

APPENDIX IX

County Code Chapter 26 Article II
Additional Improvements Requirements for Certain Buildings in Specified Urban
and Rural Areas

26-10 Findings; necessity for additional improvements for development in specified urban and rural areas.

The board of supervisors finds that additional building and development requirements are necessary in order to protect the health, welfare, and safety of the general public in the unincorporated area of Butte County as specified in this Article II. The board further finds that such additional requirements are necessary in order to protect the health, welfare and safety of the general public, including but not limited to those people residing within said areas as well as those using the county roads in said areas. (Ord. No. 3127, § 1, 3-8-94)

26-11 “Urban and rural areas” defined.

The urban areas to which this article is applicable are hereby described as those certain areas surrounding Chico, Durham, Gridley, and Oroville urban areas, as shown on a map established by a resolution or resolutions of standards adopted by the board of supervisors pursuant to Chapter 20 of the Butte County Code as being the said urban areas. A copy of said maps shall be on file with the county clerk, county planning division, county health department and public works department. The urban areas as established in said resolution of standards may be amended by the board of supervisors by resolution, and the amended map shall then be filed in the aforesaid county offices.

The rural areas to which this article applies are hereby described as all unincorporated areas outside of the designated urban areas. (Ord. No. 3127, § 1, 3-8-94)

26-12 Improvement requirements--Urban areas.

When a building permit for a new building or other permits required for modular buildings or mobile homes are required for commercial or industrial uses or for multiple living unit uses having three (3) or more living units per parcel, and the project involved falls within one of the urban areas described in Section 26-11, in addition to all other requirements set forth in the Uniform Building Code as amended and adopted by reference in this chapter, the following shall be required:

- (1) The construction of curbs, gutters, sidewalks or walkways, public roads, proper access from public roads, and drainage facilities;
- (2) Dedication of any necessary rights-of-way; and
- (3) The construction of an enclosure for containers used to hold solid waste and/or recyclable materials for collection.

The technical standards and specifications of the aforesaid improvements shall be as provided for subdivisions in Chapter 20 of the Butte County Code and a resolution or resolutions of standards adopted pursuant thereto. The Butte County Department of Public Works shall determine and approve the grade, width and location of all required improvements on county roads from surveys or other information submitted by the developer’s engineer or from file information if available. Any relocation

caused by county alignment or grade changes for future road construction shall be the responsibility of the county. (Ord. No. 3844, § 16, 2-11-03; Ord. No. 3127, § 1, 3-8-94; Ord. No. 3394, § 1, 2-10-98)

26-12.1 Same--Rural areas.

When a building permit for a new building or other permits required for modular buildings or mobile homes are required for commercial or industrial uses or for multiple living unit uses having three (3) or more living units per parcel, and the project involved falls outside one of the urban areas described in Section 26-11, in addition to all other requirements set forth in the Uniform Building Code as amended and adopted by reference in this chapter, the following shall be required:

- (1) The construction of the public roads, proper access from public roads, and drainage facilities;
- (2) Dedication of any necessary rights-of way; and
- (3) The construction of an enclosure for containers used to hold solid waste and/or recyclable materials for collection.

The technical standards and specifications of the aforesaid improvements shall be as provided for subdivisions in Chapter 20 of the Butte County Code and a resolution or resolutions of standards adopted pursuant thereto. The Butte County Department of Public Works shall determine and approve the grade, width and location of all required improvements on county roads from surveys or other information submitted by the developer's engineer or from file information if available. Any relocation caused by county alignment or grade changes for future road construction shall be the responsibility of the county. (Ord. No. 3844, § 17, 2-11-03; Ord. No. 3127, § 1, 3-8-94; Ord. No. 3394, § 1, 2-10-98)

26-13 Postponement of drainage improvements.

Notwithstanding the provisions of Section 26-12 or Section 26-12.1, drainage improvements may be postponed at the discretion of the Board of Supervisors or the Director of Public Works on the deposit of a drainage fee in an amount determined by the Board of Supervisors (by resolution), which fee shall be reserved for the cost of the required drainage facilities, provided that an interim drainage solution is available on the property in question. (Ord. No. 3127, § 1, 3-8-94)

26-13.1 Postponement of street improvements.

Notwithstanding the provisions of Section 26-12 or Section 26-12.1, street improvements may be postponed at the discretion of the Board of Supervisors or the Director of Public Works for a period of five (5) years upon the deposit of a negotiable fee in the amount determined by the Director of Public Works, which fee should be reserved for the cost of the required street improvements.

This postponement shall be made only if there are no other such street improvements within five hundred (500) feet of this installation and if such other facilities are not constructed in the neighborhood, Butte County will refund the assurance fee at the end of the five (5) years. (Ord. No. 3127, § 1, 3-8-94)

26-14 Requirements inapplicable if adverse to health, safety and welfare.

Notwithstanding anything to the contrary in Sections 26-12, 26-12.1 and 26-13, the requirements contained therein shall not be applicable if their application would adversely affect the health, safety and welfare of the general public because of special circumstances applicable to the immediate area of the improvement, including the topography and the nature of other developments in the area. The determination whether the requirements in a particular case would cause such adverse affect on the health, safety or welfare shall be made by the director of development services after consultation with the director of public works and subject to appeal to the board of supervisors in the manner specified in Article IX of Chapter 20 of the Butte County Code. (Ord. No. 3127, § 1, 3-8-94)