

Table 1. High Priority Interim Amendments – Development Services

PRIORITY	TOPIC	PROBLEM STATEMENT	STATUS	NEXT STEPS	USERS GROUP	PLANNING COMMISSION	BOARD OF SUPERVISORS
1	Building Permit Amnesty		COMPLETE				
2	Payment of Direct Charges		COMPLETE				
3	Agricultural Re-Use 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. <i>Combined with –</i> Agricultural Buffer Zoning Code Text Amendment – as directed by the BOS on June 26, 2007	Prelim. admin draft complete. Prelim. property inventory complete. Site visits to candidate properties underway.	Finalize property inventory. Final revisions to draft ordinance. Counsel review.	Draft Ag Re-Use ordinance reviewed March 26, 2008	May 8, 2008 (tent.)	June 10, 2008 (tent.)

PRIORITY	TOPIC	PROBLEM STATEMENT	STATUS	NEXT STEPS	USERS GROUP	PLANNING COMMISSION	BOARD OF SUPERVISORS
4	<p>Minimum Parcel Sizes 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 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 4,000 to 7,000 square feet. Intensity of permitted</p>	<p>This is related to the proposed modifications to the Land Use Element of the General Plan (see IV (1.), below), but would not impact the R-1 zone.</p> <p>The General Plan references a zoning standard. This causes a problem for alternative subdivision design that would comply with the General Plan density but proposes, for example, smaller lots with additional open space or common areas.</p>	<p>Planning staff working with Counsel to complete Admin. Draft and determine CEQA status.</p>	<p>Revise Admin. Draft</p>	<p>April 30, 2008 (tent.)</p>	<p>May 22, 2008 (tent.)</p>	<p>June 24, 2008 (tent.)¹</p>

¹ The Board is scheduled to discuss the budget at this meeting; scheduling of this item could be affected.

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	<p>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	PLANNING COMMISSION	BOARD OF SUPERVISORS
5	<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>	50% Admin. Draft	<p>Complete Admin. Draft.</p> <p>GP 2030 Board Subcommittee discussion April 24, 2008.</p>	May 28, 2008 (tent.)	July 10, 2008 (tent.)	<p>This item will be brought to the Board for a workshop discussion June 10, 2008 (tent.)</p> <p>Hearing date August 5, 2008 (tent.)</p>
6	<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 flood zones, however, did not contemplate a project where the whole property is in the flood zone.</p>	Preliminary research	Prepare Admin Draft	April 30, 2008 (tent.)	June 12, 2008 (tent.)	July 22, 2008 (tent.)

Table 1. High Priority Interim Amendments – Development Services (cont.)

PRIORITY	TOPIC	PROBLEM STATEMENT	STATUS	NEXT STEPS	USERS GROUP	PLANNING COMMISSION	BOARD OF SUPERVISORS
7	<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>	<p>Administrative draft under review</p>	<p>Revise Admin Draft</p>	<p>April 30, 2008 (tent.)</p>	<p>July 24, 2008 (tent.)</p>	<p>August 19, 2008 (tent.)</p>

Table 2. New Interim Amendments – Development Services

PRIORITY	TOPIC	PROBLEM STATEMENT	STATUS	NEXT STEPS	USERS GROUP	PLANNING COMMISSION	BOARD OF SUPERVISORS
TBD	<p>Small Wineries Amend the code to allow greater latitude for tourism at small wineries.</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		April 30, 2008 (tent.)	June 26, 2008 (tent.)	August 5, 2008 (tent.)
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 enforcement process.</p>	Preliminary research		May 28, 2008 (tent.)	August 14, 2008 (tent.)	September 9, 2008 (tent.)

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

PRIORITY	TOPIC	PROBLEM STATEMENT	STATUS	NEXT STEPS	USERS GROUP	PLANNING COMMISSION	BOARD OF SUPERVISORS
TBD	<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>Draft ordinance is complete.</p>	TBD	<p>June 25, 2008 (tent.)</p>	<p>August 28, 2008 (tent.)</p>	<p>September 23, 2008 (tent.)</p>
TBD	<p>Lighting Standards The current ordinance has no standards or lacks specifics on lighting.</p>	<p>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.</p>	<p>Preliminary research; information exchange with several counties</p>		<p>June 25, 2008 (tent.)</p>	<p>September 11, 2008 (tent.)</p>	<p>October 7, 2008 (tent.)</p>

Table 3. Other Potential Interim Amendments – Development Services

PRIORITY	TOPIC	PROBLEM STATEMENT	STATUS	NEXT STEPS	USERS GROUP	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	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	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>Developing a preliminary draft</p>	<p>Prepare diagrams and refine prelim. draft.</p> <p>Meet with the Ag. Commissioner and Counsel to review prelim. draft.</p> <p>Take draft to Farm Bureau and Cattleman's Assoc.</p>	TBD	TBD	TBD

Table 4. High Priority Interim Amendments – Public Works

PRIORITY	TOPIC	PROBLEM STATEMENT	STATUS	NEXT STEPS	USERS GROUP	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>May, 2008 (tentative)</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		May, 2008 (tentative)
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Table 4. High Priority Interim Amendments – Public Works (cont.)

PRIORITY	TOPIC	PROBLEM STATEMENT	STATUS	NEXT STEPS	USERS GROUP	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, 2nd review completed March 26, 2008.		May 6, 2008 (tent.)
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 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	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,	Staff developing administrative draft of policy options and recommendations.		Reviewed March 26, 2008		TBD

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	<p>offsite improvements to accommodate either traffic and/or drainage improvements to the project.</p>	<p>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	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 will have 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 May 28, 2008 (tent.)		August 2008
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 although many can currently show compliance with County standards.	Staff preparing administrative draft Ordinance.		April 30, 2008 (tent.)		TBD

Table 5. Interim Amendments – Public Health²

PRIORITY	TOPIC	PROBLEM STATEMENT	STATUS	NEXT STEPS	USERS GROUP	PLANNING COMMISSION	BOARD OF SUPERVISORS
1	Animal Control Regulations	Overall update to provide adequate standards, enforcement, and hearing procedures.	Placed on Board agenda for 4/8/08 to waive first reading of ordinance.	Animal Control Advisory Board reviewed on 3/11/08 and recommended adoption.			April 8, 2008 Adoption of Ordinance.

² On-site Systems is not included in the table. The timing of this code amendment will depend upon the length of the environmental process.