

Interim Amendments Status 10/27/09

Completed Interim Amendments

- Building Permit Amnesty
- Payment of Direct Charges
- Postponement/bonding of onsite or offsite improvements (Ordinance No. 3989)
- Cul-de-sac design (Ordinance 3988)
- Animal Control Regulations (Ordinance 3992)
- Agricultural-Residential Buffer Implementation Guidelines
- Agricultural Buffer Setback Applicability
- Regulations for Limited Density Owner-Built Rural Dwellings
- Minimum Parcel Sizes (GPA08-0001) Board (Reso. #09-078)
- Setback Requirements for Communication Towers – approved July 21, 2009

Interim amendment priorities have been re-ordered for 2009, pursuant to direction from the Board of Supervisors on December 16, 2008. All items substantially complete as of that date were assigned a priority ranking of 1. Items not assigned a priority ranking are listed in Table 2.

Table 1. Interim Amendments – Department of Development Services

PRIORITY	TOPIC	PROBLEM STATEMENT	STATUS	NEXT STEPS	USERS GROUP	COUNTY COUNSEL	PLANNING COMMISSION	BOARD OF SUPERVISORS
1.b.	<p>Agricultural Re-Use (ZCA07-0005) Prepare ordinance revisions to allow consideration of a conditional use permit to utilize existing conforming or non-conforming infrastructure and buildings that are located in the Agricultural areas of the</p>	<p>Several locations of vacant or underutilized buildings/infrastructure within agricultural zones. These are typically non-conforming or the non-conforming status has expired. The buildings remain vacant, often not well maintained and likely will not be removed to turn the property into productive agricultural land. There is a need to</p>	<p>The Farm Bureau has requested additional time to review and comment on this zoning code amendment.</p> <p>Staff is working with the Farm Bureau to assist in their formulation of comments</p>	<p>Board of Supervisors</p>	<p>Draft Ag. Re-Use ordinance reviewed March 26, 2008</p> <p>Draft Ag Re-Use Site Inventory reviewed May 28, 2008.</p> <p>Revised draft ordinance and site inventory</p>	<p>Draft PC package submitted to County Counsel for review 6/27/08.</p> <p>Counsel provided comments 7/08/08.</p> <p>Revised draft ordinance submitted to Counsel 7/15/08.</p>	<p>September 24, 2009</p>	TBD

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	County for Ag-related industrial or commercial uses.	have support industry related to the Agricultural community in near proximity to the user. Current codes do not facilitate re-use or re-habilitation of these buildings.			available for Users Group Review July 30, 2008.	Counsel provided comments on revised draft ordinance 7/25/08.		
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<p>1.d.</p>	<p>SMARA Update The County Surface Mining and Reclamation Ordinance, Chapter 13, Article II, as adopted in 1993 needs to be updated.</p>	<p>The state Surface Mining and Reclamation Act (SMARA) has been amended since the adoption of the County's ordinance. The ordinance needs to be updated to address the SMARA amendments.</p>	<p>On April 21, 2009 the Board of Supervisors directed staff to refine the ordinance after further discussion with County surface mine operators before further Board consideration.</p> <p>Staff met with mining operators to discuss the draft ordinance on May 28, 2009.</p>	<p>Staff presented the draft ordinance to the Mining Committee on June 18, 2009</p>	<p>TBD</p>	<p>Reviewed by County Counsel.</p>	<p>December 2009 (tent.)</p>	<p>February 2010 (tent.)</p>
<p>2.a.</p>	<p>Outdoor Lighting in Residential Areas The current ordinance has no standards or lacks specifics on lighting.</p>	<p>There have been circumstances of urban-level lighting in rural areas casting light on adjacent properties.</p>				<p>Draft ordinance and associated documents submitted for Counsel review 5/29/09.</p> <p>Counsel provided comments 6/09/09 and 8/25/09.</p>	<p>September 24, 2009</p>	<p>October 27, 2009 (hearing)</p>
<p>2.b.</p>	<p>Residential Generator</p>	<p>There have been instances of loud and</p>				<p>Draft ordinance and associated</p>	<p>September 24, 2009</p>	<p>October 27, 2009</p>

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	Noise Ordinance The current ordinance has no standards or lacks specifics on noise.	persistent generator noise affecting adjacent properties.				documents submitted for Counsel review 5/29/09. Counsel provided comments 6/09/09 and 8/25/09.		(hearing)
3.	Small Wineries Amend the code to allow greater latitude for tourism at small wineries. On 4/08/08, the Board indicated interest in exploring opportunities to facilitate tourism at olive orchards and tasting rooms through this code fix.	Current zoning restricts tasting at small wineries to 3 days per week. Vans, buses, and outdoor amplified music are prohibited. Small winery owners indicate that these restrictions limit their success and the success of agri-tourism in the County.	Preliminary research		TBD		TBD	TBD
4.a.	Nuisances in Residential Neighborhoods – Off-Road Vehicles On 7/21/09 the Board directed staff to clarify how various	Concerns regarding noise, dust, traffic, glare, and hours of operation have been raised by neighbors of several informal ORV tracks in Butte County.	Staff has solicited and received a number of examples of how similar issues have been resolved from members of the California	Staff will work with Counsel to clarify whether these instances can be addressed under	TBD	Submitted request for legal opinion regarding this item 10/21/09.	TBD	TBD

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	nuisances in residential areas can be addressed.		Counties Planning Directors Association.	Chapter 32A (Property Maintenance and Abatement of Nuisances) of the Butte County Code.				
4.b.	<p>Nuisances in Residential Neighborhoods - Other</p> <p>On 7/21/09 the Board directed staff to clarify how various nuisances in residential areas can be addressed.</p>	Concerns have been raised in the County regarding offensive odors in residential areas due to the presence of livestock.	Staff will work with Counsel to clarify whether these instances can be addressed under Chapter 32A (Property Maintenance and Abatement of Nuisances) of the Butte County Code.		TBD		TBD	TBD

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Table 2. Potential Future Amendments – Department of Development Services

<p>Zoning Administrator <u>Topic:</u> Consider the establishment of an administrative hearing process (e.g. Zoning Administrator) to expedite the approval of routine, non-controversial projects: including parcel maps, map extensions, lot line adjustments, certificates of compliance, and minor use permits. The idea would be to modify Code Section 24-70. <u>Problem Statement:</u> Too many minor projects require too much work to achieve a decision. The County could develop streamlined staff report, Environmental Review, and findings processes to save time. Such a process would still provide for appeals to the PC and BOS. It is estimated over 100 of 215 projects could be eligible for this process. Board direction on 12/16/08 was to address this item through the Butte County General Plan 2030 process and comprehensive zoning code update.</p>
<p>Flex Lots <u>Topic/Problem Statement:</u> A flex lot subdivision application cannot be processed within the FEMA 100-year flood designation. This means that a standard lot layout pattern can be processed for hearing but a flex lot (a provision that allows smaller lots with larger open space for avoidance of sensitive areas, common space and other amenities) cannot be processed. The ordinance does require protection of flood zones, however, it did not contemplate a project where the whole property is in the flood zone.</p>
<p>5% Adjustment <u>Topic/Problem Statement:</u> The minimum parcel sizes, particularly in the larger parcel designations, are absolute. For example in a 20-acre minimum zone, you must have 20.00 acres for each parcel proposed in a lot split. Including a provision for a 5% adjustment provided the intent of the zone is maintained subject to Director determination is one approach to consider. It is not uncommon to have larger parcels that are slightly under the nominal acreage. Example - you cannot create four parcels in a 20-acre minimum designation if you are starting from 79 acres.</p>
<p>Fence Materials <u>Topic:</u> Definitions; Section 24.305.160 - Revise definition of “fence” to clarify the list of permitted construction materials to assist in code enforcement. This was recommended by the Code Enforcement Advisory Board. <u>Problem Statement:</u> Code enforcement occasionally encounters proposals to “fence the junk”. With some of these cases, the property owner builds a fence out of materials such as car hoods, metal garage doors, stacked car tires and other used materials. An argument then begins about what constitutes a fence. The existing ordinance can be modified to clarify the fence standards and add efficiency to the code enforcement process. <u>May 2009 Status:</u> Staff is working with the Code Enforcement Advisory Board to prepare a draft ordinance. This item was discussed at the June 17, 2009 CEAB meeting. The CEAB set an Ad Hoc committee to work on this as requested by the Board of Supervisors.</p>
<p>Solar Fee and Wind Turbine Exemptions <u>Topic:</u> Explore the option of creating a Fee Exemption for solar Building Permits. The goal is to create an incentive for people to install solar panels in Butte County. This would include research of Grant Programs to provide a ‘backfill’ of lost revenue that would cover plan check and inspection services. Board direction on 3/25/08</p>

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including exploring exemptions and/or incentives to use wind turbines for power generation.

Problem Statement: There is not a specific problem with this item. The current Building Permit fee is \$408 for roof-mounted solar panels. This is presented as an opportunity to highlight solar energy production in Butte County by providing a permit incentive.

Update July 2009: Permits for roof-mounted solar panels in Butte County are now available online.

Mobile Homes

Topic/Problem Statement: On 2/21/08, the Board directed staff to research standards among other jurisdictions for managing the visual, public health, safety, and quality-of-life impacts of allowing aging or derelict mobile homes to remain in place. Standards for habitability should be explored, including age, quality, and condition. Further direction on 3/25/08 included working with Public Works to explore options for retiring or recycling derelict mobile homes or those older than 10 years.

Information Update 9-09-08: The California State Department of Housing and Community Development (HCD) has adopted emergency regulations which require that manufactured homes installed in California meet the exterior fire safe/ fire resistive construction standards contained in the recently adopted 2007 California Building Code. These regulations became effective September 1, 2008, and apply in all areas designated as State Responsibility Areas (SRA). These regulations preclude the installation of homes that have not been constructed in the factory to meet these standards, and homes manufactured prior to January 1, 2006.

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Table 3. Interim Amendments – Department of Public Works

PRIORITY	TOPIC	PROBLEM STATEMENT	STATUS	NEXT STEPS	USERS GROUP	COUNTY COUNSEL	PLANNING COMMISSION	BOARD OF SUPERVISORS
1	<p>California Subdivision Map Act Section 66462.5 is entitled; <u>Approval of Final Map Cannot Be Refused Because of Offsite Improvement Requirements on Land Not Belonging to Subdivision or Local Agency.</u> Staff is looking for Board policy on how the County treats subdivision map applications where either the subdivider proposes or staff will be recommending offsite improvements to accommodate either traffic</p>	<p>Subdivision Map Act Section 66462.5(a) states, "A city, county, or city and county shall not postpone or refuse approval of a final map because the subdivider has failed to meet a tentative map condition which requires the subdivider to construct or install offsite improvements on land in which neither the subdivider nor the local agency has sufficient title or interest, including an easement or license, at the time the final map is filed with the local agency..." In such cases,</p>	<p>Staff developing administrative draft of policy options and recommendations.</p>		<p>Reviewed March 26, 2008.</p>			<p>TBD</p>

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	<p>and/or drainage improvements to the project.</p>	<p>unless city, county or city and county requires subdivider to enter into an agreement...(to construct improvements after city or county acquires interest in land) A) The city or county has 120 days to acquire by negotiation or condemnation an interest in the land necessary for the improvements to be constructed, or B) All offsite improvements shall be deemed to be waived.</p>						
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2	Grading Ordinance Revision: Amend Article I of Chapter 13 of the Butte County Code to establish standards, plan review and permit processes for grading and earthwork including the control of erosion and sedimentation.	Existing County Code requires a grading permit for earthwork exceeding 1,000 cubic yards that is located above 300 feet mean sea level as well as for building permits and other County discretionary permits such as subdivisions, Use Permits, mining etc. However, County Code is silent on all other grading activities not associated with the permitted activities discussed above.	On June 9, 2009 the Board of Supervisors reviewed information regarding state and federal storm water regulations, and provided direction to staff regarding revisions to Chapter 13 of the Butte County Code.		The Board Committee (Supervisors Josiassen and Connelly) and the User Group have reviewed a number of drafts and revisions. The User Group had a 1-hour workshop on this subject on February 27, 2008.			TBD
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3	Preservation of Historic Structures on Non-Compliant Parcels	A number of parcels exist in the County which were created in violation of the Map Act and/or local ordinances. Some of these hold historic structures which should be preserved and now need work to maintain their historic value. Under the Subdivision Map Act, permits cannot be issued for these parcels without specific findings being made. A building permit for such a parcel has recently been submitted to the County. Pursuant to Sections 20-160 and 20-167 of the	Staff is preparing a resolution for consideration by the Board of Supervisors.					November 10, 2009 (tent.)
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		Butte County Code, the Board of Supervisors can adopt a resolution finding that issuance of permits for such properties is appropriate under specific conditions (where the permit provides for the preservation or restoration of a historic property; where requirements for environmental health are met; and where access to the parcel is provided by a public street.)						
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Not numbered	Amend BCC 20-68 (Subdivision Maps – Extensions of Time)	SB 1185 allows map extensions of up to 6 years. Butte County Code allows extensions of up to 5 years. The Butte County code needs to be amended to conform to the state provisions, per Counsel advice.	May be categorically exempt from CEQA.	Prepare text of amendment	Take draft amendment to Users Group for review.		N/A	TBD
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Table 4. Interim Amendments – Department of Public Health

PRIORITY	TOPIC	PROBLEM STATEMENT	STATUS	NEXT STEPS	USERS GROUP	COUNTY COUNSEL	PLANNING COMMISSION	BOARD OF SUPERVISORS
1	On-Site Systems		The timing of this code amendment will depend upon the length of the environmental process.					Public hearing on the DEIR Sept. 15, 2009. Staff briefing and Board of Supervisors discussion February 24, 2009.

Note: Preparation of a Community Wastewater Ordinance is being undertaken as part of the General Plan EIR process. Adoption of the Community Wastewater Ordinance is expected in December 2010.