|-----------------------------|-----------------------------|
| Parcel Area (min.) [1]                             | Parcel Width (min.)                             | Residential Density (min.)      | Residential Density (max.)  | Floor Area Ratio (max.) [2] |
| GC 10,000 sq. ft.                                  | 65 ft.                                          | -                              | 14 units per acre           | 0.4                         |
| NC 10,000 sq. ft.                                  | 65 ft.                                          | -                              | 6 units per acre-           | 0.3                         |
| CC 10,000 sq. ft.                                  | 65 ft.                                          | -                              | 1 unit per parcel           | 0.2                         |

47
COMMERCIAL AND MIXED USE ZONES

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<tr>
<td>SE</td>
<td>10,000 sq. ft.</td>
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<tr>
<td>MU-1</td>
<td>10,000 sq. ft.</td>
<td>65 ft.</td>
<td>-</td>
<td>6 units per acre</td>
<td>0.3</td>
</tr>
<tr>
<td>MU-2</td>
<td>10,000 sq. ft.</td>
<td>65 ft.</td>
<td>7 units per acre</td>
<td>14 units per acre</td>
<td>0.4</td>
</tr>
<tr>
<td>MU-3</td>
<td>10,000 sq. ft.</td>
<td>65 ft.</td>
<td>15 units per acre</td>
<td>20 units per acre</td>
<td>0.5</td>
</tr>
</tbody>
</table>

Notes:
[1] Applies only to the creation of new parcels through the subdivision process.
[2] Floor Area Ratio is defined and illustrated in Article 42 (Glossary). The calculation of floor area ratio excludes floor area occupied by residential uses.

C. Structure Setbacks and Height. Table 24-23-2 (Setback and Height Standards for Commercial and Mixed Use Zones) identifies structure setback and height standards that apply in commercial and mixed use zones.

TABLE 24-23-2 SETBACK AND HEIGHT STANDARDS FOR COMMERCIAL AND MIXED USE ZONES

<table>
<thead>
<tr>
<th>Zone</th>
<th>GC</th>
<th>NC</th>
<th>CC</th>
<th>REC</th>
<th>SE</th>
<th>MU</th>
<th>Additional Standards</th>
</tr>
</thead>
<tbody>
<tr>
<td>Setbacks [1]</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Front</td>
<td>None, except 15 ft. when adjacent to a residential zone</td>
<td>Article 12 (Setback Requirement and Exceptions)</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Interior Side</td>
<td>None, except 5 ft. when adjacent to a residential zone</td>
<td>Article 16 (Riparian Areas)</td>
<td></td>
<td></td>
<td></td>
<td></td>
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</tr>
<tr>
<td>Street Side</td>
<td>None, except 10 ft. when adjacent to a residential zone</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Rear</td>
<td>None, except 10 ft. when adjacent to a residential zone</td>
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</tr>
<tr>
<td>Structure Height (max.)</td>
<td>50 ft.</td>
<td>40 ft.</td>
<td>35 ft.</td>
<td>35 ft.</td>
<td>35 ft.</td>
<td>35 ft.</td>
<td>Article 11 (Height Measurements and Exceptions)</td>
</tr>
</tbody>
</table>

[1] Buildings on corner lots in Commercial and Mixed Use zones shall be designed to provide for adequate and safe sight distance for vehicles at adjacent intersections as approved by the Director of Public Works.

D. Expansion or Replacement of Existing Allowed Uses in the REC Zone.

1. A single expansion or a replacement of existing allowed uses within the REC zone is allowed through a Minor Use Permit for no more than:
   a. 2,500 square feet per structure; or
   b. 10,000 square feet total if:
   1. The project is in an area where all public services and facilities are available to allow for maximum development permissible in the General Plan, and
   2. The area in which the proposed expansion is located is not environmentally sensitive.
CommOffice and Mixed Use Zones

2. The Minor Use Permit shall be subject to all development standards (e.g., parking, landscaping, and setbacks) as set forth under this chapter.

3. A single minor expansion or replacement of existing allowed uses within the REC zone for no more than 50 square feet per structure is allowed through an Administrative Permit.

E. Allowed Uses, Expansion or Replacement of Existing Allowed Uses in the REC zone applicable to property owned and operated by the Jonesville Cabin Owner’s Association for seasonal use vacation cabins in the Jonesville area of Butte County.

1. Commercial uses as set forth under Table 24-22-1, Permitted Land uses in the Commercial and Mixed Use Zones are not permitted.

2. Each of the existing seasonal use vacation cabins may be expanded in size or replaced subject to an Administrative Permit, unless otherwise noted, and subject to the following requirements:
   a. The governing board and owner of the property shall provide the County with their permission to approve the proposed expansion or replacement as proposed under the Administrative Permit and Building Permit.
   b. The expansion or replacement shall not cause the total size of the cabin to exceed 1,800 square feet.
   c. A single minor expansion or replacement for not more than 225 square feet per cabin is allowed without being subject to an Administrative Permit. Additional expansions or replacements shall be subject to an Administrative Permit.

24-24 Additional Standards for the Sports and Entertainment Zone

A. Applicable Regulations. All new development on the site shall be reviewed to comply with all applicable federal, State, and local laws, ordinances, and regulations.

B. Utilities. A water system for a public use and a sewage treatment and disposal system shall be constructed in compliance with applicable standards.

C. Roadways. All interior roadways shall be private roads; the installation and maintenance of such shall not be borne by the County or any other public agency. By the same token, the construction of private roads need not be pursuant to County standards.

D. Highway Access. Access to a parcel zoned SE from any State highway shall be provided as required by the California Department of Transportation.

E. Traffic Control and Security Plan. At least 30 days prior to the first event at any amphitheater facility, a traffic control and security plan shall be prepared in coordination with the Butte County Sheriff, the Butte County Office of Emergency Services, the California Highway Patrol, the Butte County Agricultural Commissioner, and the Butte County Fire Marshall. This plan shall address such elements as satellite parking facilities, shuttle bus usage and routes, information brochures, emergency services access, employee ride share during major events, avoidance of conflicts with agricultural operations, and the security and safety for spectators, visitors and employees, including fire and police protection, costs of which shall be borne by the owners of the facility. The plan shall be updated at least every two years in coordination with the same agencies.
F. **Archaeological Resources.** If evidence of subsurface archaeological resources is found during con-
struction, excavation in the vicinity of the find shall cease, a professional archaeologist shall conduct an eva-
uation in accordance with State and federal laws and regulations, and the find shall be documented or preserved to the extent required by applicable laws and regulations.
Article 8. **INDUSTRIAL ZONES**

Sections:
24-25 – Purpose of the Industrial Zones
24-26 – Land Use Regulations for Industrial Zones
24-27 – Development Standards for Industrial Zones

24-25 Purpose of the Industrial Zones

A. **Light Industrial (LI).** The purpose of the LI zone is to allow for light industrial and service commercial uses with little potential to create noise, odor, vibration, or other similar impacts to adjacent uses and surrounding areas. Permitted uses in the LI zone include construction, maintenance and repair services; equipment sales and rentals; vehicle repair, service and maintenance; research and development; light manufacturing; and warehousing, wholesaling and distribution and emergency shelters. Limited amounts of retail, personal services, restaurants, and public/quasi-public uses are permitted to serve area workers, and ancillary retail areas are permitted for the sale of products manufactured on-site. Caretaker quarters that are accessory to a primary use and live/work units are the only form of residential uses allowed. The maximum permitted floor area ratio in the LI zone is 0.4. The LI zone implements the Industrial land use designation in the General Plan.

B. **General Industrial (GI).** The purpose of the GI zone is to allow for a variety of industrial and service commercial uses in Butte County. Standards for the GI zone are intended to preserve locations for existing and future employment-generating businesses, including both traditional businesses and innovative green technology enterprises. In addition to the uses permitted in the LI zone, the GI zone also permits agricultural and timber processing and heavy manufacturing with the approval of a Conditional Use Permit. The maximum permitted floor area ratio in the GI zone is 0.5. The GI zone implements the Industrial land use designation in the General Plan.

C. **Heavy Industrial (HI).** The purpose of the HI zone is to allow for a full range of industrial uses, including operations that necessitate the storage of large volumes of hazardous or unsightly materials, or which produce dust, smoke, fumes, odors, or noise at levels that would affect surrounding uses. Uses permitted in the HI are similar to the GI zone, except that heavy industrial uses are permitted either as-of-right or with a Conditional Use Permit, and retail, personal service and restaurant uses are not allowed. The maximum permitted floor area ratio in the HI zone is 0.5. The HI zone implements the Industrial land use designation in the General Plan.

24-26 Land Use Regulations for Industrial Zones

A. **Permitted Uses.** Table 24-26-1 (Permitted Land Uses in the Industrial Zones) identifies land uses permitted in the industrial zones.
### Table 24-26-1 Permitted Land Uses in the Industrial Zones [1] [2]

<table>
<thead>
<tr>
<th>Key</th>
<th>Permitted use, subject to Zoning Clearance</th>
<th>Administrative Permit required</th>
<th>Conditional Use Permit required</th>
<th>Minor Use Permit required</th>
<th>Use not allowed</th>
<th>Zone</th>
<th>Applicable Regulations</th>
</tr>
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<tbody>
<tr>
<td>A</td>
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<td>HI</td>
<td></td>
</tr>
</tbody>
</table>

**Agricultural Uses**

- **Agricultural Processing**
  - LI: -
  - GI: C
  - HI: P
- **Animal Grazing**
  - LI: -
  - GI: P[4]
  - HI: P[4]
- **Animal Processing**
  - LI: -
  - GI: -
  - HI: C
- **Animal Processing, Custom**
  - LI: -
  - GI: -
  - HI: -
- **Crop Cultivation**
  - LI: -
  - GI: P[4]
  - HI: P[4]
- **Feed Store**
  - LI: -
  - GI: -
  - HI: -
- **Intensive Animal Operations**
  - LI: -
  - GI: -
  - HI: -
- **Stables, Commercial**
  - LI: -
  - GI: -
  - HI: -
- **Stables, Private**
  - LI: -
  - GI: -
  - HI: -
- **Stables, Semiprivate**
  - LI: -
  - GI: -
  - HI: -

**Natural Resource Uses**

- **Forestry and Logging**
  - LI: -
  - GI: -
  - HI: -
- **Mining and Surface Mining Operations**
  - LI: -
  - GI: -
  - HI: C
- **Oil and Gas Extraction, including reinjection wells for natural gas**
  - LI: -
  - GI: -
  - HI: -
- **Timber Processing**
  - LI: -
  - GI: C
  - HI: P

**Residential Uses**

- **Agricultural Worker Housing Center**
  - LI: -
  - GI: -
  - HI: -
- **Caretaker Quarters**
  - LI: A
  - GI: A
  - HI: A
- **Duplex Home**
  - LI: -
  - GI: -
  - HI: -
- **Home Occupations – Major**
  - LI: -
  - GI: -
  - HI: -
- **Home Occupations – Minor**
  - LI: -
  - GI: -
  - HI: -
- **Live/Work Unit**
  - LI: M
  - GI: M
  - HI: -
  - Section 24-164
- **Mobile Home Park**
  - LI: -
  - GI: -
  - HI: -
- **Multiple-Family Dwelling**
  - LI: -
  - GI: -
  - HI: -
- **Residential Care Homes, Large**
  - LI: -
  - GI: -
  - HI: -
- **Residential Care Homes, Small**
  - LI: -
  - GI: -
  - HI: -
- **Second Units**
  - LI: -
  - GI: -
  - HI: -
- **Single-Family Home**
  - LI: -
  - GI: -
  - HI: -

**Community Uses**

- **Cemeteries, Private**
  - LI: -
  - GI: -
  - HI: -
### Key

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<tr>
<th>Permit Type</th>
<th>Description</th>
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<td>Conditional Use Permit required</td>
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<tr>
<td>M</td>
<td>Minor Use Permit required</td>
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<tr>
<td>—</td>
<td>Use not allowed</td>
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### Zone Applicable Regulations

<table>
<thead>
<tr>
<th>Zone</th>
<th>LI</th>
<th>GI</th>
<th>HI</th>
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**Cemeteries, Public**

<table>
<thead>
<tr>
<th>Zone</th>
<th>LI</th>
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<th>HI</th>
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**Child Care Center**

<table>
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<tr>
<th>Zone</th>
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**Child Day Care, Large**

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<tr>
<th>Zone</th>
<th>LI</th>
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<th>HI</th>
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</table>

**Child Day Care, Small**

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<tr>
<th>Zone</th>
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**Clubs, Lodges and Private Meeting Halls**

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<th>Zone</th>
<th>LI</th>
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</table>

**Community Centers**

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<tr>
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<th>GI</th>
<th>HI</th>
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</thead>
</table>

**Correctional Institutions and Facilities**

<table>
<thead>
<tr>
<th>Zone</th>
<th>LI</th>
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<th>HI</th>
</tr>
</thead>
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**Cultural Institutions**

<table>
<thead>
<tr>
<th>Zone</th>
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**Emergency Shelters**

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<tr>
<th>Zone</th>
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</table>

**Golf Courses and Country Clubs**

<table>
<thead>
<tr>
<th>Zone</th>
<th>LI</th>
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<th>HI</th>
</tr>
</thead>
</table>

**Hospital**

<table>
<thead>
<tr>
<th>Zone</th>
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<th>GI</th>
<th>HI</th>
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</thead>
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**Medical Office and Clinic**

<table>
<thead>
<tr>
<th>Zone</th>
<th>LI</th>
<th>GI</th>
<th>HI</th>
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**Office, Governmental**

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<thead>
<tr>
<th>Zone</th>
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<th>GI</th>
<th>HI</th>
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**Outdoor Education**

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<tr>
<th>Zone</th>
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</table>

**Parks and Recreational Facilities**

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<tr>
<th>Zone</th>
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<th>GI</th>
<th>HI</th>
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**Public Safety Facilities**

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<th>HI</th>
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**Religious Facilities**

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<tr>
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**Schools, Public and Private**

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<tr>
<th>Zone</th>
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<th>HI</th>
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**Water Ski Lakes**

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### Commercial Uses

<table>
<thead>
<tr>
<th>Use</th>
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**Adult Businesses**

<table>
<thead>
<tr>
<th>Use</th>
<th>LI</th>
<th>GI</th>
<th>HI</th>
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</table>

**Agricultural Product Sales, Off-Site**

<table>
<thead>
<tr>
<th>Use</th>
<th>LI</th>
<th>GI</th>
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**Agricultural Product Sales, On-Site**

<table>
<thead>
<tr>
<th>Use</th>
<th>LI</th>
<th>GI</th>
<th>HI</th>
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</thead>
</table>

**Agricultural Support Services, General**

<table>
<thead>
<tr>
<th>Use</th>
<th>LI</th>
<th>GI</th>
<th>HI</th>
</tr>
</thead>
</table>

**Agricultural Support Services, Light**

<table>
<thead>
<tr>
<th>Use</th>
<th>LI</th>
<th>GI</th>
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</tr>
</thead>
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**Animal Processing, Limited**

<table>
<thead>
<tr>
<th>Use</th>
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</tr>
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**Animal Services**

<table>
<thead>
<tr>
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<th>HI</th>
</tr>
</thead>
</table>

**Bars, Nightclubs and Lounges**

<table>
<thead>
<tr>
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**Bed and Breakfast**

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**Commercial Recreation, Indoor**

<table>
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<tr>
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**Commercial Recreation, Outdoor**

<table>
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**County Code Chapter 15, Article 4**
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<tr>
<th>Key</th>
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**Industrial Uses**

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</table>

| Warehousing, Wholesaling and Distribution | P | P | P |

### Transportation, Communication, and Utility Uses

<table>
<thead>
<tr>
<th>Service Type</th>
<th>LI</th>
<th>GI</th>
<th>HI</th>
</tr>
</thead>
<tbody>
<tr>
<td>Aerial Applicator and Support Services</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Airport-Related Uses</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Farm Airstrips</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Freight and Truck Terminals and Yards</td>
<td>C</td>
<td>P</td>
<td>P</td>
</tr>
<tr>
<td>Recycling Collection Facility, Large</td>
<td>A</td>
<td>A</td>
<td>A</td>
</tr>
<tr>
<td>Recycling Collection Facility, Small</td>
<td>A</td>
<td>A</td>
<td>A</td>
</tr>
<tr>
<td>Recycling Processing Facility, Heavy</td>
<td>C</td>
<td>M</td>
<td>A</td>
</tr>
<tr>
<td>Recycling Processing Facility, Light</td>
<td>M</td>
<td>M</td>
<td>A</td>
</tr>
<tr>
<td>Reverse Vending Machine</td>
<td>A</td>
<td>A</td>
<td>A</td>
</tr>
<tr>
<td>Runways and Heliports</td>
<td></td>
<td>C</td>
<td>C</td>
</tr>
<tr>
<td>Telecommunications Facilities</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Utilities, Major</td>
<td>C</td>
<td>C</td>
<td>C</td>
</tr>
<tr>
<td>Utilities, Intermediate</td>
<td>M</td>
<td>M</td>
<td>M</td>
</tr>
<tr>
<td>Utilities, Accessory [3]</td>
<td>A</td>
<td>A</td>
<td>A</td>
</tr>
<tr>
<td>Utilities, Minor</td>
<td>P</td>
<td>P</td>
<td>P</td>
</tr>
</tbody>
</table>

### Other Uses

| Accessory Uses and Structures                    | See Section 24-156 |

**Notes:**

[1] See Article 42 (Glossary) for definitions of listed land uses.
[2] Standards in the Zoning Ordinance that apply to specific uses are identified under the column “Applicable Regulations,” defined under Section 24-8G.5, and are intended to direct the reader to a section that is related to the use.
[4] Permitted only as an interim use on parcels of 1-acre or more in size prior to subdivision and development with industrial uses.

## 24-27 Development Standards for Industrial Zones

### A. Parcel Size and Density

Table 24-27-1 (Parcel Size and Intensity Standards for Industrial Zones) identifies the parcel size and intensity standards that apply in industrial zones.

<table>
<thead>
<tr>
<th>TABLE 24-27-1</th>
<th>PARCEL SIZE AND INTENSITY STANDARDS FOR INDUSTRIAL ZONES</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Parcel Area (min.)[1]</td>
</tr>
<tr>
<td>LI</td>
<td>10,000 sq. ft.</td>
</tr>
</tbody>
</table>
### B. Structure Setbacks and Height

Table 24-27-2 (Setback and Height Standards for Industrial Zones) identifies structure setback and height standards that apply in industrial zones.

**TABLE 24-27-2  SETBACK AND HEIGHT STANDARDS FOR INDUSTRIAL ZONES**

<table>
<thead>
<tr>
<th>Zone</th>
<th>LI</th>
<th>GI</th>
<th>HI</th>
<th>Additional Standards</th>
</tr>
</thead>
<tbody>
<tr>
<td>Setbacks [1]</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Front</td>
<td>None, except 50 ft. when adjacent to a residential zone</td>
<td></td>
<td></td>
<td>Article 12 (Setback Requirements and Exceptions)</td>
</tr>
<tr>
<td>Interior Side</td>
<td>None, except 50 ft. when adjacent to a residential zone</td>
<td></td>
<td></td>
<td>Article 16 (Riparian Areas)</td>
</tr>
<tr>
<td>Street Side</td>
<td>None, except 50 ft. when adjacent to a residential zone</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Rear</td>
<td>None, except 50 ft. when adjacent to a residential zone</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Structure Height (max.) [2]</td>
<td>50 ft.</td>
<td>50 ft.</td>
<td>50 ft.</td>
<td>Article 11 (Height Measurements and Exceptions)</td>
</tr>
</tbody>
</table>

**Notes:**
1. Buildings on corner lots in Industrial zones shall be designed to provide for adequate and safe sight distance for vehicles at adjacent intersections as approved by the Director of Public Works.
2. Structures associated with industrial operations may exceed 50 feet in height provided they do not exceed height restrictions in regulated airport approach zones. Such structures shall not exceed the maximum height necessary to perform its intended function.

### C. Industrial Buffer Yards

1. **Industrial Buffer Yard Defined.** An industrial buffer yard is an area of plantings and walls that shields neighboring residential properties from negative impacts created by industrial land uses.

2. **When Required.** An industrial buffer yard is required for any development within an industrial zone that is adjacent to a residential zone.

3. **Buffer Yard Standards.**
   a. Industrial buffer yards shall be located along the outer perimeter of a property line abutting a residential zone. See Figure 24-27-1 (Industrial Buffer Yards).
   b. The minimum width of an industrial buffer yard shall be 25 feet located within the 50 foot minimum setback area. See Figure 34-27-1 (Industrial Buffer Yards).
   c. Industrial buffer yards shall include a solid masonry or equivalent wall no less than six feet in height.
   d. Industrial buffer yards shall be planted with a mix of deciduous and evergreen trees and shrubs of suitable type, size, and spacing to achieve screening year-round.
e. All plantings within an industrial buffer yard shall be maintained in a manner consistent with Section 24-118 (Maintenance) in Article 21 (Landscaping).

f. Paved surfaces shall be prohibited within industrial buffer yards. Buffer yards shall not be used for parking, driveways, trash enclosures, building areas, or any other activity associated with the primary use on the property.

FIGURE 24-27-1  INDUSTRIAL BUFFER YARDS
Article 9. SPECIAL PURPOSE ZONES

Sections:
24-28 – Purpose of the Special Purpose Zones
24-29 – Land Use Regulations for Special Purpose Zones
24-30 – Development Standards for Special Purpose Zones
24-31 – Research and Business Park Zone Requirements
24-32 – Planned Development Zone Requirements

24-28 Purpose of the Special Purpose Zones

A. **Public (PB).** The purpose of the PB zone is to allow for public and quasi-public facilities that serve Butte County residents and visitors and enhance the quality of life within the county. Permitted uses in the PB zone include public and private schools; parks and playgrounds; community centers; interpretive facilities; public libraries; governmental offices; and police and fire stations. Uses permitted with the approval of a Conditional Use Permit include hospitals, cultural institutions, religious facilities, and large scale facilities such as dams and reservoirs, landfills, cemeteries and mausoleums, correctional institutions, major utilities, and other similar public works projects. The maximum FAR in the PB zone is 0.5. The PB zone implements the Public land use designation in the General Plan.

B. **Airport (AIR).** The purpose of the AIR zone is to preserve and protect Butte County’s airports by allowing land uses and activities that are typically associated with airport operations, and preventing the encroachment of incompatible uses. Standards in the AIR zone are intended to supports aeronautics-related businesses and services that benefit from or require proximity to an airport. Permitted land uses include unscheduled air carrier facilities, charter aircraft operations, aircraft sales and service, aircraft storage, sale of aviation petroleum products, pilot lounges and airport offices, and other similar uses. Airport-related uses typically associated with scheduled air services, or that may not be appropriate in all locations, are permitted with the approval of a Conditional Use Permit. Land uses that serve visitors to the airport and the general public, such as retail, services, and restaurants, are also permitted with the approval of Conditional Use Permit. The maximum FAR in the AIR zone is 0.5. The AIR zone implements the Industrial land use designation in the General Plan.

C. **Research and Business Park (RBP).** The purpose of the RBP zone is to accommodate the development of high quality, extensively landscaped, and well-maintained commercial and light industrial projects in a campus-like environment. Permitted land uses with approval of a Master Development Plan include research and development, business/professional corporate headquarters, and light industrial and manufacturing. Retail, services, and clustered residential uses are permitted as accessory uses. Development within the RBP zone is subject to detailed standards relating to site planning, building design, and landscape design. Prior to development occurring in the RBP zone, a Master Development Plan shall be approved by the Planning Commission that establishes a detailed plan for proposed buildings, uses, and site improvements. The maximum FAR in the RBP zone is 0.5. Residential uses are permitted when clustered. The RPB zone implements the Research and Business Park designation in the General Plan.

D. **Planned Development (PD).** The purpose of the PD zone is to allow for high quality development that deviates from standards and regulations applicable to other zones within the county. The PD zone
is intended to promote creativity in building design, flexibility in permitted land uses, and innovation in
development concepts. The PD zone is also intended to ensure project consistency with the General
Plan, sensitivity to surrounding land uses, and the protection of sensitive natural resources. The PD zone
provides land owners with enhanced flexibility to take advantage of unique site characteristics to develop
projects that will provide public benefits for residents, employees, and visitors to Butte County. This
zone is not identified in Table 24-29-1 (Permitted Land Uses in Special Purpose Zones) as it is intended
to allow for a variety of uses and development, refer to Section 24-32 (Planned Development Zone Re-
quirements) for further discussion.

24-29 Land Use Regulations for Special Purpose Zones

A. Permitted Uses in the PB, AIR and RBP Zones. Table 24-29-1 (Permitted Land Uses in Special
Purpose Zones) identifies land uses permitted in the PB, AIR, and RBP zones.

B. Permitted Uses in the PD Zone. Permitted land uses shall conform to the land uses allowed by the
applicable General Plan land use designation. Planned Development zoning is allowed in the Residential,
Commercial and Industrial zones.

TABLE 24-29-1 PERMITTED LAND USES IN SPECIAL PURPOSE ZONES [1] [2]

<table>
<thead>
<tr>
<th>Key</th>
<th>Zone</th>
<th>PB</th>
<th>AIR</th>
<th>RBP</th>
<th>Applicable Regulations</th>
</tr>
</thead>
<tbody>
<tr>
<td>P</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>Use not allowed</td>
</tr>
<tr>
<td>A</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>Use not allowed</td>
</tr>
<tr>
<td>C</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>Use not allowed</td>
</tr>
<tr>
<td>M</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>Use not allowed</td>
</tr>
<tr>
<td>—</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>Use not allowed</td>
</tr>
</tbody>
</table>

Agriculture Uses

- Agricultural Processing
- Animal Grazing
- Animal Processing
- Animal Processing, Custom
- Crop Cultivation
- Feed Store
- Intensive Animal Operations
- Stables, Commercial
- Stables, Private
- Stables, Semiprivate

Natural Resource Uses

- Forestry and Logging
- Mining and Surface Mining Operations
- Oil and Gas Extraction, including reinjection wells for natural gas
- Timber Processing
<table>
<thead>
<tr>
<th>Residential Uses</th>
<th>Zone</th>
<th>Applicable Regulations</th>
</tr>
</thead>
<tbody>
<tr>
<td>Agricultural Worker Housing Center</td>
<td>-</td>
<td>-</td>
</tr>
<tr>
<td>Caretaker Quarters</td>
<td>-</td>
<td>P [3]</td>
</tr>
<tr>
<td>Duplex Home</td>
<td>-</td>
<td>C [3]</td>
</tr>
<tr>
<td>Home Occupations - Major</td>
<td>-</td>
<td>M</td>
</tr>
<tr>
<td>Home Occupations - Minor</td>
<td>-</td>
<td>A</td>
</tr>
<tr>
<td>Live/Work Unit</td>
<td>-</td>
<td>C [3]</td>
</tr>
<tr>
<td>Mobile Home Park</td>
<td>-</td>
<td>-</td>
</tr>
<tr>
<td>Multiple-Family Dwelling</td>
<td>-</td>
<td>C [3]</td>
</tr>
<tr>
<td>Residential Care Homes, Large</td>
<td>-</td>
<td>C [3]</td>
</tr>
<tr>
<td>Residential Care Homes, Small</td>
<td>-</td>
<td>C [3]</td>
</tr>
<tr>
<td>Second Units</td>
<td>-</td>
<td>-</td>
</tr>
<tr>
<td>Single-Family Home</td>
<td>-</td>
<td>C [3]</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Community Uses</th>
<th>Zone</th>
<th>Applicable Regulations</th>
</tr>
</thead>
<tbody>
<tr>
<td>Cemeteries, Private</td>
<td>C</td>
<td>-</td>
</tr>
<tr>
<td>Cemeteries, Public</td>
<td>P</td>
<td>-</td>
</tr>
<tr>
<td>Child Care Center</td>
<td>C</td>
<td>P [4]</td>
</tr>
<tr>
<td>Child Day Care, Large</td>
<td>-</td>
<td>-</td>
</tr>
<tr>
<td>Child Day Care, Small</td>
<td>-</td>
<td>-</td>
</tr>
<tr>
<td>Clubs, Lodges and Private Meeting Halls</td>
<td>C</td>
<td>P [4]</td>
</tr>
<tr>
<td>Community Centers</td>
<td>P</td>
<td>P [4]</td>
</tr>
<tr>
<td>Correctional Institutions and Facilities</td>
<td>C</td>
<td>-</td>
</tr>
<tr>
<td>Cultural Institutions</td>
<td>M</td>
<td>M [4]</td>
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<tr>
<td>Golf Courses and Country Clubs</td>
<td>-</td>
<td>-</td>
</tr>
<tr>
<td>Emergency Shelters</td>
<td>C</td>
<td>-</td>
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<tr>
<td>Hospital</td>
<td>C</td>
<td>-</td>
</tr>
<tr>
<td>Medical Office and Clinic</td>
<td>C [5]</td>
<td>C</td>
</tr>
<tr>
<td>Office, Governmental</td>
<td>P</td>
<td>C</td>
</tr>
<tr>
<td>Outdoor Education</td>
<td>-</td>
<td>-</td>
</tr>
<tr>
<td>Parks and Recreational Facilities</td>
<td>P [5]</td>
<td>-</td>
</tr>
<tr>
<td>Public Safety Facilities</td>
<td>P</td>
<td>P [4]</td>
</tr>
<tr>
<td>Religious Facilities</td>
<td>C</td>
<td>P [4]</td>
</tr>
</tbody>
</table>
### Key

- **P** Permitted use, subject to Zoning Clearance
- **A** Administrative Permit required
- **C** Conditional Use Permit required
- **M** Minor Use Permit required
- **—** Use not allowed

<table>
<thead>
<tr>
<th>Zone</th>
<th>PB</th>
<th>AIR</th>
<th>RBP</th>
<th>Applicable Regulations</th>
</tr>
</thead>
<tbody>
<tr>
<td>Schools, Public and Private</td>
<td>P [5]</td>
<td>-</td>
<td>-</td>
<td></td>
</tr>
<tr>
<td>Water Ski Lakes</td>
<td>-</td>
<td>-</td>
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</tr>
</tbody>
</table>

### Commercial Uses

<table>
<thead>
<tr>
<th>Activity</th>
<th>Zone</th>
</tr>
</thead>
<tbody>
<tr>
<td>Adult Businesses</td>
<td>-</td>
</tr>
<tr>
<td>Agricultural Product Sales, Off-Site</td>
<td>-</td>
</tr>
<tr>
<td>Agricultural Product Sales, On-Site</td>
<td>-</td>
</tr>
<tr>
<td>Agricultural Support Services, General</td>
<td>-</td>
</tr>
<tr>
<td>Agricultural Support Services, Light</td>
<td>-</td>
</tr>
<tr>
<td>Animal Processing, Limited</td>
<td>-</td>
</tr>
<tr>
<td>Animal Services</td>
<td>-</td>
</tr>
<tr>
<td>Bars, Nightclubs and Lounges</td>
<td>- C P [4]</td>
</tr>
<tr>
<td>Bed and Breakfast</td>
<td>-</td>
</tr>
<tr>
<td>Commercial Recreation, Indoor</td>
<td>-</td>
</tr>
<tr>
<td>Commercial Recreation, Outdoor</td>
<td>C</td>
</tr>
<tr>
<td>Construction, Maintenance and Repair Services</td>
<td>- C</td>
</tr>
<tr>
<td>Drive-Through Facility</td>
<td>A A</td>
</tr>
<tr>
<td>Equipment Sales and Rentals</td>
<td>- C</td>
</tr>
<tr>
<td>Firewood Storage, Processing and Off-Site Sales, Small</td>
<td>-</td>
</tr>
<tr>
<td>Firewood Storage, Processing and Off-Site Sales, Medium</td>
<td>-</td>
</tr>
<tr>
<td>Firewood Storage, Processing and Off-Site/On-Site Sales, Large</td>
<td>-</td>
</tr>
<tr>
<td>Gas and Service Stations</td>
<td>- C</td>
</tr>
<tr>
<td>Heavy Equipment Storage</td>
<td>P P</td>
</tr>
<tr>
<td>Hotel and Motel</td>
<td>- C</td>
</tr>
<tr>
<td>Hunting and Fishing Clubs</td>
<td>-</td>
</tr>
<tr>
<td>Offices, Professional</td>
<td>- C P</td>
</tr>
<tr>
<td>Nursery, Retail</td>
<td>-</td>
</tr>
<tr>
<td>Nursery, Wholesale</td>
<td></td>
</tr>
<tr>
<td>Personal Services</td>
<td>- C P [4]</td>
</tr>
<tr>
<td>Personal Services, Restricted</td>
<td>-</td>
</tr>
<tr>
<td>Public/Mini Storage</td>
<td>- C</td>
</tr>
<tr>
<td>Restaurants</td>
<td>- C P [4]</td>
</tr>
<tr>
<td>Retail, General</td>
<td>- C P [4]</td>
</tr>
<tr>
<td>Key</td>
<td>Zone</td>
</tr>
<tr>
<td>-----</td>
<td>------</td>
</tr>
<tr>
<td>P</td>
<td>PB</td>
</tr>
<tr>
<td>A</td>
<td>Administrative Permit required</td>
</tr>
<tr>
<td>C</td>
<td>Conditional Use Permit required</td>
</tr>
<tr>
<td>M</td>
<td>Minor Use Permit required</td>
</tr>
<tr>
<td>—</td>
<td>Use not allowed</td>
</tr>
<tr>
<td>Retail, Large Projects</td>
<td>-</td>
</tr>
<tr>
<td>Retail, Restricted</td>
<td>-</td>
</tr>
<tr>
<td>Vehicle Repair</td>
<td>-</td>
</tr>
<tr>
<td>Vehicle Sales and Rental</td>
<td>-</td>
</tr>
<tr>
<td>Vehicle Service and Maintenance</td>
<td>-</td>
</tr>
<tr>
<td>Wine, Olive Oil, Fruit and Nut, Micro-Brewery and Micro-Distillery Facilities</td>
<td>-</td>
</tr>
<tr>
<td><strong>Industrial Uses</strong></td>
<td></td>
</tr>
<tr>
<td>Composting Facilities</td>
<td>-</td>
</tr>
<tr>
<td>Manufacturing, General</td>
<td>-</td>
</tr>
<tr>
<td>Manufacturing, Heavy</td>
<td>-</td>
</tr>
<tr>
<td>Manufacturing, Light</td>
<td>-</td>
</tr>
<tr>
<td>Research and Development</td>
<td>-</td>
</tr>
<tr>
<td>Warehousing, Wholesaling and Distribution</td>
<td>-</td>
</tr>
<tr>
<td><strong>Transportation, Communication and Utility Uses</strong></td>
<td></td>
</tr>
<tr>
<td>Aerial Applicator and Support Services</td>
<td>-</td>
</tr>
<tr>
<td>Airport-Related Uses</td>
<td>-</td>
</tr>
<tr>
<td>Farm Airstrips</td>
<td>-</td>
</tr>
<tr>
<td>Freight and Truck Terminals and Yards</td>
<td>-</td>
</tr>
<tr>
<td>Recycling Collection Facility, Large</td>
<td>-</td>
</tr>
<tr>
<td>Recycling Collection Facility, Small</td>
<td>A</td>
</tr>
<tr>
<td>Recycling Processing Facility, Heavy</td>
<td>-</td>
</tr>
<tr>
<td>Recycling Processing Facility, Light</td>
<td>-</td>
</tr>
<tr>
<td>Reverse Vending Machine</td>
<td>A</td>
</tr>
<tr>
<td>Runways and Heliports</td>
<td>C [5]</td>
</tr>
<tr>
<td><strong>Telecommunications Facilities</strong></td>
<td></td>
</tr>
<tr>
<td>Utilities, Major</td>
<td>C</td>
</tr>
<tr>
<td>Utilities, Intermediate</td>
<td>M</td>
</tr>
<tr>
<td>Utilities, Accessory [6]</td>
<td>A</td>
</tr>
<tr>
<td>Utilities, Minor</td>
<td>P</td>
</tr>
<tr>
<td><strong>Other Uses</strong></td>
<td></td>
</tr>
<tr>
<td>Accessory Uses and Structures</td>
<td></td>
</tr>
</tbody>
</table>
Notes:
[1] See Article 42 (Glossary) for definitions of listed land uses.
[2] Standards in the Zoning Ordinance that apply to specific uses are identified under the column “Applicable Regulations,” defined under Section 24-8G.5, and are intended to direct the reader to a section that is related to the use.
[3] Permitted only as an accessory use. The maximum number of units shall not exceed one unit per acre of gross project area.
[4] Square footage shall not exceed one percent of the floor area of a parcel or the total floor area of the entire research and business park. Uses may be developed only after 25 percent of the approved research and business park floor area is built out, unless the use is operated by and included in the building of a primary permitted use.
[5] Use shall be owned and operated by governmental agencies or recognized ‘not for profit’ agencies. Privately owned, for-profit facilities are prohibited.

24-30 Development Standards for Special Purpose Zones

A. Parcel Size and Density.

1. Table 24-30-1 (Parcel Size, Residential Density, and Intensity Standards for Special Purpose Zones) identifies the parcel size, density, and intensity standards that apply in the PB, AIR, and RBP zones.

2. Residential density and intensity standards in the PD zone shall be as allowed by the applicable General Plan land use designation. Parcel size standards in the PD zone shall be as specified in an approved Development Plan as described in Section 24-32 (Planned Development Zone Requirements).

<table>
<thead>
<tr>
<th></th>
<th>Site Area (min.)</th>
<th>Parcel Width (min.)</th>
<th>Gross Residential Density (max.)</th>
<th>FAR (max.)</th>
</tr>
</thead>
<tbody>
<tr>
<td>PB</td>
<td>-</td>
<td>65 ft.</td>
<td>-</td>
<td>0.4</td>
</tr>
<tr>
<td>AIR</td>
<td>10,000 sq. ft.</td>
<td>65 ft.</td>
<td>-</td>
<td>0.5</td>
</tr>
<tr>
<td>RBP</td>
<td>1 acres</td>
<td>100 ft.</td>
<td>1 unit per acre</td>
<td>0.5</td>
</tr>
</tbody>
</table>

B. Structure Setbacks and Height.

1. Table 24-30-2 (Setback and Height Standards for Special Purpose Zones) identifies structure setback and height standards that apply in the PB, AIR, and RBP zones.

2. Structure setback and height standards in the PD zone shall be as specified in an approved Development Plan as described in Section 24-32 (Planned Development Zone Requirements).
### Table 24-30-2  Setback and Height Standards for Special Purpose Zones

<table>
<thead>
<tr>
<th>Zone</th>
<th>PB</th>
<th>AIR</th>
<th>RBP</th>
<th>Additional Standards</th>
</tr>
</thead>
<tbody>
<tr>
<td>Front</td>
<td>None, except 15 ft. when adjacent to a residential zone or use</td>
<td>50 ft.</td>
<td>Article 12 (Setback Requirements and Exceptions) Article 16 (Riparian Areas)</td>
<td></td>
</tr>
<tr>
<td>Interior Side</td>
<td>None, except 5 ft. when adjacent to a residential zone or use</td>
<td>25 ft.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Street Side</td>
<td>None, except 10 ft. when adjacent to a residential zone or use</td>
<td>50 ft.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Rear</td>
<td>None, except 10 ft. when adjacent to a residential zone or use</td>
<td>25 ft.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Structure Height (max.)</td>
<td>None</td>
<td>35 ft.</td>
<td>60 ft.</td>
<td>Article 11 (Height Measurements and Exceptions)</td>
</tr>
</tbody>
</table>

**Note:**

[1] Buildings on corner lots in special purpose zones shall be designed to provide for adequate and safe sight distances for vehicles at adjacent intersections as approved by the Director of Public Works.

### C. Additional AIR Zone Standards.

1. **Performance Standards.** Any use that is not primarily aeronautic in nature shall not produce glare, heat, noise, or odor above ambient levels at the property line.

2. **Building and Development Standards.** All structures shall be designed and constructed to limit indoor noise levels to no greater than 45 decibels during aircraft operation.

3. **Minimum Requirements for New Airport Zones.** Sites proposed for AIR zoning shall demonstrate that the site can meet all the permitting requirements of the California Department of Transportation, Division of Aeronautics.

### 24-31 Research and Business Park Zone Requirements

#### A. Design Standards. All development within the RBP zone shall comply with the following design standards. Compliance with these standards may be modified through the Master Development Plan review process, described in Subsection B below. Development within the RBP zone shall also be subject to all other applicable development standards contained in the Zoning Ordinance, including but not limited to standards for parking, signage, and landscaping.

1. **Site Design.**
   a. Development shall be sensitive to viewshed preservation for nearby properties within and beyond the business park.
   b. Parking lots shall not be a visually dominant site feature when viewed from adjacent streets. Large expanses of parking lot surface are to be avoided in favor of smaller amounts.
   c. Employee parking areas shall be separated from streets by structures unless unusual site conditions require an alternative configuration.
   d. Where parking lots are visible from streets, parked vehicles shall be partially screened with perimeter landscaping or landscaped earthen berms that do not interfere with sight distance at driveways and road intersections.
e. Plazas and courtyards, protected from weather and nuisance factors (e.g., loading and service areas and mechanical equipment), shall be provided within each project for the benefit and enjoyment of employees.

f. Residential development intended to provide housing opportunities for employees may be provided within the RBP zone. The number of residential units shall not exceed one unit per gross acre. Residential lots may vary in size but shall be no smaller than 6,000 square feet and no larger than ½ acre. Residential development and parcel layout shall be approved as part of the Master Development Plan.

g. A Subdivision Map (if a subdivision is proposed) application shall be submitted with the Master Development Plan.

2. **Architectural Design.**
   a. All primary building materials shall be able to withstand local weather conditions with little or no degradation in appearance or function.
   b. Large expanses of uninterrupted wall planes are prohibited where visible from a street or research and business park property line. Various techniques may be utilized to reduce the visual monotony of such vertical surfaces, including deep off-sets and recesses, windows, trellises, variations in colors and materials, and architectural detailing that creates definite shadow patterns.
   c. The appearance of large, monolithic structure mass is prohibited. Where large footprint, rectilinear structures are necessary and appropriate, the perception of mass shall be reduced by breaking wall planes into smaller, connected sizes. Apparent structure mass can also be reduced by incorporating extensive tree screening.
   d. Primary structure entrances shall be oriented toward the street.

3. **Public Facilities and Utilities.** All utilities shall be installed underground, with the exception of transformers which may be pad-mounted. Pad-mounted facilities shall be screened from off-site view using shrubs.

4. **Grading, Drainage, and Erosion Control.** Contour grading techniques shall be used to blend site grading into natural topography. Grading shall be designed to:
   a. Conserve natural topographic features by minimizing the amount of cut and fill and by blending graded slopes and benches with the natural topography; and
   b. Retain major natural topographic features, including canyons, knolls, ridgelines, and prominent landmarks.

5. **Agricultural Uses and Environmental Resources.**
   a. Agricultural uses may be integrated into private or common open space or landscaped areas within a research and business park development.
   b. Mature trees, creeks, rock outcroppings and other natural features shall be preserved and incorporated into business parks unless project objectives cannot be achieved without their removal.

6. **Streetscape.** Development in the RBP Zone shall provide a consistent streetscape theme addressing all elements of the streetscape, including plant materials, street lighting fixtures, street signage, and pavement material.
B. Permitting Requirements.

1. Master Development Plan Required. No development may occur within the RBP zone prior to the approval of a Master Development Plan. The Master Development Plan will serve as a comprehensive program that identifies the parameters and standards for the uses, design, and maintenance of all land within the RBP zone boundary.

2. Pre-Application Conference. An optional pre-application conference with the Department of Development Services is encouraged for all Master Development Plans.

3. Application Submittal and Review. An application for a Master Development Plan shall be filed and reviewed in compliance with Article 27 (Permit Application and Review) and shall, at a minimum, include all of the following materials and information:
   a. A site development plan showing development parcels and their uses, building areas, vehicular and pedestrian access and circulation, open space areas, landscaping, and parking.
   b. A statement identifying any requested modifications to the design standards identified in Subsection A above, and a description of the proposed method of administering and enforcing design standards and maintaining open space areas within the project.
   c. Typical elevations that illustrate the range of permitted architectural styles for proposed buildings.
   d. A schematic infrastructure plan (i.e., roads, sewer, water, storm drainage) showing size and availability of facilities and a description of necessary utilities.
   e. A topographic map of the project site and land and structures within 100 feet of the project boundaries. The map shall be drawn to a scale of not less than 1 inch equals 100 feet with a contour interval of 5 feet.
   f. Maps of existing and final slope depicting the following slope categories: 0-5 percent, 6-10 percent, 11-15 percent, and 16 percent and higher.
   g. A preliminary grading, erosion control, and drainage plan.
   h. A biological resource assessment of the subject site by a qualified biologist including the location and species of trees over 6 inches in diameter at breast height, habitat type, and the occurrence of any special-status species within the area.
   i. A traffic study prepared by a qualified traffic engineer to assess current levels of service and needed improvements of both on-site and off-site roads. The study shall also evaluate pedestrian and bicycle opportunities, transit, and unique characteristics of the vehicle mix.
   j. A description of project phasing, if applicable.

4. Specific Plan Permitted. A specific plan, as identified in Section 65450 et seq. of the California Government Code, or a development agreement pursuant to Article 40 (Development Agreements), may be used by the applicant to fulfill the requirement for preparation of a Master Development Plan.

5. Public Notice and Hearing. The Planning Commission shall hold a public hearing on the application for a Master Development Plan in compliance with Article 36 (Public Notice and Hearings).

6. Findings. The Planning Commission may approve an application for a Master Development Plan only if all of the following findings can be made:
a. The Master Development Plan is consistent with all standards and regulations that apply to the RBP zone as well as all other applicable standards in the Zoning Ordinance.

b. The Master Development Plan complies with applicable standards in the Zoning Ordinance, other County ordinances, the General Plan and any other applicable community or specific plan.

c. The location, size, design, and operating characteristics of the research and business park will be compatible with existing and future land uses in the vicinity of the project site.

d. The research and business park is properly located within the county and adequately served by existing or planned services and infrastructure.

e. The Master Development Plan carries out the intent of the RBP zone by providing for high quality, extensively landscaped, and well-maintained commercial and light industrial development in a campus-like environment.

7. **Modifications Permitted.** The Planning Commission may approve modifications to development standards for the RBP zone specified in Section 24-30 (Development Standards for Special Purpose Zones) during the Master Development Plan review process. A modification may be approved if it is determined that the modification meets the intent of the RBP zone, would result in a superior development or results in a comparable outcome, and would not result in greater impacts on surrounding properties or the environment in general.

8. **Master Development Plan Amendment Process.** Modifications to an approved Master Development Plan shall be approved as specified in Section 24-246 (Changes to an Approved Project).

9. **Relationship to Subdivision Process.** A tentative parcel map or tentative subdivision map shall be submitted and processed concurrently with a Master Development Plan.

10. **Administrative Permit Process.**
   
a. Once a Master Development Plan has been approved by the Planning Commission, the Zoning Administrator shall grant Administrative Permits for any use or structure consistent with the Master Development Plan. A building permit or grading permit shall not be issued until an Administrative Permit has been approved by the Zoning Administrator.

b. The Zoning Administrator shall determine that all uses and development standards are consistent with the approved Master Development Plan and within the scope of the environmental review and determination for the overall research and business park. The Zoning Administrator shall also verify that the applicant has received design review approval by the research and business park property owners association or other established entity, as applicable. The CC&Rs, as required in Subsection 11 below, shall be submitted for review and approval.

11. **Deed Restrictions.**
   
a. Where multiple owners or parcels are included, deed restrictions, or covenants, conditions and restrictions (CC&Rs), administered and enforced by a property owners association, shall be submitted as part of the Administrative Permit process. CC&Rs shall be reviewed and approved by the Zoning Administrator and County Counsel to assure conformance with the master development plan. All uses within the research and business park shall adhere to the recorded CC&Rs.
b. CC&Rs shall give particular attention to administration and enforcement of design guidelines and to maintenance of common open space and landscaping.

24-32 Planned Development Zone Requirements

A. General Rezoning Requirements. In addition to the requirements contained in this section, the rezoning of any parcel to Planned Development (PD) shall comply with the requirements for a Zoning Ordinance Map Amendment as specified in Article 38 (Zoning Ordinance Amendments).

B. Minimum Parcel Size. The minimum size of a site proposed for rezoning to the PD zone is 3 acres.

C. Pre-Application Conference. Prospective applicants are required to request a pre-application conference with the Department of Development Services before completing and filing an application for a PD rezoning. At the pre-application conference, prospective applicants shall describe the general concepts of the development project, including site layout, land uses, building height and bulk standards, circulation, and other information necessary to describe key aspects of the project. The Department of Development Services shall provide preliminary feedback on the described development project relative to project consistency with County policies. The Department of Development Services shall also review with the prospective applicant submittal requirements for a PD rezoning and the process for application review and action by the Planning Commission and Board of Supervisors.

D. Application Submittal. An application for a PD rezoning shall be filed in compliance with Article 27 (Permit Application and Review). The application shall include the information and materials specified in the Department of Development Services handout for Zoning Ordinance Map Amendments, in addition to the following materials:

1. Project Description. The applicant shall provide a written description of the project proposed within the PD zone. The project description shall include a narrative statement of the project’s objectives and a statement of how the proposed project will comply with General Plan goals and policies for the land use designation of the project site. The project description may also include a diagram illustrating the proposed project.

2. Site Map. The application shall include maps depicting the existing topography, on-site structures and natural features, mature trees, and other significant vegetation and drainage patterns. The map shall show the proposed PD zone boundaries and all properties within 300 feet of the site boundary. The map shall be accompanied by a description of the type and condition of mature trees.

3. Parcel or Subdivision Map. If the project within the proposed PD zone involves the subdivision of land, the application shall include a tentative parcel map or tentative subdivision map as required by Chapter 20 (Subdivisions) of the Butte County Code.

4. Infrastructure. The application shall include a written description of the infrastructure necessary to serve each phase of the project proposed within the PD zone.

5. Public Facilities Financing Plan. If the proposed project will not be adequately served by existing public infrastructure and facilities or through the adopted countywide impact fee program, the application shall include a public facilities financing plan that identifies the needed public improvements and establishes a plan to pay for and develop the required public improvements.
6. **Open Space Summary.**
   a. The open space summary shall include the amount (in square feet or acres) and percentage of site area that will be provided as total open space, private open space, common open space, and usable open space, as applicable. The summary shall also include a description of all open space areas, including proposed recreational facilities and amenities.
   b. In residential PD projects, not less than 25 percent of the residential portion of the project shall be utilized for purposes other than residential dwellings and paved areas for vehicular uses. No less than 45 percent of such 25 percent shall be utilized for recreation or park areas available for use by all residents. The same criteria for open space area shall apply to agricultural PD projects which may or may not include residential uses. For industrial or commercial PD projects, not less than 10 percent of the project shall be developed as landscaped areas.

7. **Development Plan.** The application for a PD rezoning shall be accompanied by a Development Plan that includes the following information about the project proposed for the PD zone:
   a. **Land Use.** The Development Plan shall include a map showing the location of each land use proposed within the site, including open space and common areas. The land use map shall be accompanied by a narrative description of permitted land uses, allowable accessory uses, and uses allowed with a Conditional Use Permit.
   b. **Subdivision Regulations.** The Development Plan shall include a Subdivision Map (if a subdivision is proposed), including minimum parcel area and minimum parcel dimensions.
   c. **Circulation.** The Development Plan shall include a map and narrative of the major circulation features within the site, including vehicular, bicycle, and pedestrian facilities, as applicable.
   d. **Development Standards.** The Development Plan shall identify development standards for all structures within the site, including, but not limited to, density, setback, structure height, site coverage, and parking requirements.
   e. **Design Guidelines.** The Development Plan shall include design guidelines pertaining to development features such as landscaping; building materials; fences, walls and screenings; and open spaces.

E. **Planning Commission Review and Recommendation.**
   1. The Planning Commission shall hold a public hearing on the PD rezoning application as required by Article 38 (Zoning Ordinance Amendments). The Planning Commission shall consider the full PD rezoning application at this hearing, including the Development Plan.
   2. The Planning Commission shall forward a written recommendation, and reasons for the recommendation, on the proposed PD rezoning and Development Plan to the Board of Supervisors. The recommendation shall be based on the findings in Subsection G (Findings), in addition to the Zoning Ordinance Map Amendment findings specified in Section 24-275 (Findings and Decision).

F. **Board of Supervisors Review and Decision.** Upon receipt of the Planning Commission's recommendation, the Board of Supervisors shall conduct a public hearing and either approve, approve in modified form, or deny the PD rezoning and Development Plan. The Board of Supervisors may approve the application only if all of the findings in Subsection G (Findings) below can be made, in addition to the Zoning Ordinance Map Amendment findings specified in Section 24-275 (Findings and Decision).
G. **Findings.** The Board of Supervisors may approve an application for PD rezoning with accompanying Development Plan only if all of the following findings can be made:

1. The proposed development is consistent with the goals, policies, and actions of the General Plan and any applicable specific plan and community plan.
2. The site for the proposed development is adequate in size and shape to accommodate proposed land uses.
3. The site for the proposed development has adequate access considering the limitations of existing and planned streets and highways.
4. Adequate public services exist or will be provided to serve the proposed development.
5. The proposed development will not have a substantial adverse effect on surrounding property and will be compatible with the existing and planned land use character of the surrounding area.
6. In coordination with the applicable school district, the proposed development shall dedicate adequate and appropriately-located land for school district facilities that are needed to serve residents within the project.
7. The proposed development carries out the intent of the PD zone by providing a more efficient use of the land and an excellence of site design greater than that which could be achieved through the application of established zoning standards.

H. **Ordinance Approving the Development Plan.** If the Board of Supervisors approves the establishment of a PD zone, it shall do so by adoption of an ordinance and adoption by reference of the Development Plan. The ordinance shall also include any other provisions that the Board of Supervisors finds to be necessary to constitute the regulations for use, property maintenance, and property improvement in the PD zone.

I. **Effect of Development Plan.** All proposed development and new land uses within a PD zone shall comply with the approved Development Plan.

J. **Minor Modifications.** Modifications to an approved Development Plan shall be approved as specified in Section 24-246 (Changes to an Approved Project).
Article 10. OVERLAY ZONES

Sections:
24-33 – Purpose of Overlay Zones
24-34 – Airport Compatibility Overlay Zone
24-35 – Chapman Mulberry Overlay Zone
24-36 – Cohasset Overlay Zone
24-37 – Deer Herd Migration Overlay Zone
24-38 – North Chico Specific Plan Overlay Zone
24-39 – Public Housing Overlay Zone
24-40 – Recreation Commercial Overlay Zone
24-41 – Retail Overlay Zone
24-42 – Scenic Highway Overlay Zone
24-43 – Stringtown Mountain Specific Plan Overlay Zone
24-44 – Neal Road Recycling and Waste Facility Overlay Zone
24-45 – Unique Agriculture Overlay Zone
24-46 – Watershed Protection Overlay Zone
24-47 – Military Airspace Overlay Zone

24-33 Purpose of Overlay Zones

The overlay zones in this article establish standards and regulations that apply to specified areas, in addition to the requirements established by the underlying base zone. Whenever a requirement of an overlay zone conflicts with a requirement of the underlying base zone, the overlay zone requirement shall control. Where two or more overlay zone requirements conflict, the Zoning Administrator shall determine the appropriate requirement. For overlay zones that implement an adopted specific plan or neighborhood plan, the standards and regulations from each specific plan or neighborhood plan shall apply.

24-34 Airport Compatibility Overlay Zone

A. Purpose. The Airport Compatibility (-AC) overlay zone identifies areas in unincorporated Butte County where additional requirements apply to ensure the compatibility of land uses and development with nearby airport operations.

B. Applicability. The -AC overlay zone applies to land within unincorporated Butte County designated as an Airport Influence Area in the Butte County Airport Land Use Compatibility Plan (ALUCP).

C. Land Use Regulations. All development projects and land use actions proposed within the -AC overlay zone shall comply with the compatibility criteria specified in the ALUCP, excluding those criteria specifically overruled by the Board of Supervisors in a manner consistent with Public Resources Code Section 21676.
D. Actions Requiring Airport Land Use Commission (ALUC) Review.

1. Prior to final action by the County, the Department of Development Services shall submit to the ALUC application materials for the following proposed land use actions:
   a. General Plan amendments affecting land located within the -AC overlay zone.
   b. Specific plans or specific plan amendments affecting land located within the -AC overlay zone.
   c. Zoning Ordinance or Building Code amendments affecting land located within the -AC overlay zone.

2. For proposed land use actions requiring ALUC review, the County shall consider ALUC comments, if available, at a public hearing prior to taking final action on the application. If the ALUC finds that the proposed land use action conflicts with the Butte County Airport Land Use Compatibility Plan, the County may approve the application and overrule the ALUC only as specified in Public Resources Code Section 21676.

24-35 Chapman Mulberry Overlay Zone

A. Purpose. The Chapman Mulberry (-CM) overlay zone is intended to preserve and enhance the unique characteristics of the Chapman Mulberry neighborhood in a manner consistent with the Chapman Mulberry Neighborhood Plan. The -CM overlay zone identifies the areas where the goals, policies, and standards contained in the Chapman Mulberry Neighborhood Plan apply.

B. Applicability. The -CM overlay zone applies to all parcels within the Chapman Mulberry area as shown on the Zoning Map.

C. Land Use Regulations. All development in the -CM overlay zone shall comply with the provisions in the Chapman Mulberry Neighborhood Plan as adopted by the Board of Supervisors on January 25, 2000 (Resolution #00-12 and Ordinance #3579). Should the provisions of the Chapman Mulberry Neighborhood Plan and the Zoning Ordinance conflict, the Chapman Mulberry Neighborhood Plan shall control.

24-36 Cohasset Overlay Zone

A. Purpose. The Cohasset (-CH) overlay zone establishes development standards and use regulations to ensure that development within the overlay zone is consistent with adopted policies and standards for the Cohasset Planning Area. The general intent of these standards and regulations is to preserve the foothill character of the area, protect sensitive natural resources, allow development in a manner consistent with environmental constraints, and protect persons and property from natural hazards related to development within foothill areas.

B. Applicability. The -CH overlay zone applies to parcels within the boundaries of the Cohasset Planning Area.

C. General Requirements. All development within the -CH overlay zone shall comply with the Development Policies, Standards, and Implementation Measures for the Cohasset Planning Area as adopted by the Board of Supervisors on May 20, 1986 (Ordinance No. 2526).

D. Land Use Regulations. Permitted and conditionally permitted uses in the -CH overlay zone shall be the same as the base zone.
E. **Hillside Development Standards.**
   1. Development in areas with a slope of greater than 30 percent shall be permitted only when:
      a. An alternative building site with a slope of 30 percent or less is not available on the parcel; and
      b. All other applicable development standards can be met.
   2. Removal of vegetation outside of a development area as defined in Article 42 (Glossary) shall not be permitted, except to comply with defensible space requirements set forth in Public Resources Code 4290 (Fire Safety Regulations).
   3. Grading is limited only to the minimum required for preparation and access to the development area of a parcel.

F. **Setbacks.** The minimum setback from all property lines is 30 feet for all structures or as required by current Public Resources Code 4290 (Fire Safe Regulations).

G. **Structure Separation.** The minimum separation between structures on a parcel shall be 60 feet.

H. **Private Driveways.**
   1. Private driveways less than 200 feet in length shall be not less than 12 feet in width.
   2. Private driveways 200 feet or more in length shall be:
      a. Not less than 16 feet in width; and
      b. Terminated by a circular driveway as specified in the Development Policies, Standards, and Implementation Measures for the Cohasset Planning Area.

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24-37 **Deer Herd Migration Overlay Zone**

A. **Purpose.** The Deer Herd Migration (-DH) overlay zone 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.

B. **Applicability.**
   1. The -DH overlay zone may be combined with any base zone.
   2. The -DH overlay zone implements the Winter and Critical Winter Deer Herd Migration Area Overlay General Plan designation.

C. **Land Use Regulations.** Permitted and conditionally permitted uses in the -DH overlay zone are the same as the base zone, subject to the requirements of this section.

D. **Minimum Parcel Size.** Any subdivision of land within the -DH overlay zone shall comply with the following minimum parcel size requirements:
   1. Winter range area: 20 acres.
   2. Critical winter area: 40 acres.

E. **Clustering of Structures.**
1. Development within the -DH overlay zone may be clustered in a manner consistent with Article 18 (Clustered Development).

F. Fence Standards.

1. Fences within the -DH overlay zone shall comply with the following standards, except as exempted by Subsection 2 below:
   a. The distance between ground and bottom strand or board of the fence shall be no less than 16 inches.
   b. The fence height shall be no more than 48 inches.
   c. The fence shall be constructed from smooth wire, barbed wire, wood, or similar material that will not be harmful to deer.

2. The following fences shall be exempt from the fence standards in Subsection 1 above:
   a. Fences around home sites designed to exclude wildlife from gardens or landscaping.
   b. Fences or corrals used for livestock.
   c. Fencing necessary to secure domestic animals and private kennels or enclosures for securing dogs.

24-38 North Chico Specific Plan Overlay Zone

A. Purpose. The North Chico Specific Plan (-NCSP) overlay zone identifies areas where the goals, policies and standards contained in the North Chico Specific Plan apply.

B. Applicability. The -NCSP overlay zone applies to parcels within the boundaries of the North Chico Specific Plan.

C. Development Regulations. All development in the -NCSP overlay zone shall comply with the provisions in the North Chico Specific Plan. Should the provisions of the North Chico Specific Plan and the Zoning Ordinance conflict, the North Chico Specific Plan shall control.

24-39 Public Housing Overlay Zone

A. Purpose. The Public Housing (-PH) overlay zone is intended to support the continued operation of existing public housing facilities and those facilities under the direct ownership, operation, control, or oversight of a governmental or quasi-governmental agency. This overlay zone is intended to support the implementation of the County's Housing Element and to support the County's agricultural labor, special needs, and low- and moderate-income housing communities. The -PH overlay zone supports a mixed-use living environment developed at a scale that is complimentary and accessory to the primary housing purposes of the site. It encourages and accommodates the development of a variety of land uses in addition to housing focused on serving the needs of on-site residents and local community populations with health care, education, recreation, and support services.

B. Applicability. The -PH overlay zone may be applied to any parcel owned, operated, or otherwise controlled by a governmental or quasi-governmental entity within unincorporated Butte County and may be combined with the Public base zone.
C. Use Regulations. Permitted and conditionally permitted uses in the -PH overlay zone shall be the same as the base zone, except as specified below.

1. Permitted Uses. The following uses are permitted as-of-right in the -PH overlay zone:
   a. Single- or multiple-family residential dwelling units not exceeding 35 feet in height.
   b. Health clinics and health service facilities supporting the needs of on-site and local community populations served by the public entity.
   c. Education centers and facilities supporting the needs of on-site and local community populations.
   d. Religious facilities supporting the needs of on-site and local community populations.
   e. Housing and administrative offices supporting the needs of on-site and local community populations served by the public entity.
   f. Recreation facilities and structures supporting the needs of on-site and local community populations served by the public entity.
   g. Utility services and infrastructure to include water and waste disposal facilities necessary and sized to accommodate on-site utility needs.
   h. Public transit amenities.
   i. Accessory structures and uses supporting permitted uses.

2. Minor Use Permit Required.
   a. Permitted Uses. The following uses are permitted in the -PH overlay zone with the approval of a Minor Use Permit.
      1. Multiple-family residential dwelling units exceeding 35 feet in height.
      2. Neighborhood Commercial (Article 7, Section 24-21B) uses of 1,500 square feet or less and consistent with the primary use of the site for public housing purposes.
      3. Personal Services uses, as defined under Article 42 (Glossary), of 1,000 square feet or less and consistent with the primary use of the site for public housing purposes.
      4. Community Gardens as defined under Article 42 (Glossary) and Animal Keeping subject to the standards for residential zones under Section 24-158 (Animal Keeping).
      5. Other similar uses determined by the Zoning Administrator to be consistent with the purpose and intent of the -PH overlay zone as allowed by Section 24-8 (Rules of Interpretation).
   b. Submittal Requirements. In addition to the submittal materials required by Article 31 (Conditional Use and Minor Use Permits), applicants shall submit all information and materials as required by the Zoning Administrator to determine compliance with the requirements of the -PH overlay zone.

3. Use Permit Required.
   a. When Required. Any use that exceeds the limitations for a Minor Use Permit may be allowed within the -PH overlay zone subject to the issuance of a Conditional Use Permit.
   b. Submittal Requirements. In addition to the submittal materials required by Article 31 (Conditional Use and Minor Use Permits), applicants shall submit all information and materials as required by the Development Services Department to determine compliance with the requirements of the -PH overlay zone.

D. Development and Operational Standards.
1. **Housing Density.** Density within the -PH overlay zone shall be as provided under the Medium Density Residential zone, allowing up to 6 units per acre.

2. **Parcel Size.** The minimum parcel size for the -PH overlay zone is 5 acres.

3. **Other Standards.** All other standards (e.g. setbacks, height, parcel coverage) for development and uses within the -PH overlay zone are the same as the development standards that apply to the base zone.

### 24-40 Recreation Commercial Overlay Zone

**A. Purpose.** The Recreation Commercial (-REC) overlay zone allows for the development of recreational activities and facilities to serve County residents and visitors in areas where such uses are prohibited by the base zones.

**B. Applicability.** The -REC overlay zone may be combined with any base zone, except for the Agriculture (AG), Agriculture Services (AS), Timber Production (TPZ), Public (PB), and Airport (AIR) zones.

**C. Land Use Regulations.** Permitted and conditionally permitted uses in the -REC overlay zone are the same as the base zone, except as specified below.

1. **Permitted Uses.** The following uses are permitted as-of-right in the -REC overlay zone:
   a. Bed and Breakfasts
   b. Commercial Recreation, Indoor
   c. Commercial Recreation, Outdoor
   d. Caretaker Quarters, only in conjunction with a permitted commercial use
   e. Clubs, Lodges, and Meeting Halls
   f. Hotels and Motels
   g. Hunting and Fishing Clubs
   h. Recreational Vehicle Parks
   i. Restaurants
   j. Retail, General
   k. Stables, Commercial
   l. Utilities, Minor

2. **Administrative Permit Required.** The following uses are permitted in the -REC overlay zone with the approval of an Administrative Permit:
   a. Gas and Service Stations
   b. Reverse Vending Machines
   c. Parking Facilities
   d. Utilities, Accessory, excluding Agricultural Wind Energy Systems

3. **Minor Use Permit Required.** The following uses are permitted in the -REC overlay zone with the approval of a Minor Use Permit:
   a. Child Care Center
   b. Cultural Institutions
   c. Golf Courses and Country Clubs


d. Outdoor Education

e. Parks and Recreational Facilities

f. Stables, Semi-Private

g. Utilities, Intermediate

4. **Conditional Use Permit Required.** The following uses are permitted in the -REC overlay zone with the approval of a Conditional Use Permit:

a. Theme Parks and Amusement Parks of 10 acres or more in size

b. Utilities, Major

c. Water Ski Lakes

D. **Development Standards.** Development standards (e.g., setbacks, height, parcel coverage) for recreational development and uses within the -REC overlay zone are the same as the development standards that apply in the Recreation Commercial (REC) base zone.

24-41 **Retail Overlay Zone**

A. **Purpose.** The Retail (-RET) overlay zone provides for needed commercial uses in areas that would have otherwise been limited by the base zone.

B. **Applicability.** The -RET overlay zone may be combined only with a residential or industrial base zone.

C. **Land Use Regulations.** Permitted and conditionally permitted uses in the -RET overlay zone are the same as the base zone, except as specified below.

1. **Permitted Uses.** The following uses are permitted as-of-right in the -RET overlay zone:

a. General Retail: Up to 1,500 square feet.

b. Personal Services: Up to 1,000 square feet.

2. **Minor Use Permit Required.** The following uses are permitted in the -RET overlay zone with the approval of a Minor Use Permit:

a. General Retail: Greater than 1,500 square feet.

b. Personal Services: Greater than 1,000 square feet.

c. Veterinary Offices.

d. Pet Stores and Services.

e. Bed and Breakfast.

f. Drive-through Facilities.

g. Equipment Sales and Rental.

h. Hotel and Motel.

i. Medical Offices and Clinics.

j. Professional Offices.

k. Restaurants.

l. Vehicle Repair.

m. Vehicle Sales and Rental.

n. Vehicle Service and Maintenance.
D. Development Standards. Development standards (e.g., setbacks, height, parcel coverage) for commercial development and uses within the -RET overlay zone are the same as the development standards that apply in the Neighborhood Commercial (NC) zone.

24-42 Scenic Highway Overlay Zone

A. Purpose. The Scenic Highway (-SH) overlay zone establishes standards to preserve the natural aesthetic qualities of areas visible from roadways designated as scenic highways by the State of California or the Butte County Board of Supervisors (Butte County General Plan Figure COS-9, Scenic Highway Overlay Zones). Development within the -SH overlay zone is intended to feature high quality architectural design, preserve views from the highway, and maintain existing topographic features on the site.

B. Applicability.

1. The -SH overlay zone extends 350 lineal feet outward from the edges of the scenic highway right-of-way. See Figure 24-42-1 (Scenic Highway Overlay Zone).
2. The -SH overlay zone may be combined with any base zone.

C. Permit Required. Any development within the -SH overlay zone requiring the approval of a Building Permit shall also require the approval of a Minor Use Permit, except for:

1. A single-family home;
2. Accessory structures associated with a single-family home;
3. Parking facilities with 10 or fewer parking spaces; and
4. Demolitions.
5. Walls and Fences pursuant to Article 13 shall be subject to an Administrative Permit.
D. **Land Use Regulations.** Permitted or conditionally permitted uses in the -SH overlay zone, including minimum parcel sizes required for land divisions, are the same as the base zone, subject to the requirements of this section.

E. **Development Standards.** All structures and improvements to land in the -SH overlay zone shall comply with the following development standards:

1. All utilities and electric and communication distribution facilities shall be located underground.
2. The following signs as defined and discussed in Article 20 (Signs) shall be prohibited:
   a. Off-site signs;
   b. Temporary signs in all forms, including banners, pennants, streamers or posters; and
   c. Freestanding signs.
3. Walls and fences shall be constructed of high quality materials and not detract from the aesthetic qualities of the -SH overlay zone or block views from the highway. Design standards as set forth under Section 24-60B (Design) shall apply.

F. **Findings.** To approve a Minor Use Permit for a proposed project within the -SH overlay zone, the review authority shall make all of the following findings, in addition to the findings required by Article 31 (Conditional Use and Minor Use Permits):

1. The architectural design of the proposed structures complements the scenic qualities of the site and surrounding areas.
2. The proposed project maintains existing views of scenic resources as viewed from the public right-of-way.
3. To the greatest extent possible, site grading and excavation associated with the proposed project preserves natural features on the site.
4. Landscaping associated with the proposed project complements the scenic qualities of the site and surrounding areas.

### 24-43 Stringtown Mountain Specific Plan Overlay Zone

A. **Purpose.** The Stringtown Mountain Specific Plan (-SMSP) overlay zone identifies areas where the goals, policies, and standards in the Stringtown Mountain Specific Plan apply.

B. **Applicability.** The -SMSP overlay zone applies to parcels within the boundaries of the Stringtown Mountain Specific Plan.

C. **Land Use Regulations.** All development in the -SMSP overlay zone shall comply with the provisions in the Stringtown Mountain Specific Plan approved by the Board of Supervisors on September 27, 1994 under resolution 94-114. Should the provisions of the Stringtown Mountain Specific Plan and the Zoning Ordinance conflict, the Stringtown Mountain Specific Plan shall control.

### 24-44 Neal Road Recycling, Energy, and Waste Facility Overlay Zone
A. **Purpose.** The Neal Road Recycling, Energy, and Waste Facility (-RW) overlay zone promotes compatible development around the Neal Road Recycling and Waste Facility. The -RW overlay zone also ensures adequate separation between the Neal Road Recycling and Waste Facility and land uses that are potentially incompatible with landfill activities. This overlay will help to promote the diversion of solid wastes into appropriate recycling facilities, energy generation, and other uses that add value and benefit to the local economy.

B. **Location.** The -RW overlay zone includes the Neal Road Recycling and Waste Facility, and the adjacent industrially zoned land and extends 2,000 linear feet from the boundaries of the Neal Road Recycling and Waste Facility, and the adjacent industrially zoned land.

C. **Applicability.** The -RW overlay zone may be combined with any other underlying zone.

D. **Land Use Regulations.** Permitted and conditionally permitted uses in the -RW overlay zone are the same as the base zone, except as specified below.

   1. **Prohibited Uses.** All residential uses and uses that involve on-going occupation by people (e.g., hotels and motels, emergency shelters, hospitals) are prohibited in the -RW overlay zone.

   2. **Permitted Uses.** Utilities, Minor.

   3. **Administrative Permit Required.** Utilities, Accessory uses are permitted with the approval of an Administrative Permit.

   4. **Minor Use Permit Required.** The following uses are permitted in the -RW overlay zone with the approval of a Minor Use Permit:

      a. Composting facilities.
      b. Anaerobic digestion facilities (in conjunction with power generation).
      c. Solar power facilities.
      d. Wind power facilities.
      e. Septage receiving facilities.
      f. Bio-gas extraction and power generation.
      g. Recycling collection facilities.
      h. Utilities, intermediate.
      i. Telecommunication facilities.
      j. Retail uses and restaurants serving surrounding businesses.
      k. Parks and recreational facilities.
      l. Public and quasi-public facilities.
      m. Recycling processing facilities.

   5. **Conditional Use Permit Required.** The following uses are permitted in the -RW overlay zone with the approval of a Conditional Use Permit:

      a. All manufacturing and processing uses.
      b. Construction, maintenance, and repair services.
      c. Equipment sales and rentals.
      d. Vehicle repair.
      e. Vehicle service and maintenance.
f. Warehousing, wholesaling and distribution.
g. Utilities, major.

E. Development Standards.
1. The minimum parcel size in the -RW overlay zone is 2.5 acres.
2. All other development standards (e.g., setbacks, height, parcel coverage) for development and uses within the -RW overlay zone are the same as the development standards that apply in base zone.
3. Development of land between SR-99 and the west face of the Neal Road Recycling and Waste Facility shall be assessed for visual impacts from SR-99.
4. Industrial uses shall be subject to the industrial standards specified in Section 24-27 (Development Standards for Industrial Zones).

24-45 Unique Agriculture Overlay Zone

A. Purpose. The Unique Agriculture (-UA) overlay zone is intended to support and enhance Butte County’s family farms, unique crops, or historic ways of farming by maintaining viable small-scale/historic agricultural operations and their essential rural setting in unique Rural Residential, Foothill Residential and Agricultural areas of the county. The -UA overlay zone accommodates a variety of uses developed at a scale that is complementary and accessory to unique agricultural pursuits. It encourages residents and visitors to learn more about agriculture in the county by allowing educational and tourism uses on working farms. This overlay zone also includes provisions to protect adjacent residential and agricultural uses.

B. Applicability. The -UA overlay zone may be combined with the Agriculture (AG), Rural Residential (RR), and Foothill Residential (FR) zones.

C. Use Regulations. Permitted and conditionally permitted uses in the -UA overlay zone are the same as the base zone, except as specified below.

1. Permitted Uses. The following uses are permitted as-of-right in the -UA overlay zone:
   a. Bed and breakfasts (maximum one per parcel).
   b. Farm tours.
   c. Farmstays.
   d. Special events, such as farm trail events, weddings, concerts, parties, educational classes, corporate events and other similar activities.

2. Special Events – Maximum Number of Attendees. The following table provides maximum number of attendees at special events in the –UA overlay zone, based parcel size:

<table>
<thead>
<tr>
<th>Total Parcel Size (Acres)</th>
<th>Maximum Number of Attendees (Peak)</th>
</tr>
</thead>
<tbody>
<tr>
<td>1.0 – 2.5</td>
<td>50 people [1] [2] [3]</td>
</tr>
<tr>
<td>2.51 – 5.0</td>
<td>100 people [1] [2] [3]</td>
</tr>
<tr>
<td>Total Parcel Size (Acres)</td>
<td>Maximum Number of Attendees (Peak)</td>
</tr>
<tr>
<td>---------------------------</td>
<td>----------------------------------</td>
</tr>
<tr>
<td>5.01 – 10.0</td>
<td>200 people [1] [2] [3]</td>
</tr>
<tr>
<td>10.01 – 20.0</td>
<td>300 people [1] [2] [3] [4]</td>
</tr>
</tbody>
</table>

Notes:
[1] Permitted as an accessory use.
[2] Outdoor activities are limited to Sunday through Thursday 8:00 a.m. to 7:00 p.m.; and Friday, Saturday and Holidays 8:00 a.m. to 11:00 p.m. Indoor activities are permitted without restriction as to day or time.
[3] Noise levels shall not exceed 60 decibels (maximum) as measured at the nearest property line.
[4] Individual events for up to 400 people approved through an Administrative Permit.

a. Agriculture-related museums.
b. Public tasting rooms for unique agricultural products produced within the -UA overlay zone.
c. Cooking demonstrations and food and wine parings not sold for consumption. The sale of catered food by licensed vendors. Vending machines and the sale of commercial pre-packaged foods.
d. Growing and harvesting of unique agricultural products as defined by Article 42 (Glossary).
e. On-site fruit and vegetable picking of unique agricultural products.
f. Interactive animal displays (petting farms).
g. Processing, bottling or packaging of unique agricultural products produced within the Unique Agriculture Overlay.
h. Sale of unique agricultural products or merchandise related to the region.
i. Picnic areas.
j. Trails.
k. Other similar uses determined by the Zoning Administrator to be consistent with the purpose and intent of the -UA overlay zone as allowed by Section 24-8 (Rules of Interpretation).

3. **Minor Use Permit Required.** The following uses are permitted in the -UA overlay zone with the approval of a Minor Use Permit.
a. Small restaurants or cafes (16 seats or less) showcasing locally grown foods.

4. **Uses Not Allowed.** Medical Offices and Clinics shall not be allowed in the Unique Agriculture Overlay Zone.

D. **Development and Operational Standards.**

1. **Limitation on Processing Activities.** Permitted agricultural processing activities are limited to products grown, cultivated, or produced within the -UA overlay zone.
2. **Signs.** Farm and Farm Trail signs that comply with the standards contained in Table 24-105-3 (Allowed Signs in Agriculture and Natural Resources Zones) shall be permitted in the -UA overlay zone by Administrative Permit.

3. **Parking.** Minimum on-site parking required for uses with the -UA overlay zone are specified in Section 24-93 (On-Site Parking Requirements). Required parking for uses not listed in Section 24-93 shall be as determined by the Zoning Administrator, consistent with Section 24-8 (Rules of Interpretation).

4. **Hours of Operation.** Retail sales and similar commercial activities may be conducted only between the hours of 8 am and 6 pm unless otherwise approved as part of a Minor Use Permit.

5. **Tour Buses and Vans.** Tour buses and vans shall not idle more than 10 minutes per hour on-site within the -UA overlay zone, so as to minimize noise and air quality impacts to the area. Buses and tour vans shall be provided with adequate off-street parking and turn-around areas.

### 24-46 Watershed Protection Overlay Zone

**A. Purpose.** The Watershed Protection (-WP) overlay zone is intended to maintain and improve water quality by establishing additional development standards within sensitive watershed areas.

**B. Applicability.**

1. The -WP overlay zone may be combined with any base zone.

2. Areas subject to the -WP overlay zone include the Firhaven Creek watershed and the Paradise and Magalia Reservoirs watershed, as shown on the Zoning Map.

**C. Permit Required.**

1. **Administrative Permit.** The establishment of any structure or use within the -WP overlay zone requires the approval of an Administrative Permit.

2. **Submittal Requirement.** In addition to the submittal materials required by Article 29 (Administrative Permits), applicants shall submit all information and materials as required by the Zoning Administrator to determine compliance with the requirements of the -WP overlay zone.

**D. Land Use Regulations.** Permitted and conditionally permitted uses in the -WP overlay zone are the same as the base zone, except as specified below.

1. Existing parcel sizes in the Firhaven Creek Watershed shall be maintained. No further division of lots or parcels shall be permitted.

2. Existing zoning shall be maintained within the Magalia Reservoir, Paradise Reservoir, and Firhaven Creek Watersheds. Rezoning to a smaller minimum parcel size is not allowed.

3. Prior to the approval of a rezoning or discretionary permit application, the applicant shall demonstrate to the satisfaction of the review authority that the cumulative effects of additional sewage disposal and surface water runoff resulting from the proposed action will not result in any adverse impacts on the water quality of the watershed.
4. Second units proposed within the -WP overlay zone shall require the approval of a Conditional Use Permit.

5. Clustered development as allowed by Article 18 (Clustered Development) shall be prohibited within the -WP overlay zone.

E. **Maximum Impervious Surface.** For new development within the -WP overlay zone, impervious surfaces shall not exceed 50 percent of the total site area.

F. **Vegetative Buffers.**

1. Vegetative buffers shall be maintained on all sides of water bodies in the -WP overlay zone as follows:
   a. Lakes and reservoirs: 200 lineal feet.
   b. Perennial and intermittent rivers and streams: 100 lineal feet.

2. For rivers and streams, minimum buffer distances shall be measured from the annual average stream bank.

3. All structures are prohibited within buffer areas.

4. Grading, excavation, removal of trees, the use of fertilizers and pesticides, sewage disposal, and paving are prohibited within buffer areas.

G. **Septic System Regulations.** Leach fields, septic tanks, and chemical toilets shall be setback a minimum of 50 feet in addition to the required vegetative buffer under Subsection F.1 above.

H. **Erosion Control.**

1. All driveways 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.

2. An erosion and sediment control plan shall be approved by the County prior to issuance of a building permit. The plan shall be developed by a professional civil engineer registered by the State of California. 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) control measures.

3. 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.

4. 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.

5. Site work shall preserve natural topography and vegetation at the site to the greatest possible extent.

I. **Timber Harvest.** Timber harvesting permitted under a Less Than Three-Acre Conversion Exemption approved by CAL-FIRE shall not be conducted in the -WP overlay during the period from November 15 to April 1.
24-47 Military Airspace Overlay Zone (-MA)

A. **Purpose.** The regulations of this section shall be applied to protect the public safety of persons residing under Military Operations Area (MOA) by requiring that all new development is compatible with military operations within the MOA. The MOA is a three dimensional airspace designated for military training and transport activities that has a defined floor (minimum altitude) and ceiling (maximum altitude). Butte County MOA boundaries and minimum altitudes or floor elevations are depicted in the County's Military Overlay Zone Map.

B. **Applicability.** The regulations set out in this section shall apply in all areas where a MOA is designated in addition to the regulations specified in this title. If any of the regulations specified in this section differ from any corresponding regulation specified in this title for any base zone, then in such case the provisions of this section shall apply.

C. **Land Use Regulations.**

1. The MOA is established to regulate new development to ensure that it is compatible with military operations. Within the MOA, all new development that could penetrate the defined floor elevation shall require issuance of an Administrative Permit or Minor Use Permit. If the use is already subject to an Administrative Permit, Minor Use Permit, or Use Permit no additional Administrative Permit or Minor Use Permit is required. No permit shall be approved for any use in any zone which is subject to the MOA Overlay until an investigation is conducted by the Planning Director who shall review the proposed project for hazards to aircraft and military operations including but not limited to:
   a. Uses that release into the air any substance such as steam, dust and smoke which would impair pilot visibility;
   b. Uses that produce light emissions, glare or distracting lights which could interfere with pilot vision or be mistaken for airfield lighting;
   c. Uses that physically obstruct any portion of the MOA due to relative height above ground level.

2. For the purposes of determining whether a project penetrates the defined floor elevation of the MOA, a penetration shall mean physical obstructions from a structure or object, and/or a visual obstruction such as steam, dust, and smoke.

3. For the purposes of calculating height of new proposed structures within the MOA, the height of all structures (including wind turbines) shall mean the distance from ground to the top of the highest point of the structure. For wind turbines this shall mean the highest point of the turbine blade in vertical position.

4. For all proposed Administrative Permit, Minor Use Permit or Use Permit applications within the Military Review Areas that could penetrate the defined floor elevation shown in the County's Military Overlay Zone Map, including but not limited to wind energy system permit applications, notice with the project description including location and height, shall be mailed or delivered to the military expert for the Navy Region Southwest who is responsible for operations in the Military Operations Area upon receipt of the application to the Planning Department for review.

D. **Special Provisions.** Special provisions for the -MA Overlay district shall be as follows:
1. Within the Military Review Areas depicted in the County’s Military Overlay Zone Map, any structure or land use that is determined to physically or visually obstruct any portion of the applicable MOA shall not be permitted, established or otherwise constructed unless an Administrative Permit, Minor Use Permit, or Use Permit is granted subject to a finding that the proposed structure or land use will not impact military operations within the MOA as follows:

2. Proposed structures and uses with impacts contained under the floor elevation of the applicable MOA shall be permitted with the issuance of a Administrative Permit, Minor Use Permit or Use Permit upon a finding that:
   a. The proposed structure and use does not penetrate the floor elevation of the MOA;
   b. That the project is not detrimental to the function of the MOA and would not pose a health or safety hazard to the public and/or military personnel, and;
   c. That the proposed structure and use is consistent with all other applicable provisions of this ordinance.

3. Proposed structures and uses with impacts that penetrate the floor elevation of the applicable MOA as determined by the Planning Director during review of the Administrative Permit may only be permitted with the issuance of a Minor Use Permit or Use Permit as follows:
   a. Unless the military expert responsible for operations in the Military Operations Area first provides the Planning Director with written concurrence that the height of the proposed structure or use would be compatible with military operations and mission, and notwithstanding any other provisions in this title, no Minor Use Permit or Use Permit may be issued for any structure that is above the floor elevations shown in the County’s Military Overlay Zone Map.
   b. In instances where the required written concurrence from the military expert is requested but not received within 30 calendar days, the Minor Use Permit may be considered and approved by the Zoning Administrator.
   c. Approval of a Minor Use Permit or Use Permit for structures above the floor elevations shown in the County’s Military Overlay Zone Map may be approved by the Board of Supervisors upon a finding that the benefits of the requested obstruction into the Military Operating Area outweigh the potential impacts on military flight operations.
   d. That the proposed structure and use is consistent with all other applicable provisions of this ordinance.

4. Where a finding is made during the Minor Use Permit or Use Permit review that the proposed structure and use penetrates the MOA floor elevation such that military operations within the MOA are impacted, and that the project is detrimental to the function of the MOA and would pose a health or safety hazard to the public and/or military personnel, the Minor Use Permit or Use Permit shall be denied.
PART 3
General Regulations

Article 11. Height Measurement and Exceptions................................................................. 95

24-48 Purpose......................................................................................................................... 95
24-49 Height Measurement.................................................................................................... 95
24-50 Maximum Height of Structures.................................................................................... 95
24-51 Height Limit Exceptions............................................................................................... 96

Article 12. Setback Requirements and Exceptions.......................................................... 99

24-52 Purpose......................................................................................................................... 99
24-53 Setback Measurement................................................................................................ 99
24-54 Allowed Projections.................................................................................................. 100
24-55 Projections over Property Lines................................................................................ 100
24-56 Road Setbacks............................................................................................................ 100

Article 13. Walls and Fences............................................................................................. 101

24-57 Purpose......................................................................................................................... 101
24-58 Measurement of Fence or Wall Height........................................................................ 101
24-59 Height Limits............................................................................................................... 102
24-60 Design......................................................................................................................... 102
24-61 Amortization of Inappropriate Nonconforming Fences............................................. 103

Article 14. Outdoor Lighting............................................................................................... 105

24-62 Purpose......................................................................................................................... 105
24-63 Applicability................................................................................................................. 105
24-64 New Development....................................................................................................... 105
24-65 Time Limitations for Compliance............................................................................... 105
24-66 Compliance with Lighting Standards.......................................................................... 105
24-67 Standards.................................................................................................................... 106
24-68 Exemptions................................................................................................................. 106
24-69 Security Lighting......................................................................................................... 106
24-70 Prohibited Lighting.................................................................................................... 106
Article 20. Signs ............................................................................................................................ 142141
24-98 Purpose ........................................................................................................................... 142141
24-99 Applicability .................................................................................................................. 142141
24-100 Definitions .................................................................................................................... 142141
24-101 Signs Allowed Without Permits .................................................................................... 143142
24-102 Permit Requirements ..................................................................................................... 144143
24-103 Prohibited Signs ............................................................................................................ 145144
24-104 General Standards ....................................................................................................... 146145
24-105 Types of Signs Allowed by Zone ................................................................................. 146145
24-106 Standards for Specific Types of Signs ......................................................................... 150148
24-107 Master Sign Program .................................................................................................... 152149
24-108 Temporary Signs .......................................................................................................... 152150
24-109 Nonconforming Signs .................................................................................................. 154151

Article 21. Landscaping ................................................................................................................. 155153
24-110 Purpose ........................................................................................................................... 155153
24-111 Applicability .................................................................................................................. 155153
24-112 Model Water Efficient Landscaping Ordinance ........................................................... 155153
24-113 Parking Lot Landscaping ................................................................................................ 156154
24-114 Landscape Plans ............................................................................................................ 156154
24-115 Landscape Standards .................................................................................................... 156154
24-116 Irrigation and Water Efficiency ...................................................................................... 158156
24-117 Timing of Installation ..................................................................................................... 158156
24-118 Maintenance .................................................................................................................. 158156

Article 22. Nonconforming Uses and Structures ............................................................................ 159157
24-119 Purpose ........................................................................................................................... 159157
24-120 Applicability .................................................................................................................. 159157
24-121 General Provisions ........................................................................................................ 159157
24-122 Nonconforming Uses .................................................................................................... 160158
24-123 Nonconforming Structures .......................................................................................... 160158
24-124 Loss of Legal Status ....................................................................................................... 160158
24-125 Findings ........................................................................................................................ 161159
24-126 Appeals ........................................................................................................................ 161159

Article 23. Density Bonuses ........................................................................................................... 163164
24-127 Purpose ........................................................................................................................... 163164
24-128 Definitions .................................................................................................................... 163164
24-129 Eligibility ....................................................................................................................... 164162
24-130 Amount of Density Bonus ............................................................................................. 164162
Article 11. HEIGHT MEASUREMENT AND EXCEPTIONS

Sections:
24-48 – Purpose
24-49 – Height Measurement
24-50 – Maximum Height of Structures
24-51 – Height Limit Exceptions

24-48 Purpose
This article establishes rules for the measurement of structure height and identifies permitted exceptions to the maximum allowed structure height. Specific height standards are set forth in Part 2 – Zoning Districts, Land Uses, and Development Standards.

24-49 Height Measurement
The height of a structure shall be measured as the vertical distance from the average level of the highest and lowest point of the portion of finished grade covered by the structure to the highest point of the structure. See Figure 24-49-1 (Structure Height).

FIGURE 24-49-1 STRUCTURE HEIGHT

24-50 Maximum Height of Structures
A structure shall not exceed the maximum permitted height for the zone in which it is located, except as allowed by Section 24-51 (Height Limit Exceptions).
24-51 Height Limit Exceptions

A. Telecommunication Facilities. Wireless telecommunications facilities are regulated under Article 26 (Telecommunication Facilities).


C. Allowed Exceptions. Towers, gables, spires, cupolas, water tanks, and similar structures, including mechanical appurtenances, may exceed the maximum permitted structure height if all of the following apply:

1. The tower or similar structure covers an area 15 percent or less of the total structure footprint area;
2. The tower or similar structure is not used for sleeping or eating quarters; and
3. The tower or similar structure is used only for purposes incidental to the primary use of the habitable space. See Figure 24-51-1 (Exceptions to Height Limit).

D. Permit Required. Allowed exceptions to the maximum permitted structure height identified in Subsection C (Allowed Exceptions) require the approval of:

4. No structures shall exceed the maximum permitted height in the Military Review Area as identified in the County’s Military Overlay Zone Map, except as specified in section 24-47 Military Airspace Overlay Zone (-MA).
5. For the purposes of calculating height, the height of wind turbines shall mean the distance from ground to top of the blade in vertical position.
1. An Administrative Permit if the structure exceeds the height limit by 10 feet or less; or
2. A Minor Use Permit if the structure exceeds the height limit by more than 10 feet but no more than 20 feet.
Article 12. SETBACK REQUIREMENTS AND EXCEPTIONS

Sections:
24-52 – Purpose
24-53 – Setback Measurement
24-54 – Allowed Projections
24-55 – Projections over Property Lines
24-56 – Road Setbacks

24-52 Purpose
This article establishes rules for the measurement of setbacks and identifies permitted exceptions to the minimum required setbacks of structures from property lines.

24-53 Setback Measurement
Setbacks shall be measured at right angles from the nearest point on the property line to the nearest point of the structure. On odd-shaped and corner lots, the Zoning Administrator shall determine the location of front, rear, and side property lines. See Figure 24-53-1 (Setback Measurement).

FIGURE 24-53-1 SETBACK MEASUREMENT
24-54  **Allowed Projections**

Projections into required setback areas shall be permitted only as shown in Table 24-54-1 (Allowed Projections into Setback Areas).

### Table 24-54-1  Allowed Projections into Setback Areas

<table>
<thead>
<tr>
<th>Projecting Feature</th>
<th>Front and Street Side</th>
<th>Interior Side</th>
<th>Rear</th>
</tr>
</thead>
<tbody>
<tr>
<td>Eaves, canopies, and similar roof projections</td>
<td>4 ft.</td>
<td>2½ ft.</td>
<td>4 ft.</td>
</tr>
<tr>
<td>Cornices, fireplaces, sills, bay windows, and similar architectural features; pillars not exceeding 6” by 6” for overhead structures such as shade canopies and carports</td>
<td>2 ft.</td>
<td>2 ft., but no closer than 2½ feet from the property line</td>
<td></td>
</tr>
<tr>
<td>Open, unenclosed stairways and balconies, not covered by a roof or canopy</td>
<td></td>
<td>4 ft.</td>
<td></td>
</tr>
<tr>
<td>Residential accessory structures</td>
<td>See Section 24-156 (Accessory Uses and Structures)</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Walls and fences</td>
<td>See Article 13 (Walls and Fences)</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Signs</td>
<td>See Article 20 (Signs)</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

24-55  **Projections over Property Lines**

Structures may not extend beyond a property line or into the public right-of-way.

24-56  **Road Setbacks**

If the property line is located along the centerline of an existing road easement, the building setback line shall be established as the distance equal to one-half the distance of the ultimate right-of-way as designated in the most recently adopted County Improvement Standards, plus the building setback line required by the applicable zone. If a property line is only partially located within an existing road easement, the setback will be equal to the distance from the property line to the edge of the right-of-way, plus the building setback line required by the applicable zone.

24-56.1  **Residential Setback from Orchards and Vineyards**

A setback is established for residential development from existing orchards and vineyards that are located in residential zones in order to reduce interference and conflict with preexisting agricultural operations, while providing for the development potential allowed by residential zones. The residential setback from orchards and vineyards is subject to the following requirements (Refer to Article 17, Agricultural Buffers, for agricultural buffer setbacks required where a developing residentially zoned parcel is adjacent to a parcel zoned Agriculture):
A. A minimum 25 foot setback is established between a new residence and a preexisting active orchard or vineyard.

B. The setback shall be imposed from the property line (s) on the developing parcel by the Zoning Administrator in consultation with the Agricultural Commissioner. The minimum 25 foot setback may be increased as long as it does not limit the allowed residential density and intensity permitted by the residential zone.

C. The setback shall not apply to row crops or greenhouses and wholesale nurseries primarily engaged in growing crops, plants, vines or trees and their seeds.

D. The setback shall not apply to backyard gardens and fruit and nut trees accessory to a residential use.

E. The setback shall not apply to accessory structures as defined under Section 24-156 (Accessory Uses and Structures) excepting guest houses, which must comply with the setback.

F. The setback shall not apply to orchard or vineyard uses that start operations after a building permit is approved.

G. If the orchard or vineyard use is discontinued as determined by the Zoning Administrator in consultation with the Agricultural Commissioner, the setback shall no longer be applicable.
Article 13. WALLS AND FENCES

Sections:
24-57 – Purpose
24-58 – Measurement of Fence or Wall Height
24-59 – Height Limits
24-60 – Design
24-61 – Amortization of Inappropriate Nonconforming Fences

24-57 Purpose
This article establishes rules for the measurement of walls and fences and identifies the maximum permitted height and design standards for walls and fences.

24-58 Measurement of Fence or Wall Height
A. The height of a fence or wall shall be measured from the adjacent finished grade at the base of the fence or wall to the top edge of the fence or wall.
B. Ornamental features that provide a screening function and are 50 percent or more opaque shall be included in the height measurement of a fence or wall.
C. If a fence is atop a wall, the total height shall be measured from the base of the wall. See Figure 24-58-1 (Fence and Wall Height).
D. If the adjacent finished grade is different on opposite sides of the fence or wall, the height shall be measured from the side with the highest finished grade to the highest point on the fence.

FIGURE 24-58-1 FENCE AND WALL HEIGHT
24-59 Height Limits

A. A fence or wall shall not exceed the maximum permitted height as shown in Table 24-59-1 (Maximum Height of Fences and Walls).

<table>
<thead>
<tr>
<th>Fence or Wall Location [1]</th>
<th>Agriculture, Industrial and Airport Zones</th>
<th>All Other Zones [2]</th>
</tr>
</thead>
<tbody>
<tr>
<td>Within front setback area</td>
<td>8 ft.</td>
<td>42 in.</td>
</tr>
<tr>
<td>Within street side setback area</td>
<td>8 ft.</td>
<td>42 in.</td>
</tr>
<tr>
<td>All other areas on parcel</td>
<td>8 ft.</td>
<td>6 ft.</td>
</tr>
</tbody>
</table>

Notes:
[1] Butte County Code Section 10-9 requires fences and walls within setback areas adjacent to a public road to be approved for traffic safety by the Director of Public Works.
[2] Side property line fences located within the front property line setback that do not visually obstruct line of sight of vehicles entering roadways may be allowed up to 6 feet if approved by the Director of Public Works.

B. Two feet of additional fence or wall height beyond that shown in Table 24-59-1 is permitted with the approval of an Administrative Permit.

C. Within residential zones, an additional 2 feet of height is permitted without an Administrative Permit for ornamental features that do not provide a screening function, such as an archway over a gate or ornamental figures intermittently situated along the top of a fence or wall.

24-60 Design

A. Standards that Apply in all Zones. In addition to any standards in specific zones, the following design standards for fences and walls shall apply in all zones.

1. Fences and walls shall not be constructed of inappropriate materials such as sheet metal, vehicles, underground/above-ground tanks, garage doors, aluminum siding, corrugated tin, non-constructed or dumped piles of rock, soil or debris, and other similar materials not specifically designed for use as fencing.

2. Fence and wall design shall conform to the California Building Code and all development standards required for safety.

3. The use of barbed wire, razor wire, and other similar materials is permitted only in the Rural Residential, Rural Country Residential, Foothill Residential, Foothill Country Residential, Timber Mountain, Industrial, Agriculture, and Timber Production zones.

B. Standards that Apply in Urban Zones. The following design standards for fences and walls shall apply only in urban zones.

1. Fences and walls shall be constructed of decorative masonry, ornamental steel or iron, or wood. Other materials may be considered if the Zoning Administrator determines the design to be compatible with adjacent structures and its surrounding neighborhood.
2. Fences and walls shall be constructed so that no hazards, such as nails, spikes, wires or other sharp or pointed objects, protrude from or exist upon the fence.

24-61 Amortization of Inappropriate Nonconforming Fences

Any wall or fence that does not comply with the design requirements specified in Section 24-60.A.1 and A.3 (Design) of this article, shall be regarded as a nonconforming use that may be continued until 5 years after the effective date of the Zoning Ordinance. At the conclusion of the amortization period, fences shall be removed or replaced in conformance with this article.
24-62 Purpose
This article establishes minimum requirements for outdoor lighting in residential areas in order to reduce light trespass and glare, and to protect the health, property, and well-being of Butte County residents and visitors.

24-63 Applicability
A. The requirements of this article shall apply to all outdoor lighting in all residential zones. This article does not apply to lighting at publicly owned facilities, including public rights-of-way. Lighting in non-residential zoning districts that exists at the time of the effective date of this Zoning Ordinance is exempt from this article.

24-64 New Development
All residential outdoor lighting installed after the initial effective date of the standards in this article (November 26, 2009) shall be in conformance with the requirements of this article.

24-65 Time Limitations for Compliance
A. Outdoor lighting existing at the time of the effective date of the Zoning Ordinance that does not meet the requirements of this article shall be brought into compliance or removed as follows:
   1. Within three months of the effective date of the Zoning Ordinance, where re-direction of the light fixture is feasible and will bring the light fixture into compliance; or
   2. Within six months of the effective date of the Zoning Ordinance, in all other cases.

24-66 Compliance with Lighting Standards
Light fixtures not meeting the standards of this article shall be brought into compliance in any of the following ways:
A. Re-direction of the light fixture;
B. Shielding of the lamp;
C. Redesign or relocation of the light fixture;
D. Replacement of the light fixture with a conforming fixture; or
E. Removal of the light fixture.

24-67 Standards
All outdoor lighting shall be located, adequately shielded, and directed such that no direct light falls outside the property line, or into the public right-of-way as illustrated in Figure 24-67-1 (Inadequate and Adequate Shielding) and Figure 24-67-2 (Light Source Not Directly Visible Outside Property Perimeter).

24-68 Exemptions
The following types of lighting are exempt from the requirements of this article:
A. Holiday and temporary lighting (less than 30 days in any one year); and
B. Temporary lighting used by law enforcement or emergency personnel to protect life or property.

24-69 Security Lighting
Security lighting triggered by motion or noise shall be permitted subject to all of the provisions of this article. Sensors for such lighting shall not be triggered by activity located outside the subject property.

24-70 Prohibited Lighting
Flash, flickering, or other lighting that is distracting or may be confused with traffic or emergency signals shall be prohibited.
**Figure 24-67-1  Inadequate and Adequate Shielding**

**Inadequate**
- Fixtures that produce glare and light trespass
- Unshielded Floodlights
- Unshielded Wallpacks & Unshielded or Poorly-shielded Wall Mount Fixtures
- Drop-Lens & Sag-Lens Fixtures w/ exposed bulb / Reflector lens
- Unshielded Security Light
- Unshielded PAR Floodlights
- Drop-Lens Canopy Fixtures

**Adequate**
- Fixtures that shield the light source to minimize glare and light trespass and to facilitate better vision at night
- Fully Shielded Wallpack & Wall Mount Fixtures
- Fully Shielded Walkway Balusters
- Fully Shielded Fixtures
- Full Cutoff Streetlight
- Fully Shielded Security Light
- Fully Shielded Period Style Fixtures
- Shielded / Property-sided PAR Floodlights
- Flush Mounted Canopy Fixtures

Source: Dark Sky Society

**Figure 24-67-2  Light Source Not Directly Visible Outside Property Perimeter**

Property Line

Source: Dark Sky Society
Article 15. RECREATIONAL VEHICLES AND CAMPING

Sections:
24-71 – Purpose
24-72 – Applicability
24-73 – Permanent Residences
24-74 – Parking and Storage in Urban Residential Zones
24-75 – Camping

24-71 Purpose
This article establishes standards for the parking and outdoor storage of recreational vehicles, boats, and camping activities.

24-72 Applicability
The requirements of this article shall apply in all zones.

24-73 Permanent Residences
Recreational Vehicles, including travel trailers, motor homes, and campers used as permanent residences may be located only in officially-designated mobile home parks, except as provided for under Section 24-174.E (Recreational Vehicle as Temporary Residences).

24-74 Parking and Storage in Urban Residential Zones
A. Recreational vehicles and boats may not be stored within any required front or street side setback area unless they are parked on a driveway or paved surface, are parked perpendicular to the street, and do not encroach over a sidewalk or other part of the public right-of-way. Recreational vehicles and boats may be stored within an interior side yard without screening if the recreational vehicle or boat is placed upon a paved surface. For the purposes of these provisions, the term “stored” means continuously parked in the same location for more than 72 hours.

B. As otherwise allowed in subsection (A) above, all stored recreational vehicles and boats shall be screened from public view by building walls, decorative screen walls or fences, and landscaping to the greatest extent possible.

C. A stored recreational vehicle or boat shall bear current vehicle registration or a legal non operation registration as required by State law.

D. Recreational vehicles or boats shall not be stored in a wrecked, dismantled, or inoperative condition.

E. Recreational vehicles or boats shall not be parked within a public or private right-of-way for longer than nine days.
24-75  Camping

This section regulates camping as a use that may be engaged in by a property owner or individual with the permission of a property owner. It does not give individuals who do not own a property or do not have the permission of the property owner to camp on that property. Camping outside any lawfully established outdoor recreational facility, campground, recreational vehicle park, or hunting/fishing camp is prohibited except under the following circumstances:

A. Camping by means of recreational vehicle or tent is allowed on all parcels in Rural Zones (AG, TM, TPZ, RC, RR, and FR) subject to the following standards:

1. Camping in a currently registered recreational vehicle connected to approved power, including power from a local utility, solar energy system, wind energy system, batteries and/or generator, an approved sewage disposal system and approved domestic water supply shall be limited to 180 or fewer days annually. An Administrative Permit is required prior to connection.

2. Camping without connection to approved power, an approved sewage disposal system, and an approved domestic water supply shall be limited to 14 or fewer days within any 30 day period.

3. No more than two recreational vehicles or tents shall occupy a parcel for the purpose of camping at any one time.

4. No more than two families shall occupy a parcel for the purpose of camping at any one time.

5. Solid waste shall be properly managed in accordance with Sections 31-51, Failure to Remove Solid Waste, and 31-52, Burning of Garbage, of the Butte County Code.
24-76 Purpose
This article establishes standards for riparian areas to:
A. Reduce risks to property owners and the public from erosion and flooding;
B. Protect and enhance the chemical, physical, and biological integrity of water resources in the county;
C. Minimize pollutants entering water bodies from urban stormwater runoff; and
D. Preserve riparian vegetation and protect wildlife habitat and wildlife corridors along natural drainage ways.

24-77 Applicability
A. The standards in this article apply to all riparian areas within the county, in addition to the permitting requirements set forth under Part 2, Zoning Districts, Land Uses, and Development Standards. As shown in Figure 24-77-1 (Riparian Areas), riparian areas are defined as areas between the banks and 50 feet in width measured from the top bank of any intermittent or perennial stream or river landward. Excluded from this definition are stock ponds and other stock watering facilities, culverted sections of creeks and engineered systems developed by a public agency for collection of storm or flood waters, or systems other than natural creeks designed to deliver irrigation or water supplies.

24-78 Use Regulations
A. Permitted Activities. The following activities are permitted as-of-right in riparian areas, subject to applicable performance standards below:
   1. Livestock grazing and agricultural practices in the Agriculture, Foothill Residential, Foothill Country Residential, Rural Residential, Rural Country Residential, Timber Mountain, and Timber Production zones;
   2. Native landscaping;
4. Fencing that does not interfere with the flow of flood waters or wildlife migration corridors, consistent with Article 13 (Walls and Fences);
5. Roads used primarily for the maintenance of a property;
6. Utilities, including the installation, operation and maintenance of water pumps;
7. Storm drains into riparian areas and creeks;
8. Trails and passive recreational activities not involving the establishment of any structures;
9. Construction and maintenance of County-owned culverts, rip-rap, and other drainage facilities; and
10. Construction and maintenance of County-owned bridges.

B. Conditionally Permitted Uses.

1. Uses, structures, and activities permitted in the applicable zone are permitted within riparian areas only with approval of a Minor Use Permit.
2. To approve a Minor Use Permit for riparian area development, the Zoning Administrator shall make all of the following findings in addition to the findings in Article 31 (Conditional Use and Minor Use Permits):
   a. The proposed use, structure, or encroachment cannot be feasibly located outside the riparian area because such location would have a more adverse effect on the stream environment.
   b. Measures are included that provide adequate protection of wildlife habitat, water quality and in-stream habitat, and capacity for flood management.

24-79 Performance Standards

A. Construction. Construction is prohibited in riparian areas unless the necessary permits have been obtained from other responsible governmental agencies and plans have been approved by the Director of Public Works and the Zoning Administrator.
B. 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 is prohibited within riparian areas except when such action is:

1. Necessary to protect public health and safety.
2. Associated with an approved creek restoration and enhancement project intended to improve the health and environmental integrity of the waterway.
3. Associated with an approved conditional use permit, minor use permit, tentative parcel or subdivision map, or mining permit.

C. Streambed Alteration. Filling, grading, excavating, or obstructing streambeds is prohibited except in the following circumstances:

1. Placement of County-approved storm drain and irrigation outflow structures shall be designed so as to eliminate or minimize increases in the rate and amount of storm or irrigation water discharge;
2. Placement of public and nonpublic 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.
6. Development associated with an approved conditional use permit, minor use permit, tentative parcel or subdivision map, or mining permit.

24-80 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 Water Resources 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 riparian 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.
Article 17. AGRICULTURAL BUFFERS

Sections:
24-81 – Purpose
24-82 – Applicability
24-83 – Agriculture Buffer Setbacks
24-84 – Exceptions to Agricultural Buffer Setback

24-81 Purpose
This article establishes a means to conserve and stabilize agricultural land uses in order to protect agricultural lands from encroachment and conversion to residential uses. This article advances this purpose by:

A. Requiring residential development to provide land use transitions, setbacks, and buffers between residential development and agricultural uses, in order to reduce interference and conflict;

B. Creating development and performance standards designed to protect agricultural uses from residential encroachment conflicts; and

C. Providing a clear delineation between long-term agricultural production lands and residential areas.

24-82 Applicability
A. This article applies to residential structures in all agricultural buffer areas. The agricultural buffer is applied to the following areas of the county:

1. All lands zoned Agriculture;

2. Other zones within 300 feet of the boundary of Agriculture zones; and

3. Areas inside and within 300 feet of sphere of influence boundaries for incorporated cities, where the boundary abuts parcels zoned Agriculture.

B. The agricultural buffer requirement shall apply to the parcel where residential development is proposed.

24-83 Agricultural Buffer Setbacks
As shown in Figure 24-83-1 (Agricultural Buffer Setbacks), the setback distance for dwellings within an agricultural buffer area shall be 300 feet from any property line that abuts Agriculture zones. This distance may be adjusted based upon the Agricultural Buffer Guidelines as adopted by the Board of Supervisors on December 16, 2008 (and as amended) or an Unusual Circumstance Review in Section 24-84 (Exceptions to Agricultural Buffer Setback).
24-84 Exceptions to Agricultural Buffer Setback

A. Eligibility. Any project applicant may request an adjustment to the 300-foot agricultural buffer setback requirement through an Unusual Circumstances Review, as described below.

B. Review Authority.
   1. A request for Unusual Circumstance Review submitted for concurrent review with a ministerial permit application shall be reviewed by the Zoning Administrator.
   2. A request for Unusual Circumstance Review submitted for concurrent review with a discretionary permit application shall be reviewed by the authority reviewing the discretionary permit application.

C. Application Submittal. An application for an Unusual Circumstances Review shall be filed and reviewed in compliance with Article 27 (Permit Application and Review). The application shall include the information and materials specified in the Department of Development Services Buffer Guidelines for Unusual Circumstances Review applications, together with the fee in compliance with the Planning Fee Schedule. It is the responsibility of the applicant to provide evidence in support of the findings required by Subsection F (Criteria for Decision).

D. Consultation with Agricultural Commissioner. The Zoning Administrator shall consult with the Agricultural Commissioner prior to taking action on an Unusual Circumstances Review or prior to forwarding a recommendation on an Unusual Circumstances Review to the Planning Commission or Board of Supervisors.
E. **Public Hearing.**

1. Public notice and hearing for an Unusual Circumstances Review associated with discretionary permits and approvals shall be provided in compliance with Article 36 (Public Notice and Hearings).

2. No public notice or hearing is required for Unusual Circumstances Reviews associated with ministerial permits.

F. **Criteria for Decision.** The review authority may approve an adjustment to the required setback only if the following findings can be made:

1. The adjustment will not result in a modification to adjacent agricultural practices.

2. Unusual circumstances are present on the subject properties or surrounding properties that render the 300-foot setback requirement infeasible or unnecessary. Unusual circumstances include, but are not limited to, parcel size and shape, the location of existing residences, infrastructure and other existing uses, and natural physical features and topography.

3. The proposed dwelling is placed the greatest distance possible from all property lines abutting an agriculture zone or other location that presents the least detriment to agricultural practices on adjacent properties.

4. The location of the proposed residence does not interfere with easements, septic systems, or prior conditions of approval applicable to the subject property.

G. **Buffer Guidelines.** Agricultural Buffer Guidelines as adopted by the Board of Supervisors on December 16, 2008 (Butte County Resolution #08-166 and as amended) shall be utilized as a guide in evaluating the proper agricultural buffer and in rendering determinations on requested adjustments to the required setback.

H. **Post-Decision Procedures.** The procedures and requirements relating to notices of decision, appeals (Article 37 (Appeals and Calls for Review)), effective dates, permit expiration, permit revocation, and changed plans shall apply to Unusual Circumstance Reviews as provided in Article 34 (Post-Decision Procedures and Section 24-234 (Post-Decision Procedures)).

I. **Agricultural Worker Housing Center.** Within Agriculture zones, Agricultural Worker Housing Centers, as defined under this chapter, shall not be subject to the Agricultural Buffer Setback.
Article 18. CLUSTERED DEVELOPMENT

Sections:
24-85 – Purpose
24-86 – Applicability
24-87 – Application Requirements
24-88 – Development Standards
24-89 – Permitted Uses
24-90 – Clustered Development Open Space Requirements

24-85 Purpose

This article establishes provisions for clustered development in order to facilitate the retention of natural resources, open space (a minimum of 40 percent of the total project site must be dedicated as permanent open space to qualify as a Clustered Development), and wildlife habitat; avoid hazardous areas; and further implement the goals and policies of the General Plan. Figure 24-85-1 (Clustered Development Concept) illustrates the clustered development concept for a prototypical 30-acre subdivision. Specific objectives of these provisions are to:

A. Provide an incentive to create quality residential developments, particularly where special conditions exist that prevent the attainment of the maximum permitted density of a property that could otherwise be attained through conventional subdivision design;

B. Require the preservation of environmentally sensitive areas (e.g., wetlands and special-status species habitat), productive agricultural and timber lands, and important cultural and scenic resources;

C. Facilitate innovative development concepts that achieve greater consistency with the Butte County General Plan;

D. Provide permanent open space for a variety of natural resource purposes;

E. Preclude additional development that may conflict with neighborhood quality of life;

F. Provide increased open space which may include active and passive recreation features that reduce demand for public park land; and

G. Reduce infrastructure requirements by reducing the length of streets and water and sewer lines and by potentially reducing street width requirements.
24-86 Applicability

A. Location. Clustered development shall be allowed as an alternative to conventional subdivision design in the TM, FR, RR, VLDR, VLDR-2.5, VLDCR, and LDR zones. Clustered Development subdivisions are subject to all of the requirements of the State Subdivision Map Act and local subdivision ordinance in addition to the provisions set-forth under this chapter. A Conditional Use Permit, Planned Development (PD), or other rezoning application is not required to utilize these provisions.

B. Optional Use. The use of clustered development provisions is optional. Persons wishing to subdivide and develop land may utilize these provisions or proceed under the otherwise applicable Zoning Ordinance requirements without use of these provisions.

C. Applicable Parcel Size. Clustered development projects may be proposed for parcels that could potentially be subdivided based on the minimum parcel size specified in the applicable zone.

24-87 Application Requirements

A. Preliminary Application. Prior to submitting a formal application for a clustered development project, an applicant shall submit to the County a preliminary application. The preliminary application shall include the following materials:
1. An opportunities and constraints map that illustrates land not suitable for development, as described in Section 24-90 (Clustered Development Open Space Requirements).

2. A conceptual development plan that identifies proposed building lots and sites, and a description of the maximum number of lots, roads, open space areas, and other features based on the opportunities and constraints mapping. The conceptual development plan shall address all items listed in Section 24-90 (Clustered Development Open Space Requirements). Where appropriate, information may be provided in narrative form.

B. Preliminary Application Review Meeting.

1. Once a preliminary application has been submitted, the applicant shall schedule a preliminary application review meeting with County staff, including representatives from the Development Services Department, Environmental Health Division, Public Works Department, Butte County Fire Department, and any other agency with applicable interest in the proposed development site. The purpose of this meeting is to provide the following preliminary direction to the applicant:
   a. Identify any potential inconsistencies between the proposed project and County ordinances and policies;
   b. Identify design components and filing requirements recommended for the formal project application;
   c. Discuss the application review process;
   d. Identify potential environmental impacts; and
   e. Identify special studies that may be required to accompany the formal application.

2. Any direction given to the applicant by County staff shall be preliminary and subject to further refinement or change as the proposed project progresses through the formal application process. Following the meeting, the Department of Development Services shall send a letter to the applicant describing recommended direction, additional filing requirements for the formal application, and other determinations reached at the meeting.

C. Formal Application Requirements. Following completion of the required preliminary application process, a formal subdivision application for a clustered development project shall be filed and reviewed in compliance with Butte County Code and the State Subdivision Map Act requirements governing tentative subdivision, parcel map and parcel map waiver applications. Residential development applications submitted pursuant to this article shall be clearly identified as being so-designed on the tentative map.

24-88 Development Standards
Clustered development projects shall adhere to the development standards for the zone applicable to the property, except as modified below.

A. Density Incentives.

1. As an incentive for development projects to conserve open space and protect natural resources, an additional residential density incentive shall be granted for projects that provide additional dedicated open space beyond 50 percent. Additional residential density incentive shall be granted as specified
in Table 24-88-1 (Additional Density Incentive for Dedicated Open Space). In no event shall the maximum density incentive for a clustered development project be greater than 25 percent. Density is determined by the number of residences not by the number of parcels. Parcels not used for residential purposes (e.g. water or sewer systems or other type of utility), shall be clearly marked for that purpose and will not be available for residential development.

### TABLE 24-88-1 ADDITIONAL DENSITY INCENTIVE FOR DEDICATED OPEN SPACE

<table>
<thead>
<tr>
<th>Percentage of Project Area Provided as Dedicated Open Space</th>
<th>Maximum Density Incentive (Percentage of Residential Density Allowed by Base Zone)</th>
</tr>
</thead>
<tbody>
<tr>
<td>50 – 70</td>
<td>15</td>
</tr>
<tr>
<td>71</td>
<td>15.5</td>
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<tr>
<td>89</td>
<td>24.5</td>
</tr>
<tr>
<td>90% or more</td>
<td>25%</td>
</tr>
</tbody>
</table>

B. **Lot Size.**

1. The minimum lot size in a clustered development project shall be 7,500 square feet.
2. The maximum residential lot size in a clustered development project shall be 1 acre.
3. Final subdivision and parcel maps shall include a notation that stipulates that the parcels created as part of a clustered development project cannot be further divided.

C. **Building Setbacks/Yard Area and Parcel Dimension Requirements.** Primary structures shall be setback a minimum of 5 feet from all property lines, except the front property line setback, which will be
in accordance with the applicable zone. All site development shall be consistent with the County’s Fire Safe requirements and Public Resources Code Section 4290.

D. **Street Design.** Street improvements within a clustered development project shall be governed by the following factors:

1. Streets may be privately owned and maintained, or may be proposed for dedication to the County.
2. Deviation from conventional road and sidewalk requirements may be requested by the applicant. The review authority may approve deviations depending upon project design, site conditions, and other factors.
3. All street design standards shall be approved for safety by the Director of Public Works and the County Fire Marshal.

E. **Sewage Disposal/Potable Water.** Each application for a clustered development project shall obtain tentative clearance from the Butte County Health Department, Environmental Health Division for the proposed parcel sizes. Soil tests, drilling of test wells, or geologic reports may be required to provide evidence of sewage disposal capacity and domestic water availability.

F. **Flood Zones.** Clustered development projects shall be prohibited within flood zones unless one or more of the following apply:

1. Fewer dwelling units are located within the flood zone as part of a clustered development than would be allowed by conventional development;
2. The clustered development will be developed in an area of the flood zone that has a higher average elevation as compared to what would be allowed by conventional development, and thus would be subject to less flooding and associated impacts; or
3. Clustered development allows the preservation of natural vegetation and topography on the site that reduces flood-related hazards.

G. **Final Subdivision and Parcel Maps.** Final subdivision and parcel maps shall include a notation that stipulates that the parcels created as part of a clustered development project cannot be further divided.

H. **Adjacent Clustered Developments.** As shown in Figure 24-88-1 (Clustered Development), developed areas within adjacent clustered developed projects shall be separated by dedicated open space as required by this article.
FIGURE 24-88-1  CLUSTERED DEVELOPMENT

24-89  Permitted Uses
A. Applicable Zone. All land uses permitted in the zone applicable to the property shall be permitted for clustered development projects, except within the dedicated open space area, which is regulated under Section 24-90 (Clustered Development Open Space Requirements).

B. Open Space Areas. Uses allowed in dedicated open space shall only be as described in Section 24-90 (Clustered Development Open Space Requirements).

24-90  Clustered Development Open Space Requirements
Dedicated open space areas within a clustered development project shall be separated from residential parcels and shall comply with the following standards:
A. Primary Areas Not Suitable for Development. Primary areas shall be avoided and reserved as permanent open space in all instances. Primary areas shall include the following:
1. 100-year flood zones unless development is allowed by 24-88.F (Development Standards);
2. Wetlands, riparian areas and other sensitive biological habitats;
3. Unstable slopes; and
4. Sensitive archaeological sites.
B. Secondary Areas Not Suitable for Development. The review authority may require that secondary areas or portions of secondary areas be avoided and reserved as permanent open space. Secondary areas shall include the following:
1. Timber areas;
2. Scenic areas;
3. Historic areas;
4. Deer migration, established fawning and winter range areas;
5. Areas with a slope of 30 percent or greater; and
6. Viable/important grazing lands.

C. Other Areas Not Suitable for Development. Portions of a site that do not qualify as Primary or Secondary Areas Not Suitable for Development, as defined in Subsections A and B above, may be reserved as open space if proposed by the applicant or when necessary to comply with minimum open space requirements.

D. Dedication or Reservation of Open Space. Areas within a clustered development project not designated for development shall be reserved as open space. Open space shall be guaranteed in perpetuity using one or more of the following control mechanisms:

1. Dedication of a conservation (or open space) easement to the County, other public agency or a public interest land trust;
2. Dedication of land in fee-title to the County or other public agency; or
3. Deed restrictions recorded with the County Recorder.

E. Open Space Management Plan Required. Public and private open space shall be maintained in accordance with an open space management plan acceptable to and approved by the County. Such plans shall, at a minimum, address the following:

1. A description of site conditions such as vegetation and habitat type, natural and man-made features, and other characteristics of the site;
2. Grass and brush clearing for fire fuel management, as required by site conditions;
3. Erosion control;
4. Sewage disposal, water well, and stormwater drainage facilities, including ditches and detention basins, if proposed for the development;
5. Fencing if required for the protection of resources;
6. Recreational activities compatible with open space; and
7. Other natural resource management activities and uses. Open space management plans shall include provisions for long-term maintenance of improvements and facilities that will not result in a fiscal impact on the County.

F. Open Space Minimums. The amount of dedicated open space reserved in a clustered development project shall comply with the following requirements:

1. A minimum of 40 percent of the total project site shall be dedicated as permanent open space.
2. Projects granted density incentives as allowed by Section 24-88 (Development Standards) shall dedicate the amount of permanent open space as specified in Table 24-88-1 (Additional Density Incentive for Dedicated Open Space).

G. Uses Permitted In Dedicated Open Space. Uses and activities within dedicated open space shall be compatible with open space land. Unless limited or restricted by a conservation easement, development
agreement, conditions on the approved tentative map, or other restricting mechanism, the following uses shall be permitted:

1. Agriculture, including grazing and timber management, when allowable by the zone applicable to the property;
2. Resource conservation;
3. Wildlife management;
4. Recreational activities compatible with the objectives of the open space management plan;
5. Community wells, community septic systems, community sewage disposal systems, and individual wells under certain circumstances;
6. Pedestrian, bicycle and equestrian trails. Public access is not required, but may be permitted subject to a public access easement being recorded; and
7. Other similar uses, as determined through the application review process.

H. Contiguity. Dedicated open space areas shall not be fragmented but shall be consolidated or linked to facilitate wildlife movement, maintain functioning biological communities, and accommodate recreational opportunities. Open space connections to adjoining land beyond the project site should be anticipated and identified where possible.

I. Access to Open Space. To the extent possible, all residential parcels shall have physical or visual contact with permanent open space to facilitate surveillance, foster routine maintenance, and improve the quality of life for project residents through the integration of home sites into a permanent open space setting.

J. Trails. Where pedestrian, bicycle or equestrian trails are constructed in dedicated open space areas, the following requirements shall apply:

1. Environmentally sensitive areas shall not be impacted.
2. Privacy of proposed on-site and existing off-site residences shall not be intruded upon.
3. Public access shall be permitted only where public access easements, consistent with an adopted trail master plan, have been acquired.
Article 19. PARKING AND LOADING

Sections:
24-91 – Purpose
24-92 – Applicability
24-93 – On-Site Parking Requirements
24-94 – General Requirements
24-95 – Parking Design Standards
24-96 – Bicycle Facilities
24-97 – On-site Loading

24-91 Purpose
This article establishes standards for vehicle parking facilities, freight loading areas, and related transportation infrastructure. These standards are intended to:

A. Ensure a sufficient supply of on-site parking and loading facilities for all land uses;
B. Provide parking design standards appropriate for both urban and rural areas;
C. Promote the use of alternative forms of transportation;
D. Protect neighborhoods from vehicular noise and traffic associated with adjacent non-residential land uses; and
E. Ensure the maneuverability of emergency vehicles.

24-92 Applicability

A. New Structures and Uses. All new structures and uses proposed or established after the effective date of the Zoning Ordinance shall comply with the standards in this article.

B. Existing Structures and Uses. When an existing structure or use is expanded, on-site parking as required by this article shall be provided only as needed to accommodate the expanded portion of the structure or use.

C. Replaced Uses. A new use that replaces an existing use shall provide parking only for the additional parking required for the new use beyond that which was required by the existing use.

24-93 On-Site Parking Requirements

A. Number of Spaces. All land uses shall provide on-site parking as required in Table 24-93-1 (On-Site Parking Requirements).

B. Unlisted Uses.
   1. The Zoning Administrator shall determine on-site parking requirements for uses not listed in Table 24-93-1 (On-Site Parking Requirements).
### Table 24-93-1 On-Site Parking Requirements

<table>
<thead>
<tr>
<th>Uses, Activities, and Facilities</th>
<th>Number of Required Parking Spaces</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Agricultural Uses</strong></td>
<td></td>
</tr>
<tr>
<td>Stables, Commercial</td>
<td>1 per 4 stalls</td>
</tr>
<tr>
<td><strong>Natural Resource Uses</strong></td>
<td></td>
</tr>
<tr>
<td>Forestry and Logging</td>
<td></td>
</tr>
<tr>
<td>Mining and Surface Mining Operations</td>
<td></td>
</tr>
<tr>
<td>Oil and Gas Extraction, including reinjection wells for natural gas</td>
<td>1 per 1,000 sq. ft. of floor area for all habitable structures associated with the use, or one space per employee, whichever is greater.</td>
</tr>
<tr>
<td>Timber Processing</td>
<td></td>
</tr>
<tr>
<td><strong>Residential Uses</strong></td>
<td></td>
</tr>
<tr>
<td>Agricultural Worker Housing Centers</td>
<td>Group quarters: 1 per 4 beds Dwelling units: 2 per dwelling</td>
</tr>
<tr>
<td>Caretaker Quarters</td>
<td>1 per dwelling</td>
</tr>
<tr>
<td>Duplex Homes</td>
<td>2 per dwelling</td>
</tr>
<tr>
<td>Live/Work Units</td>
<td>1 per unit</td>
</tr>
<tr>
<td>Mobile Home Parks</td>
<td>1 per dwelling plus 1 guest space for every 5 dwellings and 1 recreational vehicle parking space for every 5 dwellings</td>
</tr>
<tr>
<td>Multiple-Family Dwellings</td>
<td>Studio Units: 1 per dwelling One-Bedroom Units: 1.5 per dwelling Two-or-more-Bedroom Units: 2 per dwelling</td>
</tr>
<tr>
<td>Residential Care Homes</td>
<td>1 per 4 beds plus 1 per 300 sq. ft. of office and other non-residential areas</td>
</tr>
<tr>
<td>Second Units</td>
<td>1 per dwelling</td>
</tr>
<tr>
<td>Single-Family Homes</td>
<td>2 per dwelling</td>
</tr>
<tr>
<td><strong>Community Uses</strong></td>
<td></td>
</tr>
<tr>
<td>Cemeteries</td>
<td>1 per 6 seats in a chapel or other assembly area</td>
</tr>
<tr>
<td>Child Care Centers</td>
<td>1 per 400 sq. ft. of floor area</td>
</tr>
<tr>
<td>Child Day Care, Large</td>
<td>2 in addition to the spaces required for the primary use</td>
</tr>
<tr>
<td>Child Day Care, Small</td>
<td>1 in addition to the spaces required for the primary use</td>
</tr>
<tr>
<td>Clubs, Lodges and Private Meeting Halls</td>
<td>1 per 200 sq. ft. of floor area</td>
</tr>
<tr>
<td>Community Centers</td>
<td>1 per 300 sq. ft. of floor area</td>
</tr>
<tr>
<td>Correctional Institutions and Facilities</td>
<td>1 per 2,000 sq. ft. of floor area</td>
</tr>
<tr>
<td>Cultural Institutions</td>
<td>Theatres and auditoriums: 1 per 4 seats Other areas accessible to the public: 1 per 300 sq. ft.</td>
</tr>
<tr>
<td>Emergency Shelters</td>
<td>1 per 8 beds plus 1 per 300 sq. ft. of office or other non-residential area</td>
</tr>
<tr>
<td>Uses, Activities, and Facilities</td>
<td>Number of Required Parking Spaces</td>
</tr>
<tr>
<td>----------------------------------------------------------</td>
<td>-----------------------------------</td>
</tr>
<tr>
<td>Golf Courses and Country Clubs</td>
<td>1 per hole plus 1 per 300 sq. ft. of floor area</td>
</tr>
<tr>
<td>Hospitals</td>
<td>1 per 400 sq. ft. of floor area or as determined by a parking demand analysis and specified in the Conditional Use Permit</td>
</tr>
<tr>
<td>Medical Offices and Clinics</td>
<td>1 per 300 sq. ft. of floor area</td>
</tr>
<tr>
<td>Offices, Governmental</td>
<td>1 per 300 sq. ft. of floor area</td>
</tr>
<tr>
<td>Parks and Recreational Facilities</td>
<td>As determined by a parking demand analysis and/or specified in the Conditional Use Permit</td>
</tr>
<tr>
<td>Public Safety Facilities</td>
<td></td>
</tr>
<tr>
<td>Religious Facilities</td>
<td>1 per 6 seats plus 1 per 300 sq. ft. of classroom or office area</td>
</tr>
<tr>
<td>Schools, Public and Private</td>
<td>As determined by a parking demand analysis and/or specified in the Conditional Use Permit</td>
</tr>
<tr>
<td>Water Ski Lakes</td>
<td>As determined by a parking demand analysis and specified in the Conditional Use Permit</td>
</tr>
<tr>
<td><strong>Commercial Uses</strong></td>
<td></td>
</tr>
<tr>
<td>Adult Businesses</td>
<td>1 per 350 sq. ft. of floor area</td>
</tr>
<tr>
<td>Agricultural Product Sales</td>
<td>1 per 300 sq. ft. of display and sales area</td>
</tr>
<tr>
<td>Agricultural Support Services, General</td>
<td>1 per 1,000 sq. ft. of floor area for all habitable structures associated with the use</td>
</tr>
<tr>
<td>Agricultural Support Services, Light</td>
<td></td>
</tr>
<tr>
<td>Animal Services</td>
<td>1 space per 350 sq. ft. of floor area</td>
</tr>
<tr>
<td>Bars, Nightclubs and Lounges</td>
<td>1 per 3 seats or 1 per 200 sq. ft. of floor area, whichever is greater</td>
</tr>
<tr>
<td>Bed and Breakfasts</td>
<td>1 per guestroom, plus 2 for resident manager</td>
</tr>
<tr>
<td>Commercial Recreation, Indoor</td>
<td>1 per 350 sq. ft. of floor area</td>
</tr>
<tr>
<td>Commercial Recreation, Outdoor</td>
<td>1 per 4 seats or 4-person capacity or 1 per 200 sq. ft. of floor area used by customers, whichever is greater</td>
</tr>
<tr>
<td>Construction, Maintenance and Repair Services</td>
<td>1 per 300 sq. ft. of floor area</td>
</tr>
<tr>
<td>Drive-thru Facilities</td>
<td>1 per 350 sq. ft. of floor area</td>
</tr>
<tr>
<td>Equipment Sales and Rental</td>
<td>1 per 400 sq. ft. of floor area</td>
</tr>
<tr>
<td>Gas and Service Stations</td>
<td>1 per 300 sq. ft. of floor area plus 1 per 4 pump stations</td>
</tr>
<tr>
<td>Hotels and Motels</td>
<td>1 per room plus 1 per 300 sq. ft. of office area</td>
</tr>
<tr>
<td>Hunting and Fishing Clubs</td>
<td>1 per 400 sq. ft. of lodge or meeting space floor area</td>
</tr>
<tr>
<td>Medical Offices and Clinics</td>
<td></td>
</tr>
<tr>
<td>Offices, Professional</td>
<td>1 per 300 sq. ft. of gross floor area</td>
</tr>
<tr>
<td>Nursery, Retail</td>
<td></td>
</tr>
<tr>
<td>Uses, Activities, and Facilities</td>
<td>Number of Required Parking Spaces</td>
</tr>
<tr>
<td>---------------------------------------------------------------</td>
<td>--------------------------------------------------------------------------------------------------</td>
</tr>
<tr>
<td>Nursery, Wholesale</td>
<td></td>
</tr>
<tr>
<td>Personal Services</td>
<td></td>
</tr>
<tr>
<td>Personal Services, Restricted</td>
<td></td>
</tr>
<tr>
<td>Public/Mini Storage</td>
<td>1 space per 100 storage units or 5 spaces, whichever is greater</td>
</tr>
<tr>
<td>Restaurants</td>
<td>1 per 4 seats or 1 per 300 sq. ft. of floor area, whichever is greater</td>
</tr>
<tr>
<td>Recreational Vehicle Parks</td>
<td>1 per recreational vehicle space</td>
</tr>
<tr>
<td>Retail, General</td>
<td></td>
</tr>
<tr>
<td>Retail, Large Projects</td>
<td></td>
</tr>
<tr>
<td>Retail, Restricted</td>
<td>1 per 300 sq. ft. of floor area</td>
</tr>
<tr>
<td>Shopping Centers</td>
<td></td>
</tr>
<tr>
<td>Special Events</td>
<td>1 per 4 seats or for 4 people based on maximum occupancy, whichever is greater</td>
</tr>
<tr>
<td>Vehicle Repair</td>
<td></td>
</tr>
<tr>
<td>Vehicle Sales and Rental</td>
<td>1 per 400 sq. ft. of floor area, but in no case less than 6 spaces</td>
</tr>
<tr>
<td>Vehicle Service and Maintenance</td>
<td></td>
</tr>
<tr>
<td>Wineries and Olive Oil, Fruit and Nut, Micro-</td>
<td>1 per 300 sq. ft. of floor area</td>
</tr>
<tr>
<td>Brewery and Micro-Distillery Facilities</td>
<td></td>
</tr>
<tr>
<td>Industrial Uses</td>
<td></td>
</tr>
<tr>
<td>Manufacturing and Processing, Light</td>
<td>1 per 1,000 sq. ft. of floor area</td>
</tr>
<tr>
<td>Manufacturing and Processing, General</td>
<td></td>
</tr>
<tr>
<td>Manufacturing and Processing, Heavy</td>
<td></td>
</tr>
<tr>
<td>Research and Development</td>
<td>1 per 1,000 sq. ft. of laboratory or manufacturing area and 1 per 300 sq. ft. of the remaining area</td>
</tr>
<tr>
<td>Warehousing, Wholesaling and Distribution</td>
<td>1 space for each 2,000 sq. ft. of floor area</td>
</tr>
<tr>
<td>Transportation, Communications and Utility Uses</td>
<td></td>
</tr>
<tr>
<td>Airport Related Uses</td>
<td>1 space for each 2,000 sq. ft. of floor area, or as determined by a parking demand analysis and/or specified in the Conditional Use Permit</td>
</tr>
<tr>
<td>Composting Facilities</td>
<td>1 per 1,000 sq. ft. of floor area</td>
</tr>
<tr>
<td>Freight and Truck Terminals and Yards</td>
<td>1 per 2,000 sq. ft. of floor area</td>
</tr>
<tr>
<td>Recycling Facilities</td>
<td>1 per 1,000 sq. ft. of floor area</td>
</tr>
<tr>
<td>Runways and Heliports</td>
<td>As determined by a parking demand analysis and/or specified in the Conditional Use Permit</td>
</tr>
<tr>
<td>Telecommunications Facilities</td>
<td>2 per unit or 1 per employee, whichever is greater.</td>
</tr>
</tbody>
</table>
2. On-site parking requirements for unlisted uses shall be based on the parking requirements of similar uses in Table 24-93-1(On-Site Parking Requirements).

3. The Zoning Administrator may require the preparation of a parking demand study to determine the parking requirement for unlisted uses.

C. **Multiple Uses.** When more than one land use is conducted on a parcel, the required number of parking spaces shall be the sum of the number of parking spaces required for each individual use, or as determined by a parking demand study.

D. **Unknown Uses.**

1. The Zoning Administrator shall determine on-site parking requirements for non-residential “shell” structures with no identified tenants.

2. Parking requirements shall be based on anticipated tenants for the structures, as determined by the Zoning Administrator.

E. **Fractional Spaces.** If the number of required parking spaces does not result in a whole number, the number shall be rounded down to the nearest whole number.

F. **Availability and Use of Spaces.**

1. Required parking spaces shall be permanently available and maintained for parking purposes for the use they are intended to serve.

2. Owners, lessees, tenants, or persons having control of the operation of a use for which parking spaces are required shall not prevent or restrict authorized persons from using these spaces.

3. Required parking spaces shall be used exclusively for the temporary parking of vehicles and shall not be used for the sale, lease, display, repair, or storage of vehicles, trailers, boats, campers, mobile homes, merchandise, or equipment, or for any other use not authorized by the Zoning Ordinance.

### 24-94 General Requirements

A. **Use and Availability.**

1. All on-site parking facilities shall be designed and maintained to be fully usable for the duration of the use.

2. Areas required to meet applicable parking requirements may not be used for any other purpose.
B. Parking for Persons with Disabilities.

1. Parking facilities shall be properly designed, constructed, and maintained to provide for access by the physically disabled from public rights-of-way, across intervening parking spaces, and into structures.

2. The number of parking spaces for the disabled shall be as required by the California Building Code, the Federal Accessibility Guidelines, and the California Code of Regulations (Title 24, Part 2, Chapter 2-71).

3. Parking spaces required for the disabled shall count toward compliance with the number of parking spaces required by Table 24-93-1 (On-Site Parking Requirements).

C. Parking for Motorcycles.

1. The minimum number of motorcycle parking areas shall be provided as shown in Table 24-94-1 (Motorcycle Parking Requirements).

<table>
<thead>
<tr>
<th>Number of Automobile Spaces Required</th>
<th>Number of Motorcycle Parking Areas Required</th>
</tr>
</thead>
<tbody>
<tr>
<td>1 — 25 spaces</td>
<td>None required</td>
</tr>
<tr>
<td>26 — 100 spaces</td>
<td>One area</td>
</tr>
<tr>
<td>Over 100 spaces</td>
<td>One area for each additional 100 automobile spaces or portion thereof</td>
</tr>
</tbody>
</table>

2. One motorcycle parking area may count towards fulfilling the requirement for one automobile parking space.

3. A motorcycle parking area shall be a minimum of 56 square feet in area and a minimum 8 feet wide in its longest dimension.

4. All motorcycle parking areas shall have bollards installed and appropriately spaced to prevent automobile usage. Motorcycle parking areas shall be clearly marked.

5. Motorcycle parking areas shall be paved with concrete to prevent damage from motorcycle kick and center stands.

D. Off-Site Parking.

1. The County may approve required parking off-site if a covenant for the maintenance and continued use of such parking facilities is approved by County Counsel and filed with the County Recorder. The covenant shall state that the off-site parking spaces will remain available for the duration of the use that it is to serve.

2. Off-site parking shall be located no more than 200 feet from the site of the use that it is intended to serve or as close to this standard as possible.
E. **Reductions to the Required Number.** Required on-site parking as specified in Table 24-93-1 (On-Site Parking Requirements) may be reduced with Planning Commission approval of a Conditional Use Permit. The Planning Commission may grant a reduction in required parking when one or more of the following conditions exist:

1. **Shared Parking.** Multiple uses may use joint parking facilities when operations for the uses are not normally conducted during the same hours, or when hours of peak use differ. Requests for the use of shared parking may be approved if:
   a. A parking demand study approved by the Zoning Administrator demonstrates that there will be no substantial conflicts between the uses’ principal hours of operation and periods of peak parking demand;
   b. The total number of parking spaces required for the uses does not exceed the number of parking spaces anticipated at periods of maximum use; and
   c. The proposed joint parking facility is not located farther than 400 feet from the uses which it serves.

2. **Low Demand.** The number of parking spaces may be reduced if the use will not utilize the required number of spaces due to the nature of the specific use, as demonstrated by a parking demand study approved by the Zoning Administrator.

3. **Transportation Management Plan.** The number of required parking spaces may be decreased, subject to Planning Commission approval of an alternate commute mode awareness plan.

4. **Bus Stop/Transportation Facility Credit.** Required parking spaces may be reduced by up to 5 percent for a commercial or multiple-family development project within 1,500 feet of a transportation facility.

5. **Mixed-Use Projects.** If supported by a parking use study approved by the Zoning Administrator, a mixed-use project with commercial and residential units may reduce parking requirements up to 50 percent for either the commercial or residential use, whichever parking requirement is smaller. A mixed-use project with both office and commercial uses may reduce parking requirements up to 75 percent for either the office or commercial uses, whichever parking requirement is smaller.

24-95 **Parking Design Standards**

A. **Standards that Apply in All Zones.** The following parking design standards shall apply in all zones.

1. **Dimensions.**
   a. Standard parking spaces shall be 9 feet wide by 19 feet long.
   b. Angled and parallel parking spaces and parking lot aisles shall comply with the dimensions in Table 24-95-1 (Minimum Angled and Parallel Parking Stall Dimensions) and Figure 24-95-1 (Parking Dimension Standards).
### Table 24-95-1 Minimum Angled and Parallel Parking Stall Dimensions

<table>
<thead>
<tr>
<th>Angle</th>
<th>Stall Width</th>
<th>Stall Depth</th>
<th>Aisle Width</th>
</tr>
</thead>
<tbody>
<tr>
<td>90°</td>
<td>9 feet</td>
<td>19 feet</td>
<td>25 feet</td>
</tr>
<tr>
<td>60°</td>
<td>9 feet</td>
<td>19 feet</td>
<td>18 feet</td>
</tr>
<tr>
<td>45°</td>
<td>9 feet</td>
<td>19 feet</td>
<td>13 feet</td>
</tr>
<tr>
<td>30°</td>
<td>9 feet</td>
<td>19 feet</td>
<td>11 feet</td>
</tr>
<tr>
<td>0° (parallel)</td>
<td>8 feet</td>
<td>22 feet</td>
<td>11 feet</td>
</tr>
</tbody>
</table>

### Figure 24-95-1 Parking Dimension Standards

- **90° Degree Angled Parking**
  - Aisle Width: 25' Minimum
  - Stall Width: 9' Minimum
  - Stall Depth: 19' Minimum

- **60° Degree Angled Parking**
  - Aisle Width: 18' Minimum
  - Stall Width: 9' Minimum
  - Stall Depth: 19' Minimum

- **45° Degree Angled Parking**
  - Aisle Width: 11' Minimum
  - Stall Width: 9' Minimum
  - Stall Depth: 19' Minimum

- **0° Degree Angle (Parallel)**
  - Aisle Width: 11' Minimum
  - Stall Width: 8' Minimum
  - Stall Depth: 22' Minimum
1. **Surfacing.**
   a. All parking areas shall be surfaced with a dust-minimizing treatment or paved with asphalt, concrete or other all-weather surface.
   b. Permeable paving materials such as porous concrete/asphalt, open-jointed pavers, and turf/gravel grids are a permitted surface material.
   c. The use of light colored materials to help reduce surface temperatures is encouraged.

2. **Road Access.** All parking areas shall provide suitable maneuvering room so that all vehicles may enter and exit an abutting street in a forward direction.

3. **Drainage.** Drainage for all parking areas shall comply with the requirements of the Department of Public Works.

4. **Maintenance.** All parking facilities shall be permanently maintained free of weeds, litter, and debris.

5. **Lighting.** All outdoor lighting used to illuminate parking areas shall comply with the requirements of Section 24-67 (Standards) in Article 14 (Outdoor Lighting).

6. **Driveways.** A residential parcel with vehicular access from a major or secondary arterial shall provide, if space allows, a circular driveway or turnaround so that vehicles may enter and exit the street in a forward motion.

7. **Compact Parking Stalls.**
   a. Parking facilities may provide compact parking stalls for no more than 10 percent of the total required parking spaces.
   b. The dimensions and design of compact parking stalls shall be a minimum 8 feet wide by 16 feet long.
   c. All parking spaces for compact cars shall be clearly marked with the word “Compact” either on the wheel stop or curb, or on the pavement at the opening of the space.
   d. Compact parking stalls shall be reasonably dispersed throughout the parking area.

B. **Urban Zone Standards.** The following standards shall apply only in urban zones.

1. **Labels and Markings.**
   a. All spaces reserved for carpools and vanpools shall be clearly marked with the words “Carpool Only” or “Vanpool Only” on either the wheel stop or curb at the back of each space, or on the pavement at the opening of the space.
   b. Within multiple-family residential developments, required guest parking spaces shall be clearly marked with the word “Guest” either on the wheel stop or curb at the back of each space, or the pavement at the opening of the space.

2. **Pedestrian Access.**
   a. Commercial and office developments with more than 100 parking spaces shall include pedestrian walkways at a minimum width of 4 feet connecting the furthest distance of the parking area to the building which it serves.
b. Pedestrian walkways shall be clearly visible and distinguished from parking spaces and areas for vehicle circulation through striping, use of alternative paving materials, or other method approved by the Zoning Administrator.

3. **Wheel Stops and Curbs.**
   a. Drive aisles and parking surfaces contiguous with planter areas shall have a six-inch raised curb separation.
   b. All parking spaces located adjacent to buildings or walls shall have concrete wheel stops located at least 2 feet from the building or wall.

4. **Passenger Loading Areas.**
   a. Passenger loading areas shall be provided for any building or building complex that will generate 100 or more employees at maximum occupancy. Such areas shall be located convenient to the primary employee entrances, and shall be designated either by signs or painted pavement.
   b. Passenger loading areas shall be designed so that vehicles can safely stop and discharge passengers.

5. **Lighting.** All employee and visitor parking areas shall include lighting capable of providing adequate illumination for security and safety. Lighting fixtures shall be placed to avoid interference with mature trees and other required landscaping.

6. **Landscaping.** Parking areas shall comply with the following landscaping standards, as illustrated in Figure 24-95-2 (Parking Lot Landscaping Standards).
   a. **Street Frontage Landscaping.**
      1. When a parking lot is located adjacent to a public or private street, or a main drive aisle that functions as a street, a 10-foot landscaped strip shall be provided between the parking area and the street or drive aisle.
      2. The landscape strip may not contain any paved surfaces, except for pedestrian walkways or vehicular drives that cross the strip.
   b. **Landscaping Adjacent to a Residential Use.**
      1. When a parking lot is located adjacent to a residential zone, an 8-foot landscaped strip shall be provided between the parking area and the street, drive aisle or residential property.
      2. The landscape strip may not contain any paved surfaces, excepting pedestrian walkways or vehicular drives that cross the strip.
   c. **Parking Lot Landscaping.**
      1. Within parking lots, landscaping shall be provided as specified by Table 24-95-2 (Residential/Commercial/Industrial Interior Parking Lot Landscape Requirements). For the purposes of this section, parking lot landscaping is defined as any landscaped area surrounded on at least two sides by parking spaces or drive aisles, excluding those areas around the site or structure perimeter.
**Table 24-95-2 Residential/Commercial/Industrial Interior Parking Lot Landscape Requirements**

<table>
<thead>
<tr>
<th>Total Area of Site (Project)</th>
<th>Percent of Surface Parking Lot to be Landscaped</th>
</tr>
</thead>
<tbody>
<tr>
<td>Less than 1 acre</td>
<td>5%</td>
</tr>
<tr>
<td>1 to 3 acres</td>
<td>10%</td>
</tr>
<tr>
<td>More than 3 acres</td>
<td>15%</td>
</tr>
</tbody>
</table>

**Figure 24-95-2 Parking Lot Landscaping Standards**

- **d. Landscape Islands.**
  1. All rows of parking spaces shall feature landscape islands at each row terminus to protect parked vehicles, ensure visibility, confine moving traffic to drive aisles and driveways, and provide space for landscaping.
  2. Landscape islands shall be provided within each row of parking spaces so as to prevent more than ten vehicles from being parked side-by-side in an abutting configuration.
  3. An island for a single row of parking spaces shall contain at least one tree and vegetative groundcover or turf.
4. An island for a double row of parking spaces shall contain at least two trees and vegetative groundcover or turf.

e. Concrete Curbs.
   1. All landscape areas within parking lots shall be separated from parking spaces, drive aisles, and driveways by a continuous, raised concrete curb to protect landscaped areas from encroachment by vehicular traffic.
   2. The concrete curb shall be a minimum of 6 inches high by 6 inches wide, except where a landscape area is parallel and adjacent to a parking stall, the curb shall be a minimum of 6 inches high by 12 inches wide to provide an area for persons to step when entering or exiting a motor vehicle.

f. Shade Trees.
   1. Shade trees shall be provided within parking lots so that within 10 years of planting 50 percent of the parking area is shaded at the summer solstice (June 21).
   2. At least one tree shall be provided for every four parking spaces, with the maximum spacing between trees or clusters of trees not to exceed 30 feet.

g. Permanent Landscaped Areas. All areas not used for driveways, maneuvering areas, parking spaces, or walks within a parking area shall be permanently landscaped with suitable materials and permanently maintained.

h. Rainwater Management. Rainwater shall be managed on-site with designs that encourage infiltration, evapotranspiration, and water re-use by:
   1. Utilizing permeable paving for parking spaces, drive aisles, overflow parking, and other hard surfaces in the parking lot, where applicable;
   2. Planting trees, shrubs, and other permeable landscaping throughout the parking lot to provide shade and places for water infiltration;
   3. Creating bio-retention areas, such as swales, vegetated islands and overflow ponds; and
   4. Incorporating opportunities to harvest rainwater (active or passive) from rooftops and other hard surfaces for landscape irrigation.

i. Solar Panel Exemptions. Parking lots that incorporate solar panels into the parking lot design are eligible for reduced parking lot landscaping requirements with the approval of a Minor Use Permit.

7. Screening. Within commercial and industrial zones, parking areas that abut residentially zoned property shall be screened by a row of densely planted evergreen trees or similar landscaping.

8. Access to Right-of-Way. Any parking lot or loading facility with vehicular access to or across a public right-of-way shall meet the following standards:
   a. Joint access ways serving adjacent uses shall be provided wherever possible as a means to minimize curb cuts and avoid breaks in the continuity of street frontages.
   b. The maximum allowed width for a residential curb cut shall be 24 feet. The maximum allowed width for a non-residential curb cut shall be 35 feet.

   a. Driveways for single-family residences shall be at least 10 feet wide.
   b. All other driveways or aisles shall be at least 12 feet wide for one-way traffic and 20 feet wide for two-way traffic.
24-96 Bicycle Facilities

A. Applicability. The following bicycle facility standards shall apply only in urban zones.

B. Parking for Bicycles.

1. For non-residential uses, bicycle parking spaces shall be provided at a rate appropriate for the use. Spaces may be in the form of racks (for more transient use) or lockers (for long-term use by employees).

2. For multiple-family housing, bicycle parking spaces shall be provided at a rate equal to ten percent of the total required parking spaces.

3. Bicycle parking shall be located in highly visible locations and weather protected areas.

4. Bicycle and automobile parking areas shall be separated from one another by a physical barrier or sufficient distance to protect bicycles and their riders from damage.

5. Bicycle parking and storage areas shall be paved with asphalt, concrete, or other all-weather surface.

C. Shower Facilities.

1. Employee shower facilities and dressing areas shall be provided in new and rehabilitated buildings that result in a total floor area as identified in Table 24-96-1 (Shower Facilities Required for Employees).

TABLE 24-96-1 SHOWER FACILITIES REQUIRED FOR EMPLOYEES

<table>
<thead>
<tr>
<th>Use</th>
<th>1 Shower per Gender</th>
<th>1 Additional Shower per Gender</th>
</tr>
</thead>
<tbody>
<tr>
<td>Commercial</td>
<td>50,000 sq. ft. to 200,000 sq. ft.</td>
<td>At 200,001 sq. ft. and every 200,000 sq. ft. over 200,000 sq. ft.</td>
</tr>
<tr>
<td>Office</td>
<td>50,000 sq. ft. to 150,000 sq. ft.</td>
<td>At 150,001 sq. ft. and every 100,000 sq. ft. over 150,000 sq. ft.</td>
</tr>
<tr>
<td>Industrial</td>
<td>100,000 sq. ft. to 300,000 sq. ft</td>
<td>At 300,001 sq. ft. and every 200,000 sq. ft. over 300,000 sq. ft.</td>
</tr>
</tbody>
</table>

24-97 On-site Loading

A. General Requirements.

1. On-site freight and equipment loading spaces shall be provided for all commercial, office, and industrial land uses.

2. The minimum numbers of loading spaces are shown in Table 24-97-1 (Required Loading Spaces).

3. Industrial developments with two or more dock-high loading spaces shall provide one trailer parking/waiting space, 12 feet wide by 45 feet long minimum, for each two loading spaces.
TABLE 24-97-1  REQUIRED LOADING SPACES

<table>
<thead>
<tr>
<th>Land Use</th>
<th>Total Gross Floor Area</th>
<th>Required Loading Spaces</th>
</tr>
</thead>
<tbody>
<tr>
<td>Office</td>
<td>Less than 10,000 sq. ft.</td>
<td>n/a</td>
</tr>
<tr>
<td></td>
<td>Equal to or greater than 10,000 sq. ft.</td>
<td>1</td>
</tr>
<tr>
<td>Commercial</td>
<td>Less than 10,000 sq. ft.</td>
<td>n/a</td>
</tr>
<tr>
<td></td>
<td>10,000 sq. ft. to 30,000 sq. ft.</td>
<td>1</td>
</tr>
<tr>
<td></td>
<td>30,000 sq. ft. to 50,000 sq. ft.</td>
<td>2</td>
</tr>
<tr>
<td></td>
<td>50,000 sq. ft. to 75,000 sq. ft.</td>
<td>3</td>
</tr>
<tr>
<td></td>
<td>More than 75,000 sq. ft.</td>
<td>4</td>
</tr>
<tr>
<td>Industrial</td>
<td>Less than 20,000 sq. ft.</td>
<td>1</td>
</tr>
<tr>
<td></td>
<td>More than 20,000 sq. ft.</td>
<td>2</td>
</tr>
</tbody>
</table>

B. Dimensions.

1. Each loading space shall have minimum dimensions of 12 feet wide, 40 feet long and 14 feet in vertical clearance.

2. Deviations from the minimum maneuvering standards may be approved by the Zoning Administrator if the spatial needs are less than the minimum required due to the truck size and type that will be utilized in the operation of a specific business.

C. Location.

1. Loading areas shall be designed to ensure that loading and unloading takes place on-site and in no case within adjacent public rights-of-way.

2. Loading and maneuvering areas shall not encroach into required employee or visitor parking areas or other areas on-site required for vehicle circulation.

3. Loading and maneuvering areas shall not encroach into required front yard setback.

4. Where loading docks or doors face a private street or main drive aisle serving three or more units, loading doors and openings shall be positioned such that they do not face the private street or drive aisle.

D. Striping and Identification. Loading areas shall be striped and clearly identified as for loading purposes only.

E. Wheel Stops and Curbs. Loading areas contiguous with planter areas shall have a 6-inch raised curb separation.
Article 20. Signs

Sections:
24-98 – Purpose
24-99 – Applicability
24-100 – Definitions
24-101 – Signs Allowed Without Permits
24-102 – Permit Requirements
24-103 – Prohibited Signs
24-104 – General Standards
24-105 – Types of Signs Allowed by Zone
24-106 – Standards for Specific Types of Signs
24-107 – Master Sign Program
24-108 – Temporary Signs
24-109 – Nonconforming Signs

24-98 Purpose
This article establishes regulations relating to the permitted type, size, height, placement, and design of signs. The intent of these regulations is to:

A. Support economically viable businesses serving County residents, workers and visitors;
B. Preserve and enhance the scenic qualities of rural and open space areas;
C. Promote high quality design and attractive communities within urban areas;
D. Minimize hazards to pedestrians and motorists caused by distracting sign displays; and
E. Provide standards for signs that safeguard life, health, property, and the public welfare.

24-99 Applicability
The standards in this article apply to signs within all zones.

24-100 Definitions
A. Awning Sign. A sign incorporated into, attached to, or painted on an awning.
B. Banner Sign. A sign made of fabric, cloth or any other non-rigid material.
C. Community Identification Sign. A sign that identifies or announces entry into a city, neighborhood, or unincorporated community within Butte County.
D. Farm Sign. A sign identifying a farm or ranch, including an agricultural processing business.
E. Farm Trail Sign. A sign identifying an agricultural use, farm trail or tour route, including wineries and tasting rooms, olive oil manufacturing and tasting, and other agritourism destinations, which offer on-
site product sales, educational programs, and other services in order to promote and market local agricultural operations in Butte County.

F. **Freestanding Sign.** A sign fixed in an upright position on the ground not attached to a structure other than a framework, pole, or device that is erected primarily to support the sign. Excludes Monument signs.

G. **Freeway Sign.** An on-site sign that advertises a business providing a service primarily for the freeway-motoring public, such as gas, food, or lodging.

H. **Monument Sign.** An independent, freestanding structure supported on the ground having a solid base as opposed to being supported by poles or open braces.

I. **Off-Site Sign.** A sign identifying a use, facility, service, or product which is not located, sold, or manufactured on the same premises as the sign or which identifies a use, service, or product by a brand name which, although sold or manufactured on the premises, does not constitute the principal item for sale or manufactured on the premises (aka as a billboard sign).

J. **Off-Site Sign, Digital.** An off-site sign as defined above that uses digital-display technology as a means of changing sign images.

J-K. **Projecting Sign.** A sign attached to a building wall and extending away from the wall more than 12 inches, generally at a right angle to the building wall.

K-L. **Sign.** Any device, structure or fixture designed or used to attract attention to an object, person, institution, business, product, service, event, or location by any means, including words, letters, figures, designs, symbols, fixtures, colors, illumination, or projected images.

L-M. **Temporary Sign.** A sign intended to be displayed for a limited period of time and capable of being viewed from a public right-of-way, parking area or neighboring property.

M-N. **Wall Sign.** A sign which is attached to or painted on the exterior wall of a structure with the display surface of the sign approximately parallel to the building wall. Wall signs include any interior sign which faces a window exposed to public view and is located within 5 feet of the window.

N-O. **Window Sign.** A sign posted, painted, placed, or affixed in or on a window exposed to public view.

24-101 Signs Allowed Without Permits

A. **Types of Signs.** The following signs are allowed without a permit and do not count towards the allowable area or number of signs on a site.

1. A sign no greater than 8 square feet that is consistent with all applicable standards in this article.

2. Temporary signs. See Section 24-108 (Temporary Signs).

3. Directional signs.

4. On-site directional or informational signs that provide information for the convenience or safety of the public, with a maximum area of 5 square feet. This type of sign includes directional signs in
parking lots, signs listing hours of business, and signs identifying the locations of telephones or restrooms.

5. Official flags of any municipality, state, nation, or fraternal or religious organization, if the pole height is 25 feet or less and the flag’s longest dimension is 25 percent or less of the pole’s length.

6. One commemorative plaque that is cut into a permanent building material or made of a noncombustible material, with a maximum area of 16 square feet.

7. One construction sign, with a maximum area of 32 square feet.

8. One professional name plate, with a maximum area of 16 square feet.

9. One bulletin board on the premises of a meeting facility or public building, with a maximum area of 12 square feet.

10. One garage sale sign at the residence where the garage sale is taking place, with a maximum area of 16 square feet.

11. Signs within a building, or on the premises of a building, that are not visible from a public street.

12. Murals on the exterior of a building that do not advertise a product, business, or service.

13. Temporary exterior decorations and banners that are associated with a seasonal, cultural, religious, or national holidays, and that are not used to advertise a product, business, or service.

14. Signs that are required by local, State, or federal law or by court order.

15. Signs that are posted or required by a government agency, or a public utility or service, or private road signs installed in accordance with County standards that are essential to protect the public health, safety, and welfare, including official signs for traffic control, official public notices, and warnings of potential hazards.

16. On-site signs used by businesses providing directional information for access, circulation, and transportation.

B. Changes to Sign Face. Changes to a sign face that do not structurally alter the sign or its size are allowed without a permit.

24-102 Permit Requirements

A. Administrative Permit Required. All signs not specifically identified in Section 24-101 (Signs Allowed Without Permits) require Zoning Administrator approval of an Administrative Permit, except as noted in subsection C and D below.

B. Submittal Requirements. An Administrative Permit application for a sign shall include all information and materials required by Article 29 (Administrative Permits). A conditional use permit or minor use permit application for a sign shall include all information and materials required by Article 31 (Conditional Use and Minor Use Permits). Applications shall also include:

1. The name and address of the property owner and the sign contractor;
2. Site plans showing the location of the proposed sign;
3. Scale drawings showing the sign design and materials;
4. An inventory of the location, sign area, and sign type of all existing signs on the site, excluding signs that are allowed without a permit; and
5. Any additional information required by the Zoning Administrator to verify compliance with this article.

C. **Zones Abutting Residential Zones.** A Conditional Use Permit shall be required for any freestanding, freeway, or off-site sign proposed on any Commercial, Mixed-Use, or Industrial zone that abuts a residential zone.

D. **Off-Site Sign, Digital.** A minor use permit shall be required for any off-site digital sign.

### 24-103 Prohibited Signs

The following signs shall be prohibited:

A. Signs that identify a use, facility, or service which is not located on the parcel or premise where the sign is located, except for temporary real estate signs consistent with Section 24-108 (Temporary Signs) and off-site billboards in industrial zones and the General Commercial zone consistent with Section 24-105 (Types of Signs Allowed by Zone).

B. Any sign that projects above the building wall or roof to which it is affixed.

C. Signs that have become a public nuisance due to inadequate maintenance, dilapidation, or abandonment.

D. Signs that obstruct a door, window, fire escape, or other required access way.

E. Signs that encroach into any right-of-way or easement, means of ingress or egress, or path of travel, except as specifically allowed by this article.

F. Signs containing obscene matter.

G. Signs that were unlawfully installed, erected, or maintained.

H. Signs that include any part that appears to flash, blink, move, change color, or change intensity, excluding approved off-site digital signs, standard barber poles, time and temperature signs that are located in commercial and industrial zones, and community identification signs.

I. Signs that emit sound.

J. Signs that interfere with visibility for drivers at an intersection, public right-of-way, or driveway.

K. Signs adversely affecting traffic control or safety.

L. Signs located on public property, excluding official signs that are posted or required by a government agency, public utility, or public service.
M. Signs attached to a tree.
N. Signs that have less horizontal or vertical clearance from overhead utilities than required by State agencies.

24-104 General Standards
A. Measurement of Sign Area.
1. The area of each face of a sign is measured as the area of the smallest rectangle or circle that encloses all of the words, characters, images, and symbols on the sign face, and also includes any border or frame around any information and any background color on the sign face.
2. The area of a sign that has two parallel and back-to-back faces is counted only once. For such a sign, the area shall be measured as the area of the largest face.
3. The area of a three-dimensional sign is measured as the area of the smallest rectangle that encloses the projection of that sign onto a vertical plane.
4. Structural elements that are clearly incidental to the display of a sign and that do not include advertising are not counted as part of a sign’s area.
B. Maintenance. Signs shall be maintained in a state of good repair at all times. Damage to signs, including cracked sign faces, frayed or weathered fabric, and broken lighting, shall be repaired.
C. Illumination. All signs may be illuminated from an internal or external light source. Illuminated signs in residential zones shall comply with the provisions of Article 14 (Outdoor Lighting). Signs with individual, three-dimensional letters may also use rear “halo” illumination for each letter.
D. Setbacks. Freestanding, monument, freeway, and off-site signs taller than 42 inches shall not be located within 15 feet of any parcel line adjacent to a residential zone or within 14 feet of any intersection, driveway or alley, or obstruct adequate and safe sight distance for vehicles as determined by the Director of Public Works, unless it can be certified by a Registered Civil Engineer that the sign will not obstruct adequate and safe sight distances. There shall be no setback requirements for all other types of signs. No sign shall be placed within any road right-of-way.
E. Removal. If an establishment ceases to operate for a period of two years, all signs and their structures associated with the establishment shall be removed. Blank, broken, abandoned, or unused signs on a parcel not used by the existing business shall be removed, unless a plan for use is presented and approved by the Zoning Administrator.
F. Content Neutrality. It is the County’s policy to regulate signs in a constitutional manner that is content neutral.
G. Traffic Safety. No sign shall restrict safe sight distances for vehicles on any public or private road as approved by the Director of Public Works.

24-105 Types of Signs Allowed by Zone
A. Residential Zones.
1. A dwelling unit may display one wall or window sign, in conjunction with a Home Occupation (Section 24-162).

2. A multiple-family residential development that contains at least four dwelling units may include one entrance or freestanding sign, with a maximum area of 10 square feet, and one window, awning, or canopy sign, with a maximum area of 5 square feet.

3. For residential subdivisions of 15 or more units, a maximum of two monument or freestanding signs may be displayed at each entrance to the subdivision. Each sign shall have a maximum area of 18 square feet and a maximum height of 6 feet. The signs shall be located on privately-owned parcels, and a requirement for permanent maintenance by a homeowners’ association or similar entity shall be recorded on the parcels.

B. Commercial, Mixed Use, and Public Zones.

1. In all commercial and mixed use zones, signs shall be permitted as specified in Table 24-105-1 (Allowed Signs in Commercial, Mixed Use, and Public Zones). Types of signs are illustrated in Figure 24-105-1 (Sign Types).

<table>
<thead>
<tr>
<th>Permitted Sign Types</th>
<th>Maximum Number of Signs</th>
<th>Maximum Area Per Sign</th>
<th>Maximum Height</th>
</tr>
</thead>
<tbody>
<tr>
<td>Awning signs</td>
<td>1 sign per tenant on each building frontage</td>
<td>50 percent of awning area, or 25 sq. ft., whichever is less</td>
<td>Not to exceed the eaves of the building to which it is affixed</td>
</tr>
<tr>
<td>Freestanding signs</td>
<td>1 sign per 300 lineal ft. of building frontage, with no more than 2 signs per building frontage and 3 signs per site</td>
<td>48 sq. ft.</td>
<td>12 ft.</td>
</tr>
<tr>
<td>Monument signs</td>
<td>1 sign per 300 lineal ft. of building frontage, with no more than 2 signs per building frontage and 3 signs per site</td>
<td>32 sq. ft.</td>
<td>6 ft.</td>
</tr>
<tr>
<td>Freeway signs</td>
<td>1 per parcel</td>
<td>100 sq. ft. for one face; 200 sq. ft. for the total of two or more faces</td>
<td>40 ft.</td>
</tr>
<tr>
<td>Projecting signs</td>
<td>1 sign per tenant on each building frontage</td>
<td>½ sq. ft. per lineal foot of building frontage</td>
<td>Not to exceed the eaves of the building or highest elevation of to which it is affixed</td>
</tr>
<tr>
<td>Wall signs</td>
<td>1 sign per tenant on each building frontage</td>
<td>¾ sq. ft. per lineal foot of building frontage</td>
<td></td>
</tr>
<tr>
<td>Window signs</td>
<td>No maximum</td>
<td>25 percent of window maximum (Section 24-106.D)</td>
<td></td>
</tr>
</tbody>
</table>

[1] Off-site signs shall be located a minimum distance of 500 feet from another off-site sign on the same side of street that is four lanes (two lanes in each direction) and 300 feet between signs on streets or roads that are two lanes (one lane in each direction).


[3] Off-site signs are permitted in the General Commercial zoning district only.

2. Signs associated with a residential use or parcel within a commercial or mixed use zone shall comply with Subsection A (Residential Zones) above.
C. **Industrial Zones.** In all industrial zones and the Airport (AIR) zone, signs are permitted as specified in Table 24-105-2 (Allowed Signs in Industrial and Airport (AIR) Zones).
**Figure 24-105-1 Sign Types**

**Table 24-105-2 Allowed Signs in Industrial and Airport (AIR) Zones**

<table>
<thead>
<tr>
<th>Permitted Sign Types</th>
<th>Maximum Number of Signs</th>
<th>Maximum Area Per Sign</th>
<th>Maximum Height</th>
</tr>
</thead>
<tbody>
<tr>
<td>Awning signs</td>
<td>None</td>
<td>50 percent of awning area, or 25 sq. ft., whichever is less</td>
<td>Not to exceed the eaves or the highest elevation of the building to which it is affixed</td>
</tr>
<tr>
<td>Freestanding signs</td>
<td>1 sign per 300 lineal ft. of building frontage, with no more than 2 signs per building frontage and 3 signs per site</td>
<td>64 sq. ft.</td>
<td>12 ft.</td>
</tr>
<tr>
<td>Monument signs</td>
<td></td>
<td>48 sq. ft.</td>
<td>6 ft.</td>
</tr>
<tr>
<td>Freeway signs</td>
<td>1 per parcel</td>
<td>100 sq. ft. for one face; 200 sq. ft. for two or more faces</td>
<td>40 ft.</td>
</tr>
<tr>
<td>Projecting signs</td>
<td>1 sign per tenant on each frontage</td>
<td>½ sq. ft. per lineal foot of building frontage</td>
<td>Not to exceed the eaves or the highest elevation of the building to which it is affixed.</td>
</tr>
<tr>
<td>Wall signs</td>
<td>No maximum</td>
<td>¾ sq. ft. per lineal foot of building frontage</td>
<td></td>
</tr>
<tr>
<td>Window signs</td>
<td></td>
<td>25 percent of window maximum (Section 24-106.D)</td>
<td></td>
</tr>
</tbody>
</table>
D. Agriculture and Natural Resource Zones.

1. In all agriculture and natural resource zones, signs shall be permitted as specified in Table 24-105-3 (Allowed Signs in Agriculture and Natural Resource Zones).

<table>
<thead>
<tr>
<th>Permitted Sign Types</th>
<th>Maximum Number of Signs</th>
<th>Maximum Area Per Sign</th>
<th>Maximum Height</th>
</tr>
</thead>
<tbody>
<tr>
<td>Freestanding signs</td>
<td>1 sign per street frontage, with no more than 3 signs per parcel</td>
<td>32 sq. ft.</td>
<td>6 ft.</td>
</tr>
<tr>
<td>Monument signs</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Projecting signs</td>
<td>1 sign per tenant on each building frontage</td>
<td>32 sq. ft.</td>
<td>Not to exceed the eaves of the building to which it is affixed</td>
</tr>
<tr>
<td>Wall signs</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Window signs</td>
<td>25 percent of window maximum (Section 24-106.D)</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Farm trail signs</td>
<td>1 sign per farm</td>
<td>6 sq. ft.</td>
<td>6 ft.</td>
</tr>
<tr>
<td>Community identification signs</td>
<td>1 sign per location</td>
<td>300 sq. ft.</td>
<td>20 ft.</td>
</tr>
<tr>
<td>Farm signs</td>
<td>1 sign per location</td>
<td>32 sq. ft.</td>
<td>6 ft.</td>
</tr>
</tbody>
</table>

2. The maximum total area for all signs on an agricultural parcel shall be 1-square-foot per lineal foot of building frontage, or 200 square feet, whichever is less.

3. Signs associated with a residential use or parcel within an agriculture zone shall comply with Subsection A (Residential Zones) above.

E. Planned Development (PD) and Research Business Park (RBP) Zone. Signage within Planned Development (PD) and Research Business Park (RBP) zones shall comply with the standards and specifications contained within an approved Master Sign Program.

24-106 Standards for Specific Types of Signs

A. Freeway Signs. Freeway signs shall be permitted only if all of the following criteria are met:

1. The sign is located on the same parcel as the business being advertised;

2. The sign is located on a parcel that is located a maximum distance of 800 feet from the centerline of State Route 99 and/or State Route 70 at its closest point; and
3. The sign advertises a business that provides a service primarily for the freeway-motoring public, such as gas, food, or lodging.

B. **Awning Signs.** Awning signs that are suspended beneath an awning shall provide at least 8 feet of clearance above the ground, shall not extend more than 5 feet into the public right-of-way, and shall provide a minimum 2-foot horizontal clearance from the street curb face. See Figure 24-106-1 (Awning Signs).

C. **Projecting Signs.** Projecting signs shall provide at least 8 feet of clearance above the ground, shall not extend more than 5 feet into the public right-of-way, and shall provide a minimum 2-foot horizontal clearance from the street curb face. See Figure 24-106-2 (Projecting Signs).

D. **Window Signs.** Window signs shall not cover more than 25 percent of any window. If a window has multiple panes, the window’s total area shall be measured as the framed area of all panes.

E. **Off-Site Signs, Digital.** Off-site digital signs shall be permitted only if all of the following criteria are met:

1. All digital display faces must be oriented primarily for viewing from the adjacent roadway.

2. The sign may only present a series of still images, each of which is displayed for at least eight seconds. The still images may not move or present the appearance of motion and may not use flashing, scintillating, blinking, or traveling lights or any other means not providing constant illumination. Transition between one still image and the next shall not include any interval of black or blank screen time.
The light emitted from the sign shall not be of an intensity or brilliance as to cause direct illumination of an adjacent residential area, impair the vision of any driver, or interfere with any driver's operation of a motor vehicle.

24-107 Master Sign Program

24-108

A. **Purpose.** The purpose of these Master Sign Program provisions is to provide a coordinated approach to signage for multi-tenant commercial developments.

B. **Applicability.**
   1. A Master Sign Program shall be prepared for multi-family use with more than one permanent sign proposed, and any non-residential development with six or more tenants.
   2. A Master Sign Program shall be required for any proposed development project within a Planned Development (PD) and Research Business Park (RBP) zone.

C. **Permit Required.** A Master Sign Program shall require the approval of an Administrative Permit.

D. **Application.** An Administrative Permit application for a Master Sign Program shall include all information and materials specified in Section 24-102 (Permit Requirements). In addition, an application shall include a written statement identifying how the proposal will modify any of the regulations or standards of this article, if applicable, and explaining how these modifications would contribute to a superior project design than would otherwise result from the standards contained in this article.

E. **Design Standards.**
   1. A Master Sign Program may deviate from standards contained in this article relating to permitted sign height, number of signs, sign area, and type of sign.
   2. Master Sign Programs shall feature a unified and coordinated approach to the materials, color, size, type, placement, and general design of signs proposed for a project or property.

F. **Effect of Master Sign Program.**
   1. All subsequent signs proposed for a development or property subject to an approved Master Sign Program shall comply with the standards and specifications included in the Master Sign Program.
   2. Approval of a Master Sign Program shall supersede the regulations of this article. Any aspect of the proposed signs not addressed by the Master Sign Program shall be in compliance with this article.

24-109 Temporary Signs
Temporary signs that comply with the following standards shall be permitted without an Administrative Permit.
A. **Real Estate Signs, On-Site.**

1. Residential properties.
   a. One sign no more than 6 square feet in area and 6 feet in height shall be permitted on an individual parcel.
   b. Two temporary signs no more than 32 square feet in area and 6 feet in height shall be permitted for residential subdivisions with four or more parcels with less than 50 percent of parcels sold.

2. Non-residential properties. One sign no more than 32 square feet in area and 6 feet in height shall be permitted for each street frontage.

3. All temporary on-site real estate signs shall be removed seven days after property is no longer offered for lease, rent, or sale.

B. **Real Estate Signs, Off-Site**

1. Portable “open house” A-frame real estate signs shall be no more than 3 feet in height and 6 square feet in area. Signs shall be prohibited within the public right-of-way and shall remain in place for a maximum duration of 48 hours.

2. Non-portable real estate, subdivision, or development signs secured in place at a specific off-site location shall be no more than 32 square feet in area and 6 feet in height. Signs may be displayed for a maximum duration of 2 years or the duration of development activity, whichever is less. No more than two signs may be displayed for a single property, subdivision, or development project.

C. **Political Signs.**

1. Signs shall be installed no earlier than 90 days prior to the election and removed no later than 7 days following the election.

2. Signs shall be prohibited within the public right-of-way.

D. **Special Events.**

1. Temporary signs for special functions, such as sales and grand openings, shall be allowed only in non-residential zones.

2. One sign no more than 24 square feet in area and 12 feet in height as measured from the top of the sign to the ground below it shall be permitted for each street frontage.

3. Signs may be displayed for a maximum duration of 14 consecutive days at a frequency of no greater than once each calendar quarter.

E. **Business Identification.**

1. Temporary business identification signs, either freestanding or mounted on a building, may be permitted prior to installation of permanent signs for a newly established business.

2. One sign no more than 24 square feet in area and 12 feet in height as measured from the top of the sign to the ground below it shall be permitted for each street frontage.

3. Signs may be displayed for a maximum duration of 90 consecutive days.
24-110 Nonconforming Signs

A. Any sign that does not comply with the requirements of this article but which was constructed, operated, and maintained in compliance with all previous regulations, shall be regarded as a legal nonconforming use.

B. A nonconforming sign that has been abandoned, or whose advertised use has ceased to function for a period of 180 days or more, shall be brought into conformity or removed.

C. The following requirements apply to the reconstruction of a legal nonconforming sign.
   1. Reconstruction of a legal nonconforming sign that has been demolished or destroyed shall begin within one-year and shall be completed within three years.
   2. The reconstructed sign shall not exceed the original structure in regards to maximum height, size, encroachment into setbacks, and other property characteristics as determined by the Zoning Administrator.
   3. **Non-conforming standard off-site signs may be converted to off-site digital signs with the approval of a minor use permit.**
   4. The Zoning Administrator may approve an extension of two additional years to complete reconstruction of the demolished sign.
   5. If reconstruction is not completed by the specified time limit, the property shall be deemed abandoned.

D. The following exceptions apply to the above requirements for nonconforming signs:
   1. A sign that is part of a designated historic resource may be deemed nonconforming only if at least one of the following conditions applies:
      a. The sign does not contribute to the historic significance of the historic landmark.
      b. The sign poses an immediate threat to public safety. If the sign is deemed nonconforming solely because it threatens public safety, it shall be repaired or modified, if possible, rather than removed.
**Article 21. LANDSCAPING**

Sections:
24-110 – Purpose
24-111 – Applicability
24-112 – Model Water Efficient Landscaping Ordinance
24-113 – Parking Lot Landscaping
24-114 – Landscape Plans
24-115 – Landscape Standards
24-116 – Irrigation and Water Efficiency
24-117 – Timing of Installation
24-118 – Maintenance

24-111 Purpose
This article establishes landscaping standards to enhance the aesthetic appearance of developed areas within the county and to promote the efficient use of water resources.

24-112 Applicability
A. The requirements contained in this article shall apply only to properties located within urban zones.
B. The following development projects within urban zones shall install and maintain landscaping in compliance with the requirements of this article:
   1. New construction and rehabilitated landscapes for public agency projects and private development projects with a landscape area equal to or greater than 2,500 square feet requiring a building permit.
   2. New construction and rehabilitated landscapes which are developer-installed in single family and multi-family projects with a landscape area equal to or greater than 2,500 square feet requiring a building permit.
   3. New construction landscapes which are homeowner-provided and/or homeowner-hired in single-family and multi-family residential projects with a total project landscape area equal to or greater than 5,000 square feet requiring a building permit.
   4. The construction of a new parking lot or the reconstruction of an existing parking lot.

24-113 Model Water Efficient Landscaping Ordinance
In addition to the standards contained in this article, all applicable development in Butte County shall also comply with the Model Water Efficient Landscaping Ordinance prepared by the California Department of Water Resources (DWR), when required by the California Water Conservation in Landscaping Act (Government Code Section 65591 et seq.) If conflicts occur between the Model Water Efficient Landscaping Ordinance and the Zoning Ordinance, the more restrictive shall control.
24-114 Parking Lot Landscaping
See Subsection B.6 (Landscaping) in Section 24-95 (Parking Design Standards).

24-115 Landscape Plans
A. Landscape Plan Required. Projects subject to the requirements of this article shall submit a landscape plan as part of applications for all permits as required by the Zoning Ordinance and as part of subsequent Building Permit applications.

B. Required Contents. Landscape plans shall include the following features and information:
   1. Site boundaries of the subject property;
   2. Existing structures on the subject property;
   3. Structures immediately adjacent to the subject property;
   4. All new structures and improvements proposed as part of the development project;
   5. Existing landscaping, trees, and vegetation to be retained;
   6. All new landscaping proposed as part of the development project; and
   7. Any additional information as determined by the Zoning Administrator to demonstrate compliance with the requirements of this article.

C. Review and Approval. The Department of Development Services shall review all landscape plans to verify compliance with the requirements of this article. Landscape plans shall be approved by the review authority acting upon the permit application for the proposed new development, or as assigned by the review authority to the Zoning Administrator.

D. Changes to Approved Landscape Plans.
   1. Substantial modifications to an approved landscape plan shall be made only by the review authority which approved the landscape plan.
   2. The Zoning Administrator may approve minor modifications to a landscape plan previously approved by the Planning Commission or Board of Supervisors. Minor modifications are defined as changes to a landscape plan that do not decrease the total amount of landscaped area, alter the general design character of the landscaped area, or alter a feature of the landscaped area specifically required by the decision-making authority.

24-116 Landscape Standards
A. General Standards. The following standards apply within all urban zones.
   1. Plant Selection. Plants shall be selected from a County-approved list of native and non-native, drought-tolerant and non-invasive species.
   2. Turf lawns.
      a. Turf shall be prohibited on slopes 25 percent or greater.
3. **Plant Groupings.** Where irrigation is proposed, plants shall be grouped in separate hydrozones (i.e., plants within each irrigation valve area shall have the same watering requirements).

4. **Water Features.** Decorative water features (e.g., fountains, ponds, waterfalls) shall have recirculating water systems.

5. **Public Safety.** Plant species shall be selected and located so that at maturity they do not interfere with pedestrian, bicycle, or vehicular circulation and do not conflict with overhead lights, or utility lines.

B. **Residential Zones.** The following standards shall apply within all urban residential zones:

1. No more than 50 percent of required front and side setbacks may be covered with paving or other impervious surfaces. The review authority may grant exceptions to this requirement for small or irregularly-shaped parcels if compliance would result in inadequate vehicular or pedestrian access to the site, or to accommodate accessibility for disabled persons.

2. Front yard landscaping shall not completely obscure views of the street and adjoining neighbors.

3. Unpaved areas shall be landscaped with any combination of living plants such as trees, shrubs and grass or related natural features such as rock, stone or bark chips. Decorative hardscape featuring pervious materials are permitted within required unpaved areas.

4. For multi-family residential dwellings, all front setbacks that are not occupied by a structure or used for required parking shall be landscaped or maintained as open space.

C. **Commercial, Mixed Use, and Industrial Zones.** The following standards shall apply to projects within commercial, mixed use, and industrial zones.

1. The minimum landscaped area on a site shall be as shown in Table 24-115-1 (Minimum Landscaped Area in Commercial, Mixed Use and Industrial Zones). This minimum area is based upon the applicable zone and the gross floor area of all structures within the site.

<table>
<thead>
<tr>
<th>Zones</th>
<th>Minimum Landscaped Area [1]</th>
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<tbody>
<tr>
<td>MU</td>
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<td>GC, NC, CC, REC, SE</td>
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<tr>
<td>LI, GI, HI</td>
<td>5%</td>
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<tr>
<td>RBP</td>
<td>30% [2]</td>
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</tbody>
</table>

Note:
[1] Based on gross floor area of structures located on site.
[2] 40 percent on parcels 10 acres or larger

2. All front setbacks that are not occupied by a structure or used for required parking shall be landscaped or maintained as open space. Impervious surfaces are prohibited within setbacks, except
for driveways, emergency access lanes, pedestrian walkways, bicycle paths, and similar improvements as determined by the Zoning Administrator.

3. Drought-tolerant landscaping is encouraged to satisfy minimum landscaped area requirements.

24-117 Irrigation and Water Efficiency

Landscaped areas shall comply with the following irrigation and water efficiency standards and California Green Building Code requirements.

A. Irrigation System. Water-efficient irrigation systems (e.g., bubbler type, drip, mini-spray) shall be required. Irrigation systems shall include check valves to prevent low head drainage, appropriate nozzles to prevent overspray and automatic and self-adjusting irrigation controllers that include moisture and/or rain sensor shutoff.

B. Irrigation Schedule. Landscape irrigation shall be scheduled between the hours of 2:00 a.m. and 10:00 a.m. to avoid irrigating during times of high wind, high temperature and high water usage.

24-118 Timing of Installation

Landscaping systems shall be installed prior to final building permit inspection or certification of occupancy.

24-119 Maintenance

A. General. Landscape areas shall be maintained in a neat and healthful condition at all times.

B. Replacement of Dead or Dying Plants. Within 90 days, a plant that is dead or severely damaged or diseased shall be replaced by the property owner in accordance with the standards specified in this article.

C. Removal of Landscaping. Any removed mature landscaping shall be replaced with landscaping of similar size and maturity as that which was removed.

D. Irrigation Systems. Irrigation systems shall be maintained in a fully functional manner as approved by the County and required by this article.
Article 22. NONCONFORMING USES AND STRUCTURES

Sections:
24-119 – Purpose
24-120 – Applicability
24-121 – General Provisions
24-122 – Nonconforming Uses
24-123 – Nonconforming Structures
24-124 – Loss of Legal Status
24-125 – Findings
24-126 – Appeals

24-120 Purpose
This article establishes regulations for nonconforming uses and structures. In addition, this article is intended to:

A. Ensure that nonconforming uses and structures do not adversely impact neighboring properties;
B. Provide for a process to allow for the minor expansion of nonconforming uses and structures;
C. Allow for repairs and maintenance to nonconforming structures; and
D. Provide for the elimination of nonconforming uses as appropriate due to abandonment, obsolescence, and destruction.

24-121 Applicability
This article applies to existing uses and structures which do not conform to the regulations of the zone in which they are located.

24-122 General Provisions
A. A nonconforming use or structure may be continued if it was legally established in compliance with all applicable regulations in effect at the time it was established.
B. To be considered legally established, a legal nonconforming use or structure shall have been physically constructed or in existence, not merely contemplated. Conditional Use Permits, Variances, Building Permits, or other permits not exercised within the required time do not establish the right to a legal nonconformity.
C. Any person asserting a right to a nonconforming use or structure has the burden of proof to demonstrate the existence of the use prior to the establishment of the applicable zone or regulation for which it is nonconforming.
D. When approving a Minor Use Permit or another permit associated with a nonconforming use or structure, the review authority may at its own discretion establish a date for either the termination of the use or review of the Minor Use Permit.

24-123 Nonconforming Uses

A. **Change in Ownership, Tenancy, or Management.** A change in ownership, tenancy, or management of a nonconforming use shall not affect its legal nonconforming status provided that the intensity of use does not increase.

B. **Resuming a Nonconforming Use.** A nonconforming use changed to a conforming use shall not return to a nonconforming use.

C. **Replacement of a Nonconforming Use.** A nonconforming use may not be replaced by another nonconforming use.

D. **Intensification of Use.**
   1. The enlargement of a structure or site occupied by a nonconforming use, or the intensification in any way of the operation of a nonconforming use, shall require the approval of a Minor Use Permit.
   2. To approve a proposed intensification to a nonconforming use, the Zoning Administrator shall make all findings in Section 24-125 (Findings).

24-124 Nonconforming Structures

A. **Enlargements to Nonconforming Structures.**
   1. The enlargement of a nonconforming structure shall require the approval of a Minor Use Permit.
   2. To approve a proposed enlargement, the Zoning Administrator shall make all the findings in Section 24-125 (Findings).

B. **Reconstruction**
   1. Reconstruction of a legal nonconforming structure that has been demolished or destroyed shall begin within one-year and shall be completed within three-years.
   2. The reconstructed structure shall not exceed the original structure in regards to maximum height, floor area, encroachment into setbacks and other property characteristics as determined by the Zoning Administrator.
   3. The Zoning Administrator may approve an extension of two additional years to complete reconstruction of the demolished structure.
   4. If reconstruction is not completed by the specified time limit, the property shall be deemed abandoned.

24-125 Loss of Legal Status

A. A nonconforming use or structure shall lose its legal nonconforming status if:
1. A nonconforming use has been discontinued for a period of 24 consecutive months; or
2. A nonconforming structure has been vacant for a period of 24 consecutive months.

B. Based on Subsection A above, the Zoning Administrator may determine that a nonconforming use or structure has lost its legal status and shall mail a notice to the property owner and occupant.

C. The property owner or occupant may appeal the determination of the Zoning Administrator to the Planning Commission within 15 days of the mailing of the notice. The appeal shall be filed and heard as provided in Article 37 (Appeals and Calls for Review).

24-126 Findings
The Zoning Administrator may approve a Minor Use Permit for a nonconforming use or structure if all of the following findings can be made in addition to the findings in Article 31 (Conditional Use and Minor Use Permits):

A. Available evidence indicates that the nonconforming use or structure was legally established.
B. The nonconforming use or structure has not resulted in a notable negative impact or nuisance to the surrounding area.
C. The nonconforming use or structure is compatible with the general character of the surrounding area.
D. The proposed action is compatible with the purpose and intent of the applicable zone.

24-127 Appeals
Any decision on a requested modification to a nonconforming use or structure may be appealed as allowed by Article 37 (Appeals and Calls for Review).
Article 23. DENSITY BONUSES

Sections:
24-127 – Purpose
24-128 – Definitions
24-129 – Eligibility
24-130 – Amount of Density Bonus
24-131 – Standards for Affordable Units
24-132 – Donations of Land
24-133 – Incentives
24-134 – Waivers or Reductions of Development Standards
24-135 – Reduced Parking Requirement
24-136 – Housing with Child Care Facilities
24-137 – Application and Review
24-138 – Continued Affordability
24-139 – Density Bonus Housing Agreement

24-128 Purpose
This article implements Government Code Section 65915, which requires the County to provide incentives for affordable housing, senior housing, and child care facilities. In the event of any conflict between this article and Section 65915 of the Government Code, the provisions of the Government Code shall apply.

24-129 Definitions
A. “Affordable Housing Project” means a Housing Project which will be made available to and reserved for very low-income households, low-income households, or moderate-income households at a monthly rent or payment not to exceed 30 percent of the total combined monthly income of the targeted income group.

B. “Density Bonus” means a density increase over the otherwise maximum allowable residential density as permitted by the applicable zone in the Zoning Ordinance.

C. “Common-Interest Development” means a community apartment project, a condominium project, a planned development, or a stock cooperative.

D. “Child Care Facility,” means an establishment providing child day care services, other than a family day care home, including, but not limited to, infant centers, preschools, extended day care facilities, and school-age child care centers.

E. “Housing Project” means a development project for five or more residential units, a subdivision or common interest development of five or more unimproved residential parcels, a development project to substantially rehabilitate and convert an existing commercial building to contain five or more residential units, or the substantial rehabilitation of an existing multi-family dwelling where the result of the rehabilitation would be a net increase in five or more residential units.
F. “Incentive” means the waiver or reduction of a County standard, regulation, or requirement as necessary to render an Affordable Housing Project financially feasible.

G. “Low-Income Households” means a household with a total combined income not exceeding 80 percent of the Area Median Income, adjusted for household size, as established by the U.S. Department of Housing and Urban Development.

H. “Maximum Allowable Residential Density” means the maximum residential density permitted by the applicable zone as established in the Zoning Ordinance.

I. “Moderate Income Household” means a household with a total combined income not exceeding 120 percent of the Area Median Income, adjusted for household size, as established by the U.S. Department of Housing and Urban Development.

J. “Senior Housing” means a development project of at least 35 dwelling units reserved for households headed by a person 62 years of age or older.

K. “Very Low Income Household” means a household with a total combined income not exceeding 50 percent of the Area Median Income, adjusted for household size, as established by the U.S. Department of Housing and Urban Development.

24-130 Eligibility
The following types of development projects are eligible for a density bonus and incentives as identified in this article.

A. Affordable Housing Projects. Affordable housing projects including one or more of the following:
   1. At least 10 percent of the units affordable for low-income households.
   2. At least 5 percent of the units affordable for very low-income households.
   3. At least 10 percent of the total dwelling units in a common-interest development affordable to moderate-income households, provided that all units are offered to the public for purchase.

B. Senior Housing. A senior housing development or a mobile home park that limits residency based on age requirements for housing for older persons, in compliance with Civil Code Section 798.76 or 799.5.

C. Donation of Land. A donation of land for the purpose of constructing housing for very low-income households.

D. Condominium Conversions. The conversion of apartments to condominiums that provides either of the following:
   1. At least 33 percent of the units affordable to low- or moderate-income households.
   2. At least 15 percent of the units affordable to very low-income households.

24-131 Amount of Density Bonus
If requested by the applicant, the County shall grant density bonuses in the amounts identified below.
A. **Very Low-Income Projects.** Housing projects with at least five percent of units affordable to very low-income households are entitled to a density bonus as shown in Table 24-130-1 (Amount of Density Bonus for Very Low-Income Projects).

**Table 24-130-1 Amount of Density Bonus for Very Low-Income Projects**

<table>
<thead>
<tr>
<th>Percent of Very Low-Income Units</th>
<th>Amount of Density Bonus</th>
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<td>32.5%</td>
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<tr>
<td>11%</td>
<td>35%</td>
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</table>

B. **Low-Income Projects.** Housing projects with at least ten percent of units affordable to low income households are entitled to a density bonus as shown in Table 24-130-2 (Amount of Density Bonus for Low-Income Projects).

**Table 24-130-2 Amount of Density Bonus for Low-Income Projects**

<table>
<thead>
<tr>
<th>Percent of Low-Income Units</th>
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<td>33.5%</td>
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<td>20%</td>
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C. **Moderate-Income Projects.** Common interest development projects with at least ten percent of units affordable to moderate-income households are entitled to a density bonus as shown in Table 24-130-3 (Amount of Density Bonus for Moderate-Income Projects).

**Table 24-130-3 Amount of Density Bonus for Moderate-Income Projects**

<table>
<thead>
<tr>
<th>Percent of Moderate-Income Units</th>
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<tr>
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D. Senior Housing. Senior housing projects are entitled to a density bonus of 20 percent of the number of senior housing units.

E. Donations of Land. Projects that donate land for very low-income housing consistent with Section 24-132 (Donations of Land) are entitled to a density bonus as shown in Table 24-130-4 (Amount of Density Bonus for Donations of Land).

<table>
<thead>
<tr>
<th>Percent of Moderate-Income Units</th>
<th>Amount of Density Bonus</th>
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<table>
<thead>
<tr>
<th>Percent of Very Low-Income Units</th>
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F. Condominium Conversions
1. Condominium conversion projects meeting affordability requirements identified in Section 24-129 (Eligibility) are entitled to a density bonus of 25 percent of the number of apartments within the structure to be converted.
2. As an alternative to the 25 percent density bonus, the County may provide an incentive of equivalent value.
3. Condominium conversions are ineligible for a density bonus if the rental units to be converted received a density bonus when they were originally constructed.

G. Calculation of Density Bonus
1. All density calculations resulting in fractional units shall be rounded up to the next whole number.
2. Affordable housing projects shall choose a density bonus from only one affordability category (e.g., very low-income) and may not combine categories.
3. A density bonus for a senior housing project may not be combined with a density bonus for an affordable housing project.
4. A density bonus for the donation of land may be combined with density bonuses for affordable and senior housing. However, in no case may a total density bonus exceed 35 percent.

24-132 Standards for Affordable Units
All affordable units built under the provisions of this article shall meet the following requirements:
A. Concurrency. Affordable units shall be built concurrently with market rate units unless the County and the applicant agree within the density bonus housing agreement to an alternative schedule for development.
B. Location. Affordable units shall be built on-site wherever possible and, where practical, shall be dispersed within the housing development.
C. **Unit Size.** The average number of bedrooms of the affordable units shall be equivalent or greater to the bedroom mix of the housing development’s other units.

D. **Design.** The design and appearance of the affordable units shall be compatible with the design of the housing development as a whole.

E. **Development Standards.** Housing developments shall comply with all applicable development standards, except those that may be modified as permitted by this article.

F. **Linked Sites.** Circumstances may arise in which the public interest would be served by allowing some or all of the affordable units associated with one housing development to be produced and operated at an alternative development site. If the developer and the County agree to allow the production and operation of affordable units at an alternative site, the resulting linked developments shall be considered a single housing development for the purposes of this article.

24-133 **Donations of Land**

All land donated for the purpose of constructing affordable housing shall meet the following requirements:

A. **Date of Transfer.** The applicant shall donate and transfer the land no later than the date of approval of the final subdivision map, recorded parcel map, or residential development application.

B. **Developable Acreage.** The developable acreage of the land being transferred shall be sufficient to permit construction of units affordable to very low-income households in an amount not less than 10 percent of the number of residential units in the proposed development.

C. **Minimum Size.** The transferred land shall have an area sufficient to permit development of at least 40 units.

D. **Appropriate Regulations and Infrastructure.** The transferred land shall have the appropriate General Plan land use designation, zoning and development standards to make the development of affordable units feasible, and it shall have existing or planned public facilities and infrastructure that are adequate to support the development.

E. **Entitlements.** No later than the date of approval of the final subdivision map, recorded parcel map, or residential development application, the transferred land shall have all of the permits and approvals, other than building permits, necessary for the development of the very low-income housing units on the transferred land.

F. **Deed Restriction.** The transferred land and the affordable units shall be subject to a deed restriction ensuring continued affordability of the units consistent with the requirements of this article. The restriction shall be recorded on the property at the time of dedication.

G. **Recipient.** The land shall be transferred to the County or to a housing developer approved by the County. The County may require the applicant to identify and transfer the land to the developer.

H. **Location.** The transferred land shall be within the boundary of the proposed development or, if the County agrees, within ¼-mile of the boundary of the proposed development.
24-134 Incentives

A. Eligibility. An applicant who applies for a density bonus may also request one to three incentives, as identified in Subsection D (Available Incentives), as needed to contribute to a development project’s financial feasibility.

B. Number of Incentives. An applicant may request the following number of incentives:

1. One incentive for projects that include at least 10 percent of the total units for low-income households, at least 5 percent for very low-income households, or at least 10 percent for persons and families of moderate income in a common-interest development.

2. Two incentives for projects that include at least 20 percent of the total units for low-income households, at least 10 percent for very low-income households, or at least 20 percent for persons and families of moderate income in a common-interest development.

3. Three incentives for projects that include at least 30 percent of the total units for low-income households, at least 15 percent for very low-income households, or at least 30 percent for persons and families of moderate income in a common-interest development.

C. Additional Incentives. The County may, at its discretion, grant additional incentives to increase the number of affordable units provided or to increase the affordability of the affordable units.

D. Available Incentives. Each development incentive may include one and only one of the following types of regulatory relief or change:

1. Reduced minimum parcel sizes or dimensions.
2. Reduced minimum setbacks.
3. Reduced minimum building separation requirements.
4. Increased maximum floor area ratio.
5. Increased maximum building height.
6. Reduced on-site parking requirements.
7. The waiver, reduction or deferral of planning, plan check, construction permit and/or development impact fees.
8. Approval of mixed-use zoning for the project site in conjunction with the housing development, if commercial, office, industrial or other land uses will reduce the cost of the housing development and if the commercial, office, industrial or other land uses are compatible with the housing development and the existing or planned development in the area where the proposed development will be located.
9. Direct financial aid, such as a redevelopment set-aside or community development block grant funding, in the form of a loan or grant to subsidize or provide low-interest financing for on-site or off-site improvements, land or construction costs.
10. Other similar regulatory incentives or concessions that result in identifiable and financially sufficient cost reductions.
E. **Justification for Incentives.** An applicant requesting an incentive shall show, using one of the following methods, that the incentive is necessary to make the affordable units economically feasible:

1. A development pro forma showing the capital costs, operating expenses, return on investment, loan-to-value ratio, debt coverage ratio, the contributions provided by any applicable subsidy programs, the economic effect created by the minimum 30 year use and income restrictions on the affordable housing units, and the benefit created by the density bonus and the requested incentives.

2. An appraisal report indicating the value of the density bonus and of the incentives.

3. A funds statement identifying the projected financing gap for the project. The analysis shall show how much of the funding gap is covered by the density bonus and how much by the incentives/concessions.

F. **Provision of Incentives.** The County shall provide the specific incentive or incentives requested by an applicant, unless the County makes a written finding, based upon substantial evidence, of any of the following:

1. The incentive is not required in order to provide for affordable housing costs, as defined in Section 50052.5 of the Health and Safety Code, or for rents for the targeted units to be set as specified in this section.

2. The incentive would have a specific adverse impact, as defined in Government Code Section 65589.5(d)(2), upon public health and safety or the physical environment, or on any real property that is listed in the California Register of Historical Resources, and for which there is no feasible method to satisfactorily mitigate or avoid the specific adverse impact without rendering the development unaffordable to very low-income, low-income and moderate-income households.

3. The incentive is contrary to State or federal law.

24-135 **Waivers or Reductions of Development Standards**

A. **Eligibility.** An applicant who applies for a density bonus may also request a waiver or reduction of any development standard that would physically prevent the construction of the development project.

B. **Development Standards Defined.**

1. Development standards include any adopted County standard or regulation related to the physical location or type of construction, including but not limited to, structure height, setbacks, parking, floor area ratio, and the placement of public works improvements.

2. As defined in this section, development standards do not include land use regulations, permitting procedures, inclusionary housing requirements, or development impact fees.

C. **Number of Waivers or Reductions.**

1. There shall be no limit to the number of waivers or reductions available to an applicant.

2. The approval of waivers or reductions shall neither reduce nor increase the number of incentives available to a project pursuant to Section 24-133 (Incentives).
D. **Justification for Approval.** The County shall approve the requested waiver or reduction if the applicant can demonstrate that it is physically impossible to construct the project without the waiver or reduction.

E. **Provision of Waivers or Reductions.** The County shall approve the requested waiver or reduction, unless the County makes a written finding, based upon substantial evidence, of either of the following:

1. The waiver or reduction would have a specific adverse impact, as defined in Government Code Section 65589.5(d)(2), upon public health and safety or the physical environment, or on any real property that is listed in the California Register of Historical Resources, and there is no feasible method to satisfactorily mitigate or avoid the specific adverse impact without rendering the development unaffordable to low-income and moderate-income households.

2. The waiver or reduction is contrary to State or federal law.

### 24-136 Reduced Parking Requirement

Development projects entitled to a density bonus and incentives are also entitled to a reduced on-site parking requirement as described below.

A. **Number of Spaces.** Upon the request of the applicant, the County shall reduce the required on-site parking requirement to one parking space for a zero to one bedroom dwelling unit.

B. **Calculation of Required Parking.** If the total number of parking spaces required for a development is other than a whole number, the number shall be rounded up to the next whole number.

C. **Configuration and Location of Parking.** A development project may provide on-site parking through tandem parking, provided tandem parking spaces serve the same dwelling unit, but not through on-street parking.

D. **Additional Parking Incentives.** An applicant may request parking incentives beyond those provided in this section pursuant to Section 24-133 (Incentives).

### 24-137 Housing with Child Care Facilities

A. **Additional Bonus or Incentive.** A development project eligible for a density bonus or incentive that includes a child care facility as part of the project is entitled to one of the following:

1. An additional density bonus equal to the amount of square footage of the facility; or

2. One additional incentive that contributes significantly to the economic feasibility of the child care facility.

B. **Conditions.** The County shall require, as a condition of approving a housing development with a child care facility, that the following occur:

1. The child care facility shall remain in operation for a period of time that is as long as or longer than the period of time during which the density bonus units are required to remain affordable.
2. Of the children who attend the child care facility, the percentage of children who reside in affordable units shall equal or exceed the percentage of dwelling units that are available for very low-income, low-income, or moderate-income households.

C. Basis for Denial. The County is not required to provide a density bonus or incentive for a child care facility if it finds, based upon substantial evidence, that the vicinity of the proposed project is adequately served by existing child care facilities.

24-138 Application and Review

A. Application. A developer seeking approval of a density bonus and an additional incentive or incentives shall file an application with the Development Services Department. The Department shall process the application concurrently with any other application required for the development project. The form and content of the application shall be as specified by the Department and subject to a fee established by resolution of the Board of Supervisors.

B. Hearing Process. The application shall be heard and decided by the Planning Commission, unless the applicant is requesting incentives requiring Board of Supervisors approval, as set forth in subsection (C)(2) below, in which case the application shall be approved by the Board of Supervisors with a recommendation from the Planning Commission. The procedure for giving notice of the application shall be as specified in Article 36 (Public Notice and Hearings), except that the notice shall also identify the density bonus and additional incentive or incentives requested for the project. The Planning Commission’s decision may be appealed as provided in Article 37 (Appeals and Calls for Review).

C. Approval of Incentives. The Planning Commission and Board of Supervisors shall be authorized to approve incentives as follows:

1. The Planning Commission shall be authorized to approve development incentives that include the modification of site development standards, or the modification of zoning.

2. Approval by the Board of Supervisors shall be required for all other development incentives.

24-139 Continued Affordability

The following requirements apply to all affordable units that qualify for a density bonus or other incentive.

A. Duration of Affordability.

1. All units shall remain affordable for 30 years or a longer period of time if required by the construction or mortgage financing assistance program, mortgage insurance program, or rental subsidy program.

2. Rents shall be set at affordable levels as defined in Health and Safety Code Section 50053.

3. Owner-occupied units shall be available at an affordable cost as defined in Health and Safety Code Section 50052.5.

B. Equity Sharing Agreement. The County shall enforce an equity sharing agreement for the resale of all common interest moderate-income units. The following apply to the equity sharing agreement:
1. Upon resale, the seller of the unit shall retain the value of any improvements, the down-payment, and the seller's proportionate share of appreciation.

2. The County shall recapture any initial subsidy, and its proportionate share of appreciation, which shall be used by the County within five years as described in Health and Safety Code Section 33334.2(e).

3. The County's initial subsidy shall be equal to the fair market value of the home at the time of initial sale minus the initial sale price to the moderate-income household, plus the amount of any down-payment assistance or mortgage assistance. If upon resale the market value is lower than the initial market value, then the value at the time of the resale shall be used as the initial market value.

4. The County's proportionate share of appreciation shall be equal to the ratio of the County's initial subsidy to the fair market value of the home at the time of initial sale.

24-140 Density Bonus Housing Agreement

A. Agreement Required. As a condition for the approval of a density bonus and additional incentives, the applicant shall agree to enter into a density bonus housing agreement with the County. The executed density bonus housing agreement shall be recorded on the parcel or parcels designated for the construction of affordable units, or donated for the purpose of constructing housing units as specified in this section. The approval and recordation shall occur prior to final map approval or, where a map is not being processed, prior to the issuance of building permits for the parcels or units. The density bonus housing agreement shall be binding upon all future owners and successors in interest.

B. Content of Agreement. The density bonus housing agreement shall, at a minimum, include all of the following:

1. The total number of units approved for the housing development, including the number of affordable units.

2. A description of the household income groups to be accommodated by the housing development, and the standards for determining the corresponding affordable rent or affordable sales price and housing cost.

3. The location, unit size in square feet, and number of bedrooms of each affordable unit.

4. The location and square footage of any land being donated for the purpose of constructing housing units that are affordable to very low-income households.

5. The location and square footage of any child care facility for which a density bonus or additional incentive is being granted.

6. Tenure of use restrictions for affordable units and units built on donated land.

7. A schedule for the completion and occupancy of affordable units.

8. A description of the additional incentives, waivers, or reductions being provided by the County.

9. A description of remedies for breach of the agreement by either party, including the provision that tenants or qualified purchasers are third-party beneficiaries under the agreement.
10. Other provisions as appropriate to ensure implementation and compliance with this article’s requirements for density bonuses and additional incentives.

C. **For-Sale Requirements.** In the case of for-sale housing developments, excluding affordable units for moderate-income households, the density bonus housing agreement shall provide for the following requirements during the use restriction period:

1. The initial sale of each affordable unit shall be to a household that meets the income requirement for the affordable unit or, for senior citizen housing, to a senior citizen that meets the income requirement for the affordable unit.

2. The initial occupant of each affordable unit shall be a household that meets the income requirement for the affordable unit or, for senior citizen housing, a senior citizen that meets the income requirement for the affordable unit.

3. The initial purchaser of each affordable unit shall execute an instrument or agreement approved by the County restricting the sale of the affordable unit during the duration of affordability period as set forth in Section 24-138.A (Continued Affordability). The instrument or agreement shall be recorded against the parcel containing the affordable unit and shall contain provisions as required by the County to ensure continued compliance with this chapter and with State law.

D. **Moderate-Income Requirements.** In the case of affordable units for moderate-income households, the density bonus housing agreement shall provide for the following requirements:

1. The initial sale of each affordable unit shall be to a household that meets the income requirement for the affordable unit.

2. When the initial purchaser sells the unit, the initial purchaser shall retain the value of any improvements, the down payment and the value of the unit’s appreciation, less the County’s share of the appreciation.

3. When the initial purchaser sells the unit, the County shall receive a share of the unit’s appreciation equal to the percentage by which the initial sale price to the moderate income household was less than the fair market value of the home at the time of initial sale. The County shall use this share of appreciation for any of the purposes described in subdivision of Health and Safety Code Section 33334.2(e).

E. **Rental Requirements.** In the case of rental housing developments, the density bonus housing agreement shall provide for the following requirements during the use restriction period:

1. Rules and procedures for qualifying each tenant, determining affordable rents, filling vacancies and retaining affordable units for qualified tenants.

2. Provisions requiring owners to verify tenant incomes and maintain books and records to demonstrate compliance with this section.

3. Provisions requiring owners to submit an annual report to the County, including the name, address and income of each person occupying an affordable unit and the bedroom size and monthly rent or cost of each affordable unit.
F. **Child Care Facility Requirements.** In the case of child care facilities for which a density bonus or additional incentive is being granted, the density bonus housing agreement shall provide for the following requirements:

1. Operating duration requirements for the child care facility, such that the child day care facility shall remain in operation for as long as or longer than the period of time during which the density bonus units are required to remain affordable.

2. Provisions requiring that for children who attend the child care facility, the percentage of children from the income group associated with the development’s affordable units shall be equal to or greater than the minimum percentage of affordable units that shall be provided for that income group in order to receive a density to the requirements of this section.
Article 24. LAND USE COMPATIBILITY STANDARDS

Sections:
24-140 – Purpose
24-141 – Applicability
24-142 – Compliance Procedures
24-143 – Air Quality
24-144 – Electromagnetic Interference
24-145 – Erosion Control
24-146 – Fire and Explosion Hazards
24-147 – Heat
24-148 – Light and Glare
24-149 – Radioactivity
24-150 – Vibrations
24-151 – Outdoor Storage in Residential Zones
24-152 – Liquid, Solid, and Hazardous Materials
24-153 – Noise
24-154 – Enforcement

24-141 Purpose
This article establishes performance standards to minimize various negative impacts resulting from land uses and development within Butte County. The intent of these standards is to:
A. Promote compatibility among various land uses;
B. Protect and enhance the rural character of Butte County;
C. Protect the general health, safety, or welfare of the community; and
D. Control noise, dust, odor, smoke, vibration, danger to life and property, or similar causes likely to create a public nuisance.

24-142 Applicability
A. The standards in this article shall apply to all new and existing land uses in unincorporated Butte County.
B. The standards in this article are the required minimum and shall not be construed as preventing the County from requiring more restrictive standards as deemed necessary.

24-143 Compliance Procedures
A. The Zoning Administrator may require pertinent information demonstrating that the proposed land use complies or will comply with all applicable performance standards. This information may consist of a report prepared by a qualified technical consultant.
B. When technical information is required, accurate and representative measurements shall be made according to accepted engineering or scientific practice. All measurements shall be made at the exterior property lines.

24-144 Air Quality
All uses shall comply with applicable local, State, and federal laws and regulations regarding contaminants and pollutants. This requirement includes, but is not limited to, emissions of suspended particles, carbon monoxide, hydrocarbons, odors, toxic or obnoxious gases and fumes.

24-145 Electromagnetic Interference
Devices which generate electromagnetic interference shall not cause interference with any activity carried on beyond the boundary line of the property upon which the device is located. Public utilities shall comply with all applicable State and federal regulations.

24-146 Erosion Control
The following erosion control standards shall apply to all development projects in all urban zones:
A. The smallest area practical of land shall be exposed at any one time during development;
B. When land is exposed during development, the exposure shall be kept to the shortest practical period of time;
C. Natural features such as trees, groves, natural terrain, waterways, and other similar resources shall be preserved where feasible;
D. Temporary vegetation or mulching shall be used to protect critical areas exposed during development;
E. The permanent final vegetation and structures shall be installed as soon as practical in the development;
F. Wherever feasible the development shall be fitted to the topography and soils to create the least erosion potential;
G. Provisions shall be made to effectively accommodate the increased runoff caused by changed soil and surface conditions during and after development as specified in Butte County Code Chapter 50, Stormwater Management and Discharge Control; and
H. Sediment basins (debris basins, desalting basins, or silt traps) shall be installed and maintained to remove sediment from runoff waters from land undergoing development where needed.

24-147 Fire and Explosion Hazards
All uses involving the use or storage of combustible, explosive, caustic, or otherwise hazardous materials shall comply with all applicable local, State, and federal safety standards and shall be provided with adequate safety devices against the hazard of fire and explosion, and adequate fire-fighting and fire suppression equipment in accordance with the requirements of the Fire Marshal.
24-148 Heat
No use shall generate heat so that increased ambient air temperature or radiant heat is measurable at any exterior lot line.

24-149 Light and Glare
Outdoor lighting in residential zones shall comply with the requirements of Article 14 (Outdoor Lighting).

24-150 Radioactivity
No radiation of any kind shall be emitted in quantities which is dangerous to humans.

24-151 Vibrations
No use shall generate ground vibration which is perceptible without instruments beyond the property line. Ground vibration caused by motor vehicles, aircraft, temporary construction work or agricultural equipment are exempt from these standards.

A. “Exceptions. Upon written application from the owner or operator of an industrial or commercial vibration source, the review authority, as part of a permit approval, may conditionally authorize exceptions to this section, based upon analysis supported by the Development Services Department, in the following situations:
   1. Infrequent vibration.
   2. If, after applying best available control technology, a use existing prior to the effective date of the Zoning Ordinance is unable to conform to the standards established by this section”

24-152 Outdoor Storage in Residential Zones
A. Relationship to Primary Use. Within residential zones, the outdoor storage of equipment, materials, and other similar items typical of residential occupancy shall be permitted as an incidental use of property in conjunction with a permitted primary use.
B. Screening from View. Outdoor storage areas shall be entirely enclosed and screened from view from public right-of-ways or adjacent residential properties by building walls, decorative screen walls, fences, and/or landscaping 6 feet in height.
C. Maximum Height. Items stored outside shall be stacked no more than 6 feet in height.

24-153 Liquid, Solid, and Hazardous Wastes
A. All uses are prohibited from discharging liquid, solid, toxic, or hazardous wastes onto or into the ground and into streams, lakes, or rivers. Discharge into a public or private waste disposal system in compliance with applicable local, State, and federal laws and regulations is permitted.
B. Wastes detrimental to a public sewer system or a sewage treatment plant shall not be discharged to a public sewer system unless they have been pretreated to the degree required by the authority having jurisdiction over the sewerage system.

C. The handling and storage of hazardous materials, the discharge of hazardous materials into the air and water, and the disposal of hazardous waste in connection with all uses shall be in conformance with all applicable local, State, and federal regulations.

D. All burning of waste materials accessory to any use shall comply with the Butte County Air Quality Management District rules and regulations.

E. The disposal or dumping of solid wastes accessory to any use, including, but not limited to, slag, paper and fiber wastes or other industrial wastes, shall be in compliance with applicable local, State, and federal laws and regulations.

24-154 Noise

A. Standards. Noise shall be regulated pursuant to Butte County Code Chapter 41A. Noise Control.

24-155 Enforcement

The County may modify a condition or revoke the permit for or abate any use that violates the standards contained within this article in a manner consistent with Butte County Code Chapter 41 (Code Enforcement Policies and Procedures), Chapter 32A (Property Maintenance and Abatement of Nuisances) and all other applicable sections of the Butte County Code.
# PART 4

## Supplemental Use Regulations

### Article 25. Supplemental Use Regulations

<table>
<thead>
<tr>
<th>Section</th>
<th>Title</th>
<th>Page</th>
</tr>
</thead>
<tbody>
<tr>
<td>24-155</td>
<td>Purpose</td>
<td>181</td>
</tr>
<tr>
<td>24-156</td>
<td>Accessory Uses and Structures</td>
<td>181</td>
</tr>
<tr>
<td>24-157</td>
<td>Alternative Energy Structures</td>
<td>184</td>
</tr>
<tr>
<td>24-158</td>
<td>Animal Keeping</td>
<td>189</td>
</tr>
<tr>
<td>24-159</td>
<td>Child Care Facilities</td>
<td>192191</td>
</tr>
<tr>
<td>24-160</td>
<td>Drive-Through Facilities</td>
<td>194193</td>
</tr>
<tr>
<td>24-161</td>
<td>Emergency Shelters – Permanent</td>
<td>194193</td>
</tr>
<tr>
<td>24-162</td>
<td>Home Occupations</td>
<td>195494</td>
</tr>
<tr>
<td>24-163</td>
<td>Large Retail Projects</td>
<td>197495</td>
</tr>
<tr>
<td>24-164</td>
<td>Live/Work Units</td>
<td>198497</td>
</tr>
<tr>
<td>24-165</td>
<td>Kennels</td>
<td>201499</td>
</tr>
<tr>
<td>24-166</td>
<td>Marijuana Dispensaries</td>
<td>202200</td>
</tr>
<tr>
<td>24-167</td>
<td>Mobile Home Parks</td>
<td>202200</td>
</tr>
<tr>
<td>24-168</td>
<td>Outdoor Displays and Sales</td>
<td>204202</td>
</tr>
<tr>
<td>24-169</td>
<td>Public/Mini Storage</td>
<td>204202</td>
</tr>
<tr>
<td>24-170</td>
<td>Recycling Collection Facilities</td>
<td>206204</td>
</tr>
<tr>
<td>24-171</td>
<td>Residential Generator Noise</td>
<td>207205</td>
</tr>
<tr>
<td>24-172</td>
<td>Second Units</td>
<td>208206</td>
</tr>
<tr>
<td>24-173.1</td>
<td>Heavy Equipment Storage in the VLDR (Very Low Density Residential) Zone</td>
<td>210208</td>
</tr>
<tr>
<td>24-173.2</td>
<td>Heavy Equipment Storage in the RCR (Rural Country Residential) and FCR (Foothill Country Residential) Zones</td>
<td>211209</td>
</tr>
<tr>
<td>24-174</td>
<td>Temporary Uses</td>
<td>213213</td>
</tr>
<tr>
<td>24-175</td>
<td>Winery, Olive Oil, Fruit and Nut, Micro-Brewery and Micro-Distillery Production Facilities</td>
<td>215213</td>
</tr>
</tbody>
</table>

### Article 26. Telecommunication Facilities

<table>
<thead>
<tr>
<th>Section</th>
<th>Title</th>
<th>Page</th>
</tr>
</thead>
<tbody>
<tr>
<td>24-176</td>
<td>Purpose</td>
<td>219217</td>
</tr>
<tr>
<td>24-177</td>
<td>Applicability</td>
<td>219217</td>
</tr>
<tr>
<td>24-178</td>
<td>Exemptions</td>
<td>220218</td>
</tr>
<tr>
<td>24-179</td>
<td>Permits Required</td>
<td>221219</td>
</tr>
<tr>
<td>24-180</td>
<td>Application Submittal and Review</td>
<td>222220</td>
</tr>
<tr>
<td>24-181</td>
<td>General Requirements</td>
<td>224222</td>
</tr>
<tr>
<td>24-182</td>
<td>Standards for Zones</td>
<td>228226</td>
</tr>
<tr>
<td>Code</td>
<td>Description</td>
<td>Page</td>
</tr>
<tr>
<td>-------</td>
<td>------------------------------------------</td>
<td>------</td>
</tr>
<tr>
<td>24-183</td>
<td>Standards for Types of Facilities</td>
<td>228</td>
</tr>
<tr>
<td>24-184</td>
<td>Co-Location Facilities</td>
<td>230</td>
</tr>
<tr>
<td>24-185</td>
<td>Terms of Approval</td>
<td>231</td>
</tr>
<tr>
<td>24-186</td>
<td>Performance Securities</td>
<td>232</td>
</tr>
<tr>
<td>24-187</td>
<td>Facility Removal</td>
<td>232</td>
</tr>
</tbody>
</table>
Article 25. SUPPLEMENTAL USE REGULATIONS

Sections:
24-155 – Purpose
24-156 – Accessory Uses and Structures
24-157 – Alternative Energy Structures
24-158 – Animal Keeping
24-159 – Child Care Facilities
24-160 – Drive-Through Facilities
24-161 – Emergency Shelters – Permanent
24-162 – Home Occupations
24-163 – Large Retail Projects
24-164 – Live/Work Units
24-165 – Kennels
24-166 – Marijuana Dispensaries
24-167 – Mobile Home Parks
24-168 – Outdoor Displays and Sales
24-169 – Public/Mini Storage
24-170 – Recycling Collection Facilities
24-171 – Residential Generator Noise
24-172 – Second Units
24-173.1 – Heavy Equipment Storage in the VLDR Zone
24-173.2 – Heavy Equipment Storage in the RCR and FCR Zones
24-174 – Temporary Uses
24-175 – Winery, Olive Oil, Fruit and Nut, Micro-Brewery, and Micro-Distillery Production Facilities

24-155 Purpose
This article 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.

24-156 Accessory Uses and Structures
A. General Requirements.
   1. Relationship to Primary Use.
      a. An accessory use or structure is permitted only when it is subordinate and incidental to the primary structure or zone to which it is related.
      b. An accessory use or structure shall not alter the character of the site from that created by the primary use, structure, or zone.
      c. An accessory use or structure shall be permitted only when it is compatible with the structures or uses permitted in the zone in which it is located.
2. **Permitted Accessory Uses and Structures.** Table 24-156-1 (Permitted Accessory Uses and Structures) identifies permitted accessory uses in Rural, Urban, Commercial, Industrial, and Special Purpose zones.

**TABLE 24-156-1 PERMITTED ACCESSORY USES AND STRUCTURES**

<table>
<thead>
<tr>
<th><strong>Rural Zones (AG, TM, TPZ, FR, FCR, RR, RCR)</strong></th>
<th><strong>Accessory Structures</strong></th>
</tr>
</thead>
<tbody>
<tr>
<td>Accessory to Zone (No Single-Family Home)</td>
<td>Workshop, Shed, Storage Building, Barn, Greenhouse, Well House, Garage, Gazebo</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th><strong>Accessory Uses</strong></th>
</tr>
</thead>
<tbody>
<tr>
<td>Accessory to Single-Family Homes</td>
</tr>
<tr>
<td>Accessory to Zone (No Single-Family Home)</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th><strong>Urban Zones (VLDR, VLDCR, LDR, MDR, MHDR, HDR, VHDR, MU)</strong></th>
<th><strong>Accessory Structures</strong></th>
</tr>
</thead>
<tbody>
<tr>
<td>Accessory to Single-Family Homes or Multiple-Family Dwellings</td>
<td>Pool, Pool House, Spa, Dressing Room, Domestic Pet Shelter, Game Room, Garages, Sunroom, Tennis Courts, Gazebo, Playground Equipment, Hobby Room, Trash Enclosure, Workshop, Shed, Storage Building, Barn (on parcels 1-acre or larger), Greenhouse, Well House</td>
</tr>
<tr>
<td>Accessory to Zone (No Single-Family Home or Multiple-Family Dwellings)</td>
<td>None</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th><strong>Accessory Uses</strong></th>
</tr>
</thead>
<tbody>
<tr>
<td>Accessory to Single-Family Homes or Multiple-Family Dwellings</td>
</tr>
<tr>
<td>Accessory to Zone (No Single-Family Home or Multiple-Family Dwellings)</td>
</tr>
</tbody>
</table>

**Commercial, Industrial, and Special Purpose Zones**

<table>
<thead>
<tr>
<th><strong>Accessory Structures</strong></th>
</tr>
</thead>
<tbody>
<tr>
<td>Accessory to Development</td>
</tr>
<tr>
<td>Accessory to Zone (No Development)</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th><strong>Accessory Uses</strong></th>
</tr>
</thead>
<tbody>
<tr>
<td>Accessory to Development</td>
</tr>
<tr>
<td>Accessory to Zone (No Development)</td>
</tr>
</tbody>
</table>
3. **Location.** An accessory use or structure shall be located only on the same parcel as the primary structure or zone to which it is related, except as otherwise noted in this chapter.

4. **Permits.** Accessory structures are subject to a ministerial building permit process; no discretionary permit is required.

5. **Establishment.**
   a. **Accessory to Single-Family Home.** Uses or structures that are accessory to a single-family home shall only be established or constructed on a parcel developed with a single-family home. Accessory uses and structures may be established or constructed concurrently with the development of a single-family home (refer to Table 24-156-1, Permitted Accessory Uses and Structures).
   b. **Accessory to Zone.** Uses or structures that are accessory to a zone’s allowed uses shall not be established or constructed until said uses are established (refer to Table 24-156-1, Permitted Accessory Uses and Structures).

6. **Attached Structures.** Accessory structures attached to a primary structure shall be considered a part of the primary structure and shall comply with all standards and regulations applicable to the primary structure.

B. **Uses Accessory to a Single-Family Home or Multiple-Family Dwelling.** Activities typically associated with residential uses are permitted on all parcels occupied by a single-family home or multiple-family dwelling. Examples of such residential accessory uses include keeping of domestic pets, composting bins, private parking, gardens, planter boxes, vegetation management, irrigation, landscaping, and other similar activities.

C. **Structures Accessory to a Single-Family Home in Urban Zones.** The following standards apply to structures accessory to a single-family home in urban zones. Examples of such residential accessory structures include a pool, pool house, spa, dressing room, domestic pet shelter, game room, garages, sunroom, tennis courts, gazebo, playground equipment, hobby room, trash enclosure, workshop, shed, storage building, barn (on parcels 1-acre or larger), greenhouse, well house, and other similar structures.

1. **Size.** Accessory structures shall not exceed a cumulative total of 25 percent of parcel size per parcel, unless otherwise specified in this section.

2. **Height.** The height of an accessory structure shall not exceed 25 feet.

3. **Setbacks.**
   a. The required setback from the front, side, and street side property line shall be the same as the primary structure.
   b. The required setback from the rear property line for accessory structures greater than 15 feet in height shall be the same as the primary structure. For structures 15 feet or less in height, the required setback from the rear property line shall be 5 feet.
   c. There shall be no required setbacks from property lines for trash enclosures, planter boxes with a maximum height of 42 inches, domestic pet shelters, playground equipment, small sheds, well houses, composting bins, rain water cisterns, and other similar objects not attached to a permanent foundation. Such structures shall not require a building permit.
D. **Structures Accessory to a Residence in Rural Zones.** Structures accessory to a residence in rural zones are subject to the same size, height, and setback standards as required for primary structures. Examples of such residential accessory structures include a pool, pool house, spa, dressing room, domestic pet shelter, game room, garages, sunroom, tennis courts, gazebo, playground equipment, hobby room, trash enclosure, workshop, shed, storage building, barn, greenhouse, well house, and other similar structures.

E. **Structures Accessory to Zones in Rural Zones.** Structures accessory to a zone in rural zones are subject to the same size, height, and setback standards as required for primary structures. Examples of structures accessory to a zone in rural zones include a workshop, shed, storage building, barn, greenhouse, well house, garage, gazebo, heavy equipment storage, (except in the RCR and FCR zones) and similar structures. In addition the following standards apply (except in the AG, TM, and TPZ zones, where these standards do not apply):

1. The parcel where the structure is to be located must be 1-acre or more in size. Two or more adjacent parcels that are less than 1 acre in size but collectively exceed 1 acre in size, managed as a single use, may be developed with accessory structures.

F. **Structures Accessory to Development and Accessory to Zones in Commercial, Industrial, and Special Purpose Zones.** Structures accessory to development and accessory to a zone in Commercial, Industrial, and Special Purpose zones are subject to the same size, height, and setback standards as required for primary structures.

G. **Guest Houses.** Guest houses that comply with the following standards are permitted in all residential zones.

1. The floor area of a guest house shall not exceed 500 square feet.
2. Guest houses may include a small wet bar with a counter surface area less than 10 square feet (including sink), small sink (not to exceed 15 inches by 15 inches), and refrigerator with a volume of less than 5 cubic feet.

H. **Accessory Kitchen.** An accessory kitchen, no larger in size than 25 percent of the primary dwelling, is permitted in all zones allowing residences, with the approval of a Minor Use Permit. If an accessory kitchen is used for commercial purposes it must be permitted as a home occupation and be developed to commercial standards.

I. **Heavy Equipment Storage.** Heavy equipment storage pertains to the storage of heavy equipment (with a manufacturer’s gross weight of 10,000 pounds or more) used by individual contractors/drivers for off-site commercial jobs.

24-157 **Alternative Energy Structures**

TABLE 24-157-1  SOLAR ENERGY AND WIND ENERGY SYSTEMS

<table>
<thead>
<tr>
<th>Category</th>
<th>Solar Energy Systems</th>
<th>Wind Energy Systems</th>
</tr>
</thead>
<tbody>
<tr>
<td>Solar Energy Systems Allowed in Agriculture Zones</td>
<td>Tier 1, Roof-mount/ground up to ½ acre</td>
<td>Rooftop/Micro</td>
</tr>
<tr>
<td>Utility, Minor</td>
<td>Tier 2, &lt;15 percent of parcel size up to 5 acres, whichever is less</td>
<td>Agricultural</td>
</tr>
<tr>
<td>Utility, Accessory</td>
<td>Tier 3, &lt;30 percent of parcel size up to 20 acres, whichever is less</td>
<td>Small</td>
</tr>
</tbody>
</table>

[1] Grazing Land or “Other Land” as defined under the latest mapping under the California Department of Conservation Division of Land Resource Protection Farmland Mapping and Monitoring Program, and as shown under General Plan Agriculture Element, Figure AG-1.

[2] Only allowed on parcels not subject to a Williamson Act Contract, or if the landowner has rescinded the Williamson Act Contract and entered into a solar-use easement pursuant to State law for marginally productive or physically impaired farmland.


1. **Tier 1.** A roof-mounted Solar Electric System used to power on-site primary or accessory uses located on structures or placed over parking lots or a ground mounted Solar Electric System up to one-half acre in size. Tier 1 includes building-integrated photovoltaic systems where the Solar Electric System is part of the building materials used in the construction of on-site primary or accessory structures.

2. **Tier 2.** A ground-mounted Solar Electric System used to power on-site primary or accessory uses, limited to less than 15 percent of the parcel’s size up to 5-acres, whichever is less, with less than 50 percent of the power generated being used off-site.

3. **Tier 3.** A ground-mounted Solar Energy System, limited in Agriculture zones to “Grazing Land” and “Other Land” as defined under the latest mapping under the California Department of Conservation Division of Land Resource Protection Farmland Mapping and Monitoring Program, not subject to a Williamson Act Contract, and limited to less than 30 percent of a parcel’s size up to 20 acres maximum with 50 percent or more of the power generated for on-site primary and accessory uses, with the remainder of the power delivered off-site.

4. **Tier 4.** A ground-mounted Solar Energy System limited in Agriculture zones to “Grazing Land” and “Other Land” as defined under the latest mapping under the California Department of Conservation Division of Land Resource Protection Farmland Mapping and Monitoring Program, and not subject to a Williamson Act Contract, where most or all power generated is delivered off-site with little or no on-site use.

C. Standards, Solar Energy Systems. Solar Energy Systems are subject to the following additional standards:
1. Photovoltaic panel systems shall meet all applicable performance standards established by the National Electrical Code, the Institute of Electrical and Electronics Engineers, and the Public Utilities Commission regarding safety and reliability.

2. Ground-mounted photovoltaic panel systems shall be required to meet all setback areas of the applicable zone.

3. Height, Parcel Size and Setback for ground-mounted photovoltaic panel systems shall be in accordance with Table 24-157-2, except where a minor use permit has been approved allowing different standards.

<table>
<thead>
<tr>
<th>Parcel Size</th>
<th>Maximum Height</th>
<th>Setback</th>
</tr>
</thead>
<tbody>
<tr>
<td>&lt;2 acres</td>
<td>8 feet</td>
<td>As required by zone</td>
</tr>
<tr>
<td>2-10 acres</td>
<td>10 feet</td>
<td>As required by zone + 10 additional feet in or adjacent to Residential Zones</td>
</tr>
<tr>
<td>&gt;10 acres</td>
<td>15 feet</td>
<td>As required by zone + 15 additional feet in or adjacent to Residential Zones</td>
</tr>
</tbody>
</table>

4. Photovoltaic panel systems attached to the roof of a structure shall not project more than 6 feet above the maximum elevation of the roof. Projections greater than 6 feet but no more than 12 feet above the maximum elevation of the roof may be permitted with the approval of a minor use permit.

5. If the Solar Energy Facility is located on or adjacent to an agricultural zone, the applicant must acknowledge the County’s Right to Farm Ordinance and shall be required to record a Right to Farm Notice on their parcel prior to issuance of any Building Permits. This shall be included as a recommended condition of approval of the land use entitlement.

6. For Solar Energy Facilities in Scenic areas, as designated in the General Plan (Figures COS-7, and COS-9, Conservation and Open Space Element), efforts shall be made by the owner/installer of the Solar Energy Facility, to the maximum extent practicable, to shield the Solar Energy Facility from public view. On-site transmission and power lines shall, to the maximum extent practicable, be placed out of sight or underground.

7. A Solar Energy Facility, other than a minor utility system, that ceases to produce electricity on a continuous basis for 24 months shall be considered abandoned unless the property owner/developer demonstrates by substantial evidence satisfactory to the Development Services Department that there is no intent to abandon the facility. Parcel owners are required to remove all equipment and facilities and restore the site to original condition.

D. Definitions, Wind Energy Systems

1. Wind Energy System, Auxiliary Rooftop Structure. A roof-mounted wind energy conversion structure that is:
a. Seven feet or less in diameter,
b. Projects less than 10 feet above the highest point of the roofline on which it is installed,
c. Produces energy which is used primarily on the parcel on which it is located, or on adjacent parcels in common ownership with the subject parcel, and
d. Produces less than 6 decibels of noise above ambient levels, as demonstrated by product specifications to the satisfaction of the Director of Development Services.

2. **Wind Energy System, Micro.** A micro wind system is a very small wind system producing less than 1 kW that is:
   a. Ten feet or less in diameter;
   b. May be installed on a pole, 10 feet or more above the highest point on the roof, or other structural supports as allowed by applicable building codes;
   c. Produces energy which is used primarily on the parcel on which it is located, or on adjacent parcels in common ownership with the subject parcel; and
   d. Produces less than 6 decibels of noise above ambient levels, as demonstrated by product specifications to the satisfaction of the Director of Development Services.

3. **Wind Energy System, Agricultural.** Any wind energy conversion system rated 50 kW or less and located in an Agricultural, Rural Residential, Foothill Residential, or Timber Mountain zone, excluding Auxiliary Rooftop Structures.

4. **Wind Energy System, Small.** Any wind energy conversion system that is rated 30kW or less that will be used primarily to reduce on-site consumption of utility power, excluding Auxiliary Rooftop Structures and Micro Wind Energy Systems.

5. **Wind Energy System, Large.** Any wind energy conversion system that is larger than 50 kW in an Agricultural, Rural Residential, Foothill Residential, or Timber Mountain zone or larger than 30kW in other zones.

E. **Standards, Wind Energy Systems.** Wind Energy Systems are subject to the following additional standards:

1. Small, large, and agricultural wind energy systems shall not be permitted on land within the following locations:
   a. City Spheres of Influence, unless permitted by the City.
   b. Airport Land Use Compatibility Zones.
   c. Conservation, open space easements, or agriculture easements which do not allow wind energy systems.
   d. Alquist-Priolo Earthquake Fault Zones.

2. Wind energy systems shall not be permitted within 1,000 feet of the following:
   a. A residence, excepting residences on the same parcel and residences owned by the applicant.
   b. The VLDR, VLDCR, LDR, MDR, MHDR, HDR zones.
   c. A property listed on the National Register of Historic Places or the California Register of Historical Resources.
   d. Designated scenic resources.
3. The following requirements shall apply to Large and Small Wind Energy Systems not located within the Agricultural zone:
   a. Wind energy systems shall be painted a neutral, non-reflective color, except when obstruction marking is required for aviation purposes.
   b. Power lines shall be placed underground when feasible.
   c. Setbacks for all new facilities shall be located so that the distance from the base of the facility to the parcel boundary is equal to or greater than the height of the facility.
   d. Appropriate warning signs, no larger than 4 square feet, shall be placed on or near wind energy systems. Wind energy systems and related equipment will not be used to advertise or promote any product or service other than the manufacturer’s identification up to a size not to exceed 32 square feet.
   e. Noise levels resulting from normal operation of wind energy systems shall comply with Butte County Code Section 41A. Noise Control. Applications for wind energy systems shall submit noise specifications and/or noise studies demonstrating consistency with Butte County Code Section 41A. Noise Control.
   f. Wind energy systems shall be placed and oriented to avoid casting a shadow or causing ‘flicker’ on any off-site structure.
   g. Wind energy systems shall be removed if they remain inoperable for 24 consecutive months. After 24 months of nonuse, wind energy systems are subject to code enforcement actions.
   h. Wind energy systems shall not be placed on parcels less than 1-acre in size.

4. Agricultural wind energy systems and large wind energy systems located within the agricultural zone shall meet the following minimum setbacks and requirements:
   a. Where facilities are located in the Agricultural, Foothill Residential, Rural Residential and Timber Mountain zones and one of the following circumstances apply, the facility shall demonstrate the minimum setback distance required by the zone:
      1. The wind system is adjacent to an existing structure such as a barn, rice dryer, or other facility such that the facility will blend with the surrounding area; or
      2. The adjacent property owner(s) consent in writing to a lesser distance.
   b. Towers shall be obstruction marked and lighted in accordance with recommendations of the U.S. Department of Transportation Federal Aviation Administration’s Advisory Circular AC 70/7460-1K. Where feasible, steady burn lighting shall be used in place of flashing or strobe lighting.

5. Small wind energy systems shall comply with Wind Energy systems-General Requirements as set forth under this chapter, as well as the following:
   a. Small wind energy systems shall be designed and appropriately sized to serve the needs of the use on the site.
   b. The maximum height of any small wind energy system tower shall be:
      1. 60 feet on parcels less than 5 acres in size.
      2. 80 feet on parcels 5 acres or greater
      3. “Tower height” means the height above grade of the fixed portion of the tower, excluding the wind turbine/blade.
24-158 Animal Keeping

A. Purpose. It is the intent of the following regulations to allow persons to keep and maintain livestock on their private property in a manner that will protect the health, safety, and welfare of nearby residents, and to protect the health, safety, and welfare of animals.

B. Applicability.

1. The standards in this section apply only to the residential zones that allow for animal keeping, including the Foothill Residential (FR), Foothill Country Residential (FCR), Rural Residential (RR), Rural Country Residential (RCR), Very Low Density Residential (VLDR), and Very Low Density Country Residential (VLDCR) zones. Low Density Residential (LDR), Medium Density Residential (MDR), Medium High Density Residential (MHDR), High Density Residential (HDR), Very High Density Residential (VHDR) zones, and Mixed-Use (MU) zones. Animal keeping is not permitted in the Low Density Residential, Medium Density Residential, Medium High Density Residential, High Density Residential, or Very High Density Residential zones. These standards do not apply to the keeping of animals in the Agriculture (AG), Timber Mountain (TM), or Timber Production (TPZ) zones.

2. The standards in this section do not apply to the keeping of household pets. Refer to Butte County Code Section 24-165 (Kennels) for personal and commercial kennels and Butte County Code Chapter 4 (Animals) for the keeping of cats and dogs.

C. Animal Density.

1. For parcels located within the Rural Residential (RR), Rural Country Residential (RCR), Foothill Residential (FR), Foothill Country Residential (FCR), Very Low Density Residential (VLDR), and Very Low Density Country Residential (VLDCR), Low Density Residential (LDR), Medium Density Residential (MDR), Medium High Density Residential (MHDR), High Density Residential (HDR), Very High Density (VHDR), and Mixed-Use (MU) zones, the following area requirements shall be allotted to each animal unit, and shall be required for each animal unit kept on the premises:

a. Animal Unit Defined.
   1. An animal unit (AU) is equal to one mature horse, or one mature cow, or three mature swine (lactating), or five mature sheep, or five mature goats, or five mature alpacas. Exotic animals, including, but not limited to, llamas and camels, shall be equal to one animal unit.
   2. Immature animals are not subject to the animal density requirements under this section.

b. Mature Animal Defined. Table 24-158-1 (Mature Animals by Weight) provides a guide for defining a mature animal by weight.

c. Companion Animal Allowance. If the parcel size permits only one animal, an additional one animal shall be allowed.

d. Animal Units Allowed by Zone and Parcel Size. Table 24-158-2 (Permitted Animal Units) identifies the maximum permitted number of animal units allowed by zone and parcel size.
   1. No animal keeping shall be allowed on parcels less than 1-acre in size.
   2. Parcels 1 to less than 20 acres in size. Density shall be no more than 1 animal unit/acre. Supplemental feed will be required during specific times of the year to maintain the normal
health and Body Condition Score (BCS) that does not violate any section of the State of California Penal Code or Chapter 4 of the Butte County Code. The total acreage of two or more adjacent parcels managed as a single agricultural operation shall be used to calculate the number of permitted animal units.

3. Parcels 20 acres or more in size. An animal unit/acre density measurement is not imposed. Supplemental feed may be required during specific times of the year to maintain the normal health and Body Condition Score (BCS) that does not violate any section of the State of California Penal Code or Chapter 4 of the Butte County Code. Two or more adjacent parcels that are less than 20 acres in size but collectively exceed 20 acres or more in size, managed as a single agricultural operation shall be subject to the 20 acres or more standard set forth under this table.
TABLE 24-158-1  MATURE ANIMALS BY WEIGHT

<table>
<thead>
<tr>
<th>Animal</th>
<th>Weight Range (lbs)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Cows</td>
<td>1,000 to 1,400</td>
</tr>
<tr>
<td>Ewes / Sheep</td>
<td>110 to 198</td>
</tr>
<tr>
<td>Swine (lactating)</td>
<td>320 to 410</td>
</tr>
<tr>
<td>Horses</td>
<td>880 to 1,980</td>
</tr>
<tr>
<td>Alpaca</td>
<td>150 to 352</td>
</tr>
<tr>
<td>Goats</td>
<td>22 to 110</td>
</tr>
</tbody>
</table>

Source: National Research Council.

TABLE 24-158-2  PERMITTED ANIMAL UNITS

<table>
<thead>
<tr>
<th>Parcel Size</th>
<th>Zone</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>1 to less than 20 acres</td>
</tr>
<tr>
<td></td>
<td>20 acres or more</td>
</tr>
<tr>
<td>Very Low Density Residential / Very Low Density Country Residential</td>
<td>1 au / acre (see note [1])</td>
</tr>
<tr>
<td>Rural Residential / Rural Country Residential</td>
<td>1 au / acre (see note [1])</td>
</tr>
<tr>
<td>Foothill Residential / Foothill Country Residential</td>
<td>1 au / acre (see note [1])</td>
</tr>
</tbody>
</table>

Notes:
[1] Supplemental feed will be required during specific times of the year to maintain the normal health and Body Condition Score (BCS) that does not violate any section of the State of California Penal Code or Chapter 4 of the Butte County Code. The total acreage of two or more adjacent parcels managed as a single agricultural operation shall be used to calculate the number of permitted animal units.
[2] An au/acre measurement is not imposed for parcels 20 acres in size or more. Supplemental feed may be required during specific times of the year to maintain the normal health and Body Condition Score (BCS) that does not violate any section of the State of California Penal Code or Chapter 4 of the Butte County Code. Two or more adjacent parcels that are less than 20 acres in size but collectively exceed 20 acres or more in size, managed as a single agricultural operation shall be subject to the 20 acres or more standard set forth under this table.

D. Exceptions.

1. Educational Project Exemption.
   a. Temporary education projects, including, but not limited to FFA, 4-H, and school projects, conducted by students through the twelfth grade and under the direct supervision of a qualified, responsible adult advisor or instructor, shall be exempt from the requirements of subsection (C) above. The current animal husbandry standards for keeping animals must be followed.
   b. The animal units shall be maintained in a healthy and sanitary manner that does not violate any section of the State of California Penal Code or Chapter 4 of the Butte County Code.

2. Rotational Grazing.
   a. Area requirements do not apply to rotationally-grazed parcels of 20 acres or more in size so long as the animal units are maintained in a healthy and sanitary manner that does not violate any section of the State of California Penal Code or Chapter 4 of the Butte County Code.
E. **Minor Use Permits Required.** On all parcels of property less than 20 acres in size, a Minor Use Permit shall be required for:

1. The keeping of such animals (horses, cattle, swine, sheep, goats, and alpacas) at greater densities than allowed pursuant to subsection (C) above.
2. The keeping of poultry and rabbits for the purpose of sale of said animals or their products on a continuing basis.

Minor Use Permits approved pursuant to this section shall specify that animals are maintained in a healthy and sanitary manner that does not violate any section of the State of California Penal Code or Chapter 4 of the Butte County Code.

F. **Penalties.** Violations of this section may be charged as either an infraction or misdemeanor.

G. **Setbacks.** The following setbacks are established for corrals and other animal containment structures; shall be setback a minimum of 25 feet from any dwelling either on- or off-site.

1. In the Foothill Residential (FR), Foothill Country Residential (FCR), Rural Residential (RR), Rural Country Residential (RCR), Very Low Density Residential (VLDR), and Very Low Density Country Residential (VLDCR) zones the minimum setback shall be 25 feet from any dwelling either on- or off-site.
2. In the Low Density Residential (LDR), Medium Density Residential (MDR), Medium High Density Residential (MHDR) High Density Residential (HDR) and Mixed-Use (MU) zones the minimum setback shall be 50 feet from any dwelling either on- or off-site.

H. **Keeping of Hens and Roosters.** This section only applies to the Very Low Density Residential (VLDR), Very Low Density Country Residential (VLDCR), Low Density Residential (LDR), Medium Density Residential (MDR), and Medium High Density Residential (MHDR) High Density Residential (HDR), and Mixed-Use (MU) zones notwithstanding Section 24-158.B (Applicability). These standards do not apply to the keeping of animals in the Agriculture (AG), Timber Mountain (TM), Timber Production (TPZ), Foothill Residential (FR), Foothill Country Residential (FCR) or Rural Residential (RR) Rural Country Residential (RCR) zones. The following standards are applicable to the keeping of hens and roosters:

1. Roosters shall not be permitted on any parcel less than 5 acres in size.
2. Hens are limited to 15 maximum per 5,000 square feet of fenced yard area or pen not covered by buildings. This limit may be calculated on a pro rata basis.
3. Setbacks for structures related to the keeping of hens and roosters shall be pursuant to Section 24-156, Accessory Uses and Structures.

24-159 **Child Care Facilities**

A. **Applicability.** The standards in this section apply to Child Day Care, Small; Child Day Care, Large; and Child Care Centers as defined in Article 42 (Glossary).
B. **Location.** Child care facilities shall be permitted in zones as provided in Part 2 (Zoning Districts, Land Uses, and Development Standards).

C. **General Standards.** The following standards apply to all types of child care facilities.

1. All required State licenses and permits shall be obtained or applied for prior to applying for a permit to operate a child care facility. No County permit shall be effective until satisfactory evidence has been provided to the County demonstrating that all necessary State licenses and permits have been obtained.

2. All areas designated for active play shall only be located in a street side yard or rear yard, and shall be located at least 10 feet from any public street.

D. **Child Day Care Facilities.** The following standards apply to small and large child day care facilities.

1. Hours of operation shall not exceed 12 hours per day.

2. The facility shall be located in a dwelling unit that is the principal residence of the provider and the use shall be clearly incidental and secondary to the use of the property for residential purposes.

3. All play areas shall be enclosed by a 6-foot high fence or wall.

4. Any interior expansion, modification, or alteration of a residential unit necessary for the operation of a child day care facility shall be reviewed and approved by the Zoning Administrator pursuant to the California Building Code for residential occupancies, prior to the approval of child care center.

E. **Large Child Day Care Facility.** The following standards apply only to large child day care facilities.

1. No new large child day care facility may be located within 500 feet of an existing large child day care facility or child day care center.

2. Large child day care facilities located on principal or minor arterial roads as designated by the Department of Public Works shall provide drop-off and pick-up areas which prevent vehicles from backing onto such roads.

3. Properties proposed for large child day care facilities shall have frontage on and access off a paved road. Roads that are constructed for the purpose of meeting this requirement shall be in conformance with the Butte County Improvement Standards.

4. All play areas shall be enclosed by a 6-foot high fence or wall.

F. **Child Care Centers.** The following standards apply only to child care centers.

1. If the child care center cares for 15 or more children in the facility at one time, the operator shall notify the parents of all children.

2. The operator shall obtain the written consent of the property owner where the child care center is located.

3. Outside play areas shall be a minimum of 75 square feet per child, excluding infants.
4. Child care centers located on principal or minor arterial roads as designated by the Department of Public Works shall provide drop-off and pick-up areas which prevent vehicles from backing onto such roads.

5. Properties proposed for child care centers shall have frontage on and access off a paved road. Roads that are constructed for the purpose of meeting this requirement shall be in conformance with the Butte County Improvement Standards.

24-160 Drive-Through Facilities

A. Location. Drive-through facilities shall be permitted in zones as provided in Part 2 (Zoning Districts, Land Uses, and Development Standards).

B. Drive-Through Aisles. Drive-through aisles in drive-through facilities shall:
   1. Provide a minimum width of 11 feet on straight sections and 12 feet on curved sections;
   2. Be screened by landscape berms or low garden walls; and
   3. Provide a queuing lane sufficient to accommodate five vehicles within the facilities parking lot.

C. Landscape Buffer. A minimum 25-foot-wide landscaped buffer shall be provided between drive-through aisles in a drive-through facility and any abutting residentially-zoned property.

D. Point of Exit. No drive-through aisle shall exit directly onto a public street or alley.

E. Location of Queuing Area. For drive-through facilities serving eating establishments, the queuing area shall occur before the point of food ordering.

F. Noise.
   1. Drive-through facilities that utilize speaker or microphone stations for the placing or receiving of customer orders shall locate the station a minimum of 50 feet from any residentially-zoned property.
   2. Noise emanating from a speaker or microphone station shall not be audible beyond the property line.

24-161 Emergency Shelters – Permanent

A. Applicability. The standards in this section apply to emergency shelters as defined in Article 42 (Glossary).

B. Number of beds. The number of beds in an emergency shelter shall not exceed 60.

C. Proximity to other emergency shelters. No emergency shelter may be located within 300 feet of another emergency shelter.

D. Length of Stay. Temporary shelter may be provided for no more than six months per calendar year for each resident.

E. Management Plan. The shelter operator shall prepare and submit to County staff a written management plan describing provisions for staff training, neighborhood outreach, security, screening of residents to
ensure compatibility with services provided at the facility, and for training, counseling, and treatment programs, and a 24-hour on-site caretaker for residents.

F. Services. Staff and services shall be provided to assist residents to obtain permanent shelter.

G. Laundry Facilities. Emergency shelters shall provide laundry facilities or services for residents.

H. Lighting. All exterior lighting associated with an emergency shelter shall be located, adequately shielded, and directed such that no direct light falls outside the property perimeter, or into the public right-of-way.

24-162 Home Occupations

A. Types of Home Occupations.

1. **Home Office.** A business limited to the use of a home computer, phone, desk, and related office equipment. Home offices do not involve client visits or employees and deliveries would be no more than what is typical of a residential use.

2. **Cottage Food Operation, Limited.** A business, pursuant to the California Health and Safety Code, where a cottage food operator resides and where cottage food products (identified on the list of approved cottage food categories established and maintained by the California Department of Public Health) are prepared or packaged, and registered or permitted by the Environmental Health Division of the Butte County Public Health Department for sale to a consumer or third-party retailer. The Cottage Food Operations, Limited, use does not allow customers to purchase cottage food directly from a residence.

3. **Minor Home Occupations.** Types of minor home occupations include professional offices for accountants, architects, one-on-one instruction such as tutoring and music lessons, computer programmers, engineers and other similar professions; art studios; telephone sales and surveys; and domestic services, laundry, ironing, and sewing, and the uses described under Cottage Food Operation, Limited but allowing for direct sales of cottage food products to customers from a residence.

4. **Major Home Occupations.** Types of major home occupations include, equipment repair, contractor’s office, dog grooming, hairdressing, light assembly and shipping, catering, food processing, home professional offices, and the uses described under Cottage Food Operation, Limited but allowing for direct sales of cottage food products to customers from a residence.

B. Permit Required.

1. **Home Office.** The establishment of a Home Office use and a Cottage Food Operation, Limited use are permitted uses in all zones allowing residences.

2. **Minor Home Occupations.** The establishment of a minor home occupation requires the approval of an Administrative Permit.

3. **Major Home Occupations.** The establishment of a major home occupation requires the approval of a Minor Use Permit.
4. **Cottage Foods.** Cottage Food Operations must be approved by the Butte County Environmental Health Division of the Butte County Public Health Department pursuant to the California Health and Safety Code.

C. **Standards.** Minor Home Occupations and Major Home Occupations shall comply with the following standards:

1. **Relationship to Dwelling Unit.** The home occupation shall be clearly incidental and subordinate to the primary residential use of the dwelling unit.

2. **Storage. Outdoor Storage Prohibited.** Goods and materials associated with a home occupation shall be stored within an enclosed structure. Outdoor storage is prohibited. The storage of flammable, combustible, or explosive materials shall be prohibited.

3. **Vehicles.** No additional vehicles, except for those that would ordinarily be located at a place of residence, shall be permitted in conjunction with the home occupation.

4. **Hazardous Materials.** The use or storage of hazardous materials that are not incidental to the residential use of the property is prohibited.

5. **Performance Standards.** Home occupations shall not generate dust, odors, noise, vibration, or electrical interference or fluctuation that is perceptible beyond the property line.

6. **Deliveries.** Deliveries and pick-ups for home occupations shall not exceed the volume normally associated with residential uses, shall not interfere with vehicle circulation, and shall occur only between 8:00 a.m. and 8:00 p.m., Monday through Saturday.

7. **Size.** Home occupations shall be located within the dwelling unit, attached garage, or detached garage or accessory structure, and shall not occupy more than 25 percent of the gross floor area of the dwelling unit.

8. **Employees.** Employees of a home office and a minor home occupation shall be limited to the persons residing in the dwelling unit. Major home occupations are allowed two additional persons in addition to those residing in the dwelling unit.

9. **Clients.** No clients are permitted to visit a home office. Not more than six clients per day are permitted to visit a minor home occupation. Not more than 12 clients per day are allowed to visit a major home occupation. Hours for visits shall be between 8:00 a.m. and 8:00 p.m.

10. **Signs.** One single, non-illuminated wall-mounted sign of not more than 6 square feet in area is permitted.

11. **Building Code.** Minor and major home occupations shall comply with accessibility requirements of the California Building Code, including parking and path of travel into the dwelling.

D. **Suspension of Permit.** The Zoning Administrator may suspend the approval of a home occupation if any of the following applies:

1. The home occupation has become detrimental to public health, safety, welfare, or character of a neighborhood, or constitutes a hazard or nuisance to pedestrian or vehicular circulation or parking;
2. The home occupation does not commence within one year of approval; or
3. The home occupation ceases for a period greater than one year.

24-163 Large Retail Projects

A. Applicability. The standards in this section apply to any new large retail project. Large retail projects are defined as any development project with 50,000 square feet or more of floor area occupied by a retail use.

B. Location: Large retail projects shall be permitted in zones as provided in Part 2 (Zoning Districts, Land Uses, and Development Standards).

C. Permit Required. A large retail project requires Planning Commission approval of a Conditional Use Permit.

D. Submittal Requirements. In addition to the materials required by Article 27 (Permit Application and Review), all applications for approval of a large retail project shall provide the following information and materials:

1. A site plan identifying the exact location of each proposed building, all traffic and parking areas, designated service areas, pedestrian walkways and sidewalks, and designated outdoor display and sales areas. The design of all traffic and parking areas shall show all adjacent public and private streets and roads, traffic signals, traffic lanes, entry ways, fire lanes and all parking areas, including, but not limited to, a depiction of each required fire lane and parking space.

2. A complete landscaping plan depicting vegetation, location, species, and size.

3. A complete lighting plan, showing location and type of all lighting, including, but not limited to, building, signage and parking illumination, including specifications on height, intensity or brightness, radiation pattern, and required light shielding.

4. A complete signage plan, identifying the location, height, lighting, and content for all proposed signs.

5. A colored facade rendering for each building.

E. Location. Large retail projects are permitted only within the General Commercial (GC) zone.

F. Design Standards. The following standards shall be required for all large retail projects.

1. Facades.
   a. No uninterrupted or unadorned length of any portion of a building shall exceed 20 feet in length. The following features may be used to interrupt or adorn facades: changes in plane, pilasters, column, canopies, porticos, arcades, colonnades, and or parapets.
   b. When a single building contains multiple stores that are each less than 50,000 square feet of floor area with separate exterior customer entrances, the street level facade of each store shall provide fenestration along the horizontal length of the building facade of each store.
   c. Fenestration shall be provided along the horizontal length of the building facade.

2. Materials. Predominant exterior building materials shall include architectural or split face block, brick, glass, wood, stucco, artificial stucco, stone, or concrete with architectural finish.
3. **Entryways.** Customer entrances shall be clearly defined and shall include at least two of the following features: canopies, porticos, overhangs, recesses, projections, arcades, raised above-the-doorway cornice parapets, peaked roof forms, arches, outdoor patios, display windows, integrated architectural details such as tile work, moldings, planters or wing walls, or landscaped sitting areas.

4. **Roofs.** Flat roof lengths longer than 100 feet in length, rooftop equipment, and heating, ventilating and air conditioning (HVAC) units shall be concealed from any facade view of adjacent residential land uses and public rights-of-way.

5. **Signage.** All signage shall be designed as part of an integrated project design and shall be compatible with the primary building design.

6. **Lighting.** All outdoor lighting shall be located, adequately shielded, and directed such that no direct light falls onto any neighboring residential property.

7. **Pedestrians.** Encourage pedestrian-oriented design, increasing safety between pedestrians and motorists, and providing interconnectivity between buildings, parking areas and other internal/external components

G. **Conflicts with California Building Code.** In case of any conflict between this section and the California Building Code, the California Building Code shall prevail.

H. **Violations.** Notwithstanding any provision of the Zoning Ordinance to the contrary, including, but not limited to, the definitions of Public Nuisance set forth in Butte County Code Section 32A-2, any violation of any provision of this section is a public nuisance, and the Director of Development Services may utilize the nuisance abatement procedure and provisions of Butte County Code Chapter 32A, as well as all other remedies now or hereafter available, to abate or otherwise regulate or prevent violations of this section.

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24-164 **Live/Work Units**

A. **Location:** Live/Work Units shall be permitted in zones as provided in Part 2 (Zoning Districts, Land Uses, and Development Standards). Live/Work Units are defined as buildings or spaces within buildings that are used jointly for commercial and residential purposes.

B. **Limitations on Use.**

1. Non-residential uses within a live/work unit shall be only those uses allowed by the zone in which the live/work unit is located.

2. The owner or operator of the non-residential use within a live/work unit shall reside within the live/work unit.

3. The exclusive residential use of a live/work unit shall be prohibited.

C. **Prohibited Uses.** The following uses are not permitted as part of a live/work unit:

1. Adult-oriented businesses.

2. Vehicle sales, service, maintenance or repair.
3. Welding, machining or open-flame work, unless confined to a separate building from any live/work unit.

4. Any use that might affect the health or safety of nearby residents or tenants because of its potential to create dust, noise, vibration, noxious gases, odors, smoke, or any other negative impacts.
D. Design Standards.

1. **Compatibility.** Live/work units shall be designed to be compatible with neighboring structures and uses.

2. **Amenities.** Live/work units shall be equipped with a kitchen space and sanitary facilities.

3. **Commercial or Industrial Use.** Live/work units shall be designed to accommodate commercial or industrial work through appropriate ventilation, flooring, and storage spaces similar to the types of finishes commonly found in comparable commercial or industrial facilities.

E. Operating Standards.

1. **Live/Work Space.** Living space within a live/work unit shall not be separately sold or rented for persons not working within the unit. Likewise, working space shall not be separately sold or rented for persons not living within the unit.

2. **Employees.** Employment within a live/work unit shall be limited to persons residing in the unit and two additional persons.

3. **Vehicles.** No truck or van with a payload rating of more than 2 tons shall be parked on or in front of a parcel occupied by a live/work unit.

4. **Deliveries.** Deliveries to and pick-ups from a live/work unit shall not interfere with vehicle circulation and shall occur only between 8:00 a.m. and 8:00 p.m., Monday through Saturday.

5. **Fire Hazards.** Welding, machining, or open-flame work shall be completely enclosed in a separate building during work activities so as to restrict light and glare from welding and other uses from impacting the surrounding neighborhood.

6. **Occupancy Separations.** Non-residential uses located in a separate building from a live-work unit shall comply with all applicable County regulations for that use. Proper occupancy separations shall be provided between live/work units and non-residential uses in separate buildings as determined by the Chief Building Official.

7. **Hazardous Materials Business Plan.** For uses that involve the handling or storage of hazardous materials, the applicant shall submit a Hazardous Materials Business Plan to the Butte County Environmental Health Division as required by Chapter 6.95 of Division 20 of the California Health and Safety Code (Section 2550 et seq.).

8. **Noise.** Notwithstanding the standards contained in Chapter 41A, Noise Control, noise levels shall be maintained at or below 65 decibels as measured at the closest property line at all times. No fabrication or construction shall take place outside that would create a noise level exceeding 65 decibels at the property line.

9. **Outdoor Storage.** Outside storage is prohibited. All supplies and storage materials shall be stored inside of buildings at all times.

10. **Garbage enclosures.** Garbage/recycling bins shall be stored in a manner that is screened from public view at all times.
24-165 Kennels

A. Types of Kennels.

1. Commercial Kennels
   a. Kennels that do not meet the definition of a personal kennel or a personal hardship kennel are classified as an Animal Services land use.
   b. Commercial kennels are subject to all land use regulations and permit requirements that apply to the Animal Services land use classification under the Use Regulation Tables.

2. Personal Kennels
   a. Kennels accessory to an on-site residential use (“personal kennels”) require the approval of a Minor Use Permit.
   b. A personal kennel is permitted on any parcel occupied by a residential use provided that all standards in this section are met.

3. Personal Hardship Kennels
   a. The Zoning Administrator may approve a personal hardship kennel for a one-year period due to death, hardship, illness, or military deployment of a family member. An additional one-year extension may be approved by the Zoning Administrator if the conditions initially necessitating a personal hardship kennel remain present upon the completion of the one-year period.
   b. A personal hardship kennel requires the approval of an Administrative Permit.
   c. Personal hardship kennels shall allow no more dogs than specified under the permit, not to exceed 10 dogs. Confinement shall be adequate to prevent dogs from running at large. No breeding of dogs or boarding of new dogs shall be allowed. The use shall cease upon resolution of the hardship.

B. Standards Applying to All Kennels.

1. Parcel Size. The minimum parcel size for a kennel shall be 2 acres, except for personal hardship kennels which shall be 1 acre.

2. Outdoor Kennels. All areas where dogs are housed outdoors shall have roofing as required by Butte County Animal Control.

3. Indoor Kennels. All areas where dogs are housed indoors shall have ventilation as required by Butte County Animal Control.

4. Outside Flooring. Exercise areas that are separate from housing kennels may have flooring other than cement (e.g. grass, gravel) and shall be free of standing water or mud.

5. Identification. Individual kennels shall be clearly labeled with:
   a. Photo of dog;
   b. Dog name;
   c. Dog description;
   d. Rabies vaccination information;
   e. Microchip numbers (if applicable);
   f. Dog owner’s name and contact information; and
g. Other distinguishing information.

6. **Setbacks.** All kennel structures and facilities shall be setback a minimum of 150 feet from any property line, except for personal hardship kennels, which shall be in accordance with Section 24-156 (Accessory Uses and Structures).

7. **Screening.** Kennel enclosures shall be screened by an opaque fence of a minimum of 6 feet in height.

8. **Outdoor Uses.** Outdoor exercise areas, runs, or yards may be used only during daylight hours.

9. **Sanitation.** Kennels shall be kept in a clean and sanitary manner by the daily removal of waste and by the use of spray and disinfectants to prevent the accumulation of flies, the spread of disease, or offensive odor.

10. **Odors.** Animal odors shall not be detectable beyond the property lines of the property where the kennel is located.

11. **Dust and Drainage.** Dust and drainage from the kennel enclosure shall not create a nuisance or a hazard to adjoining property or uses.

12. **Breeding.** Breeders shall obtain a commercial kennel permit issued by Butte County Animal Control.


14. **Noise Standards.** Noise standards shall be regulated pursuant to Butte County Code Chapter 41A Noise Control, Section 41A-7 Exterior Noise Standards and Section 41A-8 Interior Noise Standards. The County may conduct field testing to verify noise levels, or the County may require the operator to hire an acoustical consultant to conduct field testing. If the operator is required to verify noise levels, a test report showing compliance shall be provided by the operator and submitted to the Director of Development Services at the operator’s expense. For the purpose of evaluating conformance with the standards of this section, noise levels shall be measured in accordance with Butte County Code Chapter 41A. Noise Control.

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**24-166 Marijuana Dispensaries**

Marijuana dispensaries shall be a prohibited use within Butte County.

**24-167 Mobile Home Parks**

A. **Use Regulations.**

1. **Location.** Mobile home parks shall be permitted in zones as provided in Part 2 (Zoning Districts, Land Uses, and Development Standards).

2. **Primary Use.** Mobile homes with a minimum of 320 square feet of floor area (8 x 40 feet) are permitted as the primary use within mobile home parks.
3. **Accessory Uses.** The following accessory uses shall also be permitted within mobile home parks:
   a. Management office and maintenance equipment storage.
   b. Coin-operated laundry and dry cleaning facilities, for residents only.
   c. Vending machines, for residents only.
   d. Noncommercial recreation, meeting halls, clubhouses, and swimming pools.
   e. Storage facilities, for residents only.
   f. Chapels and other religious buildings.
   g. Car washing facilities, for residents only.
   h. Other uses which are clearly incidental and subordinate to the primary use.

B. **Property Standards.**
   1. **Minimum Site Area.** The minimum site area for a mobile home park shall be 10 contiguous acres.
   2. **Minimum and Maximum Density.** The minimum and maximum residential density for a mobile home park shall be as established by the zone in which the mobile home park is located.
   3. **Parking.**
      a. The number of parking spaces shall be provided as required in Section 24-93 (On-Site Parking Requirements).
   4. **Setbacks.**
      a. All structures within a mobile home park shall be setback a minimum of 25 feet from any public road.
   5. **Utilities.** All utilities shall be installed underground.
   6. **Population Density.** Not more than one single-family mobile home may be placed on a mobile home site.

C. **Walls and Fences.**
   1. The Zoning Administrator may require walls or fences around the perimeter of a mobile home park that abuts a public road. The height, construction, and type of material for such perimeter walls or fences shall be as specified by the Zoning Administrator (Article 13 (Walls and Fences)).

D. **Mobile Home Park Streets.** Mobile home park streets shall be provided in such a pattern as to provide convenient traffic circulation within the mobile home park and to surrounding county roads. Streets shall be constructed to the following standards:
   1. Mobile home park streets shall be paved in accordance with State of California standards.
   2. Drainage facilities and encroachments to public roads shall be in conformity with Department of Public Works standards.

E. **Mobile Home Park Amenities.**
   1. **Storage Areas.** Areas used for storage of travel trailers, boats, and other such items may be established in a mobile home park for residents only provided they are adequately screened from public view and occupy no more than 20 percent of the mobile home park site.
F. **Dogs and Animals.** Dogs and other household pets shall not be permitted to run at large in any mobile home park.

G. **Transient Spaces.** Sites reserved for transient mobile homes shall be so designated on an approved mobile home park master development plan. The site development standards of this section shall apply to sites reserved for transient mobile homes.

### 24-168 Outdoor Displays and Sales

A. **Zones Permitted** Outdoor display of retail goods is permitted as an accessory use to a permitted commercial use in the General Commercial (GC), Neighborhood Commercial (NC), Community Commercial (CC), and Mixed Use (MU) zones.

B. **Permit Required.** Permanent outdoor display areas require the approval of an Administrative Permit. Permit applications shall include a site plan that identifies the location, area, and boundaries of the outdoor display. The Zoning Administrator may also request additional information deemed necessary to demonstrate compliance with the standards in this section.

C. **Height.** Displayed items shall not exceed 6 feet in height.

D. **Goods Permitted.** Displayed items shall be of the same type that are lawfully displayed and sold inside the building occupied by the primary commercial use. Only the business or entity occupying the building may display and sell merchandise in an outdoor display area.

E. **Hours.** Items shall be displayed only during operating hours of the primary commercial use. Items shall be removed from display and moved into a permanently enclosed structure upon close of business.

F. **Screening.** The Zoning Administrator may require that sales areas and activities be screened from view from adjacent streets with a solid wall, fence, or landscaped berm.

G. **Location.**
   1. All outdoor displays shall be located on the same parcel as the associated primary use.
   2. Display areas shall not be placed within any permanent landscaped area, required parking space, or loading area.
   3. No items shall be displayed within the public right-of-way.
   4. Display areas shall not be placed in a location that would cause a safety hazard, obstruct the entrance to a building, encroach upon driveways, or otherwise create hazards for pedestrian or vehicle traffic.

### 24-169 Public/Mini Storage

A. **Location.** Public/mini storage facilities shall be permitted in zones as provided in Part 2 (Zoning Districts, Land Uses, and Development Standards).

B. **Prohibited Uses.** Public/mini storage facilities shall be used exclusively for the storage of goods. The following uses shall be prohibited in public/mini storage facilities:
   1. Automotive repair.
2. Practice facilities for musical bands.
3. Living quarters for human habitation.
4. The keeping of live animals.
5. Storage of hazardous materials.
6. Metal, wood, or other working shops, whether as a business or hobby.
7. Any business activity.

C. **Enclosure of Stored Materials.** Outdoor storage within a public/mini storage facility shall be prohibited, except that boats and recreational vehicles may be stored outside if screened from public view.

D. **Setbacks.**
1. Public/mini storage structures shall be setback a minimum of 20 feet from any public street.
2. Public/mini storage structures over one story shall be setback a minimum of 30 feet from any property line.

E. **Utilities.** Individual personal storage units in a public/mini storage facility shall not have separate water, sewer, or electrical services, except to serve needed lighting and security purposes.

F. **Walls and Screening.**
1. Landscaping shall be provided continuously along any frontage of a public/mini storage facility on public streets, excepting authorized entry points.
2. A major corner landscape feature, consisting of a combination of undulating berms, low garden or rock garden, walls, trees, flowering shrubs, ground cover, shall be provided at the corner of a parcel in cases where a property occupied by a public/mini storage facility is located at the intersection of two or more streets.
3. Exterior walls shall be constructed of decorative block, concrete panel, stucco, or similar material. Exterior walls shall include architectural relief through height variations, the use of architectural caps, attractive posts, or similar measures. Gates through exterior walls shall be decorative iron or similar material. Chain-link or wood fencing or gating is prohibited.
4. All mechanical equipment (e.g., ventilation systems, HVAC units) shall be screened by roofs, fences, or by other means so that it is not visible from public roads or by users of adjacent properties.

G. **Lighting.**
1. Wall-mounted lights shall be located below the roofline of the buildings and shall be shielded and downward facing.
2. Freestanding lighting in a public/mini storage facility shall be no greater than 16 feet in height and shall be setback a minimum of 50 feet from property lines adjacent to residential uses.
H. Structure and Site Design.

1. Entrance doors to storage compartments shall not front onto any public street.

2. Structure walls shall be constructed of tinted or face block, stucco, brick, stone, architectural concrete masonry units, or other similar material.

3. A change in structure wall plane of at least 12 inches shall be used at least every 60 feet. Additionally, structure walls adjacent to or visible from a public street or abutting public property and 60 feet or more in length shall have offset areas of at least 4 feet in depth.

4. Roofs shall have a minimum pitch of 4 to 1. Metal roofs shall have a flat finish to reduce reflective glare. A change in roof plane of at least 12 inches shall occur at least every 60 feet.

5. Prefabricated shipping containers shall not be used for mini-storage facilities.

6. Drive aisles servicing metal frame mini-storage buildings shall be a minimum width of 24 feet.

7. Boats and recreational vehicle spaces shall have a 12-foot minimum width to ensure adequate access and maneuvering space.

8. Trash collection areas shall be provided as part of a public/mini storage facility. Collection areas shall be screened by either a minimum 6-foot-high solid masonry wall, an attractive wall of similar opaque material, or by the facility's buildings. Collection areas shall provide for easy access by mini-storage unit users.

9. The primary entrance to a public/mini storage facility sales office shall be clearly identifiable. The sales office may be recessed or framed by a sheltering element such as an awning, arcade, or portico.

24-170 Recycling Collection Facilities

A. Applicability. The standards in this section apply to recycling collection facilities as defined in Article 42 (Glossary).

B. Location. Recycling collection facilities shall be permitted in zones as provided in Part 2 (Zoning Districts, Land Uses, and Development Standards).

C. Reverse Vending Machines.

1. Accessory Use Only. Reverse vending machines are allowed only as an accessory use to a commercial, industrial, or public use permitted in the applicable zone.

2. Location.
   a. If located outside of a structure, reverse vending machines shall be located within 50 feet of the entrance to the primary structure on the parcel and shall not obstruct pedestrian or vehicular circulation.
   b. Reverse vending machines shall not occupy required on-site parking spaces.

3. Size. Reverse vending machines shall occupy no more than 50 square feet of floor space per unit, including any protective enclosure, and shall be no more than 8 feet in height.
4. **Signs.** The maximum sign area shall be 4 square feet per unit, exclusive of operating instructions, and shall be located on the unit.

D. **Small Collection Facilities.**

1. **Location.**
   a. Small collection facilities shall not be located within 50 feet of a residential zone.
   b. Small collection facilities shall be set back at least 10 feet from any public right-of-way and shall not interrupt pedestrian or vehicular traffic.

2. **Size.** A small collection facility shall occupy no more than 500 square feet of area.

3. **Screening.** Small collection facilities adjacent to a residential zone shall be enclosed in a structure or screened from view by an opaque fence or wall at least 6 feet in height.

4. **Operating Standards.** Small collection facilities shall not use power-driven processing equipment and shall only accept glass, metal, plastic containers, paper, and reusable items.

E. **Large Collection Facilities.**

1. **Location.** A large collection facility shall be located at least 250 feet from a residential zone.

2. **Screening.** Large collection facilities shall be enclosed in a structure or screened from view by an opaque fence or wall at least 6 feet in height.

3. **Operating Standards.** Power-driven processing shall not produce dust, fumes, odor, smoke, or vibration in excess of ambient levels.

F. **Processing Facilities.**

1. **Location.** Parcels occupied by a processing facility shall not abut a residential zone.

2. **Allowed Activities.** Baling, compacting, crushing, grinding, shredding, sorting, and repairing are allowed. Only beverage and food containers may be baled, compacted, or shredded.

3. **Size.** Processing facilities shall not exceed 45,000 square feet of floor area.

4. **Exterior Storage.** Exterior storage of material shall be located in sturdy storage containers, or be enclosed.

5. **Screening.** Processing facilities shall be enclosed in a structure or screened from view by an opaque fence or wall at least 8 feet in height.

6. **Operating Standards.** Dust, fumes, odor, smoke, or vibration shall not exceed ambient levels.

24-171 **Residential Generator Noise**

A. **Purpose.** This section establishes minimum requirements for the operation of residential generators. These requirements are intended to reduce noise levels in residential areas and protect the health, property, and well-being of Butte County residents and visitors.

B. **Applicability.** This section shall apply to the operation of residential generators. This section does not apply to Limited Density Owner-Built Rural Dwellings as defined in the California Building Code.
Allowable noise levels for Limited Density Owner-Built Rural Dwellings are defined under Article VI, Chapter 26 of the Butte County Code.

C. Standards.

1. **Noise Levels.** Noise shall be regulated pursuant to Butte County Code Chapter 41A. Noise Control.

2. **Installation.** Permanent generators shall be permanently secured on a minimum 3½-inch thick concrete slab extending a minimum of 2 feet beyond the generator on all sides, or shall be anchored as required in the manufacturer’s installation instructions to prevent vibration.

3. **Compliance with Noise Standard.** Residential generators not meeting the standards set forth under Chapter 41A. Noise Control shall be brought into compliance in any of the following ways:
   a. Cessation of operation;
   b. Retrofitting of the generator with a manufacturer-approved muffler or exhaust silencer;
   c. Repair of the generator;
   d. Replacement of the generator with a conforming generator; or
   e. Enclosure of the generator in conformance with Subsection (D) of this section.

D. **Enclosure.** If needed to comply with the maximum or hourly decibel level, generators shall be enclosed in a sound reduction enclosure approved by the Building Official. This enclosure shall be constructed consistent with published County guidelines for generator noise reduction, or may be a commercially manufactured enclosure. Generator enclosures shall reduce noise to the level required by this section. Enclosures shall be constructed to meet current California Building Code standards, shall provide a minimum of 30 inches of interior structural clearance to allow access on all sides of the generator, and shall be adequately ventilated and vented. The Department of Development Services shall publish and maintain guidelines for the construction of effective generator noise reduction enclosures.

E. **Exceptions.** The standards of this section are not applicable to generator noise from the following sources:

1. The use of any generator related to or connected with an emergency, in order to protect life or property; or during a temporary power outage; and
2. The operation of any generator for commercial agricultural use.

24-172 Second Units

A. **Purpose.** This section establishes standards for the location and construction of second units in conformance with Section 65852.2 of the California Government Code. These standards are intended to allow for second units as an important form of affordable housing while preserving the character and integrity of residential areas within the county.

B. **Location.** Second units shall be permitted in zones as provided in Part 2 (Zoning Districts, Land Uses, and Development Standards). Second units are not allowed in the North Chico Specific Plan area, Timber Production (TPZ) zones, or on Williamson Act contracted property. Second units proposed within the
Airport Compatibility (-AC) overlay zone must comply with the allowed residential dwelling units/acre specified by the Butte County Airport Land Use Compatibility Plan.

C. **Site Requirements.**
   1. Second units shall be permitted only on legally-created parcels.
   2. In Agricultural Zones, Second Units shall be located in close proximity to the primary dwelling unit.

D. **Guest Houses.**
   1. Guest houses shall be excluded from the requirements of this section and shall be regulated pursuant to Section 24-156(g) (Accessory Uses and Structures).
   2. Second units that comply with all requirements of this section are permitted on a parcel containing a guest house.

E. **Size.** There shall be no maximum floor area requirement for second units, provided that the second unit complies with all applicable County regulations, including height and setback standards, Building Code regulations, and water supply, sewage disposal, and driveway/road access requirements.

F. **Maximum Number Permitted.**
   1. Only one second unit shall be allowed on a parcel.
   2. A second unit is not permitted on parcels already containing two or more dwelling units. Agricultural Worker Housing approved by the State of California and Butte County shall not be counted as a dwelling unit pursuant to this section.

G. **Relationship to Primary Dwelling.**
   1. A second unit may be within, attached to, or detached from the primary dwelling. Attachment to the primary dwelling shall be by sharing a common interior wall or common roof.
   2. A second unit shall have its own kitchen, bathroom facilities, and entrance separate from the primary dwelling.

H. **Occupancy.** The owner of a parcel developed with a second unit shall reside in either the primary dwelling or the second unit.

I. **Parking.** On-site parking shall be provided consistent with the parking requirements in Section 24-93 (On-Site Parking Requirements).

J. **Development Standards.** A second unit shall comply with all development and design standards of the Zoning Ordinance that are applicable to the primary dwelling, including, but not limited to, building setbacks, parcel coverage, and building height.

K. **Utilities.** Second units shall have adequate sewage disposal facilities and potable water facilities, as determined by the Butte County Environmental Health Division.
L. Site Improvements.

1. As a condition for the issuance of a building permit for a second unit, the existing driveway or road serving the parcel shall be improved, if necessary, to meet Public Resources Code Section 4290 (Fire Safe Regulations).

2. Construction of the second dwelling unit may require drainage improvements that are customary for a building permit. The extent and timing of the improvements shall be determined by the Department of Public Works and shall conform to the technical standards and specifications for drainage improvements as adopted by the Board of Supervisors.

M. Deed Restrictions. Prior to the issuance of a building permit for a second unit, a covenant of restriction to run with the land shall be recorded which specifies that the second unit cannot be sold separately, that the property owner shall reside in either the primary or second unit, and that these restrictions shall be binding on successors in ownership.

24-173.1 Heavy Equipment Storage in the VLDR (Very Low Density Residential) Zone

A. Purpose. This section establishes minimum standards and permit requirements for the storage of heavy equipment used by individual contractors/drivers for off-site commercial jobs.

B. Location/Applicability. This section applies to the Very Low Density Residential Zones as shown under Part 2 (Zoning Districts, Land Uses, and Development Standards). The allowance of Heavy Equipment Storage for all other zones is set forth under Section 24-156 (Accessory Uses and Structures) and 24-173.2 (Heavy Equipment Storage in the RCR (Rural Country Residential) and FCR (Foothill Country Residential) Zones).

C. Definition. Heavy Equipment Storage includes the storage of all heavy equipment with a manufacturer’s gross weight of 10,000 pounds or more.

D. Permits Required.

1. The storage of one piece of heavy equipment in conjunction with a residence is a permitted use.

2. The storage of two to six pieces of heavy equipment in conjunction with a residence requires the approval of an Administrative Permit.

3. The storage of more than six pieces of heavy equipment in conjunction with a residence requires the approval of a Minor Use Permit.

E. Standards. All Heavy Equipment Storage sites shall comply with the following standards:

1. The heavy equipment and vehicle storage area may not exceed one-half-acre in size where all vehicles shall be stored.

2. The storage area shall be setback from property lines in accordance with the setbacks required for structures in the applicable zone.

3. Heavy equipment may be stored and removed on a daily basis, subject to the hours of operation of 6:00 am to 6:00 pm, Monday-Friday, and 8:00 am to 6:00 pm Saturdays, Sundays and Holidays.
4. All vehicles shall be screened from direct view through vegetation, or approved fencing/walls or other approved means.

5. All vehicles must be operational and have a current license.

6. No heavy mechanical work is allowed. Light maintenance such as fluid changes, tire changes, and other minor repairs are permitted.

7. Inoperative vehicles are not permitted to be stored at the site.

8. Vehicles shall not idle longer than 5 minutes at the site prior to leaving or upon return.

9. Access roads shall be sufficient to carry the equipment without sustaining undue damage to the roads.

10. Mud, run-off, erosion, and drainage, shall be controlled at all times and contained on-site.

11. Dust shall be mitigated during dry conditions.

12. Storage of oil, gas, or other fluids/materials associated with the maintenance of heavy vehicles must comply with state law regulating the storage of hazardous materials.

13. Storage of construction related material such as aggregate, sand, soil or debris is prohibited.

14. Measures shall be taken to prevent leaks and spills. Any leaks and spills shall be immediately addressed.

24-173.2 Heavy Equipment Storage in the RCR (Rural Country Residential) and FCR (Foothill Country Residential) Zones

A. Purpose. This section establishes minimum standards and permit requirements for the storage of heavy equipment used by individual contractors/drivers for off-site commercial jobs in conjunction with their primary residence. This section does not apply to heavy equipment and vehicles used primarily for on-site maintenance and/or on-site agricultural activities or heavy duty vehicles with an un-laden weight of less than 10,000 lbs. that are used for primary transportation to and from a property either for private or commercial purposes. This section additionally does not apply to recreational vehicles or horse trailers.

B. Location/Applicability. This section applies to the RCR (Rural Country Residential) and FCR (Foothill Country Residential) Zones as shown under Part 2 (Zoning Districts, Land Uses, and Development Standards). The allowance of Heavy Equipment Storage for all other zones is set forth under Section 24-173.1 (Heavy Equipment Storage in the VLDR (Very Low Density Residential) Zone and Section 24-156 (Accessory Uses and Structures).

C. Definition. Heavy Equipment Storage as it applies to the RCR and FCR zones includes the storage of all heavy equipment such as graders, excavators, bulldozers, backhoes and similar equipment; heavy vehicles such as dump trucks, semi-tractor trailers, and similar vehicles. Configurations are defined as follows:

1. One piece of heavy equipment may be configured as one truck without a trailer, one truck and a single trailer (loaded or unloaded), or one truck and two trailers (loaded or unloaded).
2. If heavy equipment that is intended for transportation on a trailer(s) is in an unloaded configuration (e.g. a backhoe parked on the ground), it is still counted as one piece along with its related truck and trailer(s).

D. Permits Required.
1. For parcels less than or equal to 10 acres, the storage of up to two pieces of heavy equipment in conjunction with a primary residence is a permitted use. The storage of greater than two pieces of heavy equipment requires the approval of a Minor Use Permit.
2. For parcels greater than 10 acres the storage of up to four pieces of heavy equipment in conjunction with a primary residence is a permitted use. The storage of greater than four pieces of heavy equipment requires the approval of a Minor Use Permit.

E. Standards. All Heavy Equipment Storage sites shall comply with the following standards:
1. The heavy equipment and vehicle storage area may not exceed ½ acre in size where all vehicles shall be stored.
2. The storage area shall be setback from property lines in accordance with the setbacks required for structures in the applicable zone.
3. All heavy equipment vehicles shall be screened from direct view from any adjacent public or private right-of-way or private easement through vegetation, or approved fencing/walls or other approved means.
4. No heavy mechanical work is allowed. Light maintenance such as fluid changes, tire changes, and other minor repairs are permitted.
5. Inoperative vehicles are not permitted to be stored at the site.
6. Heavy equipment vehicles shall not idle longer than 5 minutes at the site prior to leaving or upon return.
7. The Minor Use Permit shall require that all access roads are sufficient to carry the equipment without sustaining undue damage to the roads.
8. The Minor Use Permit shall require that mud, run-off, erosion, and drainage, to be controlled at all times and contained on-site.
9. Dust shall be mitigated during dry conditions.
10. Storage of oil, gas, or other fluids/materials associated with the maintenance of heavy vehicles must comply with State law regulating the storage of hazardous materials.
11. Commercial storage of construction related material such as aggregate, sand, soil or debris is prohibited.
12. Measures shall be taken to prevent leaks and spills. Any leaks and spills shall be immediately addressed.
F. **Amortization of Heavy Equipment Storage Uses.** All existing Heavy Equipment Storage uses that do not comply with the provisions of this chapter taking place in the RCR and FCR zones shall be amortized over a one-year period initiated upon adoption of this section. At the conclusion of the one-year period all non-complying Heavy Equipment Storage uses shall cease and desist and shall be removed, or a permit shall be obtained.

24-174 **Temporary Uses**

A. **Permit Required.** Except as specified in Subsection B (Temporary Uses Exempt from Permits), the establishment and operation of a temporary use shall require the approval of an Administrative Permit.

B. **Temporary Uses Exempt from Permits.** The following temporary uses are permitted without the approval of an Administrative Permit:

1. Garage sales in residential zones.
2. Public emergency facilities established for the purposes of health and public safety during a declared emergency.
3. Car washes when sponsored by a religious, educational, fraternal, or service organization directly engaged in civic or charitable efforts. Car washes shall be limited to two days each month for each sponsoring organization.
4. Public events and activities when conducted on public property as approved by the Board of Supervisors or its designees.
5. Temporary construction yards that are located on-site, less than 1 acre in size, and established in conjunction with an approved project or development permit. The construction yard shall be immediately removed within 10 days of completion of the construction project or expiration of the building permit.

C. **Temporary Uses Requiring Administrative Permits.** The following temporary uses are permitted subject to issuance of an Administrative Permit upon a determination by the Zoning Administrator that the use is compatible with the applicable zone and surrounding uses:

1. Seasonal sales (e.g., Christmas trees, pumpkins, strawberries, citrus crops) for a maximum of 30 consecutive calendar days, no more than 3 times per year on a single property. Seasonal sales shall not be permitted on any residentially-zoned property.
2. Construction yards located off-site, or more than 1 acre in size on-site, in conjunction with an approved project or development permit. The construction yard shall be immediately removed within 10 days of completion of the construction project or expiration of the building permit.
3. A trailer or commercial modular unit used as a work site for employees of a business, for a maximum of 12 months.
4. A trailer or similar structure used as a classroom or office, for a maximum of 12 months.
5. A real estate office used exclusively for the sale of homes or other real estate for a maximum of three years.
6. Similar temporary activities determined by the Zoning Administrator to be compatible with the applicable zoning district and surrounding uses.

D. Temporary Uses Requiring Minor Use Permits

The following temporary uses are permitted subject to issuance of a Minor Use Permit upon a determination by the Zoning Administrator that the use is compatible with the applicable zone and surrounding uses:

1. Farmer’s markets, for a maximum of three days per week.
2. Community gardens where neighbors share a portion of an undeveloped parcel for the growing and harvesting of fruits and vegetables for personal use, not involving sales.
3. Similar temporary activities determined by the Zoning Administrator to be compatible with the applicable zoning district and surrounding uses.

E. Recreational Vehicle as Temporary Residences.

Use of a recreational vehicle as a temporary dwelling unit shall be permitted during construction of a single-family residence or due to the rehabilitation of a single-family residence that has been damaged by fire, earthquake, tornado, other acts of nature, or that has been deemed condemned or uninhabitable by the County. The establishment of a temporary recreational vehicle as allowed by this section requires the approval of an Administrative Permit and shall comply with the following requirements:

1. The applicant shall obtain the necessary permits from the Butte County Environmental Health Division for the recreational vehicle installation.
2. The recreational vehicle may be placed for up to one year from the date of issuance of the Administrative Permit. However, the Zoning Administrator may extend the Administrative Permit for a one-year period upon a demonstration of physical or financial hardship by the applicant.
3. The occupant shall obtain a building permit for a residence.
4. The occupant shall obtain a sewerage disposal permit from the Butte County Environmental Health Division, or proof of sewage service by a service provider.
5. Within six months of the date of the issuance of the building permit, the occupant shall complete the foundation, rough plumbing, framing, and the roof of the proposed residence.
6. The house shall be completed within the two-year period and the use of the recreational vehicle as a temporary residence shall be discontinued after this period.

F. Temporary Mobile Homes.

1. Applicability. A mobile home certified under the 1974 National Mobile Home Construction and Safety Standards Act may be placed on any legal parcel in any residential zone.
2. Permit Required. Temporary mobile homes require the approval of an administrative permit.
3. Standards. All temporary mobile homes shall comply with the following standards:
   a. Occupancy of the mobile home shall be limited to a close friend or a relative by blood or marriage. An affidavit attesting to the relationship of the involved parties shall be submitted with the permit application.
b. Rent shall not be charged.
c. The mobile home may be owned by either the owner of the parcel on which it is placed, or the person residing therein.
d. The mobile home shall be served by adequate sewer and water facilities, as determined by the Butte County Environmental Health Division.
e. The siting of the mobile home shall conform to the California Residential Code.
f. The mobile home is declared to be a temporary use on the property, accessory to the primary unit and shall not be placed on a permanent foundation. Additionally, a temporary mobile home shall not be permitted on a parcel where there is an approved second unit.
g. The permit shall be granted for a term of 2 years. Extensions of the term for the permit, not exceeding 1 year for each extension, may be granted if the application for the extension is filed within 60 calendar days prior to the date of expiration.
h. The mobile home shall be vacated upon expiration of the permit and removed within 120 days after the expiration of the permit. If it is not removed within 120 days, the County shall remove said mobile home and store it at the owner’s expense.
i. A deposit or bond sufficient to cover the removal expense shall be posted prior to the issuance of the Administrative Permit. The applicant shall grant Butte County the right to enter the property, to remove the mobile home, and to store it at the sole cost and expense of the applicant.
j. The permit may be revoked if any of the terms or conditions of the permit is violated or if any acts or omissions of the permittee in connection with the use authorized by said permit constitute a public nuisance.

G. Additional Requirements. Temporary uses shall comply with the following additional requirements:

1. Upon, or prior to, the expiration of temporary use approval, any temporary structures, and all appurtenances thereto, shall be removed from the property.

2. The site shall be cleared of debris, litter, and other trash upon expiration of temporary use approval.

H. Extensions. Extensions of the time period for the temporary use shall not be permitted, unless otherwise permitted under this chapter.

24-175 Winery, Olive Oil, Fruit and Nut, Micro-Brewery and Micro-Distillery Production Facilities

A. Purpose. This section establishes standards for the development and operation of winery and olive oil, fruit and nut, Micro-Brewery, and micro-distillery production facilities. The goals of this section are to:

1. Encourage the establishment of winery, olive oil, fruit and nut, micro-brewery and micro-distillery production facilities as a viable economic activity in Butte County.

2. Encourage the activities associated with winery, olive oil, fruit and nut, micro-brewery and micro-distillery production facilities that enable these operations to prosper, including providing tasting facilities for visitors and special events on-site.

3. Encourage the tourism industry in Butte County by providing an additional destination activity.
4. Establish standards for the operation of winery, olive oil, fruit and nut, micro-brewery and micro-distillery production facilities that will protect neighboring properties and the environment in general, and are appropriate based on the size and character of the operation under review.

5. Encourage agricultural activities associated with the wine, olive oil, fruit and nut, micro-brewery and micro-distillery industries.

B. Applicability. This section applies to all winery, olive oil, fruit and nut, micro-brewery and micro-distillery production facilities as defined in Article 42 (Glossary).

C. Types of Wine, Olive Oil, Fruit and Nut, Micro-Brewery and Micro-distillery Production Facilities. Types of wine, olive oil, fruit and nut, micro-brewery and micro-distillery production facilities permitted in Butte County and the permits they require are described in Table 24-175-1 (Permits Required for Wine, Olive Oil, Fruit and Nut, Micro-Brewery and Micro-Distillery Production Facilities).

<table>
<thead>
<tr>
<th>Type</th>
<th>Size</th>
<th>Permit Required</th>
</tr>
</thead>
<tbody>
<tr>
<td>Small Facility</td>
<td>7,500 or fewer cases of wine, beer, spirits, fruit or nut extracts, or bottles of olive oil per year</td>
<td>Administrative Permit</td>
</tr>
<tr>
<td>Large Facility</td>
<td>Less than 15,000 cases, and more than 7,500 cases of wine, beer, spirits, fruit or nut extracts, or olive oil per year</td>
<td>Minor Use Permit</td>
</tr>
<tr>
<td>Very Large Facility [1]</td>
<td>15,000 or more cases of wine, fruit or nut extracts, or olive oil per year</td>
<td>Conditional Use Permit</td>
</tr>
<tr>
<td>Industrial Facility</td>
<td>No active on-site wine grape or olive production</td>
<td>Conditional Use Permit</td>
</tr>
</tbody>
</table>

Notes:
[1] Very large micro-breweries and micro-distilleries are not permitted. Micro-breweries and micro-distilleries subject to the requirements of this section shall produce less than 15,000 cases of beer or spirits per year.

D. Use Regulations.

1. Permitted Uses for All Facilities. The following uses shall be permitted as part of all types of facilities.
   a. Growing and harvesting grapes, olives, fruit and nuts, and other products suitable for wine, olive processing and other products.
   b. Milling, pressing, and bottling of grapes, olives, grape products, and olive products produced on and off the premises.
   c. Micro-distillation of products grown on and off-site.
   d. Sale of wine, beer, spirits, olive oil, fruit and nut products for consumption off premises whether grown or produced on premises or off.
   e. Sale of merchandise related to wine, olive oil, or the facility.
   f. Wine, olive oil, fruit and nut tasting involving serving wine, olive oil, fruit and nut products to the public for the purpose of sampling.
2. **Additional Use Regulations.**
   a. Restaurants shall be permitted as an accessory use with the approval of a Conditional Use Permit for large, very large, and industrial facilities.
   b. Processing and bottling of grapes, grape products, fruit and nuts, olives, and olive products produced off the facility premises are permitted for industrial facilities.

E. **Development Standards.**

1. **Parcel Size.**
   a. The minimum parcel size for small, large, and very large facilities shall be 3 acres.
   b. There shall be no minimum parcel size for industrial facilities.

2. **Signage.** All signage associated with a winery shall be consistent with the requirements provided in Article 20 (Signs).

3. **Parking and Access.** On-site parking will be provided for in accordance with the “Wineries and Olive Oil, Fruit and Nut, Micro-Brewery and Micro-Distillery” category under Article 19 (Parking and Loading).

F. **Operational Standards.**

1. **License Required.**
   a. Small, large, and very large facilities producing wine shall be licensed by State of California Department of Alcohol Beverage Control, license “Type 02, Winegrower.”
   b. Industrial facilities producing wine shall be licensed by State of California Department of Alcohol Beverage Control.
   c. Micro-breweries producing beer shall be licensed by the State of California Department of Alcohol Beverage Control, license “Type 23, Small Beer Manufacturer.”
   d. Micro-distilleries producing distilled spirits shall be licensed by State of California Department of Alcohol Beverage Control, license “Type 04, Distilled Spirits Manufacturer.”

2. **Wine Production Reports.** The operator or land owner of a winery shall provide the Department of Development Services with copies of its wine production reports submitted to the Bureau of Alcohol, Tobacco, and Firearms or other similar agency.

3. **Beer Production Reports.** The operator or land owner of a micro-brewery shall provide the Department of Development Services with copies of its beer production reports submitted to the Bureau of Alcohol, Tobacco, and Firearms or other similar agency.

4. **Alcoholic Beverage Production Reports.** The operator or land owner of a micro-distillery shall provide the Department of Development Services with copies of its distilled beverage production reports submitted to the Alcohol and Tobacco Tax and Trade Bureau (TTB) or any other similar federal agency.

5. **Tour Buses and Vans.** Tour buses are allowed to visit large, very large, and industrial facilities. Tour buses are prohibited from visiting small facilities, unless a Minor Use Permit is approved to tour bus visits. Tour vans are permitted to visit small facilities. Tour buses and vans shall not idle more than 10 minutes per hour on-site, so as to minimize noise and air quality impacts to the area. Tour buses and vans shall be provided with adequate off-street parking and turn-around areas.
6. **Frequency of Wine and Olive Oil Tasting.** Wine and olive oil tasting shall be limited to three days per week for small facilities. More frequent tasting may be allowed at small facilities with the approval of a Minor Use Permit. There shall be no limit to the frequency of tasting for all other types of facilities.

7. **Outdoor Amplified Music.** Outdoor Amplified music used in conjunction with special events shall only be permitted with the approval of a Minor Use Permit. The Minor Use Permit will include a specific event time, duration, and shall not allow exceeding 60 decibels (maximum) as measured at the nearest property line. Amplified music shall only be allowed between the hours of 10:00 am to 7:00 pm.

8. **Special Events.**
   a. Special events, such as weddings, dances, assemblies and craft fairs, are permitted in all facilities subject to the permit standards contained in Table 24-175-1 and all other operational and development standards in this section.
   b. All special events shall require a separate Minor Use Permit for the first event and an Administrative Permit for each subsequent similar event. The permit for the special event shall specify the date of the event, the hours of operation, the maximum permitted number of guests and shall include any other conditions of approval determined necessary by the approving authority.
   c. Hours of operation shall not exceed a maximum of 12 hours per day.
   d. No more than 100 people may be present at any one time at small facilities. No more than 200 people may be present at any one time as part of a special event at large, very large, or industrial facilities.
   e. No more than six special events per calendar year are allowed at small facilities. No more than 12 special events per calendar year are allowed at large facilities. There shall be no limit to the frequency of special events at very large facilities and industrial facilities.

9. **Parking.** On-site parking will be provided for in accordance with the “Special Events” category under Article 19 (Parking and Loading). The required parking shall be regulated under the Minor Use Permit or Administrative Permit.
Article 26. TELECOMMUNICATION FACILITIES

Sections:
24-176 – Purpose
24-177 – Applicability
24-178 – Exemptions
24-179 – Permits Required
24-180 – Application Submittal and Review
24-181 – General Requirements
24-182 – Standards for Zones
24-183 – Standards for Types of Facilities
24-184 – Co-Location Facilities
24-185 – Terms of Approval
24-186 – Performance Securities
24-187 – Facility Removal

24-176 Purpose
This article establishes standards for the placement and design of wireless telecommunication facilities. These standards are intended to:

A. Allow reasonable opportunities for wireless communication providers to provide such services to the community in a safe, effective, and efficient manner.

B. Encourage the location of new monopoles, towers, and antennas in non-residential areas, thereby discouraging the need for such facilities in residential areas.

C. Minimize the total number of antennas throughout the county.

D. Encourage co-location of facilities at appropriate new and existing monopoles, towers, and antenna sites.

E. Encourage wireless telecommunication providers to locate new monopoles, towers, and antennas in areas that minimize adverse impact on agriculture and air navigation.

F. Require wireless communication providers to design and configure wireless communication facilities in a way that minimizes adverse visual impacts.

G. Protect the public’s interest in the safe operation of emergency services such as air ambulance, medical and emergency evacuation, firefighting, law enforcement, search and rescue, vector control, and resource management.

24-177 Applicability
A. This article applies to all commercial wireless telecommunications facilities for the transmission or reception of wireless telephone, radio, television, and other telecommunication signals.
B. Facilities subject to these standards include all equipment and network components such as towers, utility poles, transmitters, base stations, and emergency power systems that are integral to providing wireless telecommunications services.

24-178 Exemptions

The following facilities are exempt from the standards in this article, and may be permitted if all identified standards are met:

A. Two-way radio communications systems operated only as an internal business or household communications system that are not made available to third parties, subject to the maximum height requirements as set forth in Section 24-181.B (General Requirements) or no greater than 50 feet in height.

B. Privately operated noncommercial facilities attendant to a residential, noncommercial use, including amateur radio facilities no greater than 65 feet in height.

C. Noncommercial television receiving antennas, subject to the maximum height requirements for the zone, as set forth in Section 24-181.B (General Requirements) or no greater than 50 feet in height.

D. Satellite dish (television receive only) antennas no greater than two meters in diameter which are used for noncommercial purposes by the user, providing all such facilities are exempt from demonstrating radio-frequency emission compliance from Federal Communications Commission (FCC) regulation. This exemption only applies to facilities categorically exempt from FCC regulation, and does not apply to facilities operated, leased to, or used by common carriers, or wireless communications providers, or personal communications systems (PCS) providers, or cellular communications providers or specialized mobile radio (SMR) communications providers, or television and radio broadcast facilities.

E. Temporary wireless telecommunication facilities providing public information coverage of a news event. Mobile facilities providing public information coverage of news events may be set up on public or private property for a duration of up to 72 hours.

F. Government-owned communications facilities utilized for a public purpose.

G. Facilities exempted under federal or State law.

H. Facilities erected and operated for emergency situations which are approved in writing in advance of installation by the Zoning Administrator. Uses of such facilities shall not exceed two weeks, unless an extension is granted in writing by the Zoning Administrator.

I. Personal wireless Internet equipment, such as a wireless router, that complies with all applicable FCC regulations.

J. Personal handheld and portable wireless devices, such as mobile phones, smart phones, computer tablets and readers, cordless phones, personal digital assistants (PDAs), and wireless headphones that comply with all applicable FCC regulations.

K. Repair or replacement of a lawfully established existing facility, so long as the repair or replacement does not involve modifications to the facility which add height, change the appearance in a visually or physically obtrusive manner, or increase its effective radiated power.
24-179  Permits Required

A. Permits required for telecommunication facilities shall be as specified in Table 24-179-1 (Permits Required for Telecommunication Facilities).

**TABLE 24-179-1  PERMITS REQUIRED FOR TELECOMMUNICATION FACILITIES**

<table>
<thead>
<tr>
<th>Key</th>
<th>Administrative Permit required</th>
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<th>Utility Pole Mounted</th>
<th>New Tower or Pole</th>
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**Agriculture Zones**

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**Natural Resource Zones**

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**Residential Zones**

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<td>Rural Residential (RR)</td>
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<td>Very High Density Residential (VHDR)</td>
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**Commercial and Mixed Use Zones**

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<tr>
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<td>Sports and Entertainment (SE)</td>
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### Special Permit Requirements.

1. Excluding collocated facilities that comply with the standards in Section 24-184 (Co-Location Facilities), a Conditional Use Permit shall be required for telecommunication facilities located within a residential zone, within 1,000 feet of a residential zone, or within the Airport (AIR) zone. To approve the Conditional Use Permit, the Planning Commission shall make the following findings in addition to the findings in Article 31 (Conditional Use and Minor Use Permits) to approve the permit:
   a. No feasible alternative site exists; and
   b. A denial would constitute a prohibition on the provision of the affected wireless communications service in violation of federal or State law.

2. The burden of proof shall be on the applicant to establish the findings in Subsection 1 above.

### Application Submittal and Review

**A.** Applications for approval of a telecommunication facility shall include all materials and information required for the permit (e.g., Conditional Use Permit) plus the following information:

1. A narrative description of the proposed facility, including the type of facility being requested.
2. A description of the type of technology and consumer services the provider will provide to its customers.
3. A description of the number, size, material, and color of antennas.
4. A statement specifying facility height from natural grade to the top of the proposed facility.

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<table>
<thead>
<tr>
<th>Key</th>
<th>Type of Telecommunication Facility</th>
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<tr>
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<td>Conditional Use Permit required</td>
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<td>Use not allowed</td>
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<table>
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<tr>
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<th>New Tower or Pole</th>
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<td><strong>Special Purpose Zones</strong></td>
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<td>Research and Business Park (RBP)</td>
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<tr>
<td>Planned Development (PD)</td>
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</table>
5. A description of any proposed support equipment, including towers or other structures necessary to support or house the facility.

6. A description of the types, quantities, and locations of hazardous materials to be handled on-site.

7. Landscaping and painting plans for the proposed facility.

8. A site location map, including horizontal and vertical location coordinates.

9. Elevations of the facility and any accessory buildings, including building height and other physical dimensions, drawn to graphic scale.

10. A visual impact assessment, photomontages, or mock-ups as required by the Zoning Administrator or Planning Commission. The assessment shall identify any proposed trimming of vegetation that will be required for the normal operation of the facility.

11. For facilities within a residential zone, within 1,000 feet of a residential zone, or within the AIR zone, a discussion of and supporting information regarding the alternative site selection of at least three alternative sites, if available, including co-location opportunities, and a statement as to why these alternative sites or co-location opportunities were rejected.

12. A complete service area map showing the entire wireless communications network of the providers 20 miles in all directions from the proposed site for the time period from the filing of the application to 12 months from the filing of the application, for the purpose of visually aiding cumulative environmental analysis, with and without the proposed facility or facilities, showing all hand-off sites within the specified area.

13. RFR/EMF and wattage output data, including the number of channels.

14. A graphic depiction of the search ring and all other technical criteria used in determining the proposed facility location.

15. Documentation which identifies failure characteristics of the facility structure or tower and demonstrates that the site and setbacks are of adequate size to contain falling debris.

16. Written evidence demonstrating that the selected facility structure or tower design is as visually unobtrusive as possible, given technical and engineering considerations. Submitted evidence shall indicate what type of facility is required to provide reasonably effective service and also the best technology and construction available to maximally achieve visual unobtrusiveness.

17. Applicants which operate common carrier facilities (specifically, but not limited to cellular, PCS, SMR, and paging service licensees of the FCC) shall provide written evidence that the applicant has provided notice to all FCC licensed wireless communications service carriers operating within the County of Butte of the plans to develop the site.

18. Evidence of a valid, current operating license or construction permit from the FCC or, if the applicant is not a wireless communications service provider, a user operating agreement for each and every such provider to which the applicant intends to rent space on the proposed facility.

19. A report, signed by a qualified radio frequency engineer licensed by the FCC, prepared pursuant to FCC OET 65, stating whether the maximum radio frequency radiation/electromagnetic frequency
radiation (RF/EMF) to be emitted by the proposed facility, taking into account all other facilities, both existing and known future facilities, at the proposed site and adjacent properties, conforms to safety standards adopted by the FCC, if applicable. The reports prepared for facilities shall conform to the reporting requirements set by the County and FCC OET 65 human exposure standards. The report shall also analyze the evidence provided in support of the proposed facility location, height and radiated power, frequency, the number of channels, and all other related data and present alternatives for the location, height, and radiated power, pursuant to the requirements of this section. If the proposed facility exceeds FCC OET 65 human exposure standards, the applicant shall also provide additional comprehensive technical and planning information regarding how the applicant shall protect all persons from excessive exposure consistent with all federal and State requirements, and any additional County requirements.

B. Projects in agriculture zones shall, prior to submitting an application for a proposed facility, submit a site plan of the proposed facility to the Butte County Agricultural Commissioner for comment and send a notification letter to all aerial agricultural applicators registered in the county informing them of the proposed site location and tower height. No hearing on an application for a proposed facility in any agriculture zone will be scheduled, nor shall any permit for any such facility be issued without proof that the Butte County Agricultural Commissioner and all aerial agricultural applicators registered in the county have been notified, as specified above.

C. All applications for facilities that are proposed to be located within the boundaries of any comprehensive airport land use plan or airport area of influence, as adopted or designated by the Butte County Airport Land Use Commission, shall be submitted to the Department of Development Services, and a copy submitted to the Butte County Airport Land Use Commission for review regarding consistency with adopted comprehensive airport land use plans and for recommendations addressing potential impacts to air navigation within the airport area of influence.

D. The County may, at its sole discretion and at the applicant’s sole expense, retain an independent consultant to review either individual elements of or the entire application and advise the County.

24-181 General Requirements

A. Setbacks.

1. Except when specifically allowed below, all new telecommunication facilities shall be located on a parcel so that the distance from the base of the facility to the parcel boundary is equal to or greater than the height of the facility.

2. In the agriculture zones (AG, AS), the Zoning Administrator (for Administrative and Minor Use Permits), and the Planning Commission (for Conditional Use Permits, and appeals) may approve a reduced setback requirement if:
   a. The facility is located adjacent to an existing structure such as a barn, rice dryer, or other existing facility such that the facility will blend with the surrounding area; or
   b. Adjacent property owners consent in writing to a reduced distance, no less than the minimum setback required by the applicable zone. Additional setback modifications may be permitted, as described in Subsection 3 below.
3. Minimum setbacks for telecommunication facilities that are within a non-residential zone and located more than 1,000 feet from any residential zone or existing legally established residential dwellings may be reduced with approval of a Minor Use Permit or Conditional Use Permit in the case of the Airport (AIR) zone. To approve the reduced setback, the review authority shall find that:
   a. Setback distances for the facility are greater than or equal to setbacks for primary structures in the applicable district, or a minimum of 20 feet, whichever is greater;
   b. The facility is not located within the Scenic Highway (SH) overlay zone;
   c. The facility is not located within 500 feet of any building or feature located on a local or State historic or cultural significance list;
   d. The facility is compatible and consistent with any applicable adopted airport land use plan, and the facility would not interfere with agricultural aircraft operations;
   e. The facility does not create a hazardous condition to the general health, safety, or welfare; and
   f. Modifications of setback standards would not interfere with other standards or requirements addressed within the Zoning Ordinance.

4. Minimum setbacks for telecommunication facilities that are within a non-residential zone and located between 300 and 1,000 feet from any residential zone or existing legally established residential dwellings may be reduced with approval of a Minor Use Permit or Conditional Use Permit in the case of the Airport (AIR) zone. To approve the reduced setback, the review authority shall find that:
   a. All findings specified in Subsection 3 above can be made;
   b. All lighting on the proposed facility, including identification or warning lights required by the FAA or other public agency, is oriented so as to not directly illuminate any residential use on the ground, providing that such orientation/shielding complies with FAA or other federal or state agency requirements;
   c. The facility is aesthetically and architecturally compatible with the surrounding environment. The new pole facility shall incorporate slim-line technology, stealth camouflaging features, or neutral colors;
   d. Associated support buildings are designed to architecturally match the exterior of buildings in the surrounding area.

B. Height.

1. The maximum height for telecommunication facilities in all zones shall be 100 feet, except in Commercial and Industrial zones where it shall be 150 feet. The review authority may approve additional height based upon justifiable need. The height of a telecommunication facility shall be measured from the natural, undisturbed ground surface below the center of the base of the monopole or tower to the top of the monopole or tower itself or, if higher, the tip of the highest antenna or piece of equipment attached thereto.

2. Facilities shall use the best available technology and construction to achieve maximal visual unobtrusiveness.

3. Telecommunication facilities may exceed the allowed height for the applicable zone in accordance with Section 1 above.
4. A roof-mounted wireless telecommunication facility shall be no more than 15 feet taller than the roof of the structure on which it is mounted.

C. **Building and Electrical Codes.**
   1. Telecommunication facilities shall comply with all applicable building and electrical codes.
   2. All facility operators shall submit certification from a registered structural engineer to the building division that all associated monopoles and towers in excess of 30 feet in height will withstand sustained winds as required by the California Building Code.

D. **Utility Pole Mounted or Power Transmission Tower Mounted Facilities.**
   1. Facilities mounted on an existing utility pole or transmission tower are not subject to setbacks.
   2. Facilities mounted on an existing utility pole or transmission tower may increase overall height by up to 20 percent of the existing facility’s total height through the approval of a Minor Use Permit.

E. **Advertising.** No advertising or commercial display is permitted on any telecommunication facility.

F. **Sewage Disposal.** The placement of any antenna shall not adversely affect any on-site sewage disposal system or its repair area without written approval from the Division of Environmental Health.

G. **Deed Restrictions.** The installation of a facility shall not violate any existing deed restrictions.

H. **Vehicle Access.** All facilities shall have a 12-foot-wide all-weather access to a publicly maintained road capable of supporting a 40,000-pound fire apparatus with 15 feet of vertical clearance.

I. **Outdoor Storage.** There shall be no outdoor vehicle or equipment storage except for emergency purposes.

J. **Federal and State Regulations.**
   1. All facilities shall fall within current regulations of the FAA, the FCC, and any other State and federal agency with the authority to regulate such facilities.
   2. If federal or State regulations are changed, the property owner or responsible party shall bring such facilities into compliance with revised regulations within 90 days of the effective date of such regulations, unless a more stringent compliance schedule is mandated by the controlling agency.

K. **Emissions.** No facility or combination of facilities shall generate, at any time, electromagnetic frequency radiation (EMF) or radio frequency radiation (RF) in excess of the FCC adopted standards for human exposure.

L. **Hazardous Facilities.**
   1. Any facility determined by the County to be detrimental to the health, safety, or welfare of persons working or residing near such facility, shall be removed, adjusted or replaced by the property owner or service provider.
   2. In no case shall a facility remain in operation if it is found to create a hazard to the public health, safety, and welfare.
3. A facility shall not be found to create a hazard to health, safety, or welfare as a result of EMF or RF emissions from the facility so long as it meets all current standards established by the FCC, pursuant to FCC OET 65.

M. Abandoned Facilities. Facilities that are not in use for a period of six months shall be considered abandoned and shall be removed. Abandoned facilities shall be designated as unlawful and as public nuisances, requiring no amortization period.

N. Distance Between Facilities.
   1. A facility shall not be located within 1,000 feet of any other existing facility.
   2. The minimum required distance between facilities may be reduced with approval of a Minor Use Permit. To approve the reduced separation, the review authority shall find that one or more of the following apply:
      a. Visual impacts are negligible; or
      b. The applicant can demonstrate that the site is a technical necessity to meet the demands of the geographic service area and the applicant’s network.

O. Impacts on Cultural Resources.
   1. Locating facilities in areas of historical, cultural or aesthetic importance to the County is prohibited, except when:
      a. No feasible alternative site exists; and
      b. A denial would prohibit wireless communications service in violation of federal or State law.
   2. The burden of proof shall be on the applicant to establish both conditions above.
   3. The County shall submit all applications for facilities in areas of historical, cultural, or aesthetic importance to the Northeast Information Center, CSU Chico, and the Butte County Historical Society for review and comment prior to acting upon the application.

P. Ground Level Support Facilities.
   1. All ground level support facilities shall be painted or screened from view with adequate landscaping appropriate to the surrounding environment.
   2. All aesthetic treatments, including landscaping, shall be maintained as approved for the life of the facility.

Q. Encroachment Permit Required. Facilities may not encroach into, under, over, above, or upon any public street in the unincorporated area of the county in the absence of a valid encroachment permit from the County.

R. Annual Emissions Verification.
   1. The owner or operator of a facility shall annually submit written verification that the radio frequency radiation/electromagnetic frequency radiation (RF/EMF) emitted by a facility conforms to safety standards in FCC OET 65.
2. The reports prepared for facilities shall conform to reporting requirements set by the FCC and the County.

S. Development Schedule. Applicants may be required to submit a development schedule if the Zoning Administrator determines that nearby property owners may be inconvenienced during the construction of a telecommunication facility.

T. Security. Facilities shall be secured at all times to prevent access by the public.

24-182 Standards for Zones

A. Agriculture Zones. All facilities in AG and AS zones shall comply with the following standards.

1. The review authority may require that tower or pole facilities be painted from a height of 10 feet above the ground to the top of the facility with alternating aviation orange and white stripes and have a flashing or steady burning light installed on the top that is shielded from the ground to prevent visual impacts, unless the applicant can demonstrate that such measures are not required to ensure compatibility with established air navigation practices in the immediate area.

2. All obstruction lighting shall be visually inspected on a regular basis to ensure proper operation. Any lighting failure or malfunction that affects a top light or flashing light regardless of its position on the tower shall be reported immediately to the Department of Development Services and remedied in a timely manner.

3. Facilities are encouraged to be located to ensure compatibility with established or anticipated future air navigation practices in the immediate area, as well as to minimize the disruption of agricultural land, provided all other applicable site development standards are met.

B. Residential Zones. All facilities in residential zones shall comply with the following standards.

1. All lighting on a facility, including identification or warning lights required by the FAA or other public agency, shall be oriented not to directly illuminate any area on the ground within a radius of 500 feet of the tower or monopole horizontally beyond the facility site, providing that such orientation/shielding complies with FAA or other federal or state agency requirements.

2. All facilities shall be aesthetically and architecturally compatible with the surrounding environment. Residentially compatible materials and veneers such as wood, brick, or stucco shall be used for associated support buildings, which shall be designed to architecturally match the exterior of residential structures in the area.

3. Only one monopole or tower is permitted per parcel. Multiple facilities may be placed on the single monopole or tower to facilitate co-location in zones where permitted.

C. Commercial and Industrial Zones. All facilities located within an existing office or business park shall be constructed to be architecturally compatible with existing nearby structures or architectural styles including color schemes, textures, and ornamentation.

24-183 Standards for Types of Facilities
A. Building Facade Mounted Facilities.

1. All portions of facilities projecting above the roof parapet or roof line shall be screened or hidden from view.
2. The total area of all facility panels shall not exceed the greater of 10 percent of the square footage of the facade of the building or 25 square feet per facade, whichever is less.
3. All equipment shelters, cabinets, or other structures utilized or built in connection with the facility shall be located within the building being utilized for the facility, or on the ground outside of any setback area or required vehicle parking space, or on the roof, if screened.
4. The lowest portion of all facilities shall be located a minimum of 20 feet above grade level.
5. No portion of the facility shall project out in any direction more than 18 inches from the facade of the building.
6. Facilities shall be constructed or mounted and painted to blend with the predominant architecture of the building or shall appear to be part of the building to which the facility is attached.

B. Roof Mounted Facilities.

1. All equipment shelters, cabinets, or structures utilized or built in connection with the facilities shall be located within the building being utilized for the antenna, or on the ground outside of any setback area or required vehicle parking space, or on the roof, if visually screened.
2. Facilities affixed to towers located on the roof of buildings shall be located as close to the center of the roof as feasibly and aesthetically possible, and the height of the tower shall not exceed 20 feet above the roof top.

C. Monopoles or Towers.

1. New monopoles or towers proposed in or within 1,000 feet of agriculture and residential zones require written notice, in a manner approved by the Zoning Administrator, to be given to owners of parcels located within a minimum radius of 1,000 feet of the parcel on which the proposed monopole or tower will be located. No structures shall exceed the maximum permitted height in areas as specified in Section 24-51 (Height Limit Exceptions).
2. Monopoles or towers in agriculture or residential zones shall not exceed 30 feet in height except when:
   a. No feasible alternative site exists; and
   b. A denial would constitute a prohibition on the provision of the affected wireless communications service in violation of federal or State law.
3. The burden of proof shall be on the applicant to establish both conditions described in Subsection 2 above.
24-184 Co-Location Facilities

A. Co-Location Facility. The placement or installation of wireless facilities, including antennas, and related equipment, on, or immediately adjacent to, a Wireless Telecommunications Co-Location Facility. However, "Co-location Facility" shall not include the placement or installation of any facilities on a Wireless Telecommunications Co-Location Facility which would add height to a Wireless Telecommunications Facility, the placement or installation of any new monopole or tower immediately adjacent to a Wireless Telecommunications Co-Location Facility, or the placement or installation of any facilities on a Wireless Telecommunications Co-Location Facility in a zone in which such a facility is prohibited by this section.

B. A co-location facility is permitted as-of-right with the approval of an Administrative Permit if it complies with the following requirements:

1. The existing wireless telecommunications co-location facility which the co-location facility is proposed on or immediately adjacent to was subject to a discretionary permit and an environmental impact report was certified, or a negative declaration or mitigated negative declaration was adopted for the wireless telecommunications co-location facility in compliance with the California Environmental Quality Act (Division 13, commencing with Section 21000, of the Public Resources Code), the requirements of Section 21166 do not apply, and the co-location facility incorporates required mitigation measures specified in that environmental impact report, negative declaration, or mitigated negative declaration.

2. The co-location facility is consistent with all requirements, including but not limited to Use Permit conditions, applicable to the existing wireless telecommunications co-location facility for which the co-location facility is proposed on, or immediately adjacent.

3. The co-location facility shall be subject to all of the development and performance standards set forth in this article.

C. If a co-location facility is proposed on, or immediately adjacent to an existing co-location facility which has not been subject to a County discretionary permit, the wireless telecommunications co-location facility shall require the approval of a Minor Use Permit or a Conditional Use Permit, and shall comply with all of the following:

1. The California Environmental Quality Act through certification of an environmental impact report, or adoption of a negative declaration or mitigated negative declaration.

2. Applicable State and County requirements, including the Butte County General Plan, any applicable community plan or specific plan, and the Zoning Ordinance.

3. County requirements for a wireless telecommunications co-location facility that specifies types of wireless telecommunications facilities that are allowed to include a co-location facility, or types of wireless telecommunications facilities that are allowed to include certain types of co-location facilities; height, location, bulk, and size of the wireless telecommunications co-location facility; percentage of the wireless telecommunications co-location facility that may be occupied by co-
location facilities; and aesthetic or design requirements for the wireless telecommunications co-location facility, including but not limited to applicable requirements of this section.

4. County requirements for a proposed co-location facility, including any types of co-location facilities that may be allowed on a wireless telecommunications co-location facility; height, location, bulk, and size of allowed co-location facilities; and aesthetic or design requirements for a co-location facility.

5. The County shall hold at least one public hearing on the discretionary permit and notice shall be given pursuant to Article 36 (Public Notice and Hearings).

D. Co-location facilities shall be permitted subject to the issuance of an Administrative and building permit and shall comply with the following development and performance standards.

1. The installation of co-location facilities allowed by this subsection requires the issuance of a building permit from the Building Division. The Building Division, based upon engineered calculations submitted by the applicant, may determine that the wireless telecommunications facility cannot safely physically support the requested co-location facility. If this is the case, the co-location facility allowed on the wireless telecommunications facility shall only be commensurate with what can be safely physically supported by the wireless telecommunications facility, as determined by the Building Division.

2. All equipment shelters, cabinets, or structures utilized or built in connection with the facilities shall be located within the building being utilized for the facility, or on the ground outside of any setback area or required vehicle parking space, or on the roof, if visually screened.

3. Additional facilities shall not extend out horizontally from the pole more than the widest existing projection. The use of proximity designs is encouraged.

4. The antennas and pole shall be painted to match the color of the existing antennas and pole or tower, and shall be painted and constructed to blend with the prevalent architecture and natural features existing on the subject site, as determined by the Zoning Administrator.

24-185 Terms of Approval

A. Permits for telecommunication facilities issued under this article shall be valid 10 years, unless this term is changed through the permitting process.

B. A permit granted under this article becomes invalid if an operator of a telecommunication facility ceases to operate the facility under the terms of this article or under the specific conditions of approval for the facility. If the facility becomes non-compliant, the owner shall cease to operate the facility and remove it from its location within 90 days of being informed that the permit has become invalid.

C. All permits for telecommunication facilities, regardless of the method by which they were originally issued, may be extended administratively by the Zoning Administrator upon verification of the permit-holder’s continued compliance with the findings and conditions of approval under which the application was originally approved. The Zoning Administrator may require a public hearing for renewal of a Conditional Use Permit for a telecommunication facility.
D. As part of the permit renewal process, the Zoning Administrator may require submittal of a certification by a licensed professional that the facility is being operated in accordance with all applicable FCC standards for RF emissions.

24-186 Performance Securities

A. Emissions Testing.
   1. Prior to issuance of the building permit for the installation of a telecommunications facility, the applicant shall post a performance security in an amount and form determined by the Zoning Administrator that is sufficient to cover the cost of a one-time test by a radio frequency consultant selected by the County, sufficient to determine whether the facility’s RF/EMF emissions comply with FCC standards.
   2. If the facility’s emissions are determined to exceed FCC standards, the applicant shall pay for such other tests and other corrective measures as are necessary to establish compliance with FCC OET 65 and its successors. Continued noncompliance constitutes sufficient grounds to commence a permit revocation hearing which may lead to permit revocation.
   3. The applicant shall cooperate in all respects with the County’s consultant to assist the consultant to reach a conclusion.

B. Facility Removal. Prior to issuance of the building permit for the installation of a facility, the applicant shall post a performance security in an amount and form determined by the Zoning Administrator that is sufficient to cover the cost of removal of the facility in the event that such facility is abandoned or subject to a revoked permit.

24-187 Facility Removal

A. Within 30 days of the service provider’s intention of leaving the site, documentation of the intention to remove the facility shall be provided to the County. The removal requirement set forth in this section shall be included in the terms of lease for facilities on the property.

B. Within 60 days of abandonment, or discontinuance of use, of a telecommunications facility, the operator shall secure a Demolition Permit from the County and the facility shall be removed and the site restored to its pre-construction condition.

C. If an abandoned or discontinued facility is not removed within 60 days, the County may remove the facility at the applicant’s or land owner’s expense.
PART 5
Land Use and Development Approval Procedures

Article 27. Permit Application and Review ................................................................. 233
   24-188 Purpose .............................................................................................................. 233
   24-189 Review and Decision-Making Authority .............................................................. 233
   24-190 Application Preparation and Filing ................................................................. 234
   24-191 Application Fees ............................................................................................. 235
   24-192 Initial Review of Application ......................................................................... 235
   24-193 Project Evaluation and Staff Reports .............................................................. 236
   24-194 Environmental Review ..................................................................................... 236
   24-195 Applications Deemed Withdrawn ................................................................... 237

Article 28. Zoning Clearances ....................................................................................... 239
   24-196 Purpose .............................................................................................................. 239
   24-197 Applicability ....................................................................................................... 239
   24-198 Review Authority ............................................................................................. 239
   24-199 Review and Action ........................................................................................... 239
   24-200 Public Notice and Hearing ............................................................................... 239
   24-201 Conditions of Approval .................................................................................. 240

Article 29. Administrative Permits .............................................................................. 241
   24-202 Purpose .............................................................................................................. 241
   24-203 Applicability ....................................................................................................... 241
   24-204 Review Authority ............................................................................................. 241
   24-205 Application Submittal, Review, and Action ..................................................... 241
   24-206 Public Notice and Hearing ............................................................................... 241
   24-207 Conditions of Approval .................................................................................. 242
   24-208 Post-Decision Procedures ............................................................................... 242

Article 30. Reserved ...................................................................................................... 243

Article 31. Conditional Use and Minor Use Permits .................................................... 244
   24-217 Purpose .............................................................................................................. 244
   24-218 Applicability ....................................................................................................... 244
   24-219 Review Authority ............................................................................................. 244
### Article 32. Variances and Minor Variances

<table>
<thead>
<tr>
<th>Section</th>
<th>Title</th>
</tr>
</thead>
<tbody>
<tr>
<td>24-226</td>
<td>Purpose</td>
</tr>
<tr>
<td>24-227</td>
<td>Applicability</td>
</tr>
<tr>
<td>24-228</td>
<td>Review Authority</td>
</tr>
<tr>
<td>24-229</td>
<td>Application Submittal and Review</td>
</tr>
<tr>
<td>24-230</td>
<td>Public Notice and Hearing</td>
</tr>
<tr>
<td>24-231</td>
<td>Findings</td>
</tr>
<tr>
<td>24-232</td>
<td>Conditions of Approval</td>
</tr>
<tr>
<td>24-233</td>
<td>Precedent</td>
</tr>
<tr>
<td>24-234</td>
<td>Post-Decision Procedures</td>
</tr>
</tbody>
</table>

### Article 33. Reasonable Accommodations

<table>
<thead>
<tr>
<th>Section</th>
<th>Title</th>
</tr>
</thead>
<tbody>
<tr>
<td>24-235</td>
<td>Purpose</td>
</tr>
<tr>
<td>24-236</td>
<td>Applicability</td>
</tr>
<tr>
<td>24-237</td>
<td>Review Authority</td>
</tr>
<tr>
<td>24-238</td>
<td>Application Submittal and Review</td>
</tr>
<tr>
<td>24-239</td>
<td>Criteria for Decision</td>
</tr>
<tr>
<td>24-240</td>
<td>Conditions of Approval</td>
</tr>
<tr>
<td>24-241</td>
<td>Post-Decision Procedures</td>
</tr>
</tbody>
</table>

### Article 34. Post-Decision Procedures

<table>
<thead>
<tr>
<th>Section</th>
<th>Title</th>
</tr>
</thead>
<tbody>
<tr>
<td>24-242</td>
<td>Purpose</td>
</tr>
<tr>
<td>24-243</td>
<td>Effective Date of Permits, Approvals, and Legislative Actions</td>
</tr>
<tr>
<td>24-244</td>
<td>Signature Required</td>
</tr>
<tr>
<td>24-245</td>
<td>Performance Guarantees</td>
</tr>
<tr>
<td>24-246</td>
<td>Changes to an Approved Project</td>
</tr>
<tr>
<td>24-247</td>
<td>Time Limits and Extensions</td>
</tr>
<tr>
<td>24-248</td>
<td>Resubmittals</td>
</tr>
<tr>
<td>24-249</td>
<td>Certificates of Occupancy</td>
</tr>
<tr>
<td>24-250</td>
<td>Permits to Run with the Land</td>
</tr>
<tr>
<td>24-251</td>
<td>Permit Revocation or Modification</td>
</tr>
</tbody>
</table>
Article 27. PERMIT APPLICATION AND REVIEW

Sections:
24-188 – Purpose
24-189 – Review and Decision-Making Authority
24-190 – Application Preparation and Filing
24-191 – Application Fees
24-192 – Initial Review of Application
24-193 – Project Evaluation and Staff Reports
24-194 – Environmental Review
24-195 – Applications Deemed Withdrawn

24-188 Purpose
This article establishes procedures and requirements for the preparation, filing, and initial processing of permit applications required by the Zoning Ordinance.

24-189 Review and Decision-Making Authority
Table 24-189-1 (Review and Decision-Making Authority) identifies the roles of each decision-making authority on each type of permit and approval required by the Zoning Ordinance.

<table>
<thead>
<tr>
<th>Type of Action</th>
<th>Applicable Ordinance Article</th>
<th>Role of Authority[1]</th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td>Zoning Administrator [2]</td>
<td>Planning Commission</td>
</tr>
<tr>
<td><strong>Legislative Actions</strong></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Development Agreements</td>
<td>40</td>
<td>-</td>
<td>Recommend</td>
</tr>
<tr>
<td>Zoning Ordinance/Zoning Map Amendments</td>
<td>38</td>
<td>-</td>
<td>Recommend</td>
</tr>
<tr>
<td>General Plan Amendments</td>
<td>39</td>
<td>-</td>
<td>Recommend</td>
</tr>
<tr>
<td><strong>Permits and Approvals</strong></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Conditional Use Permits</td>
<td>31</td>
<td>-</td>
<td>Decision</td>
</tr>
<tr>
<td>Minor Use Permits</td>
<td>31</td>
<td>Decision</td>
<td>Appeal</td>
</tr>
<tr>
<td>Variances</td>
<td>32</td>
<td>-</td>
<td>Decision</td>
</tr>
<tr>
<td>Minor Variances</td>
<td>32</td>
<td>Decision</td>
<td>Appeal</td>
</tr>
<tr>
<td>Density Bonuses</td>
<td>23</td>
<td>Recommend</td>
<td>Decision</td>
</tr>
<tr>
<td>Reasonable Accommodations</td>
<td>33</td>
<td>Decision</td>
<td>Appeal</td>
</tr>
</tbody>
</table>
24-190 Application Preparation and Filing

A. Pre-Application Conference.

1. The County encourages prospective applicants to request a pre-application conference with the Department of Development Services before completing and filing a permit application.

2. The purpose of a pre-application conference is to:
   a. Inform the applicant of County requirements as they apply to the proposed project;
   b. Review the County's review process, possible project alternatives, or modifications; and
   c. Identify information and materials the County will require with the application, and any necessary technical studies and information relating to the environmental review of the project.

3. Information and materials provided by County staff to the applicant at the pre-application conference shall not be construed as a recommendation for either approval or denial of the proposed project.

4. Failure by County staff to identify at a pre-application conference all studies or application requirements shall not constitute a waiver of those studies or requirements.

B. Application Contents.

1. All applications for a permit required by the Zoning Ordinance shall be filed with the Department of Development Services on an official County application form.

2. The application shall be filed with all required fees, deposits, information, and materials as specified by the Department of Development Services.

3. The County encourages applicants to contact the Department of Development Services before submitting an application to verify which materials are necessary for application filing.
C. **Eligibility for Filing.**

1. An application may only be filed by the owner of the subject property or a lessee or authorized agent of the owner with the written consent of the property owner.

2. The application shall be signed by the owner of the subject property or a lessee or authorized agent of the owner if written authorization from the owner is filed concurrently with the application.

D. **Rejection of Application.** If the Zoning Administrator determines that an application requests permission for an action not allowed in the applicable zone or that cannot lawfully be approved by the County, the Zoning Administrator shall not accept the application for processing.

E. **Multiple Applications.** If more than one permit application is submitted for a single proposed project, the entire proposal shall be acted upon by the highest applicable review authority. For example, if a proposal involves both a Minor Variance and a Conditional Use Permit, the Planning Commission shall act upon both permits.

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24-191 **Application Fees**

Application fees required for any permit application shall be paid as required by the Butte County Master Fee Schedule.

24-192 **Initial Review of Application**

A. **Review for Completeness.**

1. The Department of Development Services shall review each application for completeness and accuracy before it is accepted.

2. Acceptance of the application by the Department of Development Services shall be based on the County's list of required application contents and any additional written instructions provided to the applicant in a pre-application conference or during the initial application review period.

3. Within 30 calendar days of application acceptance, the applicant shall be informed in writing that the application is complete and has been accepted for processing, or that the application is incomplete and that additional information is required.

4. When the Department of Development Services determines that an application is incomplete, and the applicant believes that the application is complete or that the information requested by the Department of Development Services is not required, the applicant may appeal the determination in compliance with Article 37 (Appeals and Calls for Review).

5. After the County has accepted an application as complete, the Department of Development Services may require the applicant to submit additional information for the environmental review of the project in compliance with the California Environmental Quality Act (CEQA).

B. **Referral of Application.** At the discretion of the Department of Development Services, or where otherwise required by the Zoning Ordinance or State or federal law, an application may be referred to any public agency that may have an interest in the proposed project.
24-193 Project Evaluation and Staff Reports

A. Staff Evaluation. Department of Development Services staff shall review all applications to determine if they comply with all applicable requirements, including the Zoning Ordinance, other applicable provisions of the Butte County Code, the General Plan, applicable specific plan or community plan, and the Butte County Improvement Standards where applied.

B. Staff Report. Department of Development Services staff shall provide a written recommendation to the Planning Commission or Board of Supervisors (as applicable) as to whether the application should be approved, approved with conditions, or denied.

C. Report Distribution. Each staff report shall be furnished to the applicant at the same time it is provided to the review authority before action on the application.

D. Exceptions to Butte County Improvement Standards. The review authority may consider exceptions to the Butte County Improvement Standards, where such standards are applied under this chapter. The exception may accompany the application, or be submitted no more than 10 days after receiving notice from the County of the required improvement. The exception to Butte County Improvement Standards shall state fully the grounds and facts relied upon to support the exception. The review authority must find that all of the following facts apply with respect to the request for exception:

1. That there are special circumstances pertaining to conditions, topography, size, shape or location of existing development affecting the property,

2. That the granting of the exception to the Butte County Improvement Standards will not be detrimental to the public welfare or injurious to other property located within the surrounding zoning districts.

24-194 Environmental Review

A. CEQA Review. After acceptance of a complete application, Department of Development Services staff shall review the project in compliance with CEQA to determine whether:

1. The proposed project is not a project as defined by CEQA;
2. The proposed project is exempt from the requirements of CEQA;
3. A Negative Declaration may be issued;
4. A Mitigated Negative Declaration may be issued; or
5. An Environmental Impact Report (EIR) is required.

B. Compliance with CEQA. These determinations and, where required, the preparation of appropriate environmental documents, shall be in compliance with CEQA and any adopted Butte County Environmental Review Guidelines.

C. Special Studies Required. Special studies, paid for in advance by the applicant, may be required to supplement the County’s CEQA compliance review.
24-195  Applications Deemed Withdrawn

A. **Response Required.** If an applicant does not provide information specified in Section 24-190B or the fees specified in Section 24-191 as requested in writing by the Department of Development Services within nine months following the date of the certified letter, the application shall expire upon a hearing by the Zoning Administrator. See Figure 24-195-1 (Applications Deemed Withdrawn).

B. **Refund of Fees.** Any remaining fees submitted with the project application shall be returned to the applicant in the event that an application is deemed withdrawn.

C. **Resubmittal.** After the expiration of an application, future County consideration shall require the submittal of a new complete application and associated filing fees.
Article 28. ZONING CLEARANCES

Sections:
24-196 – Purpose
24-197 – Applicability
24-198 – Review Authority
24-199 – Review and Action
24-200 – Public Notice and Hearing
24-201 – Conditions of Approval

24-196 Purpose
This article identifies the process for obtaining a Zoning Clearance. A Zoning Clearance is a ministerial procedure used by the County to verify that a proposed use or structure complies with the Zoning Ordinance. Zoning Clearances are processed as part of a building permit application and do not require the submittal of a separate permit application. A Zoning Clearance does not determine whether a parcel is a legal parcel pursuant to the State Subdivision Map Act (see Butte County Code Section 20-166 Certificate of Compliance).

24-197 Applicability
A Zoning Clearance is required prior to the issuance of any building or grading permit.

24-198 Review Authority
The Zoning Administrator shall take action on all Zoning Clearances.

24-199 Review and Action
A. An applicant requesting approval of a building or grading permit is not required to submit a separate application for a Zoning Clearance. However, any person eligible for filing a permit application as specified by Section 24-190 (Application Preparation and Filing) may voluntarily submit a zoning clearance request to the Department of Development Services.

B. Department of Development Services staff shall review building or grading permit applications, or voluntary Zoning Clearance requests, to verify compliance with the Zoning Ordinance. If the project complies with the Zoning Ordinance, the Zoning Administrator shall approve the Zoning Clearance. Department of Development Services staff shall attach a record of the approved Zoning Clearance to the approved building or grading permit application.

24-200 Public Notice and Hearing
No public notice or hearing is required for a Zoning Clearance.
24-201 Conditions of Approval

No conditions of approval shall be attached to the approval of a Zoning Clearance. Conditions from previous land use entitlements would still apply regardless of Zoning Clearance.
Article 29. **ADMINISTRATIVE PERMITS**

Sections:
24-202 – Purpose
24-203 – Applicability
24-204 – Review Authority
24-205 – Application Submittal, Review, and Action
24-206 – Public Notice and Hearing
24-207 – Conditions of Approval
24-208 – Post-Decision Procedures

24-202 Purpose

This article identifies the process for obtaining an Administrative Permit. An Administrative Permit is required for uses permitted as-of-right yet subject to specific Zoning Ordinance standards. An Administrative Permit is a ministerial procedure for the County to verify that a proposed use complies with all applicable standards. An Administrative Permit also enables the County to ensure that the applicant understands and accepts these standards. See Figure 24-202-1 (Typical Process for Administrative Permit Approval).

24-203 Applicability

Uses that require an Administrative Permit are specified in the land use regulation tables for each zone found in Part 2 (Zoning Districts, Land Uses, and Development Standards), and other uses as specified under this chapter.

24-204 Review Authority

The Zoning Administrator shall take action on all Administrative Permit applications.

24-205 Application Submittal, Review, and Action

A. An application for an Administrative Permit shall be filed on an official County form approved by the Zoning Administrator.

B. The Administrative Permit application form shall contain applicable Zoning Ordinance standards and a place for the applicant’s signature acknowledging agreement to comply with these standards.

C. Department of Development Services staff shall review the application to verify compliance with the Zoning Ordinance. If the proposal complies with the Zoning Ordinance and the applicant agrees to comply with all special standards, the Zoning Administrator shall approve the application.
24-206  Public Notice and Hearing
No public notice or hearing is required for an Administrative Permit.

24-207  Conditions of Approval
No conditions of approval shall be attached to the approval of an Administrative Permit.

24-208  Post-Decision Procedures
The procedures and requirements relating to effective dates, permit expiration, and changed plans apply to Administrative Permits as provided in Article 34 (Post-Decision Procedures).
Article 30. RESERVED

Sections 24-209 through 24-216 are reserved.
Article 31. CONDITIONAL USE AND MINOR USE PERMITS

Sections:
24-217 – Purpose
24-218 – Applicability
24-219 – Review Authority
24-220 – Application Submittal and Review
24-221 – Public Notice and Hearing
24-222 – Findings
24-223 – Conditions of Approval
24-224 – Post-Decision Procedures
24-225 – Annual Inspection

24-217 Purpose
This article identifies the process for obtaining a Conditional Use or Minor Use Permit. A Conditional Use or Minor Use Permit is required for uses that are generally appropriate within a zone but potentially undesirable on a particular parcel or in large numbers. A Conditional Use or Minor Use Permit is a discretionary action that enables the County to ensure that a proposed use is consistent with all General Plan goals and policies and will not create negative impacts to adjacent properties or the general public. See Figure 24-217-1 (Typical Process for Conditional Use Permit Approval), and Figure 24-217-2 (Typical Process for Minor Use Permit Approval).

24-218 Applicability
Uses that require a Conditional Use or Minor Use Permit are specified in the land use regulation tables for each zone found in Part 2 (Zoning Districts, Land Uses, and Development Standards).

24-219 Review Authority
A. Conditional Use Permits. The Planning Commission shall take action on all Conditional Use Permit applications.
B. Minor Use Permits.
   1. The Zoning Administrator shall take action on all Minor Use Permit applications.
   2. The Zoning Administrator may choose to refer any Minor Use Permit application to the Planning Commission for review and final decision.

24-220 Application Submittal and Review
An application for a Conditional Use or Minor Use Permit shall be filed and reviewed in compliance with Article 27 (Permit Application and Review). The application shall include the information and materials specified in the Department of Development Services handout for Conditional Use and Minor Use Permit
APPLICATIONS, TOGETHER WITH ALL REQUIRED APPLICATION FEES. IT IS THE RESPONSIBILITY OF THE APPLICANT TO PROVIDE EVIDENCE IN SUPPORT OF THE FINDINGS REQUIRED BY SECTION 24-222 (FINDINGS).

24-221 PUBLIC NOTICE AND HEARING

PUBLIC NOTICE AND HEARING FOR A CONDITIONAL USE OR MINOR USE PERMIT APPLICATION SHALL BE PROVIDED IN FULL COMPLIANCE WITH ARTICLE 36 (PUBLIC NOTICE AND HEARINGS).

24-222 FINDINGS

THE REVIEW AND DECISION-MAKING AUTHORITY MAY APPROVE AN APPLICATION FOR A CONDITIONAL USE OR MINOR USE PERMIT ONLY IF THE PROPOSED PROJECT COMPLIES WITH APPLICABLE STANDARDS IN THE ZONING ORDINANCE, OTHER COUNTY ORDINANCES, THE GENERAL PLAN, ANY OTHER APPLICABLE COMMUNITY OR SPECIFIC PLAN, AND THE COUNTY IMPROVEMENT STANDARDS, AND AS SUPPORTED BY ALL OF THE FOLLOWING FINDINGS:

A. THE PROPOSED USE IS ALLOWED IN THE APPLICABLE ZONE OR MEETS THE CRITERIA FOR THE RECONSTRUCTION OR INTENSIFICATION OF A NONCONFORMING USE PER ARTICLE 22 (NONCONFORMING USES AND STRUCTURES).

B. THE LOCATION, SIZE, DESIGN, AND OPERATING CHARACTERISTICS OF THE PROPOSED USE WILL BE COMPATIBLE WITH THE EXISTING AND FUTURE LAND USES IN THE VICINITY OF THE SUBJECT PROPERTY.

C. THE PROPOSED USE WILL NOT BE DETRIMENTAL TO THE PUBLIC HEALTH, SAFETY, AND WELFARE OF THE COUNTY.

D. THE PROPOSED USE IS PROPERLY LOCATED WITHIN THE COUNTY AND ADEQUATELY SERVED BY EXISTING OR PLANNED SERVICES AND INFRASTRUCTURE.

E. THE SIZE, SHAPE, AND OTHER PHYSICAL CHARACTERISTICS OF THE SUBJECT PROPERTY ARE ADEQUATE TO ENSURE COMPATIBILITY OF THE PROPOSED USE WITH THE EXISTING AND FUTURE LAND USES IN THE VICINITY OF THE SUBJECT PROPERTY.

24-223 CONDITIONS OF APPROVAL

A. THE REVIEW AUTHORITY MAY ATTACH CONDITIONS TO THE APPROVAL OF A CONDITIONAL USE OR MINOR USE PERMIT AS NEEDED TO ENSURE COMPLIANCE WITH THE ZONING ORDINANCE, OTHER COUNTY ORDINANCES, THE GENERAL PLAN, ANY OTHER APPLICABLE COMMUNITY OR SPECIFIC PLAN, AND THE COUNTY IMPROVEMENT STANDARDS.

24-224 POST-DECISION PROCEDURES

THE PROCEDURES AND REQUIREMENTS RELATING TO APPEALS (ARTICLE 37), EFFECTIVE DATES, PERMIT EXPIRATION, PERMIT REVOCATION, AND CHANGED PLANS SHALL APPLY TO CONDITIONAL USE AND MINOR USE PERMITS AS PROVIDED IN ARTICLE 34 (POST-DECISION PROCEDURES). THE
procedures and requirements relating to notices of decision shall apply to Conditional Use and Minor Use Permits as provided in Article 36 (Public Notice and Hearings).

24-225 Annual Inspection

The Code Enforcement Officer may inspect any property subject to a Conditional Use or Minor Use Permit on an annual basis to verify compliance with applicable standards and conditions of approval. The County shall be reimbursed by the property owner or operator, as established by the Butte County Master Fee Schedule. Any code enforcement proceedings resulting from this inspection shall be conducted in compliance with Butte County Code Chapter 41 (Code Enforcement Policies and Procedures) and Chapter 32A (Property Maintenance and Abatement of Nuisances) and all other applicable sections of the Butte County Code.
Section 32. VARIANCES AND MINOR VARIANCES

Sections:
24-226 – Purpose
24-227 – Applicability
24-228 – Review Authority
24-229 – Application Submittal and Review
24-230 – Public Notice and Hearing
24-231 – Findings
24-232 – Conditions of Approval
24-233 – Precedent
24-234 – Post-Decision Procedures

24-226 Purpose
This article identifies the process for obtaining a Variance or a Minor Variance. A Variance or Minor Variance is a discretionary permit that allows for deviation from physical development standards contained in the Zoning Ordinance. A Variance or Minor Variance may be granted only when the strict application of development standards creates a unique hardship due to unusual circumstances associated with the property. See Figure 24-226-1 (Typical Process for Variance Approval), and Figure 24-226-2 (Typical Process for Minor Variance Approval).

24-227 Applicability
A. Allowable Variances. A Variance or Minor Variance may be granted to allow for deviation from any physical development standard that applies to the subject property. Examples of physical development standards include height, setbacks, open space, floor-area ratio, and off-street parking requirements.

B. Variances Not Allowed. A Variance or Minor Variance shall not be granted to authorize a land use that is prohibited in the applicable zone or to allow deviation from a requirement of the General Plan.

C. Variance and Minor Variance Defined.
   1. A Variance is required to approve a deviation from a standard by more than 10 percent.
   2. A Minor Variance is required to approve a deviation from a standard by 10 percent or less.

24-228 Review Authority
A. Variance. The Planning Commission shall take action on all Variance applications.

B. Minor Variance.
   1. The Zoning Administrator shall take action on all Minor Variance applications.
   2. The Zoning Administrator may choose to refer any Minor Variance application to the Planning Commission for review and final decision.
24-229 Application Submittal and Review

An application for a Variance or Minor Variance shall be filed and reviewed in compliance with Article 27 (Permit Application and Review). The application shall include the information and materials specified in the Department of Development Services handout for Variance and Minor Variance applications, together with all required application fees. It is the responsibility of the applicant to provide evidence in support of the findings required by Section 24-231 (Findings).

24-230 Public Notice and Hearing

Public notice and hearing for a Variance or Minor Variance application shall be provided in full compliance with Article 36 (Public Notice and Hearings).

24-231 Findings

The review and decision-making authority may approve an application for a Variance or Minor Variance only if the proposed project complies with applicable standards in the Zoning Ordinance, other County ordinances, the General Plan, any other applicable community or specific plan, and the County Improvement Standards, and as supported by all of the following findings:

A. There are unique circumstances applicable to the subject property, including size, shape, topography, location, or surroundings, that do not generally apply to other properties in the vicinity or in the same zone as the subject property.

B. The strict application of the Zoning Ordinance requirements would deprive the subject property of privileges enjoyed by other property in the vicinity or in the same zone as the subject property.

C. The Variance or Minor Variance is necessary to preserve a substantial property right possessed by other property in the vicinity or in the same zone as the subject property.

D. The Variance or Minor Variance will not be materially detrimental to the public health, safety, or welfare, or be injurious to the property or improvements in the vicinity or in the same zone as the subject property.

E. The Variance or Minor Variance does not constitute a grant of special privilege inconsistent with the limitations upon other properties in the vicinity or in the same zone as the subject property.

F. The Variance or Minor Variance does not allow a use or activity which is prohibited by the Zoning Ordinance in the applicable zone.
G. The Variance or Minor Variance complies with applicable standards in the Zoning Ordinance, other County ordinances, the General Plan and any other applicable community or specific plan.

24-232 Conditions of Approval
The review authority may attach conditions to the approval of a Variance or Minor Variance as needed, except as otherwise being applied for in the Variance or Minor Variance, to ensure compliance with the Zoning Ordinance, other County ordinances, the General Plan, any other applicable community or specific plan, and the Butte County Improvement Standards.

24-233 Precedent
The approval of a Variance or Minor Variance shall not set the precedent for the granting of any future Variance or Minor Variance. Each application shall be considered only on its individual merits.

24-234 Post-Decision Procedures
The procedures and requirements relating to Appeals (Article 37), effective dates, permit expiration, permit revocation, and changed plans shall apply to Variances and Minor Variances as provided in Article 34 (Post-Decision Procedures). The procedures and requirements relating to notices of decision shall apply to Variances and Minor Variances as provided in Article 36 (Public Notice and Hearings).
Article 33. REASONABLE ACCOMMODATIONS

Sections:
24-235 – Purpose
24-236 – Applicability
24-237 – Review Authority
24-238 – Application Submittal and Review
24-239 – Criteria for Decision
24-240 – Conditions of Approval
24-241 – Post-Decision Procedures

24-235 Purpose
This article establishes a procedure for requesting reasonable accommodation for persons with disabilities seeking equal access to housing in the application of the Zoning Ordinance and other land use regulations, policies, and procedures. A Reasonable Accommodation is typically an adjustment to physical design standards to accommodate ministerial permit processes such as a building permit for the placement of wheelchair ramps or other exterior modifications to a dwelling in response to the needs of a disabled resident. See Figure 24-235-1 (Typical Process for Reasonable Accommodation Approval).

24-236 Applicability
A. Eligible Applicants. A request for reasonable accommodation may be made by any person with a disability, their representative, or any entity, when the application of the Zoning Ordinance or other land use regulation, policy, or practice acts as a barrier to fair housing opportunities.

B. Definition. A “person with a disability” as defined by the Americans with Disabilities Act (ADA) is a person who has a physical or mental impairment that limits or substantially limits one or more major life activities, anyone who is regarded as having this type of impairment, or anyone who has a record of this type of impairment.

C. Eligible Requests. A request for Reasonable Accommodation may include a modification or exception to the rules, standards, and practices for the siting, development, and use of housing or housing-related facilities under the Zoning Ordinance that would eliminate regulatory barriers and provide a person with a disability equal opportunity to housing of their choice.

24-237 Review Authority
A. The Zoning Administrator shall take action on all Reasonable Accommodation applications.

B. The Zoning Administrator may choose to refer any Reasonable Accommodation application to the Planning Commission for review and final decision.
24-238 Application Submittal and Review
An application for a Reasonable Accommodation shall be filed and processed in compliance with Article 27 (Permit Application and Review). The application shall include the information and materials specified in the Department of Development Services handout for Reasonable Accommodation applications, together with all required application fees. It is the responsibility of the applicant to provide evidence in support of the criteria described in Section 24-239 (Criteria for Decision).

24-239 Criteria for Decision
The Zoning Administrator shall make a written decision and either approve, approve with modifications, or deny a request for Reasonable Accommodation based on consideration of all of the following factors:

A. Whether the housing which is the subject of the request will be used by an individual defined as disabled under the Americans with Disabilities Act;

B. Whether the request for Reasonable Accommodation is necessary to make specific housing available to an individual with a disability under the Americans with Disabilities Act;

C. Whether the requested Reasonable Accommodation would impose an undue financial or administrative burden on the County;

D. Whether the requested Reasonable Accommodation would require a fundamental alteration in the nature of a County program or law, including but not limited to land use and zoning;

E. Potential impact on surrounding uses;

F. Physical attributes of the property and structures; and

G. Other Reasonable Accommodations that may provide an equivalent level of benefit.

24-240 Conditions of Approval
In approving a request for Reasonable Accommodation, the review authority may impose conditions of approval deemed reasonable and necessary to ensure that the Reasonable Accommodation will comply with the criteria required by Section 24-239 (Criteria for Decision).

24-241 Post-Decision Procedures
The procedures and requirements relating to Appeals (Article 37), effective dates, permit expiration, permit revocation, and changed plans shall apply to Reasonable Accommodations as provided in Article 34 (Post-Decision Procedures). The procedures and requirements relating to notices of decision shall apply to Reasonable Accommodations as provided in Article 36 (Public Notice and Hearings).
Article 34. POST-DECISION PROCEDURES

Sections:
24-242 – Purpose
24-243 – Effective Date of Permits, Approvals, and Legislative Actions
24-244 – Signature Required
24-245 – Performance Guarantees
24-246 – Changes to an Approved Project
24-247 – Time Limits and Extensions
24-248 – Resubmittals
24-249 – Certificate of Occupancy
24-250 – Permits to Run with the Land
24-251 – Permit Revocation or Modification

24-242 Purpose
This article establishes procedures and requirements that apply following a County decision on permit applications and requested approvals required by the Zoning Ordinance.

24-243 Effective Date of Permits, Approvals, and Legislative Actions
A. Permits and Approvals.
   1. A Zoning Clearance becomes effective immediately upon issuance.
   2. An Administrative Permit, Minor Use Permit, Conditional Use Permit, Variance, Minor Variance, Exception, or Reasonable Accommodation approval becomes effective ten days following approval by the review authority, unless appealed or called up for review (Article 37, Appeals and Calls for Review).
B. Legislative Actions. Board of Supervisors actions to adopt or amend a development agreement or to amend the Zoning Ordinance or General Plan becomes effective 30 days following adoption by the Board of Supervisors.
C. Issuance. The County may issue permits and other approvals only upon the effective date, provided no appeal of the review authority's decision has been filed in compliance with Article 37 (Appeals and Calls for Review).

24-244 Signature Required
Within 15 days of approval, the applicant or property owner shall submit to the Department of Development Services a signed copy of any conditions attached to an approved project. If the County does not receive the signed conditions within 15 days of project approval, a certified letter shall be mailed to the applicant or property owner providing an additional 15 days to submit the signed copy of any conditions to Development Services.
Services. If no action is taken by the applicant after this second notification and additional 15-day period, the permit shall expire and become void. The Zoning Administrator shall issue a letter of expiration.

24-245 Performance Guarantees

A. Security Required. The County may require an applicant to provide adequate security to guarantee the proper completion of any approved work or compliance with any conditions of approval authorized by the Zoning Ordinance.

B. Form of Security. The security shall be in the form of cash, a certified or cashier's check, an irrevocable letter of credit, or a performance bond executed by the applicant and a corporate surety authorized to do business in California and approved by the County.

C. Amount of Security. The Zoning Administrator shall determine the amount of the security necessary to ensure proper completion of the approved work or compliance with applicable conditions of approval.

D. Duration of Security. The security shall remain in effect until all work has been completed and conditions fulfilled to the satisfaction of the Zoning Administrator or until a specified warranty period has elapsed.

E. Release of Security. The security deposit shall be released upon completion of the approved work or compliance with applicable conditions of approval or the specified warranty period has elapsed.

F. Failure to Comply.

1. Upon failure to complete any work or comply with conditions, the County may complete the work or fulfill the condition, and may collect from the applicant or surety all costs incurred, including administrative, engineering, legal, and inspection costs.

2. If additional costs in excess of the deposit amount are incurred, it shall be the responsibility of the property owner to bear such additional costs.

3. Any unused portion of the security shall be refunded to the funding source.

24-246 Changes to an Approved Project

An approved project authorized by the Zoning Ordinance shall be established only as approved by the review authority, except when changes to the project are approved in compliance with this section.

A. Request for a Change.

1. An applicant shall request desired changes in writing, and shall also submit appropriate supporting materials and an explanation of the reasons for the request.

2. Changes may be requested either before or after construction or establishment and operation of the approved use.

3. Changes shall be approved before implementation of the changes.

B. Notice and Hearing. If the matter originally required a noticed public hearing, the review authority that originally heard the matter shall hold a public hearing for the requested change, except as allowed by
Subsection C (Minor Changes) and shall give notice in compliance with Article 36 (Public Notice and Hearings).

C. **Minor Changes.** The Zoning Administrator may authorize minor changes to an approved project if the changes comply with all of the following criteria:

1. The requested changes are consistent with all applicable requirements of the Zoning Ordinance;
2. The requested changes are consistent with the spirit and intent of the original approval;
3. The requested changes do not alter a mitigation measure or cause an additional significant impact pursuant to an approved Negative Declaration, Mitigated Negative Declaration, or Environmental Impact Report for the project;
4. The requested changes do not involve a feature of the project that was a basis for conditions of approval for the project;
5. The requested changes do not involve a feature of the project that was a specific consideration by the review authority in granting the approval; and
6. The requested changes do not involve any expansion or intensification of the use or structure.

24-247 **Time Limits and Extensions**

A. **Expiration of Permit.** A permit or approval not exercised within two years after the date of approval shall expire and become void, except where an extension of time is approved as allowed by Subsection C (Extension of Time). A permit or approval shall also expire and become void if the permitted use is abandoned for one year. The Zoning Administrator shall issue a letter prior to this determination. For Conditional Use Permits associated with a mining permit the expiration shall be in accordance with Butte County Code Chapter 13, Article II, Surface Mining and Reclamation.

B. **Exercised Defined.** A permit or approval shall be considered exercised when:

1. A building permit is issued and construction has commenced;
2. A certificate of occupancy is issued; or
3. The permittee notifies the County in writing when the use is established.

C. **Extension of Time.** The Zoning Administrator may approve an extension to a permit or approval in the following manner:

1. The applicant shall submit to the Department of Development Services a written request for an extension of time no later than 10 days before the expiration of the permit or approval.
2. The Zoning Administrator may extend the permit or approval for an additional one year period if the applicant has proceeded in good faith and has exercised due diligence in efforts to exercise the permit or approval in a timely manner.
3. The burden of proof is on the applicant to demonstrate that the permit should be extended.
4. The Zoning Administrator may choose to refer any extension of time requests to the Planning Commission for review and final decision.

24-248 Resubmittals

A. Resubmittals Prohibited Within 12 Months. For a period of 12 months following the denial or revocation of a discretionary permit or approval, no application for the same or substantially similar use or entitlement for the same site shall be submitted, unless the denial or revocation was made without prejudice, and so stated in the record.

B. Zoning Administrator's Determination. The Zoning Administrator shall determine whether the new application is for a permit or approval which is the same or substantially similar to the previously denied or revoked permit.

C. Appeal. The determination of the Zoning Administrator may be appealed to the Planning Commission, in compliance with Article 37 (Appeals and Calls for Review).

24-249 Certificates of Occupancy

A final Certificate of Occupancy shall not be issued by the Development Services Department until all applicable permits have been approved and all applicable standards and conditions of approval have been met.

24-250 Permits to Run with the Land

Permits and approvals issued in compliance with the Zoning Ordinance remain valid upon change of ownership of the site, provided the use has not been abandoned.

24-251 Permit Revocation or Modification

Any discretionary permit may be revoked, or conditions of approval modified, as provided for in this section.

A. Review Authority.

1. A permit may be revoked or modified by the review authority which originally approved the permit or approval.

2. In instances where the Zoning Administrator was the approval authority, the Zoning Administrator may choose to refer any action to revoke or modify a permit to the Planning Commission for review and final decision.

B. Public Notice and Hearing. Public notice and hearing for any action to revoke or modify a permit shall be provided in full compliance with Article 36 (Public Notice and Hearings).

C. Findings. The review authority may revoke or modify a permit only if one or more of the following findings can be made:

1. The applicant or property owner has altered the circumstances under which the permit was granted to a degree that one or more of the findings required to grant the original permit can no longer be made.
2. Permit issuance was based on misrepresentation by the applicant, either through omission or the making of a false material statement in the application, or in public hearing testimony.

3. One or more conditions of approval have been violated, or have not been complied with or fulfilled.

4. The use or structure for which the permit was granted no longer exists or has been discontinued for a continuous period of at least 12 months.

5. The applicant or property owner has failed or refused to allow inspections for compliance.

6. Improvements authorized by the permit are in violation of the Zoning Ordinance or any law, ordinance, regulation, or statute.

7. The use or structure is being operated or maintained in a manner which constitutes a nuisance.

D. **Effect of Revocation.** The revocation of a permit shall have the effect of terminating the approval and denying the privileges granted by the permit.
PART 6
Zoning Ordinance Administration

Article 35. Administrative Responsibility

24-252 Purpose
24-253 Planning Agency
24-254 Board of Supervisors
24-255 Planning Commission
24-256 Zoning Administrator
24-257 Department of Development Services

Article 36. Public Notice and Hearings

24-258 Purpose
24-259 Notice of Hearing
24-260 Scheduling of Hearing
24-261 Hearing Procedure
24-262 Recommendation by Planning Commission
24-263 Decision and Notice
24-264 Effective Date of Decision

Article 37. Appeals and Calls for Review

24-265 Purpose
24-266 Appeal Subjects and Jurisdiction
24-267 Filing and Processing of Appeals
24-268 Calls for Review
24-269 Judicial Review

Article 38. Zoning Ordinance Amendments

24-270 Purpose
24-271 Initiation
24-272 Application
24-273 Planning Commission Hearing and Action
24-274 Board of Supervisors Hearing and Action
24-275 Findings and Decision
24-276 Effective Dates
Article 39. General Plan Amendments ................................................................. 277
  24-277 Purpose ........................................................................................................ 277
  24-278 Initiation ....................................................................................................... 277
  24-279 Application .................................................................................................. 277
  24-280 Planning Commission Hearing and Action ................................................. 278
  24-281 Board of Supervisors Hearing and Action .................................................. 278
  24-282 Findings and Decision ................................................................................ 279
  24-283 Effective Dates ........................................................................................... 279
  24-284 Timing of Amendments .............................................................................. 279

Article 40. Development Agreements ................................................................. 281
  24-285 Purpose ........................................................................................................ 281
  24-286 Applicability ............................................................................................... 281
  24-287 Review Authority ....................................................................................... 282
  24-288 Application Submittal and Review ............................................................. 282
  24-289 Public Notice and Hearings ....................................................................... 282
  24-290 Planning Commission Action .................................................................... 282
  24-291 Board of Supervisors Action ..................................................................... 282
  24-292 Findings ...................................................................................................... 283
  24-293 Conditions of Approval ............................................................................ 283
  24-294 Content of the Development Agreement .................................................. 283
  24-295 Recodation ................................................................................................ 284
  24-296 Effect of Development Agreement ........................................................... 284
  24-297 Periodic Review ......................................................................................... 284
  24-298 Modification or Termination ..................................................................... 284

Article 41. Lot Line Adjustments ........................................................................ 287
  24-299 Purpose ........................................................................................................ 287
  24-300 Application Required ................................................................................ 287
  24-301 Exceptions for Minimum Setbacks .............................................................. 287
  24-302 Exceptions for Minimum Parcel Size .......................................................... 288
Article 35. ADMINISTRATIVE RESPONSIBILITY

Sections:
24-252 – Purpose
24-253 – Planning Agency
24-254 – Board of Supervisors
24-255 – Planning Commission
24-256 – Zoning Administrator
24-257 – Department of Development Services

24-252 Purpose
This article describes the authority and responsibilities of the Board of Supervisors, Planning Commission, and Zoning Administrator in the administration of the Zoning Ordinance.

24-253 Planning Agency
The Board of Supervisors, the Planning Commission, and the Zoning Administrator shall function as the Planning Agency and as the Advisory Agency in compliance with Government Code Section 65100. The specific function of each of these entities shall be as specified in the sections below and as illustrated in Figure 24-253-1 (Role of the Board of Supervisors, Planning Commission, and Zoning Administrator).

24-254 Board of Supervisors
The role of the Board of Supervisors in the administration of the Zoning Ordinance includes the following:
A. Serving as the review authority on legislative actions as shown in Table 24-189-1 (Review and Decision-Making Authority); and
B. Reviewing appeals filed from Planning Commission decisions.

24-255 Planning Commission
The role of the Planning Commission in the administration of the Zoning Ordinance shall be as specified in Butte County Code Section 2-74 (Powers and Duties; General Plan), and includes the following:
A. Serving as the review authority on permit and approval applications as shown in Table 24-189-1 (Review and Decision-Making Authority);
B. Reviewing appeals filed from Zoning Administrator decisions on permit applications as shown in Table 24-189-1 (Review and Decision-Making Authority); and
C. Providing recommendations to the Board of Supervisors on legislative actions as shown in Table 24-189-1 (Review and Decision-Making Authority).
24-256 Zoning Administrator

A. Appointment. The Board of Supervisors designates the Director of Development Services as the Zoning Administrator. The Director or his/her designee shall serve as Zoning Administrator.

B. Role. The role of the Zoning Administrator in the administration of the Zoning Ordinance includes the following:

1. Serving as the review authority on permit and approval applications shown in Table 24-189-1 (Review and Decision-Making Authority);
2. Interpreting the Zoning Ordinance as specified in Article 2 (Interpretation of the Zoning Ordinance);
3. Referring action as needed on any permit, approval or interpretation to the Planning Commission for review and final decision; and
4. Providing recommendations to the Planning Commission.

24-257 Department of Development Services

The role of Department of Development Services staff in the administration of the Zoning Ordinance includes the following:

A. Attending pre-application conferences with prospective applicants;
B. Receiving development permit applications and reviewing for completeness;
C. Reviewing development permit applications for compliance with the California Environmental Quality Act (CEQA);
D. Referring development project applications to any public agency that may have an interest in the proposed project;
E. Reviewing all development project applications for compliance with the Zoning Ordinance and providing recommendations to the Planning Commission or Board of Supervisors as to whether the application should be approved, approved with conditions, or denied;

FIGURE 24-253-1 ROLE OF THE BOARD OF SUPERVISORS, PLANNING COMMISSION, AND ZONING ADMINISTRATOR

Board of Supervisors

The Board of Supervisors makes decisions on all applications and requests for:
- Development Agreements/Amendments
- Zoning Code/Zoning Map Amendments
- General Plan Amendments

All Planning Commission and Zoning Administrator decisions and interpretations listed below can be appealed to or called up for review by the Board of Supervisors.

Planning Commission

The Planning Commission makes decisions on all applications and requests for:
- Conditional Use Permits
- Density Bonuses
- Variances
- Clustered Development applications associated with tentative maps

All Zoning Administrator decisions and interpretations listed below can be appealed to the Planning Commission.

Zoning Administrator

The Zoning Administrator makes decisions on all applications and requests for:
- Administrative Permits
- Interpretations
- Minor Use Permits
- Minor Variances
- Reasonable Accommodations
- Zoning Clearances
F. Ensuring the noticing of public hearings in compliance with State law; and

G. Performing other duties as needed as part of the daily operations of the Department of Development Services.
Article 36. PUBLIC NOTICE AND HEARINGS

Sections:
24-258 – Purpose
24-259 – Notice of Hearing
24-260 – Scheduling of Hearing
24-261 – Hearing Procedure
24-262 – Recommendation by Commission
24-263 – Decision and Notice
24-264 – Effective Date of Decision

24-258 Purpose
This article provides procedures for public hearings required by the Zoning Ordinance. When a public hearing is required, advance notice of the hearing shall be given, and the hearing shall be conducted, in compliance with this article and applicable State law.

24-259 Notice of Hearing
When the Zoning Ordinance requires a noticed public hearing before a decision on a permit, or for another matter, the public will be provided notice of the hearing as required by this article and State law.

A. Content of Notice. Notice of a public hearing shall include all of the following information, as applicable.

1. Hearing Information. The date, time, and place of the hearing and the name of the hearing body; and the phone number and street address of the Department of Development Services, where an interested person could call or visit to obtain additional information.

2. Project Information. The name of the applicant; the County’s file number assigned to the application; a general explanation of the matter to be considered; and a general description, in text and/or by diagram, of the location of the property that is the subject of the hearing.

3. Statement on Environmental Document. The hearing notice shall state if the proposed project is determined exempt under the California Environmental Quality Act (CEQA), or if a Negative Declaration, Mitigated Negative Declaration, or Environmental Impact Report has been prepared for the project. The hearing notice shall include a statement that the hearing body will also consider approval of the CEQA determination or document prepared for the proposed project.

B. Method of Notice Distribution. Notice of a public hearing required by this article shall be given as follows:

1. Mailing. Notice shall be mailed or delivered at least ten days before the scheduled hearing to the following recipients:
   a. Project Site Owners and the Applicant. The owners of the property being considered in the application or the owners' authorized agent, and the applicant.
b. **Local Agencies.** Each local agency expected to provide roads, schools, sewerage, streets, water, or other essential facilities or services to the property which is the subject of the application, whose ability to provide those facilities and services may be significantly affected.

c. **Affected Owners.** All owners of real property within 300 feet of the exterior boundaries of the parcel that is the subject of the hearing. Notification shall be extended when less than ten properties are within 300 feet to include ten properties. In lieu of utilizing the latest assessment roll, the County and/or applicant may utilize records of the County Assessor or Tax Collector which contains more recent information than the assessment roll.

d. **Persons Requesting Notice.** Any person who has filed a written request for notice with the Zoning Administrator.

e. **Other Persons.** Any other person, whose property might, in the judgment of the Zoning Administrator, be affected by the proposed project.

2. **Alternative to Mailing.** If the number of property owners to whom notice would be mailed in compliance with Subparagraph B.1. above is more than 1,000, the Zoning Administrator may choose to provide notice by placing a display advertisement of at least one-eighth page in at least one newspaper of general circulation within Butte County at least 10 days prior to the hearing.

3. **Publication and Posting.** If notice is mailed or delivered as described in Section B.1 above, the notice shall also either be:

   a. Published at least once in a newspaper of general circulation in the County at least 10 days before the scheduled hearing; or
   
   b. Posted at least 10 days before the scheduled hearing in at least three public places within the County, including one public place in the area affected by the proceeding.

4. **Additional Notice.** In addition to the types of notice required above, the Zoning Administrator may provide any additional notice and content using a distribution method that the Zoning Administrator determines is necessary or desirable.

24-260 **Scheduling of Hearing**

After the completion of all materials required to render a decision on a matter, a matter requiring a public hearing shall be scheduled for a public hearing at an appropriate time, but no sooner than any minimum time period established by State law.

24-261 **Hearing Procedure**

A. **Time and Place of Hearing.** A hearing will be held at the date, time, and place for which notice was given, unless the required quorum of hearing body members is not present.

B. **Continued Hearing.** Any hearing may be continued from time to time without further notice; provided that the chair of the hearing body announces the date, time, and place to which the hearing will be continued before the adjournment or recess of the hearing.

C. **Motion of Intent.** The hearing body may announce a tentative decision, and defer its action on a final decision until appropriate findings and/or conditions of approval have been prepared.
24-262 Recommendation by Planning Commission

After a public hearing on any matter on which the Planning Commission will make a recommendation, the recommendation and findings of the Planning Commission shall be forwarded to the Board of Supervisors. A copy of the recommendation shall be mailed to the applicant at the address shown on the application.

24-263 Decision and Notice

A. Decision.
   1. The review authority may announce and record its decision on the matter being considered at the conclusion of a scheduled hearing, make a motion of intent and continue the matter to a later meeting agenda in compliance with this article, or continue the matter to a later meeting agenda in compliance with this article.
   2. At the conclusion of a hearing conducted by the Zoning Administrator, the Zoning Administrator may choose to refer the matter to the Planning Commission for review and final decision. Referral to the Planning Commission may be chosen in cases of unusual public sensitivity, controversy, or complexity relating to a requested approval.
   3. The decision of the Board of Supervisors on any matter is final and conclusive. The decision of the Zoning Administrator and Planning Commission are final upon the completion of the appeal period if no appeal is filed and no call for review is requested.

B. Notice of Decision.
   1. Provision of Notice. Following the final decision on an application for a permit or other approval required by the Zoning Ordinance, the County will provide notice of its final action to the applicant and to any person who specifically requested notice of the County’s final action.
   2. Contents of Notice. The notice of the final decision shall contain applicable findings; conditions of approval; reporting and monitoring requirements deemed necessary to mitigate any impacts and protect the public convenience, health, interest, safety, or general welfare of the County; and the procedure for appeal of Zoning Administrator and Planning Commission decisions.

24-264 Effective Date of Decision

A. Zoning Administrator’s or Planning Commission’s Decision. The decision of the Zoning Administrator or Planning Commission is final and effective after 5:00 p.m. on the 10th day following the date the decision is rendered, when no appeal or call for review to the decision has been filed in compliance with Article 37 (Appeals and Calls for Review).

B. Board of Supervisors’ Decision. A decision of the Board of Supervisors is final and shall be effective on the date the decision is rendered.
Article 37. APPEALS AND CALLS FOR REVIEW

Sections:
24-265 – Purpose
24-266 – Appeal Subjects and Jurisdiction
24-267 – Filing and Processing of Appeals
24-268 – Calls for Review
24-269 – Judicial Review

24-265 Purpose
This article establishes procedures for the appeal and calls for review of actions, interpretations, and decisions made by the Planning Commission and Zoning Administrator. In accordance with Butte County Code Section 2-19.1, the Board of Supervisors may also review any action which is appealable to the Board.

24-266 Appeal Subjects and Jurisdiction
A. Zoning Administrator Decisions. Any decision on applications for Administrative Permits, Interpretations, Zoning Clearances, Minor Use Permits, Minor Variances, or Reasonable Accommodations may be appealed to the Planning Commission.
B. Planning Commission Decisions. Any decision of the Planning Commission may be appealed to the Board of Supervisors.

24-267 Filing and Processing of Appeals
A. Eligibility. Any person may submit an appeal of a decision by the Zoning Administrator or Planning Commission.
B. Timing of Appeal. An appeal shall be filed within ten days following the date the decision was rendered, unless a longer appeal period is specified as part of the project approval. If the tenth or final day falls on a weekend or a County legal holiday, the appeal may be filed by 5:00 pm on the next day on which the office is open for business.
C. Form of Appeal.
1. An appeal shall be submitted in writing on an official County application form together with all required application fees.
2. The appeal application shall specifically state the pertinent facts and the basis for the appeal.
3. The appeal of a decision made by a review authority at a noticed public hearing may be as to the whole decision or only a part of the decision. If an appellant chooses, an appeal may be taken solely from any finding, action, or condition.
D. **Filing Location.**

1. Appeals addressed to the Planning Commission shall be filed with the Butte County Department of Development Services.

2. Appeals addressed to the Board of Supervisors shall be filed with the Clerk of the Butte County Board of Supervisors.

E. **Effect of Appeal.** Once an appeal is filed, any action on the associated project is suspended until the appeal is processed and a final decision is rendered by the applicable review authority.

F. **Report and Scheduling of Hearing.**

1. When an appeal has been filed, the Department of Development Services shall prepare a report on the matter, including all of the application materials in question, and schedule the matter for a public hearing by the appropriate review authority within 90 days of receiving the appeal.

2. Notice of the hearing shall be provided, and the hearing shall be conducted, in compliance with Article 36 (Public Notice and Hearings).

3. Any interested person may appear and be heard regarding the appeal.

4. All appeals on a single project shall be considered together at the same hearing.

G. **Hearing and Decision.**

1. During the appeal hearing, the review authority shall take action only on the specific basis for the appeal. The review authority shall make its own decision supported by findings. In doing so, it may:
   a. Affirm, affirm in part, or reverse the action, determination, or decision that is the subject of the appeal;
   b. Adopt additional conditions of approval that address the matter appealed; or
   c. Remand the appeal for further review, recommendation, or action to the previous review authority.

2. The hearing body’s action shall be based upon findings of fact about the particular case. The findings shall identify the reasons for the action on the appeal, and verify the compliance of the subject of the appeal with the General Plan, Zoning Ordinance and other applicable regulations.

3. A matter being heard on appeal may be continued for good cause (e.g., additional CEQA review is required).

4. If the hearing body is unable to reach a decision on the matter appealed, the outcome of the appeal shall be as follows:
   a. For appeals to the whole decision or an indispensable part of a whole decision, the appeal shall be deemed denied and the application or project is denied.
   b. For appeals to a condition or dispensable part of a decision where the remainder of the application that is the basis for the decision being appealed remains in effect, the appeal shall be deemed denied and the condition or dispensable part of a decision shall remain in effect.
H. Effective Date of Appeal Decision.
   1. **Planning Commission’s Decision.** A decision of the Planning Commission is final and effective after 5:00 p.m. on the 10th day following the date the decision is rendered, when no appeal to the decision or call for review has been filed in compliance with this article. In the event the completion of the appeal period falls on a weekend or County recognized holiday, the decision shall become effective after 5:00 pm on the first business day following the completion of the appeal period.
   2. **Board of Supervisors’ Decision.** A decision of the Board of Supervisors is final and shall be effective on the date the decision is rendered.

24-268 Calls for Review

A. **Board of Supervisors Review.** The Board of Supervisors may call for a review of any action, interpretation, or decision made by the Planning Commission or Zoning Administrator.

B. **Review of Applicable Actions.** The Board of Supervisors may review any action which is appealable to the Board in accordance with Chapter 2, Section 2-19.1 of the Butte County Code.

C. **Effect of Calls for Review.**
   1. A request for a call for review stays the effective date of a determination or decision until the Board of Supervisors can make a decision on the call for review request.
   2. The filing of a call for review does not extend the time in which an appeal of a determination or decision shall be filed; the normal appeal period will continue to run. Where a call for review only applies to a limited issue, an individual may still appeal all or another part of a determination or decision.

D. **Report and Scheduling of Hearing.**
   1. When a call for review has been initiated, the Zoning Administrator shall approve a report on the matter, including all of the application materials in question. The Clerk of the Board of Supervisors shall schedule the matter for a public hearing by the Board of Supervisors within 30 days of receiving the call for review.
   2. Notice of the hearing shall be provided, and the hearing shall be conducted, in compliance with Article 36 (Public Notice and Hearings).
   3. Any interested person may appear and be heard regarding the call for review.

E. **Hearing and Decision.**
   1. During the public hearing, the Board of Supervisors may consider any issue involving the matter called for review, in addition to the specific grounds for the call for review. The Board of Supervisors may:
      a. Affirm, affirm in part, or reverse the action, determination, or decision that is the subject of the call for review; or
      b. Adopt additional conditions of approval that may address issues or concerns other than the subject of the call for review.
2. The Board of Supervisors' action shall be based upon findings of fact about the particular case. The findings shall identify the reasons for the action on the matter called for review, and verify the compliance of the matter with the Zoning Ordinance.

3. Within 60 days of the initial public hearing on the call for review, the Board of Supervisors shall render its decision on the matter, unless it is continued for good cause (e.g., additional CEQA review is required).

4. In the event of a tie vote by the Board of Supervisors, the decision is a denial of the action requested.

F. Effective Date of Review Decision. A decision of the Board of Supervisors is final and shall be effective on the date the decision is rendered.

24-269 Judicial Review

No person may seek judicial review of a County decision on a planning permit or other matter in compliance with the Zoning Ordinance until all appeals to the Planning Commission and Board of Supervisors have been first exhausted in compliance with this article.
Article 38. ZONING ORDINANCE AMENDMENTS

Sections:
24-270 – Purpose
24-271 – Initiation
24-272 – Application
24-273 – Planning Commission Hearing and Action
24-274 – Board of Supervisors Hearing and Action
24-275 – Findings and Decision
24-276 – Effective Dates

24-270 Purpose
This article establishes procedures for amending the Zoning Ordinance.

24-271 Initiation
A. Zoning Map. A request for an amendment to the Zoning Map may be initiated by:
   1. The Board of Supervisors;
   2. The Planning Commission;
   3. The Zoning Administrator; or
   4. The owner of the property for which the amendment is sought. For properties under multiple ownership, the application may be initiated only with the approval of owners representing 60 percent or more of the area to be rezoned.

B. Timber Production Zone. The procedure to establish or amend the Timber Production (TPZ) zone shall be as established by the California Timberland Productivity Act of 1982 (Section 51100 et seq. of the Government Code).

C. Agriculture Lands. The rezoning of land zoned Agriculture (A) or Agriculture Services (AS) shall comply with the requirements specified in Section 24-14(E) and (F).

D. Zoning Ordinance Text Amendment. A request for an amendment to the text of the Zoning Ordinance may be initiated by:
   1. The Board of Supervisors;
   2. The Planning Commission;
   3. The Zoning Administrator; or
   4. Any resident, property owner, or business owner in the county.
24-272 Application

A. General. An application for a Zoning Ordinance Amendment shall be filed and reviewed in compliance with Article 27 (Permit Application and Review). The application shall include the information and materials specified in the Department of Development Services handout for Zoning Ordinance Amendment applications, together with all required application fees. For amendments submitted by a resident, property owner, or business owner, it is the responsibility of the applicant to provide evidence in support of the findings required by Section 24-275 (Findings and Decision).

B. Map Amendments for Properties Under Multiple Ownership. A Zoning Ordinance Map Amendment application for properties under multiple ownership shall be signed by owners representing 60 percent or more of the area to be rezoned. The application may be withdrawn upon the written application of a majority of all the persons who signed such petition at any time prior to the hearing on the proposed amendment before the Board of Supervisors.

C. Referral to Municipalities. Department of Development Services staff shall refer all Zoning Ordinance Map Amendments that affect a municipality’s General Plan Planning Area to that municipality for review and comment prior to a public hearing on the proposed amendment.

24-273 Planning Commission Hearing and Action

A. General. The Planning Commission shall conduct a public hearing on a proposed Zoning Ordinance Amendment in compliance with Article 36 (Public Notice and Hearings).

B. Zoning Ordinance Text Amendments. The Planning Commission shall forward a written recommendation, and reasons for the recommendation, to the Board of Supervisors concerning the proposed amendment, based on the findings identified in Section 24-275 (Findings and Decision). The recommendation shall be transmitted to the Board of Supervisors within 90 days after the date the hearing was closed to the public.

C. Zoning Ordinance Map Amendment. The Planning Commission shall forward a written recommendation, and reasons for the recommendation, to the Board of Supervisors concerning the proposed amendment based on the findings identified in Section 24-275 (Findings and Decision). For a Zoning Map Amendment, if the action of the Planning Commission is to recommend denial, the Board of Supervisors is not required to take further action on the proposed amendment unless an interested party requests a hearing in writing with the Clerk of the Board of Supervisors within five days after the Planning Commission recommendation is filed with the Board of Supervisors.

24-274 Board of Supervisors Hearing and Action

A. Approval or Denial.

1. Upon receipt of the Planning Commission's recommendation on the proposed Zoning Ordinance Amendment, the Board of Supervisors shall conduct a public hearing in compliance with Article 36 (Public Notice and Hearings), unless it chooses not to hear a Zoning Map Amendment on which the Planning Commission has recommended denial.
2. The Board of Supervisors shall take action on the application based on the findings identified in Section 24-275 (Findings and Decision).

3. The action by the Board of Supervisors shall be by a majority vote of the entire Board and shall be final and conclusive.

B. Referral to Commission.

1. If the Board of Supervisors proposes to adopt a substantial modification to the Zoning Ordinance Amendment not previously considered by the Planning Commission, the proposed modification shall be first referred to the Planning Commission for its recommendation.

2. Failure of the Planning Commission to report back to the Board of Supervisors within 40 days following the referral or such other time set by the Board shall be deemed approval by the Planning Commission of the proposed modification.

C. Adoption by Ordinance. If the Board of Supervisors approves a Zoning Ordinance Amendment, it shall do so by adoption of an ordinance specifying the findings identified in Section 24-275 (Findings and Decision). The effective date of the Zoning Ordinance Amendment shall be the effective date of the ordinance approving the Zoning Ordinance Amendment.

24-275 Findings and Decision

The Board of Supervisors may approve a Zoning Ordinance Amendment only if all of the following findings are first made:

A. Findings for all Zoning Ordinance and Zoning Map Amendments.

1. The proposed amendment is consistent with the General Plan and any applicable community or specific plan as provided by Government Code Section 65860.

2. The proposed amendment will not be detrimental to the public interest, health, safety, or welfare of the county.

B. Additional Finding for Zoning Ordinance Text Amendments.

1. The proposed amendment is internally consistent with other applicable provisions of the Zoning Ordinance.

C. Additional Finding for Zoning Map Amendments.

1. The affected site is physically suitable in terms of design, location, shape, size, and other characteristics to ensure that the proposed uses and development will not endanger, jeopardize, or otherwise constitute a hazard to the property, surrounding properties, and the community at large.

24-276 Effective Dates

A Zoning Ordinance Amendment becomes effective on the 31st day following the adoption of an ordinance by the Board of Supervisors.
Article 39. GENERAL PLAN AMENDMENTS

Sections:
24-277 – Purpose
24-278 – Initiation
24-279 – Application
24-280 – Planning Commission Hearing and Action
24-281 – Board of Supervisors Hearing and Action
24-282 – Findings and Decision
24-283 – Effective Dates
24-284 – Timing of Amendments

24-277 Purpose
This article establishes procedures for amending the General Plan in a manner consistent with Government Code Section 65350 et seq.

24-278 Initiation
A. General Plan Land Use Map Amendments. A request for an amendment to the General Plan Land Use Map may be initiated by:
   1. The Board of Supervisors;
   2. The Planning Commission;
   3. The Zoning Administrator; or
   4. The owner of the property for which the amendment is sought. For properties under multiple ownership, the application may be initiated only with the approval of owners representing 60 percent or more of the area to be redesignated.

B. General Plan Text Amendment. A request for an amendment to the text of the General Plan may be initiated by:
   1. The Board of Supervisors;
   2. The Planning Commission;
   3. The Zoning Administrator; or
   4. Any resident, property owner, or business owner in the county.

24-279 Application
A. General. An application for a General Plan Amendment shall be filed and reviewed in compliance with Article 27 (Permit Application and Review). The application shall include the information and materials specified in the Department of Development Services handout for General Plan Amendment applications, together with all required application fees. For amendments submitted by a resident,
property owner, or business owner, it is the responsibility of the applicant to provide evidence in support of the findings required by Section 24-282 (Findings and Decision).

B. Map Amendments for Properties Under Multiple Ownership. A General Plan Land Use Map Amendment application for properties under multiple ownership shall be signed by owners representing 60 percent or more of the area to be redesignated. The application may be withdrawn upon the written application of a majority of all the persons who signed such petition at any time prior to the hearing on the proposed amendment before the Board of Supervisors.

C. Referral to Municipalities. Development Services staff shall refer all General Plan Map Amendments that affect a municipality’s General Plan Planning Area to that municipality for review and comment prior to a public hearing on the proposed amendment.

24-280 Planning Commission Hearing and Action

A. General. The Planning Commission shall conduct a public hearing on a proposed General Plan Amendment in compliance with Article 36 (Public Notice and Hearings).

B. General Plan Text Amendments. The Planning Commission shall forward a written recommendation, and reasons for the recommendation, to the Board of Supervisors concerning the proposed amendment, based on the findings identified in Section 24-282 (Findings and Decision). The recommendation shall be transmitted to the Board of Supervisors within 90 days after the date the hearing was closed to the public. A recommendation for approval of an amendment must be supported by a majority of the total membership of the Planning Commission.

C. General Plan Land Use Map Amendment. The Planning Commission shall forward a written recommendation, and reasons for the recommendation, to the Board of Supervisors concerning the proposed amendment based on the findings identified in Section 24-282 (Findings and Decision). The recommendation shall be transmitted to the Board of Supervisors within 90 days after the date the hearing was closed to the public. A recommendation for approval of an amendment must be supported by a majority of the total membership of the Planning Commission.

24-281 Board of Supervisors Hearing and Action

A. Approval or Denial.

1. Upon receipt of the Planning Commission's recommendation on the proposed General Plan Amendment, the Board of Supervisors shall conduct a public hearing in compliance with Article 36 (Public Notice and Hearings).

2. The Board of Supervisors shall take action on the application based on the findings identified in Section 24-282 (Findings and Decision).

3. The action by the Board of Supervisors shall be by a majority vote of the entire Board and shall be final and conclusive.
B. **Referral to Commission.**

1. If the Board of Supervisors proposes to adopt a substantial modification to the General Plan Amendment not previously considered by the Planning Commission, the proposed modification shall be first referred to the Planning Commission for its recommendation.

2. Failure of the Planning Commission to report back to the Board of Supervisors within 40 days following the referral or such other time set by the Board shall be deemed approval by the Planning Commission of the proposed modification.

C. **Adoption by Resolution.** If the Board of Supervisors approves a General Plan Amendment, it shall do so by adoption of an ordinance specifying the findings identified in Section 24-282 (Findings and Decision). The effective date of the General Plan Amendment shall be the effective date of the resolution approving the General Plan Amendment.

**24-282 Findings and Decision**

The Board of Supervisors may approve a General Plan Amendment only if all of the following findings are first made:

A. The proposed General Plan Amendment is in the public interest.

B. The proposed General Plan Amendment is consistent and compatible with the rest of the General Plan.

C. The potential effects of the proposed General Plan Amendment have been evaluated and have been determined not to be detrimental to the public health, safety, or welfare.

D. The proposed General Plan Amendment has been processed in accordance with the applicable provisions of the California Government Code and CEQA.

**24-283 Effective Dates**

A General Plan Amendment becomes effective on the 31st day following the adoption of a resolution by the Board of Supervisors.

**24-284 Timing of Amendments**

General Plan Elements may be amended up to four times in a single calendar year.
Article 40. Development Agreements

Sections:
24-285 – Purpose
24-286 – Applicability
24-287 – Review Authority
24-288 – Application Submittal and Review
24-289 – Public Notice and Hearing
24-290 – Planning Commission Action
24-291 – Board of Supervisors Action
24-292 – Findings
24-293 – Conditions of Approval
24-294 – Content of the Development Agreement
24-295 – Recordation
24-296 – Effect of Development Agreement
24-297 – Periodic Review
24-298 – Modification or Termination

24-285 Purpose

A Development Agreement is a contract between the County and an applicant for a development project, in compliance with Government Code Section 65864 et seq. The purpose of a Development Agreement is to:

A. Facilitate development projects for which there is significant applicant contribution toward infrastructure, public facilities, open space or other amenities, or other programs of benefit to the County and its residents.

B. Assure the applicant that upon approval of the subject project, the project may proceed in accordance with existing County policies, rules, and regulations in place at the time of Development Agreement approval.

C. Encourage private participation in comprehensive planning and provision of public facilities, including, but not limited to, streets, sewerage, transportation, potable water, schools, and utilities.

D. Provide a net benefit to the County and its residents not otherwise obtainable through other processes.

24-286 Applicability

A. The County may enter into a Development Agreement with any person who has controlling, legal, or equitable interest in real property for the development of the property.

B. Applicants for projects requiring major discretionary approvals, as determined by the Department of Development Services, shall negotiate development agreements with the County to ensure that the County’s interests will be protected. Terms of Development Agreements shall be commensurate with a project’s anticipated impacts, while also providing a net benefit to the County and its residents not otherwise obtainable through other processes.
24-287 Review Authority

A Development Agreement is a legislative act. The Board of Supervisors shall take action on all Development Agreement applications after considering the recommendation of the Planning Commission and Zoning Administrator.

24-288 Application Submittal and Review

An application for a Development Agreement shall be filed and reviewed in compliance with Article 27 (Permit Application and Review). The application shall include the information and materials specified in the Department of Development Services handout for Development Agreement applications, together with all required fees. It is the responsibility of the applicant to provide evidence in support of the findings required by Section 24-292 (Findings).

24-289 Public Notice and Hearings

Public notice and hearing for an application for a Development Agreement shall be provided in compliance with Article 36 (Public Notice and Hearings).

24-290 Planning Commission Action

After the public hearing on a Development Agreement application, the Planning Commission shall forward a written recommendation, and reasons for the recommendation, to the Board of Supervisors based on the findings identified in Section 24-292 (Findings). The recommendation shall be transmitted to the Board of Supervisors within 90 days after the date the hearing was closed to the public.

24-291 Board of Supervisors Action

A. Approval or Denial.

1. Upon receipt of the Planning Commission's recommendation on a Development Agreement application, the Board of Supervisors shall conduct a public hearing and take action on the application based on the findings identified in Section 24-292 (Findings).

2. The action by the Board of Supervisors shall be by a majority vote of the entire Board and shall be final and conclusive.

B. Referral to Commission.

1. If the Board of Supervisors proposes to adopt a substantial modification to the Development Agreement not previously considered by the Planning Commission, the proposed modification shall be first referred to the Planning Commission for its recommendation.

C. Adoption by Ordinance. If the Board of Supervisors approves the Development Agreement, it shall do so by adoption of an ordinance specifying the findings identified in Section 24-292 (Findings). The effective date of the Development Agreement shall be the effective date of the ordinance approving the Development Agreement.
24-292 Findings
The Board of Supervisors may approve an application for a Development Agreement only if all of the following findings can be made:

A. The Development Agreement will provide clear and substantial benefits to the County and its residents.
B. The Development Agreement complies with applicable policies and regulations set forth in the Zoning Ordinance, other County ordinances, the General Plan and any other applicable community or specific plan, and the Butte County Improvement Standards.
C. The Development Agreement complies with the requirements of California Government Code Sections 65864 et seq.
D. The Development Agreement will promote the public health, safety, and welfare, and will not be detrimental to or cause adverse effects to the residents, property, or improvements in the vicinity of the subject project.
E. The Development Agreement will be compatible with the uses allowed in, and the regulations that apply to, the zone in which the subject property is located.
F. The Development Agreement will not cause adverse effects to the orderly development of property or the preservation of property values in the county.
G. The Development Agreement will further important countywide goals and policies that have been officially recognized by the Board of Supervisors.
H. The Development Agreement will provide the County with important, tangible benefits beyond those that may be required by the County through project conditions of approval.

24-293 Conditions of Approval
The Board of Supervisors may attach conditions to the approval of a Development Agreement as needed to ensure compliance with all applicable standards and regulations in the Zoning Ordinance.

24-294 Content of the Development Agreement
A. Mandatory Contents. All Development Agreements shall specify all of the following:
   1. The specified duration of the Development Agreement.
   2. The permitted uses of the subject property.
   3. The permitted density or intensity of development of the subject project.
   4. The maximum permitted height and size of proposed structures.
   5. Provisions for the dedication or reservation of land for public purposes.
   6. A specific sunset date for the Development Agreement.

B. Optional Contents. Development Agreements may, upon mutual agreement of the County and the applicant, specify any of the following:
1. The conditions, terms, restrictions, and requirements for subsequent discretionary actions.

2. Requirements that construction be commenced within a specified time and that the project or any phase of the project be completed within a specified time.

3. Terms and conditions related to applicant financing of necessary public facilities and subsequent reimbursement over time.

24-295 Recordation

The Development Agreement shall be recorded in the County Recorder’s Office no later than 10 days after it is approved.

24-296 Effect of Development Agreement

A. Unless otherwise provided by the Development Agreement, the rules, regulations, and official policies governing allowed uses of the land, density, design, improvement, and construction standards and specifications applicable to development of the property subject to a Development Agreement are the rules, regulations, and official policies in force at the time of execution of the agreement.

B. A Development Agreement does not prevent the County in subsequent actions from conditionally approving or denying any subsequent development project application on the basis of existing or new rules, regulations, and policies.

24-297 Periodic Review

A. The County shall maintain a list of all Development Agreements. The County shall perform a periodic review of the Development Agreement at least once every 12 months, or at any other time that the County considers to be appropriate, at which time the applicant (or successor in interest) shall demonstrate good faith compliance with the terms and conditions of the Development Agreement. The review shall be limited in scope to compliance with the terms and conditions of the Development Agreement.

B. The costs of notice and related costs incurred by the County for review shall be borne by the applicant (or successor in interest).

C. Failure of the County to conduct a periodic review shall not constitute a waiver by the County of its rights to enforce the provisions of the Development Agreement. The developer shall not assert any defense to the enforcement of the Development Agreement by reason of the failure of the County to conduct a periodic review.

24-298 Modification or Termination

A. Result of Review. If, as a result of review under Section 24-297 (Periodic Review), the County determines that the applicant (or successor in interest) has not complied in good faith with the terms and conditions of the Development Agreement, the County may modify or terminate the Development Agreement.
B. **Notice.** If the County determines to proceed with modification or termination of the Development Agreement, the County shall give notice to the applicant (or successor in interest) of its intention to modify or terminate the agreement. The notice shall contain all of the following:

1. The time and place of the hearing, which shall be conducted by the Board of Supervisors as provided in Subsection C (Hearing).
2. A statement of whether the County proposes to modify or terminate the Development Agreement.
3. Any other information the County considers necessary to inform the applicant (or successor in interest) of the nature of the proceedings.

C. **Hearing.** The Board of Supervisors shall conduct a hearing on the modification or termination of the Development Agreement consistent with the following provisions:

1. The applicant (or successor in interest) shall be given an opportunity to be heard at the hearing.
2. At the hearing, the Board of Supervisors may affirm, modify, or reject the determination of County staff to modify or terminate the Development Agreement.
3. The Board of Supervisors may refer the matter back to County staff for further proceedings or for report and recommendation.
4. The Board of Supervisors may impose conditions to the action it takes that it considers reasonable and necessary to protect the interests of the County.
5. The decision of the Board of Supervisors on the modification or termination shall be final.
Article 41. LOT LINE ADJUSTMENTS

Sections:
24-299 – Purpose
24-300 – Application Required
24-301 – Zoning Ordinance Requirements
24-302 – Exception for Minimum Parcel Size

24-299 Purpose
This section establishes the requirements of the Zoning Ordinance regarding Lot Line Adjustments.

24-300 Application Required
Lot Line Adjustments are applied for and processed in accordance with Section 20-95-1 of the Butte County Code. This section is intended to provide regulations for lot line adjustments pursuant to the Zoning Ordinance; it is not intended to replace the requirements for lot line adjustments set forth under Section 20-95-1 of the Butte County Code. Except as provided for under Sections 24-301 (Exceptions for Minimum Setbacks) and Section 24-302 (Exceptions for Minimum Parcel Size), parcels subject to a lot line adjustment are required to meet all standards set forth under the Zoning Ordinance.

24-301 Exceptions for Minimum Setbacks

A. Exceptions. Exceptions to setback requirements may be approved by the Zoning Administrator when no other alternative to comply with a setback exists. Setbacks shall only be reviewed for the lot line being modified.

B. Findings. In approving an exception to a setback the Zoning Administrator shall make the following findings:

1. Documentation and analysis that there is no logical alternative to comply with the setback.

2. The adjusted line shall conform as much as possible to the required setback and all other provisions set-forth under this chapter.

3. A review of the lot line adjustment application by the Department of Public Works and the Environmental Health Division of the Public Health Department has taken place in accordance with Butte County Code Chapter 20-95-1, providing approval or conditional approval of the lot line adjustment.

4. The exception granted pursuant to this article would not conflict with a recorded parcel map or subdivision map condition, note, or Williamson Act Contract.
24-302 Exceptions for Minimum Parcel Size

A. Parcels. Any existing parcel(s) that is smaller than the minimum parcel size of the base zone or overlay zone, or would become smaller than the minimum parcel size of the base zone or overlay zone under a proposed lot line adjustment, may be approved by the Zoning Administrator under one or more of the following three exceptions:

1. The lot line adjustment would reduce parcel(s) size by no more than 10 percent or 10 acres, whichever is less.

2. The lot line adjustment would reduce parcel(s) size to a degree that is consistent with an average size of parcels in the immediate vicinity that are located within the same zoning district.

3. The lot line adjustment would improve health or safety conditions; or improve the design of the existing affected lots without altering the existing land uses thereon.

B. Findings. In approving an exception to the Minimum Parcel size the Zoning Administrator shall make the following findings:

1. Documentation and analysis that one or more of the three allowed exceptions applies.

2. The adjusted lot line complies with applicable setbacks, design standards, and other provisions set-forth under the applicable zone.

3. A review of the lot line adjustment application by the Department of Public Works and the Environmental Health Division of the Public Health Department has taken place in accordance with Butte County Code Chapter Section 20-95-1, providing approval or conditional approval of the lot line adjustment.

4. The exception granted pursuant to this article would not conflict with a recorded parcel map or subdivision map condition, note, or Williamson Act contract.

5. Exceptions shall not be granted when a parcel being reduced in size below the minimum parcel size imposed by the zone allows the parcel receiving additional land to be subdivided.

5-6. The parcel subject to the exception has not received a prior exception. Only one exception shall be granted per parcel.
PART 7
Definitions

Article 42. Glossary ...................................................................................................................... 292 293
24-303 Purpose ........................................................................................................................................ 292 293
24-304 Definitions .................................................................................................................................. 292 293
Article 42. GLOSSARY

Sections:
24-303 – Purpose
24-304 – Definitions

24-303 Purpose
This article defines terms and phrases used in the Zoning Ordinance that are technical or specialized, or which may not reflect common usage. If any of the definitions in this article conflict with others in the Butte County Code, these definitions shall control only for the provisions of the Zoning Ordinance. If a word is not defined in this article or in other provisions of the Zoning Ordinance, the Zoning Administrator shall determine the appropriate definition.

24-304 Definitions

Accessory Kitchen. A second kitchen that is either attached to or detached from the primary dwelling, not associated with a second dwelling unit, and is used for entertaining, hobby, or used for commercial purposes related to a Home Occupation.

Accessory Structure. A structure that is subordinate to a primary structure such as a single-family dwelling or an allowed use within a zone. The use of an accessory structure is incidental to that of the primary structure or a use allowed by a zone. Excluded from this definition are trash enclosures, planter boxes with a maximum height of 42 inches, small-animal pet shelters, playground equipment, small sheds not subject to a building permit, and similar structures.

Accessory Use. A use that is incidental, related, appropriate, and clearly subordinate to the primary use of the parcel, building, or zone, which does not alter the primary use of such parcel, building, or zone, nor serve property other than the parcel of land on which the primary use is located.

Administrative Permit. A ministerial permit approved by the Zoning Administrator to verify that a proposed use or structure complies with applicable standards in the Zoning Ordinance.

Adult Businesses. See Butte County Code Section 15-110 (Adult Businesses, Definitions).

Aerial Applicator and Support Services. The process and its essential support services which involves spraying crops with fertilizers, pesticides, and fungicides from an agricultural aircraft.

Agriculture. The use of land for agricultural purposes, including farming, dairying, pasturage, agriculture, horticulture, floriculture, viticulture, apiaries, and animal and poultry husbandry, and the necessary accessory uses; provided, however, that the operation of any such accessory uses shall be secondary to that of the normal agricultural activities. Excluded from this definition are stockyards, slaughterhouses, fertilizer works, or plants
for the reduction of animal matter. As used in this definition, “accessory use” means those supply, service, storage and processing areas and facilities for any other agricultural land.

*Agricultural Processing.* The cooking, dehydrating, refining, milling, pressing, or other treatment of agricultural products that changes the naturally grown product for consumer use or for further processing, and receiving agricultural products from other growers for such processing. Examples of Agricultural Processing uses include cold storage houses; wineries (pursuant to the definition of “Winery Production Facility, limited”); hulling operations for on-site or off-site products; fruit dehydrators; dryers, and the sorting, cleaning, packing, bottling, storing or warehousing, pruning and sale of orchard and farm wood, and the wholesaling, transportation and distribution of agricultural products. Uses classified as Animal Processing and Intensive Animal Uses are excluded from this definition.

*Agricultural Products.* Products that are the result of cultivating, harvesting, or raising orchards, field crops, and/or livestock.

*Agricultural Product Sales, Off-Site.* The sale of agricultural products grown off-site.

*Agricultural Product Sales, On-Site.* The sale of agricultural products grown on-site.

*Agricultural Support Services, General.* Commercial, service, and industrial uses directly supporting agricultural activities in Butte County. Examples of Agricultural Support Services include the manufacturing, assembly, or repair of agricultural equipment; fertilizer storage, distribution, and manufacturing, and other similar agriculture-related uses that have the potential to produce objectionable noise, smoke, odor, dust, heat, vibration, or industrial wastes.

*Agricultural Support Services, Light.* Commercial, service, and industrial uses directly supporting agricultural activities in Butte County that are not classified as Agricultural Support Services, General. Examples of Agricultural Support Services, Light uses include agricultural equipment rental and sales; the storage, warehousing, transport and distribution and wholesaling of agricultural products; the processing and recycling of orchard and farm wood; agricultural research, development, management and maintenance services conducted primarily within an office setting; and other similar agriculture-related uses.

*Agricultural Worker Housing Center.* Housing for agricultural employees consisting of no more than 36 beds in a group quarters or 12 units designed for use by a single family or household subject to a permit from the State.

*Agricultural Worker Housing Center.* Housing for agricultural employees consisting of no more than 36 beds in a group quarters or 12 units or spaces designed for use by a single family or household subject to a permit from the State as required by Health and Safety Code §17021.6. A group quarters means a single building that contains no more than 36 beds, as well as other facilities associated with a residence. Units or spaces designed for use by a single family or household means either a multi-unit apartment complex or single family residential homes clustered together in one location functioning as a housing center.

*Agriculture Zones.* The Agriculture (AG) and Agriculture Services (AS) zones.
**Airport Land Use Compatibility Plan (ALUCP).** A master plan prepared in accordance with Public Utilities Code Section 21670 et seq. which provides for the orderly growth of airports and provides measures for mitigating the public’s exposure to excessive noise and safety hazards within areas around public airports.

**Airport-Related Uses.** Uses and activities commonly associated with airports and necessary to support airport operations. Examples of Airport-Related Uses include charter aircraft operations; pilot training operations; aircraft rental and sightseeing services; aerial photography; aerial advertising and surveying; aircraft sales and service; aircraft storage; sale of aviation petroleum products; aircraft repair, restoration, and maintenance; sale of aircraft parts; pilot lounges and airport offices; blast fences; taxiways, navigational aids, and obstruction lights; airport support facilities such as terminal buildings, control towers, hangers, fire training facilities, and flight service stations; airport parking facilities; and communication equipment and facilities associated with airport operations.

**Alley.** A roadway no wider than 30 feet that functions as a secondary means of access to abutting property.

**Amateur Radio Facility.** Radio communication equipment that utilizes a range of frequencies designated for amateur use by the Federal Communications Commission (FCC) from just above the AM broadcast band (1.6 MHz) to the microwave region, at several hundred gigahertz.

**Americans With Disabilities Act (ADA).** The federal law enacted by the U.S. Congress in 1990 that outlaws discrimination against a person with a disability in housing, public accommodations, employment, government services, transportation, and telecommunications.

**Amortization.** A method of eliminating nonconforming uses or structures by requiring the termination of the nonconforming use after a specified period of time.

**Animal Grazing.** The keeping of cattle, sheep, hogs, or other livestock on rangeland and pasture. Uses classified as Intensive Animal Operations; Stable, Commercial; Stable, Semi-Private; and Stable, Private are excluded from this definition.

**Animal Processing.** A facility where the slaughtering and processing of animals raised off-site for commercial purposes takes place, including rendering plants. Uses classified as Animal Processing, Custom or Animal Processing, Limited, are excluded from this definition.

**Animal Processing, Custom.** The slaughtering and processing of animals raised on-site for various non-commercial and commercial purposes. Meat products produced by Animal Processing, Custom operations can be consumed by the animal owner’s household, non-paying guests, or non-paying employees. Included in this definition are temporary custom mobile slaughter operations that provide temporary on-farm harvest service for farmers and ranchers. Products from animals processed on-farm in federally inspected mobile slaughter units or the processing of pastured poultry within the limitations of State and Federal Law are eligible for commercial sale.
**Animal Processing, Limited.** The slaughtering and processing of animals raised off-site for commercial purposes that is accessory to a primary commercial use such as a butcher shop, meat market, grocery store or similar commercial use. Animal slaughtering is limited to no more than 40 animals per month dependent upon the size of the parcel and location of the facility. All confinement, slaughtering and processing of animals shall take place within an approved enclosed structure.

**Animal Services.** Any establishment that keeps animals for sale or hire provides medical treatment for animals on the premises or regularly offers temporary boarding facilities for animals. Examples of Animal Services uses include veterinarian clinics, commercial dog and cat grooming businesses, animal hospitals, commercial kennels, and animal shelters.

**Applicant.** The party applying for permits or other approval required by the Zoning Ordinance.

**Aquaculture.** The raising of fish, frogs, or other aquatic animal species for commercial purposes. Included in this definition are accessory uses such as on-site fishing for the public, rental of fishing equipment, the sale of bait and fishing tackle necessary for on-site fishing, the cleaning, preparation, and sale of fish produced on-site, including smoking of fish raised on-site.

**As-of-Right.** Permitted without any form of discretionary approval.

**Bars, Nightclubs, and Lounges.** Businesses devoted to the serving of alcoholic beverages and in which the service of food is only incidental to the consumption of such beverages.

**Base Zone.** The primary zoning, as distinguished from an overlay zone, that applies to a parcel of land as shown on the Zoning Map.

**Bed and Breakfast.** A structure with one or more managers in permanent residence and from one to eight guest rooms without individual cooking facilities rented for overnight lodging, and serving at least one meal per day. Hotels and Motels, which provide more than eight guest rooms, are excluded from this definition.

**Building.** Any structure having a permanent foundation and a roof supported by columns, or by walls designed, intended and/or used as shelter for the enclosure of persons, animals, property, or for use in commercial, industrial or other enterprises.

**Camping.** The occupancy of any place by the property owner or with the permission of the property owner for temporary living, sleeping, or other human occupancy purposes. This definition does not include: parking or storage of an unoccupied and otherwise unused trailer coach, recreational vehicle, or tent trailer on a privately owned parcel; or occupying a trailer coach or a recreational vehicle for any accessory use allowed in the applicable zone.

**Caretaker Quarters.** A permanent residence that is provided as an accessory use to a non-residential use, and is used to house an owner, operator, guard or caretaker, and his or her family, to provide around-the-clock service, support, care or monitoring of the use and/or site.
Cemeteries, Private. A place used for the internment of human or animal remains or cremated remains that is owned and operated by a private entity. Burial parks, crematoriums, mausoleums, and columbarium are included in this definition.

Cemeteries, Public. A place used for the internment of human or animal remains or cremated remains that is owned or operated by a public or quasi-public agency. Burial parks, crematoriums, mausoleums, and columbariums are included in this definition.

Centerline. The right-of-way centerline for a street or alley, as established by official survey.

Child Care Center. A facility that provides non-medical care and supervision of minors for periods of less than 24 hours. Examples of Child Care Center uses include nursery schools, day nurseries, day care centers, infant day care centers, cooperative day care centers, and other similar uses.

Child Day Care. As defined by Health and Safety Code Section 1596.78, a home that regularly provides care, protection, and supervision for 14 or fewer children, in the provider's own home, for periods of less than 24 hours per day, while the parents or guardians are away, and is either a large family day care home or a small family day care home.

Child Day Care, Large. As defined by Health and Safety Code Section 1596.78, a day care facility in a single dwelling where an occupant of the residence provides family day care for 7 to 14 children, inclusive, including children under the age of ten years who reside in the home.

Child Day Care, Small. As defined by Health and Safety Code Section 1596.78, a day care facility in a single residence where an occupant of the residence provides family day care for eight or fewer children, including children under the age of ten years who reside at the home.

Clubs, Lodges, and Private Meeting Halls. An organization and its premises catering primarily to its members for social, educational, recreational, or athletic purposes. This definition does not include Hunting and Fishing Clubs.

Clustered Development. Development in which parcel sizes are reduced below the required parcel size under the applicable zoning district, but with no change to the total number of parcels allowed by the zone. Clustered development results in residential parcels that are denser, and remaining areas conserved and maintained intact as open space in larger parcels.

Commercial Recreation, Indoor. An establishment that provides entertainment activities or services in an indoor setting for a fee or admission charge. Examples of Commercial Recreation, Indoor uses include bowling alleys, electronic game arcades, billiard rooms, sports clubs, commercial gymnasiums, and dancehalls. Establishments such as a restaurant or laundromat that offer a small number of game machines to its customers as an accessory use are excluded from this definition.
**Commercial Recreation, Outdoor.** An establishment that provides entertainment activities or services outside of a building for a fee or admission charge. Examples of Commercial Recreation, Outdoor uses include golf driving ranges, gun clubs, water parks, amusement parks, fairgrounds, commercial sports centers, amphitheater or theater entertainment facilities for the performance of concerts or other entertainment events, facilities for rodeos and equestrian events, ranges, boat ramps, docks, landing facilities, commercial camps and campgrounds, and other similar uses. Water Ski Lakes, Golf Courses and Country Clubs, and Hunting and Fishing Clubs are excluded from this definition.

**Commercial Zones.** The General Commercial (GC), Neighborhood Commercial (NC), Community Commercial (CC), Recreation Commercial (REC), and Sports and Entertainment (SE) zones.

**Community Plan.** Butte County’s statement of goals and policies adopted by the Board of Supervisors as a long-range, comprehensive guide to the growth and development for a specific geographic area within the county. The Durham-Dayton, Nelson Area Plan is an example of an adopted community plan.

**Composting Facility.** A commercial/industrial facility where organic matter is transformed into soil or fertilizer by biological decomposition. Composting activities accessory to an on-site agricultural or residential use are excluded from this definition.

**Conditional Use Permit.** A discretionary permit approved by the Planning Commission to allow uses that are generally appropriate within a zoning district but potentially undesirable on a particular parcel or in large numbers.

**Conditionally Permitted Use.** A land use that is allowed in applicable zones only with the approval of a Conditional Use Permit or Minor Use Permit.

**Conservation Easement.** An agreement between a landowner and a government agency or a qualified land trust organization creating a legally enforceable encumbrance on real property imposing limitations, restrictions, or affirmative obligations, the purposes of which include retaining or protecting agriculture, natural, scenic, or open space values of real property; assuring its availability for agricultural, forest, recreational, or open space use; protecting natural resources; or maintaining air or water quality.

**Condominium.** An undivided interest in common in a portion of real property coupled with a separate interest in space called a unit, the boundaries of which are described on a recorded final map, parcel map, or condominium plan.

**Community Centers.** A building or facility used as a place of meeting, recreation, or social activity.

**Community Garden.** A temporary use occupying an undeveloped residential parcel where separate individuals grow plots of vegetables, fruits, herbs and flowers, through the permission of the owner. The cultivation of marijuana is not a permitted use in a community garden.
Construction, Maintenance, and Repair Services. Businesses providing construction, maintenance and repair services off-site, but store equipment and materials or perform fabrication or similar work on-site. Examples of Construction, Maintenance, and Repair Services include off-site plumbing shops, general contractors, appliance repair, janitorial services, electricians, pest control, heating and air conditioning, roofing, painting, landscaping and septic tank service.

Correctional Institutions and Facilities. Publicly or privately operated facilities housing persons awaiting trial or persons serving a sentence after being found guilty of a criminal offense.

Crop Cultivation. The growing and harvesting of agricultural produce for food and fiber. Examples of Crop Cultivation uses include farms, orchards, groves, greenhouses and wholesale nurseries primarily engaged in growing crops, plants, vines, or trees and their seeds excluding the growing of marijuana.

Cultural Institutions. A public or nonprofit facility for the cultural, intellectual, scientific, environmental, or artistic enrichment of the people of Butte County. Examples of Cultural Institutions include historic areas, interpretative institutions, public theatres and auditoriums, libraries, museums, botanic gardens, and zoos.

Decibel. A unit used to measure the intensity of a sound or the power level of an electrical signal.

Deer Herd Overlay Zone. The overlay zone to implement the Winter and Critical Winter Deer Herd Migration Area General Plan Overlay designation.

Winter Range Area. Areas of Butte County providing habitat for migratory deer herds during the winter season (Nov.-May). This area imposes a minimum parcel size limitation of 20 acres to subdivide parcels as shown under the Deer Herd Migration Area General Plan Overlay.

Winter Range Area, Critical. Prime areas of Butte County providing the highest quality of habitat for migratory deer herds which rely on these areas for the majority of their winter survival needs. This area imposes a minimum parcel size limitation of 40 acres to subdivide parcels as shown under the Deer Herd Migration Area General Plan Overlay.

Density Bonus. An increase in the maximum number of residential dwelling units that are allowed on a site, granted in exchange for one or more concessions that constitute a specified public benefit.

Density, Residential. The number of dwelling units per acre.

Density, Gross. The number of dwelling units divided by the total area of a parcel or project, including all easements and rights-of-way.

Density, Net. The number of dwelling units divided by the total area of a parcel or project, excluding all easements and rights-of-way.

Development. Any human-caused change to land that requires a permit or approval from the County.
Development Permit. The approval of the County authorizing the applicant to undertake a development project.

Development Area. The portion of a parcel containing improvements associated with the uses accommodated within the parcel. Included within Development Areas are structures, driveways, turf yards, manicured landscaping, and other similar site improvements.

Development Standards. Regulations that limit the size, bulk or placement of structures or other improvements and modifications to a site.

Discretionary Approval. An action by the County by which individual judgment is used as a basis to approve or deny a proposed project.

Domestic Animal. Animals adopted by humans so as to live and breed in tame condition.

Drive-Through Facilities. A facility where a customer is permitted or encouraged, either by the design of physical facilities or by the service procedures offered, to be served while remaining seated within a vehicle. Examples of Drive-through Facilities include drive-through restaurants, coffee shops, pharmacies, banks, and automatic car washes.

Duplex Home. A structure that contains two dwelling units, each with its own entrance. Each unit within a duplex home provides complete, independent living facilities for one or more persons, including permanent provisions for living, sleeping, eating, cooking, and sanitation.

Dwelling Unit. A building or a portion of a building containing one or more habitable rooms used or designed for occupancy by one family for living and sleeping purposes, including kitchen and bath facilities.

Easement. A space on a parcel of land, indicated on a subdivision map or in a deed restriction, where the owner has granted one or more property rights to a person, corporation, public agency, or other entity.

Emergency Shelter. Housing with minimal supportive services for homeless persons that is limited to occupancy of six months or less by a homeless person. No individual or household may be denied emergency shelter because of an inability to pay.

Equipment Sales and Rental. Businesses selling or renting tools, trucks, tractors, construction equipment, agricultural implements, and similar equipment. Equipment Sales and Rental uses may include the storage, maintenance, and servicing of such equipment.

Equivalent Sound Pressure Level (Leq). The average of sound energy occurring over a specified period.

Exotic Animal. Exotic animal shall have the same definition as “wild or exotic animal” as defined in section 4-37 of the Butte County Code.
**Family.** Up to six related or unrelated persons living in the same household. Groups of residents living together as a household unit, and residents of group homes, community care facilities, emergency or transitional housing, residential care facilities, or other special needs housing.

**Farmstays.** A form of agricultural tourism where a farmer or rancher hosts tourists at his/her farm or ranch to familiarize the visitors with the daily activities associated with farming or ranching.

**Farm Air Strip.** An agricultural or personal use airstrip exempt from State permit requirements.

**Feed Store.** A retail establishment limited to the sale of hay, grain, and other food supplies for farm and domestic animals. Includes establishments selling animal maintenance products such as medicines, vaccines, and grooming supplies.

**Feed Yard.** See Intensive Animal Operation.

**Fence.** A structure connected by boards, masonry, rails, panels, wire, or any other acceptable building material for the purpose of enclosing space or separating parcels of land.

**Firewood Storage, Processing and Sales.** The following three definitions provide for various uses depending upon scale. This use does not limit the pruning and sale of orchard and farm wood as permitted under the definition of Agricultural Processing, where applicable, or to a homeowner storing firewood for personal use.

- **Firewood Storage, Processing and Off-Site Sales, Small.** A site occupying no more than 20 percent of a parcel’s total size where no more than 25 cords of firewood is stored at any one time for processing and off-site sales. Setbacks for this use shall be the same as required for a primary structure. Maximum height of stored wood shall be 10 feet.

- **Firewood Storage, Processing and Off-Site Sales, Medium.** A site occupying no more than 20 percent of a parcel’s total size where greater than 25 and less than or equal to 100 cords of firewood is stored for processing and off-site sales. Setbacks for this use shall be the same as required for a primary structure. Maximum height of stored wood shall be 10 feet.

- **Firewood Storage, Processing and Off-Site/On-Site Sales, Large.** A site occupying no more than 20 percent of a parcel’s total size where more than 100 cords of firewood is stored for processing and off-site or on-site sales. Setbacks for this use shall be the same as required for a primary structure.

**Floor Area.** The sum of the horizontal areas of each floor of a structure, measured from the interior faces. See Figure 24-304-1 (Floor Area).

**Floor Area Ratio (F:AR).** The ratio of the total gross floor area of all buildings on a site, excluding structured parking areas, divided by the total site area. See Figure 24-304-2 (Floor Area Ratio).
Freight and Truck Terminal and Yard. A facility where goods and cargo are stored, unloaded, and loaded as part of a process for shipment and distribution.

Forestry and Logging. The growing and harvesting of timber, pulp woods, and other forestry products for commercial purposes.

Fruit and Nut Production Facility. A facility that grows and harvests fruits and/or nuts for the production of products, such as extracts, gift packs, gourmet items, where retail sales and tasting is permitted (pursuant to Section 24-175 (Winery, Olive Oil, Fruit and Nut, Micro-Brewery and Micro-Distillery Production Facilities).

Garbage. The accumulation of animal or vegetable or other waste matter that attends or results from the preparation, consumption, decay, dealing in, or storage of meat, fish, fowl, fruits, vegetables, or other food products and shall include any food container in which there is putrescible material either solid or liquid.

Gas and Service Stations. Any facility used primarily for the retail sale and dispensation of motor fuels, lubricants, and motor vehicle accessories. A gas and service station may include food and beverage sales, as well as a car wash, as an accessory use.

General Plan. Butte County’s statement of goals and policies adopted by the Board of Supervisors as a long-range, comprehensive guide to the County’s growth and development.

Golf Courses and Country Clubs. An area of land used for the playing of golf, consisting of at least nine holes, and improved with tees, greens, fairways, and hazards. Golf Course and Country Club uses may include accessory uses such as driving ranges, pro shops, restaurants, and bars.

Grading. The act of excavation, cutting, or filling or combination thereof or any leveling to a smooth horizontal or sloping surface on a property.

Ground Cover. Plants, other than turf or lawn grass, normally reaching an average maximum height of not more than 2 feet at maturity.

Guest House. A detached habitable structure with not more than 500 feet in floor area, which does not contain kitchen facilities and which is designed for and used to house nonpaying transients, visitors, or guests of the occupants of the primary dwelling.
**Habitable Structure.** A structure that meets the requirements of the California Building Code for habitable living area.

**Hazardous Waste.** Any refuse or discarded material which cannot be handled by routine waste management techniques because it poses a threat to human health or other living organisms because of its chemical, biological, or physical properties.

**Heavy Equipment Storage.** The storage of all heavy equipment with a manufacturer’s gross weight of 10,000 pounds or more, used by individual contractors/drivers for off-site commercial jobs.

**Height, Structure.** The vertical distance to the highest point of a structure, measured in accordance with Article 11 (Height Measurement and Exceptions).

**Home Occupation.** The conduct of a business within a dwelling unit or residential site, with the business activity being subordinate to the residential use of the property.

**Home Occupation, Major.** Types of major home occupations include, equipment repair, contractor’s office, dog grooming, hairdressing, light assembly and shipping, catering, food processing, and home professional offices.

**Home Occupation, Minor.** Types of minor home occupations include professional offices for accountants, architects, one-on-one instruction such as tutoring and music lessons, computer programmers, engineers and other similar professions; art studios; telephone sales and surveys; and domestic services, including cottage foods, laundry, ironing, and sewing.

**Home Office.** A business limited to the use of a home computer, phone, desk, and related office equipment. Home offices do not involve client visits or employees, and deliveries would be no more than typical of a residential use.

**Hospital.** A medical facility engaged primarily in the provision of diagnostic services and extensive medical treatment, including surgical services and in-patient beds.

**Hotel and Motel.** A facility containing nine or more guestrooms where lodging is provided, including resorts and vacation cabins. A kitchenette may be included in hotel or motel rooms. Bed and Breakfast establishments are excluded from this definition.

**Hunting and Fishing Club.** Any establishment that provides hunting and fishing activities or services outside of a building for a fee or admission charge.

**Impervious Surface.** Any surface that does not permit the passage of water. Impervious surfaces include buildings, parking areas, and all paved surfaces.

**Infant.** A child less than 12 months of age.
Intensive Animal Operations. The raising or fattening of animals in a manner that produces potentially adverse environmental impacts or adverse impacts to neighboring properties. Examples of Intensive Animal Operation uses include dairies, hog farms, feedlots, aquaculture, confined animal feeding operations (CAFOs), large-scale bee keeping, and other similar operations. Animal Processing; Animal Processing, Custom; breeding, weaning, supplementary feeding, raising, livestock transportation, and Animal Grazing are excluded from this definition.

Interactive Animal Display. A collection of docile animals, such as livestock, that are gentle enough to be fed and touched by the public for the purpose of education and interaction.

Junk. Any worn-out and discarded material in general that may be turned to some use including, but not limited to, any old iron, wire, copper, tin, lead, rags, paper, bags, lumber, empty bottles, bones, parts of bicycles, tricycles, baby carriages, automobiles, and other vehicles, dismantled, in whole or in part, kept, stored, located, situated or piled in public view, and all other similar personal property ordinarily defined and classified as "junk" kept, stored, located, situated or piled in public view and not screened from public view by a fence.

Kennel. Any place used for the breeding, boarding or keeping of more than five dogs over the age of four months. The term kennel includes for-profit establishments, such as a pet boarding service, as well as nonprofit and charitable organizations, such as an animal shelter. The term kennel does not include veterinarians, provided that all animals in the veterinary office are housed indoors.

Kennel, Commercial. A kennel operated for commercial purposes that is non-accessory to an on-site residential use.

Kennel, Personal. A kennel that is accessory to an on-site residential use.

Kennel, Personal Hardship. A kennel authorized by the Zoning Administrator due to a death, hardship, illness, or military deployment of a family member.

Land Use. An activity conducted on a site or in a structure, or the purpose for which a site or structure is designed, arranged, occupied, or maintained.

Landscaping. The planting and maintenance of living plant material, including the installation, use, and maintenance of any irrigation system for the plant material, as well as nonliving landscape material (such as rocks, pebbles, sand, mulch, walls, fences, or decorative paving materials).

Large Retail Project. Any commercial retail project with a total gross building area of 50,000 square feet or more.

Light Fixture. A complete lighting unit consisting of one or more lamps, the lamp holder, any reflector or lens, and any other components or accessories.

Light Source. An electrical bulb, tube, diode, or other device that produces artificial light or illumination.
Light Trespass. Light falling across a property line onto another lot or parcel of land or onto a public right-of-way.

Lighting, Outdoor. Outdoor light fixtures, whether permanent or portable, including general light fixtures, searchlights, spotlights, and floodlights, and the light cast by such fixtures.

Lighting, Adequately Shielded. Shielding of a light fixture by opaque components or materials, such that light rays are limited to the parcel of origin and the light source is not visible from another property or public right-of-way.

Lighting, Inadequately Shielded. Lighting that does not conform with the definition of Adequately Shielded Lighting above.

Lighting, Glare. Intense or blinding light.

Livestock. Animals that may be kept or raised in pens, barns, pastures or on farms and ranches as part of an agricultural or farming operation, whether for commerce or private use including apiaries, and ratites such as ostriches and emus.

Live/Work Unit. Buildings or spaces within buildings that are used jointly for commercial and residential purposes.

Loading Space. A space or berth that is on the same site with a building or contiguous to a group of buildings, that is designed for the temporary parking of a commercial vehicle while loading and unloading merchandise or materials, and that can be accessed from a street or alley.

Manufactured Housing. Single-family housing that is built at a factory rather than on site. Manufactured housing is transportable in one or more sections but is not constructed with a permanent hitch or other device and does not have permanently-attached wheels or axles.

Manufacturing, General. A facility accommodating manufacturing processes where the intensity or scale of operations is greater than those classified under "Manufacturing, Light," but where impacts on surrounding land uses or the community can typically be mitigated to acceptable levels. Examples of Manufacturing, General uses include establishments that make or process raw materials into finished machines or parts for machines; the manufacturing of motor vehicles and transportation equipment; establishments that cut, shape, and finish marble, granite, slate, and other stone; and establishments that produce brick and structural clay products.

Manufacturing, Heavy. Manufacturing or processing operations that necessitate the storage of large volumes of hazardous or unsightly materials, or which produce dust, smoke, fumes, odors or noise at levels that would affect surrounding uses. Examples of Manufacturing, Heavy uses include the manufacturing of chemical products; the manufacturing of concrete, gypsum, and plaster products; glass product manufacturing; paving and roofing materials manufacturing; petroleum refining and related industries; plastics, other synthetics, and rubber product manufacturing; primary metal industries including the smelting and refining of ferrous and
nonferrous metals from ore, pig, or scrap; asphalt and concrete plants; medical waste processing/incineration; paint removal and sandblasting; hazardous or low-level nuclear material disposal; wrecking, junk or salvage yards; and pulp and pulp product manufacturing, including paper mills.

Manufacturing, Light. The manufacturing and assembly of finished products or parts, primarily using previously prepared materials. Examples of Manufacturing, Light uses include clothing and fabric product manufacturing; electronics, equipment, and appliance manufacturing; food and beverage product manufacturing, including meat packing plants (not including slaughterhouses), catering operations and wholesale bakeries; laundry, dry-cleaning, and carpet cleaning plants; establishments manufacturing and assembling small products primarily by hand, including jewelry, pottery and other ceramics; woodworking, including cabinet making and furniture manufacturing; metal products fabrication, including machine, sheet metal and welding shops; repair of scientific or professional instruments and electric motors; printing, publishing and lithography; establishments that convert pre-manufactured paper or paperboard into boxes, envelopes, paper bags, wallpaper, and that coat or glaze pre-manufactured paper; and photo/film processing labs. Ancillary retail sales areas of products produced on-site are allowed as part of a Manufacturing, Light use. Businesses primarily engaged in the sale of consumer products produced off-site are excluded from this definition.

Marijuana Dispensary. A facility or location where marijuana is made available to a qualified patient. *(Note: This is a prohibited use in Butte County)*

Medical Offices and Clinics. A facility, not including a hospital, where medical, mental, dental, or other personal health services are provided on an outpatient basis using specialized equipment. Examples include, but are not limited to, offices providing medical services and containing medical professionals such as physicians, dentists, chiropractors, optometrists or other similar medical professionals.

Micro-Brewery Production Facility. A manufacturer who brews and bottles beer on the licensed premises from products grown on or off-site and who produces a maximum quantity of less than 15,000 cases per year (pursuant to Section 24-175).

Micro-Distillery Production Facility. A manufacturer who distills, blends, rectifies and bottles alcoholic liquors on the licensed premises from products grown on or off-site with an alcohol content greater than seventeen percent and who produces a maximum quantity of less than 15,000 cases per year at the licensed premises (pursuant to Section 24-175).

Migration Corridor. An area of land used by wildlife species, including migratory deer herds to move between summer and winter habitats.

Mining. The extraction, quarrying, tunneling, and preparing of minerals removed from the earth. Oil and Gas Extraction uses are excluded from this definition. Included in this definition are “Surface mining operations”, which means all or any part of the process involved in the mining of minerals on mined lands by removing overburden and mining directly from the mineral deposits, open-pit mining of minerals naturally exposed, mining by the auger method, dredging and quarrying, borrow pitting, stream bed skimming, and segregation or
stock-piling of mined materials (and recovery of the same), or surface work incident to an underground mine. Surface mining operations shall include, but are not limited to:

1. In-place distillation, retorting or leaching;
2. The production and disposal of mining waste;
3. Prospecting and exploratory activities;
4. Accessory processing of minerals such as crushing and batch plants.

Minor Variance. A discretionary permit approved by the Zoning Administrator that allows for deviation from physical standards contained in the Zoning Ordinance.

Minor Use Permit. A discretionary permit approved by the Zoning Administrator to allow uses that are generally appropriate within a zoning district but potentially undesirable on a particular parcel or in large numbers.

Ministerial Action. The approval or disapproval of a requested permit or approval by the County which involves only the use of fixed standards or objective measurements and does not require the exercise of discretion.

Mixed-Use Development. A development that provides both residential and nonresidential uses. A mixed-use development may include vertical mixed use, with residential units located above nonresidential uses, as well as horizontal mixed use, with residential units located behind nonresidential uses.

Mixed Use Zones. The MU-1, MU-2, and MU-3 zones.

Mobile Home. A housing structure transportable in one or more sections, designed and equipped to be used with or without a foundation system, certified under the National Mobile Home Construction and Safety Standards Act of 1974 (42 U.S. Section 5401 et seq.) Mobile home does not include recreational vehicle, commercial coach, or factory built housing as defined in Section 19971 of the Health and Safety Code.

Mobile Home Park. An area of land where two or more mobile home lots are rented or leased or held out for rent or lease to accommodate mobile homes used for human habitation. The rental paid for any such mobile home shall be deemed to include rental for the lot it occupies. Mobile Home park also means a mobile home development constructed according to the requirements of Part 2.1 (commencing with Section 18200) of Division 13 of the Health and Safety Code, and intended for use and sale as a mobile home condominium or cooperative park, or as a mobile home planned unit development.

Multiple-Family Dwelling. A structure that contains three or more dwelling units. Each unit within a multiple-family dwelling provides complete, independent living facilities for one or more persons, including permanent provisions for living, sleeping, eating, cooking, and sanitation. Examples of Multiple-Family Dwelling uses include apartment buildings, single-room occupancy buildings, residential condominiums, townhouses, and rowhouses.

Nonconforming Use. A use that lawfully occupied a building or land at the time the use was established, but that no longer conforms with the use regulations of the zone in which it is located.
Nonconforming Structure. A structure that was lawfully constructed, but that no longer conforms with the development standards of the zone in which it is located.

Nursery. A business where young plants and trees are grown for sale or for planting elsewhere.

Nursery, Retail. A retail establishment for the growing, maintenance, display and sale of plants and the sale of products accessory to their care and maintenance.

Nursery, Wholesale. A nursery that does not allow the direct on-site sale of plants and trees to visiting retail customers.

Olive Oil Production Facility. A facility that grows and harvests olives for the production of olive oil where retail sales and public olive oil tasting is permitted (pursuant to Section 24-175).

Oil and Gas Extraction. The operation or development of oil and gas fields and wells. Oil and Gas Extraction uses include exploration for crude petroleum and natural gas; drilling, completing, and equipping wells; reinjection wells for natural gas; operating separators, emulsion breakers, desilting equipment, and field gathering lines for crude petroleum and natural gas; and all other activities in the preparation of oil and gas up to the point of shipment from the producing property.

Office, Governmental. A place of employment occupied by governmental agencies and their employees.

Office, Professional. A place of employment occupied by businesses providing professional services. Examples of Office, Professional uses include offices for accountants, attorneys, commercial art and design services, news services, photographers, counselors and psychologists, engineers, real-estate agents, and other professions.

Outdoor Education. The occasional and temporary use of property by a non-profit group or public agencies for outdoor education, including instruction in various cultural, environmental, and historical aspects of an area.

Overlay Zone. An additional zoning district as shown on the Zoning Map that prescribes special regulations to a parcel in combination with the Base Zone.

Parcel. An area defined by an approved parcel map, subdivision map or otherwise lawfully created parcel containing the minimum square footage and frontage as required by the zone at the time the parcel was created.

Parcel, Illegal. A parcel created in violation of the State Subdivision Map Act and/or Chapter 20 of the Butte County Code or any previous County subdivision ordinance.

Parcel Area. The total area included within the property lines of a parcel of land.

Parcel Depth. The horizontal distance between the midpoint of the front and rear property lines. For irregularly shaped lots, the parcel depth shall be as determined by the Zoning Administrator.
Parcel, Substandard Legal. A parcel that does not conform to the development standards, including the area and/or width regulations of the zone in which it is located, and which was lawfully-established pursuant to State Subdivision Map Act and/or Butte County Code Chapter 20, or has subsequently become a lawful parcel.

Parcel Width. The horizontal distance between the side property lines, measured at right angle to the side property lines at a point midway between the front and rear property lines. For irregularly shaped lots, the parcel width shall be as determined by the Zoning Administrator.

Parks and Recreational Facilities. A public facility operated by a special district, non-profit organization, or homeowner’s association that provides active or passive recreational opportunities. Parks and Recreational Facilities include neighborhood parks, regional parks, ball fields, tennis courts, indoor and outdoor swimming pools, gymnasiums, and other similar facilities.

Pastured Poultry. The process of raising chickens directly on green pasture. The birds receive a significant amount of pasture forage as feed.

Permit. The approval by the County authorizing the applicant to undertake certain activities.

Permitted Use. A Permitted Use as set forth under Part 2 of the Zoning Ordinance may be a use allowed as-of-right with no discretionary review and approval, administratively permitted, or conditionally permitted in its applicable zone.

Performance Guarantee. A financial deposit to ensure that all improvements, facilities, or work required will be completed in conformance with the approved plan.

Personal Services. An establishment other than a professional office that provides services to individuals as a primary use, and that may provide accessory retail sales of products related to the services provided. Examples of Personal Service uses include beauty and barber shops, shoe repair shops and tailor shops, dry cleaners, launderettes, driving schools, martial arts studios, fitness centers, photography studios, funeral parlors and mortuaries, and other similar uses.

Personal Services, Restricted. An establishment other than a professional office that provides services as a primary use that may have a blighting and/or deteriorating effect upon surrounding areas and which may need to be dispersed to minimize their adverse impacts. Examples of Personal Services, Restricted uses include but are not limited to tattoo parlors, body piercing, fortune telling, massage establishments, and other similar uses.

Petting Farm. See Interactive Animal Display.

Planned Development. An area of land to which the PD zone has been applied and that is subject to the provisions of the PD zone.

Property Line, Front. The property line separating the parcel from the street; or in the case of a corner lot the property line with the same orientation in the same subdivision. In cases where a parcel does not front on a
street the front property line shall be determined by the Zoning Administrator. See Figure 24-304-3 (Property Lines).

**Property Line, Rear.** A property line that is opposite and most distant from the front property line. If the parcel has an irregular or triangular shape, the rear property line shall be a line within the lot at least 10 feet in length, located parallel to the front lot line and as far as possible from the front lot line. See Figure 24-304-3 (Property Lines).

**Property Line, Street Side.** Any property line other than the front or rear property line that abuts a public street. See Figure 24-304-3 (Property Lines).

**Property Line, Side.** Any property line other than the front or rear property line that abuts an adjoining parcel. See Figure 24-304-3 (Property Lines).

**Primary Use.** The main purpose for which a site is developed and occupied, including the activities that are conducted on the site a majority of the hours during which activities occur.

**Primary Structure.** A structure that accommodates the primary use of the site.

**Public Housing.** Residential living quarters and accessory and support uses directly owned by, provided by, supported by, funded by or overseen by a local, State or federal agency.

**Public/Mini Storage.** A building or group of buildings with controlled access that contains individual and compartmentalized stalls or lockers for storage of customers’ goods.

**Public Right-of-Way.** An area of land that is dedicated for public use to accommodate a transportation system or necessary public utility infrastructure (including, but not limited to, water lines, sewer lines, power lines, and gas lines).

**Public Safety Facilities.** A facility operated by a public agency for the purpose of protecting public safety, including but not limited to fire stations and other fire-fighting facilities, police stations and ambulance dispatch facilities.

**Reasonable Accommodation.** An adjustment to a provision within the Zoning Ordinance to accommodate the needs of persons with disabilities.

**Recreational Vehicle (RV).** A motor home, converted bus, travel trailer, truck camper or camping trailer, designed for human habitation for recreation or emergency occupancy, which, when transported upon a public roadway,
measures 8 feet or less in width and less than 40 feet in length and which is either self-propelled, truck-mounted or permanently towable on the highways without a permit.

Recreational Vehicle Park. A commercial use providing space for the accommodation of two or more recreational vehicles for transient lodging purposes.

Recycling Collection Facility. A center for the acceptance by donation, redemption, or purchase, of recyclable materials from the public.

Small Recycling Collection Facility. A collection facility which occupies an area 500 square feet or less. May include a mobile unit, bulk reverse vending machines or a grouping of reverse vending machines occupying more than 50 square feet, kiosk type units which may include permanent structures, unattended containers placed for the donation of recyclable materials.

Large Recycling Collection Facility. A collection facility which occupies an area of more than 500 square feet and may include permanent structures.

Recycling Processing Facility. A building or enclosed space used for the collection and processing of recyclable materials. Processing means preparation of material for efficient shipment, or to an end-user's specifications, by such means as baling, briquetting, compacting, flattening, grinding, crushing, mechanical sorting, shredding, cleaning, and remanufacturing. A Recycling Processing Facility is either Heavy or Light:

Light Recycling Processing Facility. A processing facility that occupies an area of under 45,000 square feet of gross collection, processing, and storage area and has up to an average of two outbound truck shipments per day. Light processing facilities are limited to baling, briquetting, crushing, compacting, grinding, shredding and sorting of source separated recyclable materials and repairing of reusable materials. A light processing facility does not shred, compact, or bale ferrous metals other than food and beverage containers.

Heavy Recycling Processing Facility. Any processing facility other than a light recycling processing facility.

Religious Facilities. A site or building used by a religious group for regular organized worship. Religious Facility uses include churches, synagogues, mosques, temples, and other similar places of worship.

Research and Development. A business that engages in research, testing, and development of products and/or services in all technology-intensive fields. Research and Development uses do not involve the mass manufacture, fabrication, processing, or sale of consumer products, and do not produce dust, smoke, fumes, odors, or noise at levels that would affect surrounding uses. Prototype development and product testing may be included as part of a Research and Development use. Examples of Research and Development uses include bio-technology laboratories, alternative energy technology development, agricultural research, and aviation and aerospace technology development.

Residential Care Home. Facilities providing residential, social and personal care for children, the elderly and/or people with limited ability for self-care, but where medical care is not a major element. Examples of Residential
Care Home uses include children’s homes, transitional houses, orphanages, rehabilitation centers, and self-help group homes. Convalescent homes, nursing homes, and similar facilities with medical care services are excluded from this definition.

Residential Care Home, Large. A Residential Care Home for seven or more persons.

Residential Care Home, Small. A Residential Care Home for six or fewer persons.

Residential Generator. A machine that produces electricity to support residential uses, including supplying power directly to a residence or for incidental residential activities.

Restaurant. Any retail business that sells cooked or ready-to-eat food or beverages primarily for on-premise consumption.

Retail, General. Stores and shops selling merchandise to the general public. Examples of Retail, General uses include retail banks, appliance stores, bookstores, clothing stores, convenience stores, department stores, drug stores, food and beverage stores, furniture stores, art galleries, home improvement stores, vehicle parts and accessories sales, and hardware stores.

Retail, Restricted. A retail establishment that may have a blighting and/or deteriorating effect upon surrounding areas and which may need to be dispersed to minimize their adverse impacts. Examples of Retail, Restricted uses include but are not limited to liquor stores, pawn shops, Retail Tobacco Stores as defined under Butte County Code Section 15-152(11), adult clothing stores, and other similar uses.

Reverse Vending Machine. An automatic mechanical device which accepts at least one or more types of empty beverage containers including, but not limited to, aluminum cans, glass and plastic bottles, and issues a cash refund or a redeemable credit slip with a value not less than the container’s redemption value as determined by the State.

Review Authority. The County official or County body that is responsible, under the provisions of the Zoning Ordinance, for approving or denying a permit application or other request for official County approval.

Riparian Areas. Areas between the banks and 50 feet in width measured from the top bank of any intermittent or perennial stream or river landward. Excluded from this definition are stock ponds and other stock watering facilities, culverted sections of creeks and engineered systems developed by a public agency for collection of storm or flood waters, or systems other than natural creeks designed to deliver irrigation or water supplies.

Runways and Heliports. A specified area designed and used for the landing and takeoff of aircraft. Uses classified as Airport-Related Uses and Airport-Related Uses, Restricted are excluded from this definition.

Rural Zones. The Agriculture (AG), Agriculture Services (AS), Timber Mountain (TM), Timber Production (TPZ), Rural Residential (RR), Rural Country Residential (RCR), Foothill Residential (FR), Foothill Country Residential (FCR), and Resource Conservation (RC) zones.
Schools, Public and Private. Facilities for primary, secondary, or higher education. Includes trade and vocational schools, colleges and universities.

Second Unit. An attached or detached residential dwelling unit which provides complete independent living facilities for one or more persons. Second units provide permanent provisions for living, sleeping, eating, cooking, and sanitation on the same parcel occupied by a primary dwelling.

Scenic Highway. A highway designated by the Board of Supervisors as providing opportunities for the enjoyment of natural and man-made scenic resources and access or direct views to areas or scenes of exceptional beauty or historic or cultural interest.

Setback. The minimum distance by which a structure must be separated from a property line or other site feature.

Setback, Front. The minimum distance by which a structure must be separated from the front property line.

Setback, Interior Side. The minimum distance by which a structure must be separated from the interior side property line.

Setback, Rear. The minimum distance by which a structure must be separated from the rear property line.

Setback, Street Side. The minimum distance by which a structure must be separated from the street side property line.

Setback Area, Front. An area extending across the full width of a parcel, the depth of which is the distance between the front property line and the required front setback. See Figure 24-304-4 (Front Setback Area).

Setback Area, Interior Side. An area extending across the full depth of a parcel, the width of which is the distance between the interior side property line and the required interior side setback. See Figure 24-304-5 (Interior Side Setback Area).

Setback Area, Rear. An area extending across the full width of a parcel, the depth of which is the distance between the rear property line and the required rear setback. See Figure 24-304-6 (Rear Setback Area).

Setback Area, Street Side. An area extending across the full depth of a parcel, the width of which is the distance between the street side property line and the required street side setback. See Figure 24-304-7 (Street Side Setback Area).

Signs. See Article 20 (Signs).
Single-Family Home. A residential structure designed for occupancy by one family. A single-family home provides complete, independent living facilities for one or more persons, including permanent provisions for living, sleeping, eating, cooking, and sanitation.

Site. A parcel or adjoining parcels that are under single ownership or single control, and that are considered a unit for the purposes of development or other use.

Site Area. The total area included within the boundaries of a site.

Slaughterhouse: See animal processing, intensive animal operation.

Solar Energy System/Solar Energy Facilities. The components and subsystems that, in combination, convert solar energy into electric energy suitable for use, and may include other appurtenant structures and facilities. This includes but is not limited to photovoltaic power stations and solar thermal systems.

Stables, Commercial. A facility where horses are boarded in a stable on the property. Lessons or training of non-owned horses is permitted. Horse competitions, clinics, public sales, or similar events occurring more than once annually or involving over 50 individuals in attendance are permitted. Facility use for a fee and the hiring of horses is permitted. Equine density determined by Permit and limited by proper care and responsible management of confined animals.

Stable, Private. The keeping of horses in a stable that are solely owned by the owner or occupant of the property, and no lessons or training of non-owned horses is permitted. No public sales/hire, competitions, clinics, or similar events are permitted. Facility use for a fee and the hiring of horses is not permitted. Equine density limited to no more than three head per acre.

Stable, Semiprivate. Includes uses permitted under Stable, Private, but also permits a facility where horses may be boarded on the property. Lessons and/or training of owned and non-owned horses is permitted. Clinics, public sales or similar events are permitted no more than once in a 12-month period, with no more than 50 individuals in attendance. Facility use for a fee and the hiring of horses is not permitted. Equine density limited to no more than three head per acre.

Stockyard: See intensive animal operation.

Stream. A body of water flowing in a natural surface channel.

Stream, Perennial. Streams that typically carry water year round.

Stream, Intermittent. Streams that typically carry water part of the year and are dry the other part.

Stream Bank. The usual boundaries of a stream channel.
**Structural Alteration.** Any change in the supporting members of a building or structure, including bearing walls, columns, beams or girders, floor joists, ceiling joists or roof rafters.

**Structure.** Anything constructed or erected that requires attachment to the ground or attachment to something located on the ground.

**Subdivision.** The division, by any subdivider, of any unit or portion of land shown on the latest equalized Butte County assessment roll as a unit or contiguous units, for the purpose of sale, lease or financing, whether immediate or future. The definition of subdivision includes condominium projects, community apartment projects, and the conversion of five or more existing dwelling units to a stock cooperative, as defined in Civil Code Section 2015.

**Sub-Zones.** A subset of a base zone, with each individual subzone subject to its own minimum parcel size. All other development standards and land use regulations are identical for each subzone.

**Tasting Room.** A part of a winery, olive oil, or fruit and nut production facility at which guests and customers may sample products produced on-site.

**Temporary Use.** A short-term activity that may or may not meet the normal development or use standards of the applicable zone, but that occurs for a limited period of time and does not permanently alter the character or physical facilities of a property.

**Temporary Structure.** A structure that is erected for a limited period of time, typically no longer than 180 days, and that does not permanently alter the character or physical facilities of a property.

**Timber Processing.** Facilities for forest product processing including sawmills, pulp mills, veneer mills, other timber processing plants, log decks, by-product storage sites, and related operating areas.

**Transient Mobile Home.** A mobile home within a mobile home park that occupies a site for less than 180 days and whose permanent address for legal purposes is not the mobile home park site occupied.

**Unique Agricultural Products.** Specialty agricultural products including but not limited to fruits and nuts, meats, flowers, wine, oils, jams, gourmet items and handmade gift baskets. Establishments producing unique agricultural products are typically family owned and operated facilities. Unique agricultural producers often offer consumer education opportunities such as product labels that tell the history of the farm and tasting rooms where customers can visit and experience the farm property, learn about farming practices, and purchase goods directly from farmers.

**Urban Zones.** All zones in Butte County not classified as a Rural Zone.

**Utilities, Minor.** Utility facilities that are necessary to support on-site development on the same parcel that involves only minor structures. Examples of Utilities, Minor include Tier 1 Solar Energy Facilities, Auxiliary Rooftop and Micro Wind Energy Systems, power lines, water and sewer lines, water transmission lines, storm
drainage facilities, transformers, and water and sewer pump stations. Utilities, Minor includes uses are permitted by right with a building permit in all zones.

**Utilities, Accessory.** Utility facilities that are accessory to a permitted use including Tier 2 Solar Energy Systems and Agricultural Wind Energy Systems. Utilities, Accessory includes uses that are permitted by an Administrative Permit in most zones, refer to the Use Regulation Table for each zone.

**Utilities, Intermediate.** Utility facilities at a level between Utility, Accessory and Utility, Major including Tier 3 Solar Energy Systems and Small Wind Energy Systems. Utilities, Intermediate includes uses that are permitted by a Minor Use Permit in most zones, refer to the Use Regulation Tables for each zone.

**Utilities, Major.** Large-scale facilities of a regional nature including Tier 4 Solar Energy Systems, Large Wind Energy Systems, power plants, hydro-electric facilities, electricity transmission substations, water storage tanks, community wastewater treatment plants, commercial and industrial composting operations, and similar facilities. Utilities, Major includes uses that are permitted by a Conditional Use Permit in most zones, refer to the Use Regulation Tables for each zone.

**Variance Major.** A discretionary permit approved by the Planning Commission that allows for deviation from development standards contained in the Zoning Ordinance by more than 10 percent.

**Variance, Minor.** A discretionary permit approved by the Zoning Administrator that allows for deviation from development standards contained in the Zoning Ordinance by 10 percent or less.

**Vegetation, Native.** Any plant species with a geographic distribution indigenous to all or part of Butte County. Plant species that have been introduced by humans are not native vegetation.

**Vegetative Buffer.** An area adjacent to a sensitive natural feature within which development restrictions apply.

**Vehicle.** A device by which any person or property may be propelled, moved or drawn, except a device moved by human power or used exclusively upon stationary rails or tracks.

**Vehicle Repair and Maintenance.** An establishment for the repair, alteration, restoration or finishing of any vehicle, including body repair, collision repair, painting, tire and battery sales and installation, and towing. Repair shops that are part of a vehicle sales or rental establishment on the same site are excluded from this definition.

**Vehicle Sales and Rental.** An establishment for the retail sales or rental of new or used vehicles. May include parts sales and vehicle repair, provided that these activities are incidental to the sale of vehicles.

**Vehicle Service and Maintenance.** An establishment providing limited vehicle repair and maintenance services. Examples of Vehicle service and maintenance uses include self-service car washes, detailing services, quick-lube services, tire and battery sales and installation (not including recapping), vehicle repossession and towing services. Major vehicle repair such as painting and body work and vehicle impound yards are excluded from this definition.
Warehousing, Wholesaling, and Distribution. An establishment used primarily for the storage, selling or distributing of goods to retailers, contractors, commercial purchasers or other wholesalers, or to the branch or local offices of a company or organization. Examples of Warehousing, Wholesaling, and Distribution uses includes vehicle storage, moving services, general delivery services, minor waste tire storage facilities, fuel yards and house boat storage yards where no maintenance of house boats occurs. The storage of flammables, explosives, or materials that create dust, odors, or fumes is excluded from this definition.

Watershed. The entire region drained by a waterway or watercourse that drains into a lake or reservoir.

Water Ski Lake. A lake where recreational water skiing is the primary permitted use.

Winery Production Facility, retail. A facility that grows and harvests grapes for the on-site production of wine where retail sales and public wine tasting is permitted (pursuant to Section 24-175).

Winery Production Facility, limited. A facility that grows and harvests grapes for the on-site production of wine where on-site retail sales and public wine tasting is not permitted but off-site retail (e.g. internet and phone sales) and wholesale sales are permitted.

Wireless Telecommunication Facility. The equipment and associated structures needed to transmit or receive electromagnetic signals. A wireless communication facility typically includes antennas, supporting structures, enclosures or cabinets housing associated equipment, cable, access roads and other accessory development. Receive-only radio and television antennas, as well as receive-only satellite dishes or antennas, are excluded from this definition.

Zone. Any of the agriculture, natural resource, residential, commercial and mixed use, industrial, and special purpose zones established by Part 2 (Zoning Districts, Land Uses, and Development Standards) within which certain land uses are allowed or prohibited, and uniform development standards apply.

Zoning Administrator. The Director of Development Services, or his or her authorized representative, as established in Section 24-256 (Zoning Administrator) of the Zoning Ordinance.

Zoning Clearance. A ministerial procedure used by the County to verify that a proposed use or structure complies with the Zoning Ordinance.

Zoning Map. The official map and its underlying Geographic Information System (GIS) data, adopted by Butte County, that serves to delineate the boundaries of each base and overlay zone as established in the Zoning Ordinance. The official Zoning Map resides at, and is maintained by, the Butte County Department of Development Services.

Zoning Ordinance. The Zoning Ordinance is adopted to implement the Butte County General Plan and to protect and promote the health, safety, and welfare of Butte County residents. See Butte County Code Section 24-2.
ATTACHMENT C
RESOLUTION —CHAPTER 35.
PROTECTION OF
AGRICULTURAL LAND
A RESOLUTION OF THE BUTTE COUNTY PLANNING COMMISSION RECOMMENDING THAT THE BOARD OF SUPERVISORS ADOPT AMENDMENTS TO BUTTE COUNTY CODE CHAPTER 35. PROTECTION OF AGRICULTURAL LAND (RIGHT-TO-FARM ORDINANCE)

WHEREAS, on June 24, 2014, the Butte County Board of Supervisors directed that staff prepare a General Plan Amendment to the Agriculture Element of the Butte County General Plan pertaining to Policy AG-P5.3; and,

WHEREAS, as part of this direction the Planning Commission is recommending the amendment of the General Plan and including new Policy AG-P5.3.1, which directs:

The Zoning Ordinance shall allow agriculture as an interim use in all non-agriculture zones. The Butte County Right-to-Farm Ordinance (Butte County Code Chapter 35) shall be amended to recognize that, while not exclusively devoted to agriculture, Residential, Commercial and Industrial zones may support agriculture as an interim use prior to development.

WHEREAS, as part of this new policy direction the Zoning Ordinance is proposed to be amended to allow interim agricultural uses in Residential, Commercial and Industrial zones; and,

WHEREAS, where nonagricultural land uses, particularly residential and commercial development, extend onto agricultural land or exist side by side with agricultural operations, agricultural operations are frequently the subject of nuisance complaints. As a result, some agricultural operations are forced to cease or curtail their operations and many others are discouraged from making investments in improvements to their operations, all to the detriment of adjacent agricultural uses and the economic viability of the county's agricultural industry as a whole.

WHEREAS, interim agricultural uses, as now proposed to be allowed within Residential, Commercial and Industrial general plan designations and zones, should be afforded the same level of protection provided for under Chapter 35 from nuisance complaints that may curtail or otherwise discourage the interim agricultural use; and,

WHEREAS, the Planning Commission held a duly noticed public hearing concerning the amendment of Chapter 35. Protection of Agricultural Land on October 20, 2014; and
NOW, THEREFORE, BE IT RESOLVED, that the Planning Commission hereby recommends to the Board of Supervisors the following findings:

1. The Amendments to Chapter 35. Protection of Agricultural Land are directed by the General Plan Amendment to Policy AG-P5.3 and more specifically described under new proposed Policy AG-P5.3.1.

2. The Amendments to Chapter 35. Protection of Agricultural Land have been determined to not be subject to the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines Section 15060 (c) (2) as the activity does not involve the exercise of discretionary powers by a public agency, and additionally the activity has been determined to be exempt from CEQA under Guidelines Section 15061 (b) (3) as it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment.

BE IT FURTHER RESOLVED that the Butte County Planning Commission hereby recommends to the Butte County Board of Supervisors the adoption of the Amendments to Butte County Code Chapter 35. Protection of Agricultural Land set forth under Exhibit A.

Duly passed and adopted this 20th day of October, 2014, by the following vote:

AYES:
NOES:
ABSENT:
ABSTAIN:

_______________________________
Chuck Nelson, Chair
Planning Commission
County of Butte, State of California

ATTEST:

_______________________________
Tim Snellings, Secretary
Planning Commission
County of Butte, State of California
EXHIBIT A

Chapter 35. Protection of Agricultural Land Amendments
ARTICLE I. Amended Right to Farm Ordinance Draft

35-1 Short title.

This chapter shall be known and may be cited as the Butte County Right to Farm Ordinance or the Right to Farm Ordinance.

(Ord. No. 3965, § 1, 6-12-07)

35-2 Findings.

(a) It is the declared policy of this county to conserve, protect, enhance, and encourage agricultural operations on agricultural land within the unincorporated area of the county. Additionally, while not exclusively devoted to agriculture, residential, commercial and industrial zones may support agriculture as an interim use prior to development. The Butte County Zoning Ordinance provides standards for agricultural uses within these zones. Further, it is the intent of this county to provide its residents proper notification of the county's recognition and support, through this chapter, of the right to farm;

(b) Where nonagricultural land uses, particularly residential and commercial development, extend onto agricultural land or exist side by side with agricultural operations, or where allowed uses develop adjacent to an interim agricultural use, agricultural operations are frequently the subject of nuisance complaints. As a result, some agricultural operations are forced to cease or curtail their operations and many others are discouraged from making investments in improvements to their operations, all to the detriment of adjacent agricultural uses and the economic viability of the county's agricultural industry as a whole. It is the purpose and intent of this chapter to reduce the loss to the county of its agricultural resources by limiting the circumstances under which properly conducted agricultural operations on agricultural land or operations conducted as an interim agricultural use may be considered a nuisance;

(c) It is the further purpose and intent of this chapter to promote a good-neighbor policy by requiring notification of owners, purchasers, residents, and users of property adjacent to or near agricultural operations on agricultural land, or near an interim agricultural use on residential, commercial or industrially zoned land, of the inherent potential problems associated with being located near such operations, including, without limitation, noise, odors, fumes, dust, smoke, insects, operation of machinery during any time of day or night, storage and disposal of manure, and ground or aerial application of fertilizers, soil amendments, seeds and pesticides. It is intended that, through mandatory disclosures, owners, purchasers, residents and
users will better understand the impact of living or working near agricultural operations and be prepared to accept attendant conditions from properly conducted agricultural operations as a normal and necessary aspect of living in a county with a strong rural character and an active agricultural sector;

(d)

It is the further purpose and intent of this chapter to carry out and advance the goals, objectives, policies, and implementation programs of the agricultural element of the general plan.

(Ord. No. 3965, § 2, 6-12-07)

35-3 Relationship to other laws.

This chapter is not intended to, and shall not be construed or given effect in a manner so as to modify or abridge federal law or regulation, or state law as set out in the Civil Code, Health and Safety Code, Fish and Game Code, Food and Agricultural Code, Division 7 of the Water Code, or any other applicable provision of state law relative to nuisances; instead, this chapter is only to be utilized in the interpretation and enforcement of provisions of this code and county regulations. Further, this chapter is not intended to, and shall not be construed or given effect in a manner so as to, limit or restrict the county's authority to review and approve or disapprove proposals for agricultural operations on agricultural land in accordance with other provisions of this code or other laws.

(Ord. No. 3965, § 3, 6-12-07)

35-4 Schedule of fees and charges.

The board of supervisors may from time to time establish a schedule of fees and charges following the procedures required by law to recover the reasonable cost of providing services, issuing permits, recording documents, and enforcing regulations pursuant to this chapter.

(Ord. No. 3965, § 4, 6-12-07)

35-5 Definitions.

Unless the provision or context otherwise requires, the definitions contained in this section shall govern the construction of this chapter. The definition of a word or phrase applies to any of that word's or phrase's variants.

"Adjacent to agricultural land" means within three hundred (300) feet of agricultural land or an Interim agricultural use.
"Agricultural land" means all that real property within the unincorporated area of the county with a general plan land use designation of Agriculture, Grazing and Open Lands and Orchard and Field Crop and areas abutting those two land use designations along the interior three hundred (300) feet of community boundaries and spheres of influence lines.

"Agricultural operation" means and includes, but shall not be limited to, the cultivation and tillage of the soil, dairying, the production, irrigation, frost protection, cultivation, growing, harvesting, processing and storing of any agricultural commodity, including viticulture, horticulture, timber or apiculture, the raising of livestock, fur bearing animals, fish or poultry, and any commercial agricultural practices performed incident to or in conjunction with such operations, including preparation for market, delivery to storage or to market, or delivery to carriers for transportation to market.

"Development approval" means all of the following:

(a) Any discretionary approval granted pursuant to Chapters 13, 20, 24 and 26 of this code to allow residential or commercial development of land, including, without limitation, any approval of a zone change, tentative map, lot line adjustment, use permit, or design review.

(b) Any building permit issued pursuant to Chapter 26 of this code to allow construction of a new single-family dwelling, enlargement of an existing single-family dwelling by six hundred forty (640) square feet or more of floor area, or installation of a manufactured home.

"Director of Development Services" means and includes his or her authorized representative.

"General plan" means the Butte County general plan.

"Interim Agricultural Use" means an agricultural operation taking place in a Residential, Commercial, Industrial or Mixed-Use zone as identified under Table 24-11-1 of the Butte County Zoning Ordinance.

"Properly conducted agricultural operation" means an agricultural operation that is in conformance with existing laws and regulations and proper and accepted customs and standards.

"Treasurer/tax collector" means the treasurer/tax collector of the county or his or her authorized representative.
"Zoning ordinance" means the Butte County zoning ordinance set forth in Chapter Article 24 of this code.

(Ord. No. 3965, § 5, 6-12-07)

35-6 Nuisance—Agricultural operation.

No agricultural operation or interim agricultural use conducted or maintained on agricultural land in a manner consistent with proper and accepted customs and standards, as established and followed by similar agricultural operations in the county, shall be or become a nuisance for purposes of this code or county regulations if it was not a nuisance when it began, provided that such operation complies with the requirements of all applicable federal, state, and county statutes, ordinances, rules, regulations, approvals and permits. The provisions of this section shall not apply where a nuisance results from the negligent or improper management or operation of an agricultural operation.

(Ord. No. 3965, § 6, 6-12-07)

35-7 Disclosure of this chapter article to current owners.

The treasurer/tax collector shall cause the following notice to be mailed to all owners of real property within the county with the annual tax bill:

The County of Butte permits the operation of properly conducted agricultural operations on agricultural land or as an interim agricultural use within the unincorporated area of Butte County and has declared this County policy in the Butte County Right to Farm Ordinance (Butte County Code, Chapter 35) to conserve, protect, enhance, and encourage such operations. Residents or users of property located near an agricultural operation on agricultural land or from an interim agricultural use may at times be subject to inconvenience or discomfort arising from that operation, including, without limitation, noise, odors, fumes, dust, smoke, insects, operation of machinery during any time of day or night, storage and disposal of manure, and ground or aerial application of fertilizers, soil amendments, seeds, and pesticides. One (1) or more of these inconveniences or discomforts may occur as result of any properly conducted agricultural operation on agricultural land or as an interim agricultural use. The County of Butte has determined in the Butte County Right to Farm Ordinance that inconvenience or discomfort arising from a properly conducted agricultural operation on agricultural land or from an interim agricultural use will not be considered a nuisance for purposes of the Butte County Code or County regulations, and that residents or users of nearby property should be prepared to accept such inconvenience or discomfort as a normal and necessary aspect of living in a county with a strong rural character and an active agricultural sector. For more information about the Butte County Right to Farm Ordinance, please contact the Butte County Agricultural Commissioner’s office at 316 Nelson Ave., Oroville, CA 95965 or the Department of Development Services at 7 County Center Drive, Oroville, CA 95965.
35-8 Disclosure of this chapter in development approvals.

Where a development approval is sought on or adjacent to agricultural land or adjacent to an interim agricultural use, the property owner, as part of the application for the development approval, shall execute a declaration acknowledging the right to farm. The director of development services shall cause the declaration to be recorded in the office of the county recorder upon granting of the development approval, unless a declaration acknowledging the right to farm has already been recorded for the property pursuant to this section, in which case the declaration need not be recorded. The declaration shall be in substantially the following form:

DECLARATION ACKNOWLEDGING RIGHT TO FARM

The undersigned do hereby certify to be the owner(s) of certain real property located in Butte County, California, and more particularly described in Exhibit "A", attached hereto and incorporated herein by this reference (“the subject property”).

The undersigned do hereby acknowledge that the subject property is located on or adjacent to agricultural land or adjacent to an interim agricultural use, as defined in the Butte County Right to Farm Ordinance (Butte County Code, ChapterArticle 35). The undersigned do hereby further acknowledge that the County of Butte permits the operation of properly conducted agricultural operations on agricultural land or as an interim agricultural use, within the unincorporated area of Butte County and has declared it County policy in the Butte County Right to Farm Ordinance to conserve, protect, enhance, and encourage such operations. The undersigned do hereby further acknowledge that if the subject property is located near an agricultural operation on agricultural land or near an interim agricultural use, residents or users of the subject property may at times be subject to inconvenience or discomfort arising from that operation, including, without limitation, noise, odors, fumes, dust, smoke, insects, operation of machinery during any time of day or night, storage and disposal of manure, and ground or aerial application of fertilizers, soil amendments, seeds, and pesticides. The undersigned do hereby further acknowledge that one or more of these inconveniences or discomforts may occur as a result of any properly conducted agricultural operation on agricultural land or from an interim agricultural use. The undersigned do hereby further acknowledge that the County of Butte has determined in the Butte County Right to Farm Ordinance that inconvenience or discomfort arising from a properly conducted agricultural operation on agricultural land or from an interim agricultural use will not be considered a nuisance for purposes of the Butte County Code or County regulations, and that residents or users of nearby property should be prepared to accept such inconvenience or discomfort as a normal and necessary aspect of living in a county with a strong rural character and an active agricultural sector.
This Declaration shall run with the subject property in perpetuity and shall be binding upon the undersigned and the undersigned's heirs, personal representatives, lessees, executors, successors, and assigns. This Declaration and the acknowledgments contained herein shall be disclosed to prospective transferees of any interest in the subject property, including, without limitation, a leasehold interest, prior to any such transfer.

IN WITNESS WHEREOF, the undersigned has/have executed this Declaration this ______________________, 20____________.

DECLARANT(S)
Dated: ______________________
Dated: ______________________

NOTE: ACKNOWLEDGMENTS MUST BE ATTACHED FOR ALL SIGNATORIES.

(Ord. No. 3965, § 8, 6-12-07)

35-9 Disclosure of this chapterarticle to buyers of real property.

(a) Where a transfer of real property by sale, exchange, installment land sale contract, lease with an option to purchase, any other option to purchase, ground lease coupled with improvements, or residential stock cooperative improved with one (1) to four (4) dwelling units is proposed for any real property within the unincorporated area of the county, the transferor shall disclose this chapterarticle and the nature of its provisions to the prospective transferee in one (1) of the following ways:

(1) Deliver a general disclosures and disclaimers advisory to the prospective transferee pursuant to local real estate practice that includes a statement disclosing this chapterarticle and the nature of its provisions. The statement shall be in substantially the following form:

The County of Butte permits the operation of properly conducted agricultural operations on agricultural land or as an interim agricultural use within the unincorporated area of Butte County, and has declared it County policy in the Butte County Right to Farm Ordinance (Butte County Code, Chapter 35) to conserve, protect, enhance, and encourage such operations. If the property you are purchasing is located near an agricultural operation on agricultural land or near an interim agricultural use, residents or users of the property may at times be subject to inconvenience or discomfort arising from that operation, including, without limitation, noise, odors, fumes, dust, smoke, insects, operation of machinery during any time of day or night, storage and disposal of manure, and ground or aerial application of fertilizers, soil amendments, seeds, and pesticides. One (1) or more of these inconveniences or discomforts may occur as a result of any property
conducted agricultural operation on agricultural land or on an interim agricultural use. The County of Butte has determined in the Butte County Right to Farm Ordinance that inconvenience or discomfort arising from a properly conducted agricultural operation on agricultural land or from an interim agricultural use will not be considered a nuisance for purposes of the Butte County Code or County regulations, and that residents or users of nearby property should be prepared to accept such inconvenience or discomfort as a normal and necessary aspect of living in a county with a strong rural character and an active agricultural sector. For more information about the Butte County Right to Farm Ordinance, please contact the Butte County Agricultural Commissioner's office at 316 Nelson Ave., Oroville, CA 95965 or the Department of Development Services at 7 County Center Drive, Oroville, CA 95965.

(2) Deliver a disclosure statement to the prospective transferee pursuant to Article 1.5 (commencing with Section 1102) of Chapter 2 of Title 4 of Part 4 of Division 2 of the Civil Code disclosing this chapterarticle and the nature of its provisions. The disclosure statement shall be in substantially the following form:

LOCAL OPTION

REAL ESTATE TRANSFER DISCLOSURE STATEMENT

This disclosure statement concerns the real property situated in the unincorporated area of the county of Butte, state of California, described as (Address and Assessor's Parcel Number(s)). This statement is a disclosure of the condition of the above described property in compliance with Section 35-9 of the Butte County Code as of (date). It is not a warranty of any kind by the seller(s) or any agent(s) representing any principal(s) in this transaction, and is not a substitute for any inspections or warranties the principal(s) may wish to obtain.

SELLERS INFORMATION

The Seller discloses the following information with the knowledge that even though this is not a warranty, prospective Buyers may rely on this information in deciding whether and on what terms to purchase the subject property. Seller hereby authorizes any agent(s) representing any principal(s) in this transaction to provide a copy of this statement to any person or entity in connection with any actual or anticipated sale of the property.
THE FOLLOWING ARE REPRESENTATIONS MADE BY THE SELLER(S) AS REQUIRED BY THE COUNTY OF BUTTE, AND ARE NOT THE REPRESENTATIONS OF THE AGENT(S), IF ANY. THIS INFORMATION IS A DISCLOSURE AND IS NOT INTENDED TO BE PART OF ANY CONTRACT BETWEEN THE BUYER AND SELLER.

The County of Butte permits the operation of properly conducted agricultural operations on agricultural land or an interim agricultural use within the unincorporated area of Butte County, and has declared it County policy in the Butte County Right to Farm Ordinance (Butte County Code, Chapter 35) to conserve, protect, enhance, and encourage such operations. If the property you are purchasing is located near an agricultural operation on agricultural land or near an interim agricultural use, residents or users of the property may at times be subject to inconvenience or discomfort arising from that operation, including, without limitation, noise, odors, fumes, dust, smoke, insects, operation of machinery during any time of day or night, storage and disposal of manure, and ground or aerial application of fertilizers, soil amendments, seeds, and pesticides. One or more of these inconveniences or discomforts may occur as a result of any properly conducted agricultural operation on agricultural land or from an interim agricultural use. The County of Butte has determined in the Butte County Right to Farm Ordinance that inconvenience or discomfort arising from a properly conducted agricultural operation on agricultural land or from an interim agricultural use will not be considered a nuisance for purposes of the Butte County Code or County regulations, and that residents or users of nearby property should be prepared to accept such inconvenience or discomfort as a normal and necessary aspect of living in a county with a strong rural character and an active agricultural sector. For more information about the Butte County Right to Farm Ordinance, please contact the Butte County Agricultural Commissioner's office at 316 Nelson Ave., Oroville, CA 95965 or the Department of Development Services at 7 County Center Drive, Oroville, CA 95965.

Seller certifies that the information herein is true and correct to the best of the Seller's knowledge as of the date signed by the Seller.

Seller____________ Date;daterule;
Seller____________ Date;daterule;

BUYER(S) AND SELLER(S) MAY WISH TO OBTAIN PROFESSIONAL ADVICE AND/OR INSPECTIONS OF THE PROPERTY AND TO PROVIDE FOR APPROPRIATE PROVISIONS IN A CONTRACT BETWEEN BUYER(S) AND SELLER(S) WITH RESPECT TO ANY ADVICE/INSPECTIONS/DEFECTS.

I/WE ACKNOWLEDGE RECEIPT OF A COPY OF THIS STATEMENT.

Seller____________ Date;daterule;
Seller____________ Date;daterule;
Buyer____________ Date;daterule;
A REAL ESTATE BROKER IS QUALIFIED TO ADVISE ON REAL ESTATE. IF YOU DESIRE LEGAL ADVICE, CONSULT YOUR ATTORNEY.

(b)

If a prospective transferee refuses to sign the general disclosures and disclaimers advisory or disclosure statement required by subsection (a), the transferor may comply with the requirements of this section by delivering the advisory or statement to the prospective transferee as provided in subsection (a) and affixing and signing the following declaration to the advisory or statement:

"I, [name], have delivered a copy of the foregoing [general disclosures and disclaimers advisory/disclosure statement] as required by Section 35-9 of the Butte County Code to [transferee’s name], who has refused to sign.

I declare the foregoing to be true.

Date; Signature: ___________ Print Name: ___________

(Ord. No. 3965, § 9, 6-12-07)

35-10 Noncompliance with this chapter/article.

Noncompliance with any provision of this chapter/article shall not affect title to real property, nor prevent the recording of any document.

(Ord. No. 3965, § 10, 6-12-07)
ATTACHMENT D
EIR ADDENDUM FOR GENERAL PLAN AMENDMENT AND ZONING ORDIANCE AMENDMENTS
BUTTE COUNTY
Department of Development Services

ADDENDUM
to the
GP 2030 EIR & Supplemental EIR for Amendments to the Butte County General Plan and Zoning Ordinance

BUTTE COUNTY
Department of Development Services
7 County Center Drive, Oroville, CA 95965
530-538-7629

October 2, 2014
1.0 INTRODUCTION

This EIR Addendum was prepared in accordance with the California Environmental Quality Act (CEQA) and the CEQA Guidelines. This document has been prepared to serve as an Addendum to the previously certified General Plan Environmental Impact Report (General Plan EIR, State Clearinghouse Number 2008092062) and Supplemental Environmental Impact Report (GPA and Zoning Ordinance EIR, State Clearinghouse Number 2012022059) for the Butte County General Plan and Zoning Ordinance. The County of Butte is the lead agency for the environmental review of the General Plan and Zoning Ordinance project.

This Addendum addresses the proposed amendments to the General Plan and Zoning Ordinance in relation to the previous environmental review prepared for the Butte County General Plan EIR and Supplemental EIR.

CEQA Guidelines Section 15164 defines an Addendum as:

The lead agency or responsible agency shall prepare an addendum to a previously certified EIR if some changes or additions are necessary but none of the conditions described in Section 15162 calling for preparation of a subsequent EIR have occurred.

.....A brief explanation of the decision not to prepare a subsequent EIR pursuant to Section 15162 should be included in an addendum to an EIR, the lead agency's findings on the project, or elsewhere in the record.

Information and technical analyses from the Butte County General Plan EIR and Supplemental EIR are utilized throughout this Addendum. Relevant passages from this document (consisting of the General Plan EIR and Supplemental EIR) are cited and available for review at:

Butte County Department of Development Services
7 County Center Drive, Oroville 95965
Dan Breedon, AICP, Principal Planner
530-538-7629 | dbreedon@buttecounty.net
1.1 Background and Purpose of the EIR Addendum

The General Plan EIR (SCH #2008092062) was certified on October 26, 2010 by the Butte County Board of Supervisors. The Supplemental EIR (SCH #2012022059) was certified on November 6, 2012. Text changes are proposed to the Zoning Ordinance and to the General Plan. Please refer to Section 2.0 (Project Description) for a detailed description of the proposed changes.

In determining whether an Addendum is the appropriate document to analyze the modifications to the project and its approval, CEQA Guidelines Section 15164 (Addendum to an EIR or Negative Declaration) states:

(a) The lead agency or a responsible agency shall prepare an addendum to a previously certified EIR if some changes or additions are necessary but none of the conditions described in Section 15162 calling for preparation of a subsequent EIR have occurred.

(b) An addendum to an adopted negative declaration may be prepared if only minor technical changes or additions are necessary or none of the conditions described in Section 15162 calling for the preparation of a subsequent EIR or negative declaration have occurred.

(c) An addendum need not be circulated for public review but can be included in or attached to the final EIR or adopted negative declaration.

(d) The decision-making body shall consider the addendum with the final EIR or adopted negative declaration prior to making a decision on the project.

(e) A brief explanation of the decision not to prepare a subsequent EIR pursuant to Section 15162 should be included in an addendum to an EIR, the lead agency’s required findings on the project, or elsewhere in the record. The explanation must be supported by substantial evidence.

1.2 Basis for Decision to Prepare Addendum

When an environmental impact report has been adopted for a project, Public Resources Code Section 21166 and CEQA Guidelines Sections 15162 and 15164 set forth the criteria for determining whether a subsequent EIR, subsequent negative declaration, addendum, or no further documentation be prepared in support of further agency action on the project. Under these Guidelines, a subsequent EIR or negative declaration shall be prepared if any of the following criteria are met.
(a) When an EIR has been certified or negative declaration adopted for a project, no subsequent EIR shall be prepared for that project unless the lead agency determines, on the basis of substantial evidence in the light of the whole record, one or more of the following:

(1) Substantial changes are proposed in the project which will require major revisions of the previous EIR or negative declaration due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects;

(2) Substantial changes occur with respect to the circumstances under which the project is undertaken which will require major revisions of the previous EIR or negative declaration due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects; or

(3) New information of substantial importance, which was not known and could not have been known with the exercise of reasonable diligence at the time the previous EIR was certified as complete or the negative declaration was adopted, shows any of the following:

(A) The project will have one or more significant effects not discussed in the previous EIR or negative declaration;

(B) Significant effects previously examined will be substantially more severe than shown in the previous EIR;

(C) Mitigation measures or alternatives previously found not to be feasible would in fact be feasible and would substantially reduce one or more significant effects of the project, but the project proponents decline to adopt the mitigation measure or alternative; or

(D) Mitigation measures or alternatives which are considerably different from those analyzed in the previous EIR would substantially reduce one or more significant effects on the environment, but the project proponents decline to adopt the mitigation measure or alternative.

(b) If changes to a project or its circumstances occur or new information becomes available after adoption of a negative declaration, the lead agency shall prepare a subsequent EIR if required under subdivision (a). Otherwise the lead agency shall determine whether to prepare a subsequent negative declaration, and addendum, or no further documentation.
As demonstrated in the environmental analysis provided in Section 3.0 (Environmental Analysis), the proposed amendments do not meet the criteria for preparing a subsequent EIR or negative declaration. An addendum is appropriate here because, as explained in Section 3.0, none of the conditions calling for preparation of a subsequent EIR or negative declaration have occurred.
2.0 PROJECT DESCRIPTION

This section provides a detailed description of the proposed Amendment to the General Plan and Zoning Ordinance. The reader is referred to Section 3.0 (Environmental Analysis) for the analysis of environmental effects of this project in relation to the analysis provided in the previously certified General Plan Environmental Impact Report (General Plan EIR, State Clearinghouse Number 2008092062) and Supplemental Environmental Impact Report (GPA and Zoning Ordinance EIR, State Clearinghouse Number 2012022059).

2.1 Project Location

Butte County lies in north central California at the northeastern end of the Sacramento Valley, approximately 150 miles northeast of San Francisco and 70 miles north of Sacramento. State Highways 70 and 99, which extend in a north-south direction through Butte County, are the principal transportation corridors connecting the County to the region. State Highways 32 and 162 provide sub regional connections to areas to the east, northeast, and west of the county and to Interstate 5.

From the northeastern end of the Sacramento Valley, Butte County extends into the foothills at the confluence of the southern Cascade and the northern Sierra Nevada mountain ranges. The total land area of Butte County is approximately 1,680 square miles, and can be divided into three general topographical areas: the western 45 percent of the County is a valley area, about 25 percent of the county is foothills to the east of the valley, and the eastern 30 percent of the county is mountainous.

The General Plan and Zoning Ordinance Amendments apply to the unincorporated portion of Butte County. The specific changes to zoning text are described in detail under Appendix B (see exhibit B).

2.2 Overview of the Butte County General Plan, Zoning Ordinance, and Associated EIR and Supplemental EIR

Purpose of the Butte County General Plan

The General Plan represents the basic community values, ideals and aspirations with respect to land use, development and conservation policy that will govern Butte County through 2030. This General Plan addresses all aspects of development, including land use; circulation and transportation; open space, natural resources and conservation; public facilities and services; safety; and noise.

The preparation of a General Plan is required by California Government Code Section 65302. California Government Code Section 65300 requires the General Plan to be comprehensive and internally consistent, and to provide long-term guidance for the community.
Purpose of the Zoning Ordinance

1. **General.** The Zoning Ordinance is adopted to implement the Butte County General Plan and to protect and promote the health, safety, and welfare of Butte County residents.

2. **Specific.** The Zoning Ordinance is intended to:
   a. Preserve, protect, and enhance the fundamentally rural character of Butte County.
   b. Protect agricultural lands and associated industries as an important aspect of Butte County’s economy.
   c. Protect sensitive environmental resources, including conservation areas, habitat for special status species, and wetlands.
   d. Protect the county’s water resources.
   e. Promote an environmentally sustainable pattern of development.
   f. Promote economic growth and the creation of jobs for Butte County residents.
   g. Allow for residential, commercial, and industrial growth in a manner consistent with Butte County’s rural character.
   h. Preserve the quality of life and character of existing residential neighborhoods.
   i. Protect the public from hazards associated with natural and man-made disasters, including airport-related hazards.
   j. Promote and support an efficient multi-modal transportation system.
   k. Allow for public services and facilities to adequately serve the county population.
   l. Allow for public participation in government decision-making regarding land use and development in a manner consistent with State law.

Purpose of Zones and Zoning Map

The Zoning Ordinance identifies all of the zones that apply to property within the County and establishes the official Butte County Zoning Map. The Zoning Map is divided into Base Zones, Overlay Zones, and further divided into Rural and Urban Zones as follows:

1. **Base Zones.** Butte County is divided into Base Zones that implement the General Plan. All of the zones are shown in Table 24-11-1 of the Zoning Ordinance.

2. **Rural and Urban Zones.** The Zoning Ordinance establishes varying standards and regulations that apply to rural and urban zones within the county. Distinguishing between rural and urban zones is intended to help preserve and enhance the rural character of the County and eliminate unnecessary and inappropriate regulations in rural areas.
3. **Overlay Zones.** The Zoning Ordinance and Zoning Map include Overlay Zones that provide additional requirements and uses on properties in addition to requirements of the underlying base zone. All of the Overlay Zones are shown in Table 24-11-2 of the Zoning Ordinance.

**Relationship of the Zoning Ordinance to the General Plan**

The Zoning Ordinance implements the goals and policies of the Butte County General Plan by regulating the uses of land and structures within the county. The Zoning Ordinance and the General Plan must be consistent with one another. If there are inconsistencies between the Zoning Ordinance and the General Plan, the General Plan governs.

**Purpose of the General Plan 2030 EIR**

The General Plan 2030 Environmental Impact Report (EIR) provides an assessment of the potential environmental consequences of adoption and implementation of the proposed Butte County General Plan. This assessment is intended to inform County residents, decision-makers, and responsible and trustee agencies of the nature of General Plan 2030, and their effect on the environment. This EIR was prepared in accordance with and in fulfillment of California Environmental Quality Act (CEQA) requirements.

Program EIRs are not project-specific and do not evaluate the impacts of specific development ‘projects’ that may be proposed under General Plan 2030. Such projects will require separate environmental review to secure the necessary development entitlement. This EIR is intended, where appropriate, to be used as a first-tier environmental document for future projects, but it is not intended to address impacts of individual development projects.

By incorporating policies intended to avoid environmental impacts and by steering development to existing incorporated and unincorporated cities and communities, General Plan 2030 is largely self-mitigating. Rather than mitigating impacts from implementation of General Plan 2030 through mitigation measures in this EIR, the policies and land use map in General Plan 2030 are intended to prevent the majority of environmental impacts altogether. This includes some policies within the General Plan that are required as means to mitigate environmental impacts under the California Environmental Quality Act (CEQA). These policies all use the imperative “shall,” and in all cases are mandatory. These policies are marked with an asterisk (*), and are provided under Appendix A.

The implementation of the proposed General Plan 2030 has the potential to generate significant environmental impacts. Of these impacts, 18 are the result of the proposed General Plan 2030, and six are the result of General Plan 2030 combined with other cumulative development in the larger region.

Section 15126.2(b) of the CEQA Guidelines requires that an EIR describe any significant impacts that cannot be avoided, even with the implementation of feasible mitigation measures. As described in Chapter 4 of the Draft EIR, significant unavoidable impacts were identified in the areas of
agriculture, biological resources, hydrology and water quality, noise, transportation and circulation, and greenhouse gas emissions. On October 26, 2010, the Butte County Board of Supervisors adopted a Statement of Overriding Considerations for the Significant and Unavoidable Impacts identified under the General Plan 2030 EIR.

**Purpose of the Supplemental General Plan EIR**

The purpose of this Supplemental EIR is to inform the general public and decision makers of the changes to the environmental impacts of General Plan 2030 caused by General Plan 2030 (the “Approved Project” in the Supplemental EIR), in combination with an Amendment to the General Plan Amendment and the Zoning Ordinance Update (“Modified Project”). The Supplemental EIR looks at the differences between the Modified Project and the Approved Project and evaluates whether the impacts would be increased or reduced, and how they would differ.

As a Program EIR, the Supplemental EIR is not project-specific. It does not evaluate the impacts of specific projects that may be proposed under the GPA or Zoning Ordinance. Such projects will require separate environmental review to secure the necessary discretionary development permits. While future environmental review may be tiered off the Supplemental EIR, the Supplemental EIR is not intended to address impacts of individual projects.

The Supplemental EIR determined that Implementation of the proposed GPA and Zoning Ordinance has the potential to generate five new significant environmental impacts beyond what was identified in the 2010 EIR for the Approved Project. All of the impacts are considered significant and unavoidable. The proposed GPA contributes to all of the impacts on a programmatic level. Because it implements General Plan 2030, as modified by the proposed GPA, the Supplemental EIR found that the proposed Zoning Ordinance would not create any new impacts in and of itself. Rather, the Zoning Ordinance would work to reduce potential impacts of General Plan 2030 and the GPA by including specific standards and regulations that would restrict development beyond the restrictions established in the General Plan. On November 6, 2012, the Butte County Board of Supervisors adopted a Statement of Overriding Considerations for the Significant and Unavoidable Impacts identified under the Supplemental General Plan 2030 EIR.
2.3 Summary of Proposed Amendments to the General Plan and Zoning Ordinance

The following section shows the Amendments proposed for the General Plan:

General Plan Text Amendment:

The following shows amendments to policies located in the Agricultural Element of the Butte County General Plan in strikeout and underline text:

**AG-P5.3** The Zoning Ordinance shall require that a buffer be established on property proposed for residential development in order to protect exiting agricultural uses lands designated Agriculture by the General Plan and zoned Agriculture under the Zoning Ordinance from incompatible use conflicts. The desired standard shall be 300 feet, but may be adjusted to address unusual circumstances.*

**AG-P5.3.1** The Zoning Ordinance shall allow agriculture as an interim use in all non-agriculture zones. The Butte County Right-to-Farm Ordinance (Butte County Code Chapter 35) shall be amended to recognize that, while not exclusively devoted to agriculture, Residential, Commercial and Industrial zones may support agriculture as an interim use prior to development.

**AG-P5.3.2** The Zoning Ordinance shall require a minimum 25 foot setback between new residences and preexisting active orchard and vineyard operations on adjacent parcels in residential designations and zones. This setback shall be imposed on the developing parcel by the Zoning Administrator in consultation with the Agricultural Commissioner and may be larger than 25 feet but shall not limit the allowed residential density and intensity permitted by the residential zone.

*This General Plan policy is required as means to mitigate environmental impacts under the California Environmental Quality Act (CEQA). These policies all use the imperative “shall,” and in all cases are mandatory. All of these policies are marked with an asterisk (*), and are provided under Appendix A.

Zoning Ordinance Text Amendments Summary

The following provides a summary of the amendments proposed to the Zoning Ordinance (Chapter 24 of the Butte County Code). See Appendix B for detailed text amendments describing these changes:

Chapter 24

1) **Article 2. Interpretation of the Zoning Ordinance**. Section 24-8. Rules of Interpretation. F. A new allowance to provide zoning consistency for aliquot parts of an irregular section of land under the public land survey system.


4) **Article 6. Residential Zones.** Table 24-20-2. Setback and Height Standards for Residential Zones. Provisions for a setback in residential zones from interim agricultural uses (orchards and vineyards).

5) **Article 6. Residential Zones; Article 7. Commercial and Mixed Use Zones; and, Article 8 Industrial Zones** (Use Regulation Tables 24-19-1, 24-22-1, 24-26-1). Provisions for animal grazing and crop cultivation in residential, commercial and industrial zones on parcels 1-acre or more in size. The provision would also allow for private stables in the Low Density Residential Zone (LDR), Medium Density Residential (MDR), Medium High Density Residential (MHDR), High Density Residential (HDR), and Very High Density Residential (VHDR) zones subject to a minor use permit on parcels of 4 acres or larger in size.

6) **Article 7. Commercial and Mixed Use Zones.** Section 24-22-1. Provisions for small-scale slaughtering accessory to a retail butcher shop or similar use in the General Commercial (GC), Community Commercial (CC) and Mixed-Use (MU) zones, and related new definition for Animal Processing, Limited in Article 42. Glossary.


8) **Article 20. Signs.** Provisions for the consideration of digital billboard signs through a minor use permit process.

9) **Article 25. Supplemental Use Regulations.** Section 24-158. Animal Keeping. Provisions to keep and maintain livestock in higher density residential zones when parcels are 1-acre or greater in size, and for the keeping of hens and roosters in higher density residential zones, subject to standards.

10) **Article 25. Supplemental Use Regulations.** Section 24-162. Home Occupations. Limitation on use and storage of hazardous materials in conjunction with home occupations (home businesses).

11) **Article 41. Lot Line Adjustments.** Section 24-302.B. Findings. Amendments concerning lot line adjustments to ensure that a lot line adjustment does not allow for the creation of additional parcels at the expense of creating a non-conforming parcel.

12) **Article 42. Glossary.** Amendments to the definition of “Family” to remove limitation of six or fewer individuals in compliance with the Housing Element of the Butte County General Plan.

13) **Other amendments of a minor nature relating to corrections and clarifications.** Article 26. Section 24-183 C. 1. Monopoles or Towers, removing redundant statement concerning height limitations; revised definition under Article 47. Glossary. Parks and Recreation Facilities, to allow non-profit organizations to operate parks and recreation facilities; and revised cross-reference for the definition of Slaughterhouse (from Intensive Animal Operation to Animal Processing).
3.0 ENVIRONMENTAL ANALYSIS

This section of the Addendum provides analysis and cites substantial evidence that supports the County’s determination that the proposed amendments to the General Plan and Zoning Ordinance do not meet the criteria for preparing a subsequent or supplemental EIR under CEQA Guidelines Section 15162.

First, as addressed in the analysis below, the proposed amendments to the General Plan and Zoning Ordinance, (“Project”) are not substantial changes to existing policies and actions. Some policies in the General Plan are also required as means to mitigate environmental impacts under the California Environmental Quality Act (CEQA). These policies all use the imperative “shall,” and in all cases are mandatory. These policies are marked with an asterisk (*), and are provided under Appendix A. The project would not cause a new significant impact or substantially increase the severity of a previously identified significant impact from the General Plan EIR or Supplemental EIR (CEQA Guidelines Section 15162[a][1]) that would require major revisions to either EIR. All impacts would be nearly equivalent to the impacts previously analyzed in the General Plan EIR and Supplemental EIR. Relatedly, the project is not inconsistent with any of the General Plan policies set forth under Appendix A. Although the project is proposing an amendment to AG-P5.3, the text changes proposed for this policy do not present an inconsistency with the mitigation required under this policy.

As indicated in Section 1.0, by incorporating policies intended to avoid environmental impacts and by steering development to existing incorporated and unincorporated cities and communities, General Plan 2030 is largely self-mitigating. Rather than mitigating impacts from implementation of General Plan 2030 through mitigation measures in the EIR, the policies and land use map in General Plan 2030 are intended to prevent the majority of environmental impacts altogether.

Second, proposed modifications to the General Plan and Zoning Ordinance are programmatic in nature and are not changes in physical circumstances that would cause a new significant impact or substantially increase the severity of a previously identified significant impact, and there have been no other changes in the circumstances that meet this criterion (CEQA Guidelines Section 15162[a][2]). There have been no changes in the environmental conditions in the Butte County Planning Area not contemplated and analyzed in the General Plan EIR or Supplemental EIR that would result in new or substantially more severe environmental impacts.

Third, as documented in Section 3.0, there is no new information of substantial importance (which was not known or could not have been known at the time of the General Plan adoption in October 2010, or General Plan Amendment and Zoning Ordinance adoption in November 2012), that identifies: a new significant impact (condition “A” under CEQA Guidelines Section 15162[a][3]); a substantial increase in the severity of a previously identified significant impact (condition “B” CEQA Guidelines Section 15162[a][3]); mitigation measures or alternatives previously found infeasible that would now be
feasible and would substantially reduce one or more significant effects of the General Plan; or mitigation measures or alternatives which are considerably different from those analyzed in the General Plan EIR which would substantially reduce one or more significant effects on the environment (conditions “C” and “D” CEQA Guidelines Section 15162[a][3]). The reader is referred to County Resolution No’s. 10-150 and 12-123 regarding findings on the feasibility of alternatives evaluated in the General Plan EIR and Supplemental EIR. None of the “new information” conditions listed in the CEQA Guidelines Section 15162[a][3] are present here to trigger the need for a subsequent or Supplemental EIR.

CEQA Guidelines Section 15164 states that “The lead agency or a responsible agency shall prepare an addendum to a previously Certified EIR if some changes or additions are necessary but none of the conditions described in Section 15162 calling for preparation of a subsequent EIR have occurred.” An addendum is appropriate here because, as explained above, none of the conditions calling for preparation of a subsequent EIR have occurred.

3.1 General Plan Amendment Impact Discussion

A. Background

The proposed text amendment to General Plan Policy AG-P5.3 and related new policies (as shown above) are intended to provide further clarification and amplification on the application of the Agricultural Buffer, a 300 foot wide section of land imposed between agriculture and residential development. This buffer is intended to establish a means to conserve and stabilize agricultural land uses in order to protect agricultural lands from encroachment and conversion to residential uses. It also has the effect of reducing negative conflicts between agriculture and residential development (e.g., dust, noise, light, chemical spray drift, vibration, and other conflicts generated by agricultural activities that present negative impacts on residential development) and avoid circumstances that impair the productivity and profitability of agricultural operations. The text amendment is being made to clarify that the agricultural buffer is intended to protect lands designated by the General Plan as, and zoned as, Agriculture, but is not intended to protect lands with agricultural uses that are not designated by the General Plan as, and zoned as, Agriculture (e.g., an agricultural use located in a residential zone). This amendment will provide greater consistency between the General Plan and the Zoning Ordinance, and will also work to uphold this policy’s intent to reduce and mitigate the conversion of farmlands of concern.

The General Plan EIR recognizes the Agricultural/Residential Buffer Implementation Guidelines as a part of the Regulatory Framework pertaining to agriculture in Butte County (General Plan EIR, Page 4.2-4). This section states that the existing Butte County Zoning Ordinance requires a 300-foot buffer between agricultural and non-agricultural uses. The Zoning Ordinance applies the Agricultural Buffer to all lands zoned Agriculture; other zones within 300 feet of the boundary of the Agriculture zones; and, areas inside and within 300 feet of sphere of influence boundaries for incorporated cities, where the boundary abuts parcels zoned Agriculture. The Supplemental EIR cites on Pages 4.2-6 thru 4.2-8
changes in the project relevant to agriculture and forestry resources. Relating to the Zoning Ordinance the Supplemental EIR indicates that Article 17 establishes agricultural buffer setback requirements for residential development adjacent to agriculture.

The proposed amendment to AG-P5.3 and related new policies are intended to correct the policy language to reflect the Regulatory Framework referenced within the General Plan EIR and to help to clarify that the policy pertains to buffer setbacks from agricultural designations and zones. The new policies provide further amplification concerning the allowance of interim agricultural uses in Residential zones, and the provision of a setback between interim agricultural uses and residential development in Residential zones.

Some policies in the General Plan, including the subject policy AG-P5.3, are also required as means to mitigate environmental impacts under the California Environmental Quality Act (CEQA). These policies all use the imperative “shall,” and in all cases are mandatory. These policies are marked with an asterisk (*), and are provided under Appendix A. As such, it is imperative that any change to the policy is reviewed against the General Plan EIR to ensure that impacts remain mitigated.

B. Impact Discussion

Agricultural Chapter Impacts:

The General Plan 2030 EIR and Supplemental EIR was reviewed for discussion and analysis concerning the amendment to AG-P5.3. Policy AG-P5.3 is identified under two project impact areas under the General Plan EIR. The first is within the Agriculture chapter (Pages 4.2-1 thru 4.2-18) and specifically shown under Impact Item c., (Pages 4.2-15 and 4.2-16). The second project impact area pertaining to AG-P5.3 is located within the Land Use Chapter (Pages 4.9-1 thru 4.9-45) and specifically shown under Impact Item c., (Pages 4.9-42 thru 4.9-45). These two impact areas are discussed below with respect to the Amendment to AG-P5.3.

The Agricultural Chapter also discusses several other impacts to agriculture. These impacts are different and occur in different areas. Impact a. discusses the conversion of some agricultural land to residential land. Impact b. discusses the conversion of some land under Williamson Act contract to residential land. Impact c. discusses policies and programs to protect agricultural land that is not being converted to residential land. The clarification of Policy AG-P5.3 makes clear that it applies only to land that is designated as, and zoned as, agriculture and not to land that has been converted to a residential designation and zone. The following discussion of Impacts a. and c. are provided to support this point.

Agricultural Chapter Impact Item a: Convert farmlands of concern under CEQA to non-agricultural uses.
The analysis under impact a on pages 4.2-9 to 4.2-13 considers the direct conversion of agricultural land resulting from this conversion. The buffer requirement in Policy AG-P5.3 cannot protect such agricultural lands from conversion because the General Plan land use map designates them for non-agricultural uses, meaning that the entire parcel could convert to a non-agricultural use, regardless of the buffer requirement under AG-P5.3. Policy AG-P5.3 is a mitigating policy for the analysis under impact c on pages 4.2-15 and 4.2-16, as discussed above.

The proposed amendment to AG-P5.3 will not result in the conversion of any farmlands of concern as identified under this impact area, which are referenced under Figure 4.2-3. This figure shows that the General Plan designates approximately 4,700 acres (+420 additional acres identified in the Supplemental EIR) of farmlands of concern under CEQA for non-agricultural uses. The General Plan EIRs determined that this was a significant and unavoidable impact. Since this land was already designated as, and zoned as, residential land, the policies and programs discussed under impact a do not apply to this land, and the clarification of Policy AG-P5.3 does not give rise to an impact to the these lands.

Although the proposed change to policy AG-P5.3 clarifies that it only applies to lands designated and zoned for Agriculture, it would not reduce any of its mitigating benefit because it cannot mitigate the impacts discussed under impact area a. These areas are already proposed for conversion to non-agricultural uses by the General Plan. A Statement of Overriding Considerations was approved for this conversion by the Butte County Board of Supervisors at the time of adoption of the General Plan and Certification of the General Plan EIRs (October 26, 2012 and November 6, 2012). Further, the amendment to AG-P5.3 will not by itself change any land use designation from Agriculture to non-agricultural. Such conversion only took place at the time of the General Plan’s adoption as discussed above.

*Agricultural Chapter Impact Item c: Involve other changes in the existing environment which, due to their location or nature, could result in conversion of farmlands of concern under CEQA to non-agricultural use.*

Among other stated policies, this section references AG-P5.3 as reducing conflicts between agricultural operations and residential uses that could potentially result in farmland conversion.

*Agriculture Element Policy AG-P5.3 maintains the existing County requirement for a 300-foot buffer between agricultural and non-agricultural uses, and dictates that the buffer be provided on the non-agricultural side...” (General Plan EIR Page 4.2-15)*

The approach under the General Plan EIR was to cite the mix of General Plan 2030 goals, policies, actions and regulations that reduces conflicts between agricultural operations and residential uses that could potentially result in farmland conversion. AG-P5.3 would help to avoid changes to the agricultural environment that would result in the conversion of farmlands of concern under CEQA to
non-agricultural uses by providing a buffer that would reduce conflicts between agricultural operations and adjacent residential uses.

The proposed change to the text of AG-P5.3 is intended to clarify that AG-P5.3 applies the existing county requirement for an agricultural buffer to agriculturally designated and zoned lands, but that it does not apply to farmlands of concern that are not located within an Agriculture designation. As such, AG-P5.3 does not protect all farmlands of concern within Butte County, but only those farmlands of concern that have been designated as, and zoned as, agriculture. This is reflected in the Zoning Ordinance which states that the existing county requirement as set forth under the Zoning Ordinance under Article 17, Agricultural Buffers, only applies to Agricultural designations and zones.

Conclusion

AG-P5.3 contributes to the protection of farmlands of concern that are located within the Agriculture designation and zone and helps to reduce conflicts between agricultural operations and residential uses that could potentially result in farmland conversions. Staff additionally finds that the proposed amendment to AG-P5.3 is consistent with the General Plan 2030 Supplemental EIR’s description of the Regulatory Framework, which identifies that the Agricultural Buffer pertains to the existing Butte County Zoning Ordinance, which requires a 300-foot buffer between agricultural and non-agricultural uses (The Agricultural Buffer was codified under section 24-86 at the time the original General Plan EIR was certified, and is now codified under Article 17 of the updated Zoning Ordinance as recognized in the Supplemental EIR under pages 4.2-7 and 4.2-8).

The General Plan EIR also makes note of other goals, policies, actions and regulations that reduce conflicts between agricultural operations and residential uses that could potentially result in farmland conversion. These include AG-A5.1 that directs the county to periodically update the buffer requirements in the Zoning Ordinance and buffer implementation guidelines in order to reduce conflicts. Other policies and actions under Agriculture Element Goal AG-5 seek to reduce conflicts between residential and agricultural uses, including Policy AG-P5.4, which prohibits land divisions that separate a farmer’s home from agricultural land, and Action AG-A5.2, which directs the County to periodically update the Right-to-Farm Ordinance to reflect changing practices. These goals, policies, actions, and regulations, together with the amended AG-P5.3, would avoid changes to the agricultural environment that would result in the conversion of farmlands of concern under CEQA to non-agricultural uses, resulting in a less-than-significant impact.

The General Plan EIR and Supplemental EIR uses a programmatic approach to address the impact of conversion of farmlands of concern under CEQA to non-agricultural use by utilizing a variety of goals, policies, actions and regulations. AG-P5.3 is one of a number of these programmatic strategies that contributes to a reduction of this impact. The proposed changes and additional policy statements pertaining to AG-P5.3 will provide greater consistency between the General Plan and the Zoning Ordinance, and will also work to uphold this policy’s intent to reduce and mitigate the conversion of farmlands of concern through the Zoning Ordinance.
Land Use Chapter Impacts:

The second project impact area pertaining to AG-P5.3 is located within the Land Use Chapter (Pages 4.9-1 thru 4.9-45) and specifically shown under Impact Item c., shown below (Pages 4.9-42 thru 4.9-45):

Land Use Chapter Impact Item c: Create or exacerbate a conflict between land uses.

Among other stated policies, including Policy LU-P5.3 that requires the design of industrial uses to avoid adverse impacts to adjacent uses, and Policy LU-P5.2 that directs the County to group industrial and heavy commercial uses into integrated industrial parks, this section references AG-P5.3 as providing a buffer on property proposed for residential development adjacent to agricultural uses in order to protect existing agricultural uses from incompatible land use conflicts. Further it cites Action AG-A5.1 as directing the County to periodically update the agricultural buffer setback requirement and guidelines (Article 17 of the Zoning Ordinance) to reduce conflicts between agricultural and residential uses, including non-residential urban uses.

Pertaining to changes in the project relevant to Land Use, the Supplemental EIR cites on Page 4.9-3 that the proposed Zoning Ordinance would implement General Plan 2030 with more specific land use regulations and goes on to list several parts of the zoning ordinance including Part 3, which contains the Agricultural Buffer (Article 17).

The General Plan EIR indicates in the Land Use Chapter that although the location of incompatible uses adjacent to one another may increase the potential for land use impacts, the Land Use Element of General Plan 2030 includes policies that address potential land use conflicts and serve to mitigate potential impacts. Together, the goals, policies, actions and regulations under General Plan 2030 would avoid changes to land use impact and implementation of General Plan 2030 would result in a less-than-significant impact in relation to conflicts between land uses.

Conclusion

The General Plan EIR and Supplemental EIR uses a programmatic approach to address the impact of land use conflicts by utilizing a variety of goals, policies, actions and regulations. AG-P5.3 is one of a number of these programmatic strategies that contributes to a reduction of this impact. The proposed changes and additional policy statements pertaining to AG-P5.3 will provide greater consistency between the General Plan and the Zoning Ordinance, and will also work to uphold this policy’s intent to reduce and mitigate land use conflicts.
3.2 Zoning Ordinance Amendments Impact Discussion

1) **Article 2. Interpretation of the Zoning Ordinance.** Section 24-8. Rules of Interpretation. F. A new allowance to provide zoning consistency for aliquot parts of an irregular section of land under the public land survey system.

Sections of land surveyed under the Public Land Survey System are intended to have 640-acres of land. In most cases these sections have been found to vary in size by a few acres due to historical inaccuracies, survey errors, and advancements in surveying technology. Property owners and surveyors have relied upon equal parts (aliquot) descriptions of said section of land for purposes of describing land divisions. However, an equal parts description of a section that is less than a full 640 acres results in parcels that are fractionally smaller than 160, 80, 40, 20, 10 or 5 acres. Butte County zoning is also in part based upon equal parts of a section of land. For example the Agriculture zone provides minimum parcel sizes of 160, 80, 40, and 20 acres. The Rural Residential zone provides minimums of 10 and 5 acres. This new provision will allow for equal parts descriptions of irregular sections of land and additionally provide that the resulting parcels, which may be fractionally less than the zone’s minimum parcel size (either 160, 80, 40, 20, 10, or 5 acres), to be deemed consistent with the zone.

The provision could nominally increase the number of parcels allowed under the zoning ordinance. This amount would be within the growth assumptions set forth in the General Plan EIR (Pages 3-39 thru 3-58). Further, future land divisions would be subject to review as a project under CEQA. Site specific environmental impacts would be assessed at the time of project processing. Thus, no new or increased severity of significant land use would occur beyond what was addressed in the General Plan Final EIR and Supplemental EIR. There are no changed circumstances or new information that meets the standard for requiring further environmental review under CEQA Guidelines Section 15162.


The current Zoning Ordinance permits Agricultural Worker Housing Centers as an accessory use in Agriculture zones. The revision to the Zoning Ordinance will provide an administrative permit process to ensure that applicants are aware of the limitations and requirements pertaining to Agricultural Worker Housing, and to apply standards that will pertain to location, occupancy and the completion of a deed restriction. This change does not allow for further development, it simply provides further administrative oversight in the permitting of Agricultural Worker Housing. Thus, no new or increased severity of significant land use would occur beyond what was addressed in the General Plan Final EIR and Supplemental EIR. There are no changed
circumstances or new information that meets the standard for requiring further environmental review under CEQA Guidelines Section 15162.


This is a minor correction to the Medium Density Residential (MDR) zone to remove an allowance for duplex units. The MDR zone is a single family residential zone as directed by the General Plan. The correction provides for consistency with the General Plan’s Medium Density Residential designation. The correction would not increase development potential or land use intensity within the MDR zone. Thus, no new or increased severity of significant land use would occur beyond what was addressed in the General Plan Final EIR and Supplemental EIR. There are no changed circumstances or new information that meets the standard for requiring further environmental review under CEQA Guidelines Section 15162.

4) **Article 6. Residential Zones.** Table 24-20-2. Setback and Height Standards for Residential Zones. Provisions for a setback in residential zones from interim agricultural uses (orchards and vineyards).


These provisions are directed by the new General Plan Amendment pertaining to AG-P5.3 discussed above. It will provide for a 25 foot minimum setback to residential development in residential zones to provide a separation from agricultural uses (orchards and vineyards) that are taking place on an interim basis in residential zones.

The Agricultural Setback as set forth under Article 17 of the Zoning Ordinance applies the 300 foot agricultural buffer only from adjacent agricultural zones. This is also reflected in the currently proposed corrective changes to AG-P5.3. This leaves a gap in providing a setback to agricultural uses that are taking place in residential zones. A setback is needed to help address nuisance issues arising between the two uses (e.g., dust, noise, light, chemical spray drift, vibration, and other impacts generated by agricultural activities that present negative impacts on residential development).

Agricultural activities taking place in residential zones are not afforded the same level of protection as provided for under Agricultural designations and zones in recognition of the fact that the General Plan directs growth for these areas and the agricultural uses are expected to develop over time. Larger setbacks such as the 300 foot Agricultural Buffer would limit the potential for residential development because it would eliminate areas for development within the 300 foot buffer area. This would be inconsistent with the direction provided for under the General Plan and zoning ordinance to accommodate future growth where designated and zoned.
The 25 foot setback is not assuming the role of an agriculture buffer. Agricultural activities will be limited because the setback will not provide as much buffering as the 300 foot setback imposed under Article 17. Rather, it is providing some additional separation from residential dwellings and adjacent agricultural operations to minimize nuisances from taking place. The 25 foot setback is above and beyond what would be currently provided for under zoning.

For example, since AG-P5.3 only applies to adjacent agricultural designation and zones, the only separation from an adjacent agricultural operation that would be provided is the normal front, side and rear setbacks imposed on single family dwellings. In most cases the 25 foot setback would provide an additional 10 to 20 feet of setback from adjacent agricultural uses. This is an improvement over current conditions. Thus, no new or increased severity of significant land use would occur beyond what was addressed in the General Plan Final EIR and Supplemental EIR. There are no changed circumstances or new information that meets the standard for requiring further environmental review under CEQA Guidelines Section 15162.

6) **Article 6. Residential Zones; Article 7. Commercial and Mixed Use Zones; and, Article 8. Industrial Zones** (Use Regulation Tables 24-19-1, 24-22-1, 24-26-1). Provisions for animal grazing and crop cultivation in residential, commercial and industrial zones on parcels 1-acre or more in size. The provision would also allow for private stables in the Low Density Residential Zone (LDR), Medium Density Residential (MDR), Medium High Density Residential (MHDR), High Density Residential (HDR), and Very High Density Residential (VHDR) zones subject to a minor use permit on parcels of 4 acres or larger in size.

This provision is being added to the Zoning Ordinance in recognition of uses that are taking place in undeveloped areas of the County on a temporary basis. These uses do not detract from the ability to accommodate future development in accordance with zoning and require no permanent improvements. Site specific environmental impacts would be assessed at the time of project processing in the case of private stables. The minor use permit would allow staff to make recommendations about the use based upon site conditions and compatibility with the surrounding uses. Thus, no new or increased severity of significant land use would occur beyond what was addressed in the General Plan Final EIR and Supplemental EIR. There are no changed circumstances or new information that meets the standard for requiring further environmental review under CEQA Guidelines Section 15162.

7) **Article 7. Commercial and Mixed Use Zones.** Section 24-22-1. Provisions for small-scale slaughtering accessory to a retail butcher shop or similar use in the General Commercial (GC), Community Commercial (CC) and Mixed-Use (MU) zones, and related new definition for Animal Processing, Limited in Article 42. Glossary.

This provision would require a minor use permit for the slaughtering and processing of animals raised off-site for commercial purposes that is accessory to a primary commercial use such as a butcher shop, meat market, grocery store or similar use. Animal slaughtering would be limited to no more than 40 animals per month. All confinement, slaughtering and processing of animals shall take place within an approved enclosed structure. Animal Processing, Limited would be restricted
to parcels of two acres or more in size to ensure adequate space for confinement structures, circulation, and buffering from adjacent uses. Site specific environmental review would be conducted pursuant to CEQA in conjunction with the minor use permit. The minor use permit would allow staff to make recommendations about the uses based upon site conditions and compatibility with the surrounding uses. Thus, no new or increased severity of significant land use would occur beyond what was addressed in the General Plan Final EIR and Supplemental EIR. There are no changed circumstances or new information that meets the standard for requiring further environmental review under CEQA Guidelines Section 15162.

8) **Article 20. Signs.** Provisions for the consideration of digital billboard signs through a minor use permit process.

This provision would allow for the installation of a digital billboard or the ability to convert an existing standard billboard to a digital billboard subject to a Use Permit. Digital billboards allow for the digital display of sign copy. They can replace a standard billboard that relies on work crews to manually change sign copy. The new provision will include standards that will ensure that digital billboards will be as close to presentation style as a standard billboard as possible, including requirements that images may not move or present the appearance of motion and may not use flashing, scintillating, blinking, or traveling lights or any other means not providing constant illumination. Further, the light emitted from the sign shall not be of an intensity or brilliance as to cause direct illumination of an adjacent residential area, impair the vision of any driver, or interfere with any driver’s operation of a motor vehicle. Digital billboards will be restricted to the General Commercial and Industrial zoning districts only and will be subject to a conditional use permit.

Site specific environmental review would be conducted pursuant to CEQA in conjunction with the minor use permit. The minor use permit would allow staff to make recommendations about the uses based upon site conditions and compatibility with the surrounding uses. Thus, no new or increased severity of significant land use would occur beyond what was addressed in the General Plan Final EIR and Supplemental EIR. There are no changed circumstances or new information that meets the standard for requiring further environmental review under CEQA Guidelines Section 15162.

9) **Article 25. Supplemental Use Regulations.** Section 24-158. Animal Keeping. Provisions to keep and maintain livestock in higher density residential zones when parcels are 1-acre or greater in size, and for the keeping of hens and roosters in higher density residential zones, subject to standards.

This provision is being added to the Zoning Ordinance in recognition of animal keeping uses that are taking place in undeveloped areas of the County on a temporary basis. This provision would allow for Animal Keeping pursuant to Section 24-158 of the Zoning Ordinance, which provides regulations addressing the keeping of livestock and chickens in a manner that will protect the health, safety, and welfare of nearby residents, and to protect the health, safety and welfare of...
animals. This section currently applies the animal keeping standards to the Rural Residential (RR), Rural Country Residential (RCR), Foothill Residential (FR) Foothill Country Residential (FCR), Very Low Density Residential (VLDR), and Very Low Density Country Residential (VLDCR) zones. The proposed provision would expand applicability to the Low Density Residential (LDR), Medium Density Residential (MDR), Medium High Density Residential (MHDR), High Density Residential (HDR) and Mixed Use (MU) zones. While these zones would not have the capability to provide for animal keeping when developed to maximum densities, many areas of the County are still undeveloped or only partially developed.

The new provision has been written to allow animal keeping pursuant to the standards set forth under Section 24-158, only when parcels are 1-acre in size or greater (the minimum parcel size allowed for the keeping of animals). The new standards would also apply a 50-foot setback from any corral or animal containment structure to any dwelling either on or off-site in order to protect compatibility with residential uses.

The animal density requirements set forth under Section 24-158 are designed to minimize environmental impacts to surrounding properties. These uses do not detract from the ability to accommodate future development in accordance with zoning. Thus, no new or increased severity of significant land use would occur beyond what was addressed in the General Plan Final EIR and Supplemental EIR. There are no changed circumstances or new information that meets the standard for requiring further environmental review under CEQA Guidelines Section 15162.

10) Article 25. Supplemental Use Regulations. Section 24-162. Home Occupations. Limitation on use and storage of hazardous materials in conjunction with home occupations (home businesses). The current Zoning Ordinance does not provide clear language concerning the use and storage of hazardous, flammable, combustible, or explosive materials. The new language indicates that the storage and use of such materials is prohibited in conjunction with a Home Occupation, unless they are incidental to the residential use of the property. This new provision provides for greater regulation of hazardous materials in conjunction with Home Occupation and therefore has a minimal environmental impact. Thus, no new or increased severity of significant land use would occur beyond what was addressed in the General Plan Final EIR and Supplemental EIR. There are no changed circumstances or new information that meets the standard for requiring further environmental review under CEQA Guidelines Section 15162.

11) Article 41. Lot Line Adjustments. Section 24-302.B. Findings. Amendments concerning lot line adjustments to ensure that a lot line adjustment does not allow for the creation of additional parcels at the expense of creating a non-conforming parcel.

Article 41. of the Zoning Ordinance provides exceptions for minimum setbacks and parcel sizes to address unanticipated issues related to the placement of lot lines proposed under a lot line adjustment. This section provides that the minimum parcel size may be fractionally reduced in size under certain circumstances.
The new provision will ensure that proposed lot line adjustments will not allow for the reduction of an existing parcel below the minimum parcel size imposed by the zone if the lands that are being conveyed from the parcel to another parcel provides the ability to subdivide. The new provision is intended to prevent the creation of substandard parcels so that other parcels may be subdivided. As such, it is reducing overall development potential and environmental impacts. Thus, no new or increased severity of significant land use would occur beyond what was addressed in the General Plan Final EIR and Supplemental EIR. There are no changed circumstances or new information that meets the standard for requiring further environmental review under CEQA Guidelines Section 15162.

12) Article 42. Glossary. Amendments to the definition of “Family” to remove limitation of six or fewer individuals in compliance with the Housing Element of the Butte County General Plan.

General Plan Housing Element Action Program H-A5.2 requires the Zoning Ordinance to be amended to define “family” to include groups of residents living together as a household unit, and residents of group homes, community care facilities, emergency or transitional housing, residential care facilities, or other special needs housing and to remove the requirement of six or fewer persons. This new provision is intended to comply with H-A5.2 and thus implement the Butte County General Plan. The provision would not enable any additional development that is not already contemplated under the General Plan. Thus, no new or increased severity of significant land use would occur beyond what was addressed in the General Plan Final EIR and Supplemental EIR. There are no changed circumstances or new information that meets the standard for requiring further environmental review under CEQA Guidelines Section 15162.

13) Other amendments of a minor nature relating to corrections and clarifications. Article 26. Section 24-183 C. 1. Monopoles or Towers, removing redundant statement concerning height limitations; revised definition under Article 47. Glossary. Parks and Recreation Facilities, to allow non-profit organizations to operate parks and recreation facilities; and revised cross-reference for the definition of Slaughterhouse (from Intensive Animal Operation to Animal Processing). These amendment can be characterized as very minor edits to the Zoning Ordinance that are corrective in nature and present no environmental impact.

3.3 GP 2030 EIR and Supplemental EIR Significant Impacts Discussion

The following includes a detailed discussion of applicable significant impacts identified under the GP 2030 EIR and Supplemental EIR in relation to the project. All impacts identified under both EIRs have been determined to be Significant and Unavoidable, and were addressed under a Statement of Overriding Considerations at the time of adoption of the General Plan, the General Plan Amendment, and the Zoning Ordinance (County Resolution #10-150 and #12-123).
AGRICULTURE AND FORESTRY

Impact AG-1: Although the goals, policies, actions and regulations of General Plan 2030 would reduce and partially offset the conversion of farmland, the proposed project designates approximately 5,120 acres (4,700 acres addressed in the original General Plan 2030 EIR + 420 acres addressed in the Supplemental EIR) of farmlands of concern under CEQA for non-agricultural uses (significant and unavoidable impact).

Mitigation Adopted by the County: No feasible mitigation is available.

Impact AG-2: Although the goals, policies, actions, and regulations of General Plan 2030 would reduce and partially offset conflicts with Williamson Act contracts, the proposed project designates approximately 90 acres of lands with existing Williamson Act contracts for residential or industrial uses (significant and unavoidable impact).

Mitigation Adopted by the County: No feasible mitigation is available.

Impact AG-3: Although the goals, policies, actions, and regulations of General Plan 2030 would reduce and partially offset regional agricultural impacts, the proposed project would contribute to cumulatively significant agricultural impacts in the region (significant and unavoidable impact).

Mitigation Adopted by the County: No feasible mitigation is available.

Impact AG-4: The GPA would allow 4,460 acres of forest land to be redesigned to a non-forest designation (significant and unavoidable impact).

Mitigation Adopted by the County: No feasible mitigation is available.

Impact AG-5: The GPA would allow for the conversion of forest lands to non-forest use because they include non-forest designations on such lands, as described in Impact AG-4 (significant and unavoidable impact).

Mitigation Adopted by the County: No feasible mitigation is available.

Impact AG-6: Although General Plan 2030 goals, policies, and actions related to forest land would reduce and partially offset Butte County’s contribution to forest land impacts, the overall cumulative impact would remain significant (significant and unavoidable impact).

Mitigation Adopted by the County: No feasible mitigation is available.

Discussion
These impacts were identified and discussed on pages 4.2-1 through 4.2-18 of the General Plan 2030 EIR and pages 4.2-1 through 4.2-22 of the Supplemental EIR.
None of these impacts reference or pertain to the proposed project. In addition, the amendments would not affect agriculture or forestry impacts because they would not change land use designations or the extent of anticipated residential development or increase in land use intensity or density. Thus, no new or increased severity of significant land use or agriculture or forestry impacts would occur beyond what was addressed in the General Plan Final EIR and Supplemental EIR. There are no changed circumstances or new information that meets the standard for requiring further environmental review under CEQA Guidelines Section 15162.

BIOLOGICAL RESOURCES

**Impact BIO-1:** General Plan 2030 contains extensive goals, policies, and actions that mitigate impacts to undeveloped lands that support sensitive biological resources, including special-status species, sensitive natural communities, federally-protected wetlands, and wildlife and fish movement corridors, to a less-than-significant level and that additionally minimize the effects of development on biological resources in general. Development allowed under General Plan 2030, the GPA, and the Zoning Ordinance Update would contribute to the on-going loss of undeveloped lands that support such sensitive biological resources in Butte County. The cumulative loss of habitat and sensitive natural communities in Butte County could potentially contribute to a general decline for the region, and might result in the loss or displacement of wildlife that would have to compete for suitable habitats with existing adjacent populations (significant and unavoidable impact).

**Mitigation Adopted by the County:** No feasible mitigation is available.

**Discussion**

These impacts were identified and discussed on pages 4.4-1 through 4.4-86 of the General Plan 2030 EIR and pages 4.4-1 through 4.4-18 of the Supplemental EIR.

None of these impacts reference or pertain to the proposed project. In addition, the amendments would not affect Biological Resource impacts because they would not change land use designations or the extent of anticipated residential development or increase in land use intensity or density. Thus, no new or increased severity of significant Biological Impacts would occur beyond what was addressed in the General Plan Final EIR or Supplemental EIR. There are no changed circumstances or new information that meets the standard for requiring further environmental review under CEQA Guidelines Section 15162.
HYDROLOGY AND WATER QUALITY

**Impact HYDRO-1:** Although General Plan 2030 policies and actions reduce risks associated with levee failure, they do not eliminate risks to people and property. In addition, recently-adopted policies by FEMA would de-certify a number of levees in Butte County, which indicates that larger areas of Butte County are subject to levee inundation than realized under previous policies (significant and unavoidable impact).

**Mitigation Adopted by the County:** No feasible mitigation is available.

**Impact HYDRO-2:** Although General Plan 2030 policies and actions reduce risks associated with dam failure, they do not eliminate risks to people and property (significant and unavoidable impact).

**Mitigation Adopted by the County:** No feasible mitigation is available.

**Impact HYDRO-3:** General Plan 2030, the GPA, and the Zoning Ordinance Update would contribute to development in levee and dam inundation areas, resulting in a significant cumulative impact (significant and unavoidable impact).

**Mitigation Adopted by the County:** No feasible mitigation is available.

**Discussion**

These impacts were identified and discussed on pages 4.8-1 through 4.8-36 of the General Plan 2030 EIR and pages 4.8-1 through 4.8-18 of the Supplemental EIR.

None of these impacts reference or pertain to the proposed project. In addition, the amendments would not affect Hydrology and Water Quality impacts because they would not change land use designations or the extent of anticipated residential development or increase in land use intensity or density. Thus, no new or increased severity of significant Hydrology and Water Quality impacts would occur beyond what was addressed in the General Plan Final EIR and Supplemental EIR. There are no changed circumstances or new information that meets the standard for requiring further environmental review under CEQA Guidelines Section 15162.

**NOISE**

**Impact NOI-1:** Implementation of General Plan 2030, the GPA, and the Zoning Ordinance Update would cause a substantial permanent increase in ambient noise levels because more people would be living, driving, and flying in Butte County (significant and unavoidable impact).
**Mitigation Adopted by the County:** No feasible mitigation is available.

**Impact NOI-2:** Implementation of General Plan 2030, the GPA, and the Zoning Ordinance Update would contribute to conditions that exceed County noise standards and that cause a substantial permanent increase in ambient noise levels, causing a significant cumulative noise impact (significant and unavoidable impact).

**Mitigation Adopted by the County:** No feasible mitigation is available.

**Discussion**

These impacts were identified and discussed on pages 4.10-1 through 4.10-48 of the General Plan 2030 EIR and pages 4.10-1 through 4.10-8 of the Supplemental EIR.

None of these impacts reference or pertain to the proposed project. In addition, the amendments would not affect Noise impacts because they would not change land use designations or the extent of anticipated residential development or increase in land use intensity or density. Thus, no new or increased severity of significant Noise impacts would occur beyond what was addressed in the General Plan Final EIR and Supplemental EIR. There are no changed circumstances or new information that meets the standard for requiring further environmental review under CEQA Guidelines Section 15162.

**TRANSPORTATION AND CIRCULATION**

**Impact TRAF-1:** Implementation of General Plan 2030, the GPA, and the Zoning Ordinance Update would lead to unacceptable LOS F operations on State Route 32 between Muir Avenue and W. 1st Street (significant and unavoidable impact).

**Mitigation Adopted by the County:**

**Mitigation Measure TRAF-1:** Widen State Route 32 to four lanes through this section.

**Impact TRAF-2:** Implementation of General Plan 2030, the GPA, and the Zoning Ordinance Update would lead to unacceptable LOS F operations on State Route 99 between the Sutter County Line and East Biggs Highway (significant and unavoidable impact).

**Mitigation Adopted by the County:**

**Mitigation Measure TRAF-2:** Widen and convert State Route 99 to a four-lane conventional highway through this section.

**Impact TRAF-3:** Implementation of General Plan 2030, the GPA, and the Zoning Ordinance Update would lead to unacceptable LOS F operations on State Route 99 between State Route 149 and the Skyway (significant and unavoidable impact).
Mitigation Adopted by the County:

Mitigation Measure TRAF-3: Convert State Route 99 to a grade separated, limited access freeway facility though this section (significant and unavoidable impact).

Impact TRAF-4:
Implementation of General Plan 2030, the GPA, and the Zoning Ordinance Update would lead to unacceptable LOS F operations on State Route 99 between East 20th Street and Cohasset Road (significant and unavoidable impact).

Mitigation Adopted by the County:

Mitigation Measure TRAF-4: Widen State Route 99 to six lanes through this section.

Impact TRAF-5:
Implementation of General Plan 2030 would lead to unacceptable LOS F operations on State Route 99 between Eaton Road and Keefer Road (significant and unavoidable impact).

Mitigation Adopted by the County:

Mitigation Measure TRAF-5: Widen State Route 99 to four lanes through this section.

Impact TRAF-6:
Implementation of General Plan 2030, the GPA, and the Zoning Ordinance Update would lead to unacceptable LOS E operations on State Route 162 between Larkin Road and State Route 70 (significant and unavoidable impact).

Mitigation Adopted by the County:

Mitigation Measure TRAF-6: Widen State Route 162 to four lanes through this section.

Impact TRAF-7:
Implementation of General Plan 2030, the GPA, and the Zoning Ordinance Update would lead to unacceptable LOS F operations on State Route 162 between State Route 70 and Lower Wyandotte Road (significant and unavoidable impact).

Mitigation Adopted by the County:

Mitigation Measure TRAF-7: Widen State Route 162 to six lanes through this section.

Impact TRAF-8:
Implementation of General Plan 2030, the GPA, and the Zoning Ordinance Update would lead to unacceptable LOS E operations on State Route 162 between Foothill Boulevard and Canyon Drive.

Mitigation Adopted by the County:
Mitigation Measure TRAF-8: Widen State Route 162 to four lanes though this section.

**Impact TRAF-9:**
Implementation of General Plan 2030, the GPA, and the Zoning Ordinance Update would lead to unacceptable LOS F operations on Cohasset Road between State Route 99 and East Avenue (significant and unavoidable impact).

**Mitigation Adopted by the County:**

Mitigation Measure TRAF-9: Construct a raised median on this roadway section to enhance capacity.

**Impact TRAF-10:**
Implementation of General Plan 2030, the GPA, and the Zoning Ordinance Update would lead to unacceptable LOS D operations on Midway between the planned Southgate Extension and Durham-Dayton Road (significant and unavoidable impact).

**Mitigation Identified, but Not Adopted, by the County:**

Mitigation Measure TRAF-10: Widen Midway to four lanes though this section.

**Impact TRAF-11:**
Implementation of General Plan 2030, the GPA, and the Zoning Ordinance Update would lead to unacceptable LOS F operations on the Skyway between State Route 99 and Notre Dame Boulevard (significant and unavoidable impact).

**Mitigation Adopted by the County:**

Mitigation Measure TRAF-11: Construct a raised median on this roadway section to enhance capacity.

**Impact TRAF-12:**
Implementation of General Plan 2030, the GPA, and the Zoning Ordinance Update would lead to unacceptable LOS D/E operations on the Skyway between Neal Road and Bille Road (significant and unavoidable impact).

**Mitigation Adopted by the County:**

Mitigation Measure TRAF-12: Convert this section of the Skyway to a four-lane limited access expressway.

**Impact TRAF-13:**
Implementation of General Plan 2030, the GPA, and the Zoning Ordinance Update would lead to unacceptable LOS D/E operations on the Skyway between Bille Road and Pentz Road (significant and unavoidable impact).
Mitigation Adopted by the County:

Mitigation Measure TRAF-13: Widen the section of the Skyway between Bille Road and Wagstaff Road to a four-lane, divided arterial, and widen the section of the Skyway from Wagstaff Road to Pentz Road to a four-lane, undivided arterial.

Impact TRAF-14: Implementation of General Plan 2030, the GPA, and the Zoning Ordinance Update would cause increased traffic that would exacerbate existing deficiencies along regional roadways, contributing to a cumulatively significant transportation impact (significant and unavoidable impact).

Mitigation Adopted by the County: No feasible mitigation is available.

Impact TRAF-15: Implementation of General Plan 2030, the GPA, and the Zoning Ordinance Update would lead to unacceptable LOS F operations on State Route 99 between East Biggs Highway and the southern intersection of State Route 99 and State Route 162 (significant and unavoidable impact).

Mitigation Adopted by the County:

Mitigation Measure TRAF-15: Incorporate passing lanes into the section of State Route 99 between East Biggs Highway and the southern intersection of State Route 99 and State Route 162 as described in the State Route 99 Transportation Concept Report published by Caltrans in August 2010. The County will support the Butte County Association of Governments (BCAG) and Caltrans for the procurement of necessary State and federal highway funds for this improvement (significant and unavoidable impact).

Impact TRAF-16: Implementation of General Plan 2030, the GPA, and the Zoning Ordinance Update would lead to unacceptable LOS D operations on Honey Run Road between Skyway and Centerville Road (significant and unavoidable impact).

Mitigation Identified, but Not Adopted, by the County:

Mitigation Measure TRAF-16: Upgrade the section of Honey Run Road between Skyway and Centerville Road to the County’s arterial roadway standards.

Discussion
These impacts were identified and discussed on pages 4.13-1 through 4.13-60 of the General Plan 2030 EIR and pages 4.13-1 through 4.13-10 of the Supplemental EIR.

None of these impacts reference or pertain to the proposed project. In addition, the amendments would not affect Transportation and Circulation impacts because they would not change land use designations or the extent of anticipated residential development or increase in land use intensity or
density. Thus, no new or increased severity of significant Transportation and Circulation impacts would occur beyond what was addressed in the General Plan Final EIR and Supplemental EIR. There are no changed circumstances or new information that meets the standard for requiring further environmental review under CEQA Guidelines Section 15162.

GREENHOUSE GAS EMISSIONS

Impact CC-1: Implementation of General Plan 2030, the GPA, and the Zoning Ordinance Update would result in greenhouse gas emissions that would contribute to cumulative greenhouse gas emissions and global climate change. The 2020 greenhouse gas forecast for the county indicates that emissions would be greater than 85 percent of current (2006) conditions, creating a significant contribution to greenhouse gas emissions and associated climate change impacts. Policies and actions would provide a comprehensive framework for reducing greenhouse gas emissions in the county, but they would not ensure that the County can meet the reduction goal (significant and unavoidable impact).

Mitigation Adopted by the County: No feasible mitigation is available.

Discussion
These impacts were identified and discussed on pages 4.15-1 through 4.15-66 of the General Plan 2030 EIR and pages 4.15-1 through 4.15-6 of the Supplemental EIR.

None of these impacts reference or pertain to the proposed project. In addition, the amendments would not affect Greenhouse Gas Emission impacts because they would not change land use designations or the extent of anticipated residential development or increase in land use intensity or density. Thus, no new or increased severity of significant Greenhouse Gas Emission impacts would occur beyond what was addressed in the General Plan Final EIR and Supplemental EIR. There are no changed circumstances or new information that meets the standard for requiring further environmental review under CEQA Guidelines Section 15162.

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Appendix A

General Plan 2030 Policies and Actions

Some policies in the General Plan are also required as means to mitigate environmental impacts under the California Environmental Quality Act (CEQA). These policies all use the imperative “shall,” and in all cases are mandatory. These policies are marked with an asterisk (*), and are provided herein.

LU-P4.1 The integrity and stability of existing residential neighborhoods shall be promoted and preserved.*

LU-P5.3 New industrial uses shall be designed to avoid adverse impacts to adjacent uses, particularly residential neighborhoods, with respect to, but not limited to, noise, dust and vibration, water quality, air quality, agricultural resources, and biological resources.*

LU-P15.2 New urban development shall be primarily located in or immediately adjoining already urbanized areas.*

AG-P5.3 The Zoning Ordinance shall require that a buffer be established on property proposed for residential development in order to protect existing agricultural uses from incompatible use conflicts. The desired standard shall be 300 feet, but may be adjusted to address unusual circumstances.*

W-P1.7 Agriculture, logging, mining, recreational vehicle use and other open space uses shall follow best management practices to minimize erosion and protect water resources.*

W-P2.9 Applicants for new major development projects, as determined by the Department of Development Services, shall demonstrate adequate water supply to meet the needs of the project, including an evaluation of potential cumulative impacts to surrounding groundwater users and the environment.*

W-P3.3 The County shall protect groundwater recharge and groundwater quality when considering new development projects.*

W-P4.6 New development projects shall adopt best management practices for water use efficiency and demonstrate specific water conservation measures.*

W-P5.2 New development projects shall identify and adequately mitigate their water quality impacts from stormwater runoff.*

W-P5.4 Temporary facilities shall be installed as necessary during construction activities in order to adequately treat stormwater runoff from construction sites.*

W-P6.2 Where streambanks are already unstable, as demonstrated by erosion or landslides along banks, tree collapse or severe in-channel sedimentation, proponents of new development projects shall prepare a hydraulic and/or geomorphic assessment of on-site and downstream drainageways that are affected by project area runoff.*
COS-P5.2 Developers shall implement best management practices to reduce air pollutant emissions associated with the construction and operation of development projects.*

COS-P5.4 Stationary air pollutant emission sources, such as factories, shall be located more than 500 feet and/or downwind from residential areas and other sensitive receptors.*

COS-P5.5 Residential developments and other projects with sensitive receptors shall be located more than 500 feet from stationary air pollutant sources. Residential developments and other projects with sensitive receptors (e.g. housing, schools, child care centers, playgrounds, hospitals, and senior centers) that are located within 500 feet of a high-volume roadway that carries over 50,000 vehicles per day shall incorporate feasible mitigation measures to protect sensitive receptors from harmful concentrations of air pollutants, as recommended in the California Air Resources Board’s (CARB’s) Air Quality and Land Use Handbook.*

COS-P5.6 New sources of toxic air pollutants shall comply with the permitting requirements of the Butte County Air Quality Management District and Section 44300 et. seq. of the California Health and Safety Code.*

COS-P7.3 Creeks shall be maintained in their natural state whenever possible, and creeks and floodways shall be allowed to function as natural flood protection features during storms.*

COS-P7.4 New development projects shall mitigate their impacts in habitat areas for protected species through on- or off-site habitat restoration, clustering of development, and/or project design and through the provisions of the Butte Regional Habitat Conservation Plan (HCP) and Natural Community Conservation Plan (NCCP) within the HCP/NCCP Planning Area, upon the future adoption of the HCP/NCCP.*

COS-P7.5 No new development projects shall occur in wetlands or within significant riparian habitats, except within the Butte Regional Habitat Conservation Plan (HCP) and Natural Community Conservation Plan (NCCP) Planning Area where such development is consistent with the conditions of the HCP/NCCP, upon the future adoption of the HCP/NCCP.*

COS-P7.6 New development projects shall include setbacks and buffers along riparian corridors and adjacent to habitat for protected species, except where permitted in the Butte Regional Habitat Conservation Plan (HCP) and Natural Community Conservation Plan (NCCP) Planning Area and where such development is consistent with the conditions of the HCP/NCCP, upon the future adoption of the HCP/NCCP.*

COS-P7.7 Construction barrier fencing shall be installed around sensitive resources on or adjacent to construction sites. Fencing shall be installed prior to construction activities and maintained throughout the construction period.*

COS-P7.8 Where sensitive on-site biological resources have been identified, construction employees operating equipment or engaged in any development-associated activities involving vegetation removal or ground disturbing activities in sensitive resource areas shall be trained by a qualified biologist and/or botanist who will provide information on the on-site biological resources (sensitive natural communities, special status plant and wildlife habitats, nests of special-status birds, etc.), avoidance of invasive plant introduction and spread, and the penalties for not complying with biological mitigation requirements and other State and federal regulations.*
COS-P7.9 A biologist shall be retained to conduct construction monitoring in and adjacent to all habitats for protected species when construction is taking place near such habitat areas.*

COS-P8.4 Introduction or spread of invasive plant species during construction of development projects shall be avoided by minimizing surface disturbance; seeding and mulching disturbed areas with certified weed-free native mixes; and using native, noninvasive species in erosion control plantings.*

COS-P9.1 A biological resources assessment shall be required for any proposed development project where special-status species or critical habitat may be present. Assessments shall be carried out under the direction of Butte County. Additional focused surveys shall be conducted during the appropriate season if necessary. Upon adoption of the Butte Regional Habitat Conservation Plan (HCP) and Natural Community Conservation Plan (NCCP), assessment requirements of the HCP/NCCP shall be implemented for development projects within the HCP/NCCP area.*

COS-P9.2 If special-status plant or animal species are found to be located within a development site, proponents of the project shall engage in consultation with the appropriate federal, State and regional agencies and mitigate project impacts in accordance with State and federal law. Upon adoption of the Butte Regional Habitat Conservation Plan (HCP) and Natural Community Conservation Plan (NCCP), assessment requirements of the HCP/NCCP shall be implemented for development projects with the HCP/NCCP area. Examples of mitigation may include*: 

a. Design the proposed project to avoid and minimize impacts.

b. Restrict construction to specific seasons based on project-specific special-status species issues (e.g. minimizing impacts to special-status nesting birds by constructing outside of the nesting season).

c. Confine construction disturbance to the minimum area necessary to complete the work.

d. Mitigate for the loss of special-status species by purchasing credits at an approved conservation bank (if a bank exists for the species in question), funding restoration or habitat improvement projects at existing preserves in Butte County or purchase.

e. Maintain a minimum 100-foot buffer on each side of all riparian corridors, creeks and streams for special-status and common wildlife.

f. Establish setbacks from the outer edge of special-status species habitat areas.

g. Construct barriers to prevent compaction damage by foot or vehicular traffic.

COS-P12.2 Mineral resources identified by the State to be of regional or statewide significance for mineral resource extraction shall be conserved.*

COS-P15.1 Areas found during construction to contain significant historic or prehistoric archaeological artifacts shall be examined by a qualified consulting archaeologist or historian for appropriate protection and preservation. Historic or prehistoric artifacts found during construction shall be examined by a qualified consulting archaeologist or historian to determine their significance and develop appropriate protection and preservation measures.*

Appendix A, Page 3
COS-P15.2 Any archaeological or paleontological resources on a development project site shall be either preserved in their sites or adequately documented as a condition of removal. When a development project has sufficient flexibility, avoidance and preservation of the resource shall be the primary mitigation measure.*

COS-P16.4 If human remains are located during any ground disturbing activity, work shall stop until the County Coroner has been contacted, and, if the human remains are determined to be of Native American origin, the NAHC and most likely descendant have been consulted.*

COS-P17.1 Views of Butte County's scenic resources, including water features, unique geologic features and wildlife habitat areas, shall be maintained.*

COS-P17.2 Ridgeline development near scenic resources shall be limited via the adoption of specific development guidelines in order to minimize visual impacts.*

COS-A1.1 Within one year of adoption of General Plan 2030, coordinate with regional agencies to develop a Climate Action Plan, which, in combination with other existing policies and regulations by other agencies and business sectors of the economy, would achieve reduction consistent with State guidelines using methodology deemed appropriate at the time of quantification. Include the following as components in the Climate Action Plan:* 

a. Establish a detailed inventory of current (2006) GHG emissions in Butte County, including, but not limited to, residential, commercial, industrial and agricultural emissions.

b. Forecast GHG emissions for areas within the jurisdictional control of the County for “business as usual” conditions in 2 c. Identify methods to reduce GHG emissions to a level that would achieve reduction consistent with State guidelines at the time of quantification.

d. Quantify the 2030 reductions in GHG emissions from the identified methods.

e. Require monitoring and reporting of GHG emissions.

f. Establish a schedule of actions for implementation through 2020.

g. Identify funding sources for implementation through 2020.

h. Identify a process to set a reduction goal for 2030 by 2020.

i. Update the Climate Action Plan by 2020 to include reduction measures to achieve the adopted 2030 reduction goal.

j. Develop a Climate Change Preparedness Plan that will prepare for the impacts of climate change on the county’s economic and natural ecosystems and promote a climate resilient community.

HS-P1.1 New development projects proposed in areas that exceed the land use compatibility standards in Tables HS-2 and HS-3 of the General Plan shall require mitigation of noise impacts.*
HS-P1.2 Noise from transportation sources shall not exceed land use compatibility standards in General Plan Table HS-2.*

HS-P1.3 New noise-sensitive land uses shall not be located within the 55 Ldn contour of airports, roadways, and other noise generating uses, with the exception of the Chico Municipal Airport.*

HS-P1.4 New noise-sensitive land uses shall not be located within the 60 Ldn contour of the Chico Municipal Airport.*

HS-P1.9 The following standard construction noise control measures shall be required at construction sites in order to minimize construction noise impacts:*

a. Equip all internal combustion engine driven equipment with intake and exhaust mufflers that are in good condition and appropriate for the equipment.

b. Locate stationary noise-generating equipment as far as possible from sensitive receptors when sensitive receptors adjoin or are near a construction project area.

c. Utilize quiet air compressors and other stationary noise-generating equipment where appropriate technology exists and is feasible.

HS-P2.4 Development projects on lands within the 100-year flood zone, as identified on the most current available maps from FEMA (the most current available map at the time of the publication of General Plan 2030 is shown on Figure HS-1), shall be allowed only if the applicant demonstrates that it will not:*

a. Create danger to life and property due to increased flood heights or velocities caused by excavation, fill, roads and intended use.

b. Create difficult emergency vehicle access in times of flood.

c. Create a safety hazard due to the height, velocity, duration, rate of rise and sediment transport of the flood waters expected at the site.

d. Create excessive costs in providing governmental services during and after flood conditions, including maintenance and repair of public facilities.

e. Interfere with the existing water conveyance capacity of the floodway.

f. Substantially increase erosion and/or sedimentation.

g. Require significant storage of material or any substantial grading or substantial placement of fill that is not approved by the County through a development agreement, discretionary permit, or other discretionary entitlement; a ministerial permit that would result in the construction of a new residence; or a tentative map or parcel map.

h. Conflict with the provisions of the applicable requirements of Government Code Sections 65865.5, 65962 or 66474.5.
HS-P2.5 The lowest floor of any new construction or substantial improvement within Flood Zones A, AE, AH and shaded Zone X, as shown in Figure HS-1 or the most current maps available from FEMA, shall be elevated 1 foot or more above the 100-year flood elevation. (County Flood Ordinance Sec. 26-22). Within urban or urbanizing areas, as defined in Government Code 65007, the lowest floor of any new construction or substantial improvements shall be elevated a minimum of 1 foot above the 200-year flood elevation.*

HS-P3.2 Applicants for new development projects shall provide plans detailing existing drainage conditions and specifying how runoff will be detained or retained on-site and/or conveyed to the nearest drainage facility and shall provide that there shall be no increase in the peak flow runoff to said channel or facility.*

HS-P3.3 All development projects shall include stormwater control measures and site design features that prevent any increase in the peak flow runoff to existing drainage facilities.*

HS-P6.1 Appropriate detailed seismic investigations shall be completed for all public and private development projects in accordance with the Alquist-Priolo Earthquake Fault Zoning Act.*

HS-P7.1 Site-specific geotechnical investigations shall be required to assess landslide potential for private development projects and public facilities in areas rated "Moderate to High" in Figure HS-5 or the most current available mapping.*

HS-P8.1 Site-specific geotechnical investigations shall be required to assess erosion potential for private development projects and public facilities in areas rated "Very High" in Figure HS-5 or the most current available mapping.*

HS-P9.1 Site-specific geotechnical investigations shall be required to assess risks from expansive soils for private development projects and public facilities in areas rated "High" in Figure HS-6 or the most current available mapping.*

PUB-P1.2 County facilities shall be designed, constructed and operated to be environmentally sustainable, and beneficial to the community and the region.*

PUB-P12.3 New community sewerage systems shall be managed by a public County sanitation district or other County-approved methods. Proponents shall demonstrate the financial viability of constructing, operating and maintaining the proposed community sewerage system.*