

AN ORDINANCE OF THE COUNTY OF BUTTE AMENDING ARTICLE I,  
ENTITLED "GRADING", OF CHAPTER 13, ENTITLED "GRADING AND MINING",  
OF THE BUTTE COUNTY CODE

The Board of Supervisors of the County of Butte ordains as follows:

Section 1. Section 13-5 of the Butte County Code is amended to read as follows:

**13-5 Exemptions.**

A grading permit shall not be required if the amount of grading is fifty (50) cubic yards or less or meets any of the conditions specified below:

(a) Excavation and grading authorized by a valid building permit as provided for under appendix J - Grading of the California Building Code, as adopted by section 26-1 of Chapter 26 of this Code; provided, however, that if the excavation and grading to be performed includes the construction of a driveway longer than one hundred fifty (150) feet, the Building Division shall, before issuing the building permit, direct the applicant to apply to the director for a determination of exemption pursuant to Section 13-5.1

(b) Construction of roads for forestry or fire protection purposes, as required by a governmental fire protection agency.

(c) Excavations for: cemetery graves, tunnels, wells, mining, quarrying, undergrounding of utilities, public works projects, archaeological sites, or dams and public refuse disposal sites, controlled by other regulatory agencies.

1 (d) Emergency projects due to landslides, road and bridge  
2 washouts, flooding or other natural disasters.

3 (e) Routine maintenance of roads or manmade or engineered flood  
4 control channels and levees.

5 (f) Grading specifically authorized by the terms of any  
6 discretionary permit or approval granted by the County of Butte.

7 (g) Routine agricultural grading maintenance to support, keep,  
8 replace, refurbish, replant, cultivate and continue in an existing  
9 state or condition without decline, including existing agricultural  
10 improvements, such as, but not limited to, fields, pastures, crops,  
11 vineyards, orchards, facilities, buildings, structures, walls,  
12 fences, poles, ponds, reservoirs, dams, pipes, irrigation systems,  
13 bridges, and roads. All other agricultural grading for the conversion  
14 of existing non-agricultural vegetation to an agricultural operation  
15 will require an Agricultural Process Grading Review by submission  
16 of an Agricultural Grading Application to the Butte County  
17 Agricultural Commissioner for review and approval.

18 (h) Maintenance of existing firebreaks and roads to keep the  
19 firebreak or road substantially in its original condition.

20 (i) Timber harvest and management activities when approved and  
21 carried out consistent with the California Forest Practices Act.

22 (j) Clearing of vegetation for fire protection purposes within  
23 one hundred (100) feet of a dwelling unit. Any additional clearing  
24 for fire prevention, control or suppression purposes is exempt when  
25 authorized or required in writing by a fire prevention or suppression  
26 agency.

1 (k) Construction pursuant to subdivision plans or site  
2 improvement plans, which have been approved by the Department of  
3 Public Works. The off-site storage of excess soil from approved  
4 projects to be used as fill for other approved projects is exempt  
5 as long as proper erosion and sediment controls are maintained at  
6 the stockpiled storage site.

7 (l) Maintenance of irrigation and drainage facilities.

8 (m) An excavation for a sewage disposal system or a well that  
9 is constructed in accordance with a valid permit issued by the Butte  
10 County Public Health Department, Environmental Health Division.

11 (n) An excavation for installation, closure, or remediation of  
12 an underground storage tank, performed in accordance with a valid  
13 permit issued by the Butte County Public Health Department,  
14 Environmental Health Division.

15 (o) An excavation for removal or remediation of site  
16 contamination, performed under the oversight of the Butte County  
17 Public Health Department, Environmental Health Division, or the  
18 California Environmental Protection Agency, or the United States  
19 Environmental Protection Agency.

20 "(p) Filling an area previously excavated due to the removal of  
21 a residential or commercial building that was damaged or destroyed  
22 by fire with soil that is compatible with the existing soil of the  
23 site. The area of the fill shall not exceed the area of the excavation,  
24 and the grade of the fill shall conform to the existing, natural  
25 features of the site."

26 Section 2. Section 13-6 of the Butte County Code is amended to read

1 as follows:

2 (a) Application for Grading Permit: Each application for a  
3 permit that is required by this article shall be made by the property  
4 owner or his authorized agent to the director on a form furnished for  
5 that purpose and shall be accompanied by a permit application fee and  
6 environmental review fee as set forth in the Butte County Master Fee  
7 Schedule.

8 (b) Application Content: An application for a permit shall  
9 include the following information:

10 (1) An accurate location map showing the relation of the  
11 project to the nearby community.

12 (2) An accurate plot plan showing the exterior boundaries  
13 of the area affected, and the location of any buildings.

14 (3) A description of the work to be done together with the  
15 materials to be used thereon, including depth of fills, height of  
16 cuts, proposed spoils location for any excess excavation, and  
17 estimated volumes in cubic yards of excavation and fill.

18 (4) The location of all drainage to and from the site and  
19 the location of culverts and natural watercourses.

20 (5) A relocation plan for existing waterway or drainage  
21 facilities proposed to be altered.

22 (6) Details of proposed drainage structures.

23 (7) A description of the methods to be used for erosion  
24 and sediment control.

25 (8) The locations of anticipated stockpile areas.

26 (9) Other pertinent information, as requested by the

1 director.

2  
3 (10) When the total excavation plus the total fill exceeds  
4 ten thousand (10,000) cubic yards and involves cuts or fills exceeding  
5 fifteen (15) feet in height and/or existing average slopes exceeding  
6 twenty percent (20%): a licensed civil engineer shall prepare, sign  
7 and submit detailed engineering plans, specifications, and soils  
8 engineering report; and a Qualified Storm Water Developer who holds  
9 the certification required by the CA Water Quality Control Board's  
10 Construction General Permit 2009-009-DWQ shall prepare, sign and  
11 submit an erosion and sediment control plan.

12 Section 3. Severability. If any section, subsection, sentence,  
13 clause, or phrase of this Ordinance is for any reason held to be  
14 unconstitutional or invalid, such decision shall not affect the  
15 validity of the remaining portion of this Ordinance. The Board of  
16 Supervisors hereby declares that it would have passed this Ordinance  
17 and every section, subsection, sentence, clause or phrase thereof  
18 irrespective of the fact that any one or more sections, subsections,  
19 sentences, clauses or phrases be declared unconstitutional or  
20 invalid.

21 Section 4. Effective Date and Publication. This Ordinance shall take  
22 effect thirty (30) days after the date of its passage. The Clerk of  
23 the Board of Supervisors is authorized and directed to publish this  
24 Ordinance before the expiration of fifteen (15) days after its  
25 passage. This Ordinance shall be published once, with the names of  
26 the members of the Board of Supervisors voting for and against it,

1 in a newspaper of general circulation published in the County of  
2 Butte, State of California.

3 **PASSED AND ADOPTED** by the Board of Supervisors of the County of Butte,  
4 State of California, on the 8<sup>th</sup> day of December, 2020 by the following  
5 vote:

6 **AYES:**

7 **NOES:**

8 **ABSENT:**

9 **ABSTAIN:**

10 \_\_\_\_\_  
11 **TBD**, Chair  
12 Butte County Board of Supervisors

13  
14  
15 **ATTEST:**

16 **ANDY PICKETT**, Chief Administrative Officer  
17 and Clerk of the Board

18  
19  
20 By: \_\_\_\_\_  
21 Deputy