

Table 1. High Priority Interim Amendments – Development Services

PRIORITY	TOPIC	PROBLEM STATEMENT	STATUS	NEXT STEPS	USERS GROUP	COUNTY COUNSEL	PLANNING COMMISSION	BOARD OF SUPERVISORS
1	Building Permit Amnesty		COMPLETE					
2	Payment of Direct Charges		COMPLETE					
3	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 County for Ag-related industrial or commercial uses.	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 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.	Inter-Departmental Review Committee June 4, 2008. Review by Farm Bureau General Plan Subcommittee July 11, 2008. Full Farm Bureau Review August 7, 2008.	Receive and address Farm Bureau comments. Final Counsel review	Draft Ag. Re-Use ordinance reviewed March 26, 2008 Draft Ag Re-Use Site Inventory reviewed May 28, 2008. Revised draft ordinance and site inventory available for Users Group Review July 30, 2008.	Draft PC package submitted to County Counsel for review 6/27/08. Counsel provided comments 7/08/08. Revised draft ordinance submitted to Counsel 7/15/08. Counsel provided comments on revised draft ordinance 7/25/08.	September 11, 2008 (tent.)	October 21, 2008 (tent.)

PRIORITY	TOPIC	PROBLEM STATEMENT	STATUS	NEXT STEPS	USERS GROUP	COUNTY COUNSEL	PLANNING COMMISSION	BOARD OF SUPERVISORS
4	Agricultural Buffer Applicability (ZCA08-0001) Zoning Code Amendment – as directed by the BOS on June 26, 2007.	Clarify the applicability of the Agricultural Buffer Ordinance adopted February 13, 2007.	Finalized Ag. Buffer Applicability Zoning Code Amendment Review by Farm Bureau Land Use Subcommittee July 11, 2008. Full Farm Bureau Review August 7, 2008.	County Counsel Review Planning Commission Review	Reviewed draft ordinance with Users Group June 25, 2008.		September 11, 2008 (tent.)	October 21, 2008 (tent.)
5	Minimum Parcel Sizes (GPA08-0001) R-2 through R-4 zones; Section 24.120.10 – (2) Establish reduced minimum parcel sizes appropriate to the densities listed in Policies LUE – 56 and LUE – 57 of the General Plan to	This is related to the proposed modifications to the Land Use Element of the General Plan (see IV (1.), below), but would <u>not</u> impact the R-1 zone. The General Plan references a zoning standard. This causes a problem for alternative subdivision design	Planning staff met with Counsel to discuss amendment and determine CEQA status. Provided Tribal consultation offers as required under SB 18.	Revise Admin. Draft Complete CEQA review Prepare PC package Counsel review	Discussed with Users Group May 28, 2008.		September 2008 (tent.)	November 2008 (tent.)

	<p>remove disincentives in constructing medium and high density residential projects for ownership, rather than rentals. Combined with – 6,500 Square Foot Minimum Amend the Low Density Residential Designation (LUE – 55), Medium Density Residential Designation (LUE – 56), High Density Residential Designation (LUE – 57) to remove reference to “Zoning allows parcel sizes of 6,500 square feet.” This statement is not a replacement for required land use intensity restrictions and is misleading as parcel sizes under zoning range from</p>	<p>that would comply with the General Plan density but proposes, for example, smaller lots with additional open space or common areas.</p>						
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	<p>4,000 to 7,000 square feet. Intensity of permitted development should be either through lot coverage or floor area ratios. This additional change would encourage context sensitive design through the use of provisions for "flex-lot" and Planned Unit Development subdivisions.</p>							
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Table 1. High Priority Interim Amendments – Development Services (cont.)

PRIORITY	TOPIC	PROBLEM STATEMENT	STATUS	NEXT STEPS	USERS GROUP	COUNTY COUNSEL	PLANNING COMMISSION	BOARD OF SUPERVISORS
6	<p>Zoning Administrator 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.</p>	<p>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.</p>	<p>50% Admin. Draft</p>	<p>Complete Admin. Draft. GP 2030 Board Subcommittee discussion April 24, 2008.</p>	<p>TBD</p>		<p>TBD</p>	<p>TBD</p>
7	<p>Flex Lots A flex lot subdivision application cannot be processed within the FEMA 100-year flood designation.</p>	<p>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</p>	<p>Preliminary research</p>	<p>Prepare Admin Draft</p>	<p>TBD</p>		<p>TBD</p>	<p>TBD</p>

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		flood zones, however, did not contemplate a project where the whole property is in the flood zone.							
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Table 1. High Priority Interim Amendments – Development Services (cont.)

PRIORITY	TOPIC	PROBLEM STATEMENT	STATUS	NEXT STEPS	USERS GROUP	COUNTY COUNSEL	PLANNING COMMISSION	BOARD OF SUPERVISORS
8	<p>5% Adjustment 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.</p>	<p>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>	Administrative draft under review	Revise Admin Draft	TBD		TBD	TBD

Table 2. New Interim Amendments – Development Services

PRIORITY	TOPIC	PROBLEM STATEMENT	STATUS	NEXT STEPS	USERS GROUP	COUNTY COUNSEL	PLANNING COMMISSION	BOARD OF SUPERVISORS
TBD	<p>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.</p>	<p>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.</p>	Preliminary research		TBD		TBD	TBD
TBD	<p>Fence Materials Definitions; Section 24.305.160 - Revise definition of "fence" to clarify the list of permitted construction materials to assist in code enforcement.</p>	<p>This was recommended by the Code Enforcement Advisory Board. 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 code</p>	Preliminary research		TBD		TBD	TBD

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		enforcement process.						
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Table 2. New Interim Amendments – Development Services (cont.)

PRIORITY	TOPIC	PROBLEM STATEMENT	STATUS	NEXT STEPS	USERS GROUP	COUNTY COUNSEL	PLANNING COMMISSION	BOARD OF SUPERVISORS
TBD	SMARA Update The County Surface Mining and Reclamation Ordinance, Chapter 13, Article II, as adopted in 1993 needs to be updated.	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.	Draft ordinance is complete.	TBD	TBD		TBD	TBD
TBD	Lighting Standards The current ordinance has no standards or lacks specifics on lighting.	These issues are primarily related to ministerial/ building permit actions. There have been circumstances of urban-level lighting in rural areas casting light on adjacent properties.	Preliminary research; information exchange with several counties	TBD	TBD		TBD	TBD
TBD	Setback Requirements for Communication Towers	Under current code section 24-262(g), communication towers require a setback that is equal to or greater than the height of the facility, a requirement that may be overly restrictive. Applications are pending.	PMC has prepared a draft memo of options for consideration. DDS staff is working with PMC to develop recommendations and present a memo to Board. The Board's preferred option				TBD	Informational item and discussion August 5, 2008. Presentation of options and request for Board direction August 19, 2008.

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			will be forwarded to the Planning Commission for processing.					
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Table 3. Other Potential Interim Amendments – Development Services

PRIORITY	TOPIC	PROBLEM STATEMENT	STATUS	NEXT STEPS	USERS GROUP	COUNTY COUNSEL	PLANNING COMMISSION	BOARD OF SUPERVISORS
TBD	<p>Solar Fee and Wind Turbine Exemptions 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 including exploring exemptions and/or incentives to use wind turbines for power generation.</p>	<p>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.</p>	Preliminary research	Pending				

Table 3. Other Potential Interim Amendments – Development Services (cont.)

PRIORITY	TOPIC	PROBLEM STATEMENT	STATUS	NEXT STEPS	USERS GROUP	COUNTY COUNSEL	PLANNING COMMISSION	BOARD OF SUPERVISORS
TBD	<p>Mobile Homes 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. 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. Standards for habitability should be explored, including age, quality, and condition.</p>		Pending					

Table 3. Other Potential Interim Amendments – Development Services (cont.)

PRIORITY	TOPIC	PROBLEM STATEMENT	STATUS	NEXT STEPS	USERS GROUP	COUNTY COUNSEL	PLANNING COMMISSION	BOARD OF SUPERVISORS
TBD	<p>Agricultural Buffer Guidelines Develop guidelines for application of the Agricultural Buffer.</p>	<p>The Agricultural Buffer ordinance was adopted by the Board in February 2007. Board direction for further action included the development of guidelines for determining unusual circumstances and implementing the Agricultural Buffer on a parcel-by-parcel basis.</p>	<p>Draft provided to Farm Bureau April 30, 2008.</p> <p>Review by Farm Bureau Land Use Subcommittee July 11, 2008.</p> <p>Circulated draft to incorporated jurisdictions for comment.</p> <p>Full Farm Bureau review August 7, 2008.</p>	<p>User Group review August 27, 2008.</p> <p>Farm Bureau Executive Committee review and comments.</p>	<p>Reviewed April 30, 2008.</p> <p>Distributed revised draft to Users Group via email July 3, 2008.</p> <p>Revised draft redistributed via Users Group website July 30, 2008.</p>	<p>Initial draft submitted to County Counsel April 18, 2008.</p> <p>County Counsel additional comments August 12, 2008.</p>	<p>September 11, 2008 (tent.)</p>	<p>October 21, 2008 (tent.)</p>

Table 4. High Priority Interim Amendments – Public Works

PRIORITY	TOPIC	PROBLEM STATEMENT	STATUS	NEXT STEPS	USERS GROUP	COUNTY COUNSEL	PLANNING COMMISSION	BOARD OF SUPERVISORS
1	<p>Butte County Code Section 26-12; <u>Improvement Requirements – Urban Areas</u> requires the construction of curb, gutter, sidewalks, public roads and drainage improvements when building permits are required for new modular building or mobile homes, commercial or industrial uses or for multiple living units having three (3) or more living units per parcel if the project falls within any one of the Urban Areas as described in BCC Section 26-11.</p>	<p>Many incorporated Cities within the Urban Areas require frontage improvements for single-family residential units and up. In addition, often times development in the unincorporated sections of the Urban Areas is remote from any existing frontage improvements. BCC Section 26-13.1; <u>Postponement of Street Improvements</u> provides for a procedure to allow deferral of the required future improvements, but with no long term guarantee that the improvements will ever be constructed.</p> <p><i>To be combined with Item 2 –</i></p>	<p>Administrative draft Ordinance complete February 2008. Provides for options to bond and enter into Site Improvement Agreement allowing deferral of improvements for up to 5 years or pay in lieu fees or construct the required improvements.</p>		<p>Reviewed February 27, 2008</p>	<p>Approved by County Counsel April 22, 2008.</p>		<p>August 5, 2008</p> <p>Consent agenda August 19, 2008.</p>

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2	Allow for bonding of onsite and offsite improvements, required by Sections 26-12 and 26-12.1, to allow issuance of building permits prior to construction of said onsite and offsite improvements.	Process has been used for decades, provides a benefit to the public, however it is not clearly defined in Code. <i>To be combined with Item 1.</i>	Combined with item 1 above will be processed in same Ordinance. Administrative draft complete February 2008. Users		Reviewed February 27, 2008	Approved by County Counsel April 22, 2008.		August 5, 2008 Consent agenda August 19, 2008.
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Table 4. High Priority Interim Amendments – Public Works (cont.)

PRIORITY	TOPIC	PROBLEM STATEMENT	STATUS	NEXT STEPS	USERS GROUP	COUNTY COUNSEL	PLANNING COMMISSION	BOARD OF SUPERVISORS
3	Current County Code Section 20-133 limits the number of lots on a cul-de-sac to 20 and the maximum length of a cul-de-sac within the urban areas to 500 feet. The regulations adopted pursuant to Public Resources Code 4290 provide criteria for cul-de-sac length relative to the lot sizes allowed in the zoning district.	The current County Code is unclear as to where to start measurement for a cul-de-sac and does not adjust length relative to minimum lot sizes. California Code of Regulations §1273.09 adopted pursuant to Public Resources Code 4290 provides specific guidance for dead end roads within the State Responsibility Area.	Administrative draft Ordinance complete January 2008. Incorporates provisions of California Code of Regulations §1273.09 adopted pursuant to Public Resources Code 4290, with criteria for sole access.		Reviewed February 27, 2008, 2 nd review completed March 26, 2008.	Request to County Counsel April 8, 2008. Approved by County Counsel April 15, 2008.		August 5, 2008 Consent agenda August 19, 2008.
4	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</u>	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	Staff developing administrative draft of policy options and recommendations.		Reviewed March 26, 2008.			TBD

	<p><u>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 and/or drainage improvements to the project.</p>	<p>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, 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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Table 4. High Priority Interim Amendments – Public Works (cont.)

PRIORITY	TOPIC	PROBLEM STATEMENT	STATUS	NEXT STEPS	USERS GROUP	COUNTY COUNSEL	PLANNING COMMISSION	BOARD OF SUPERVISORS
5	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.	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.	Based on comments from Users Group and Committee, staff is making revisions to the proposed ordinance.	Review revisions August 27, 2008 (tent.)			TBD
6	Issuance of development permits on parcels that were initially created in violation of the County Code but can now be shown to meet code requirements	Undeveloped parcels, created more than 30 years ago, technically in violation of the County Code cannot obtain permits for development without first obtaining a Certificate of Compliance	Staff preparing administrative draft Ordinance.		TBD			TBD

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		although many can currently show compliance with County standards.							
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Table 5. Interim Amendments – Public Health¹

Priority	TOPIC	PROBLEM STATEMENT	Status	NEXT STEPS	USERS GROUP	COUNTY COUNSEL	PLANNING COMMISSION	BOARD OF SUPERVISORS
1	Animal Control Regulations	Overall update to provide adequate standards, enforcement, and hearing procedures.	Animal Control Advisory Board reviewed on 3/11/08 and recommended adoption. Discussed at public meeting June 4, 2008.	Will be returned to Board for further discussion.				April 8, 2008 Reviewed by Board. Returned to Board on May 6, 2008. Board considered final adoption of ordinance May 20, 2008. Returned to Board for further discussion June 24, 2008.

¹ On-site Systems is not included in the table. The timing of this code amendment will depend upon the length of the environmental process.