SUBDIVISION MAP ACT: BASIC OVERVIEW
[by Felix Wannenmacher, Butte County]

The Start

The process usually starts with an individual wishing to develop property:

The individual may wish to divide property by creating new parcels or adjust property boundaries.

The individual may wish to build on property or establish a use on property, which may raise questions about the legality of the property.

The Rules

State law is the basis and the minimum standard:

Government Code, Title 7, Planning and Land Use, Division 2, Subdivisions, including sections 66410 through 66499.38. This is called the Subdivision Map Act (SMA). The SMA applies to creating new parcels and to determining whether parcels have been legally created.

The SMA is State law, but in 66411 it gives local agencies control over subdivisions and requires local agencies to adopt a local ordinance regulating subdivisions.

Local law: In Butte County, there are two main sources:

Chapter 20 of the Butte County Code which contains our local subdivision ordinance that mirrors the SMA.

Improvement Standards adopted by resolution of the Board of Supervisors that include maps of urban areas where different standards apply from the rest of the county, as well as standards for roads, storm drainage, sewage disposal, water supply, and fire.

You should become familiar with all the rules: SMA, local subdivision ordinance, improvement standards, and/or other local policies.

The Maps

Creating new parcels: the SMA usually requires a map.

The SMA specifies two types of maps:

Tentative and Final map (generally for creating five or more parcels)

Parcel map (generally for creating four or fewer parcels)
This distinction is sometimes referred to as a Subdivision Map versus a Parcel Map or a major subdivision versus a minor subdivision.

The SMA allows a parcel map to be processed with fewer requirements and in a more streamlined manner than a tentative and final map, although local rules may not make this distinction.

Counting Parcels:

When counting the number of parcels to determine which type of map is required, one remainder parcel shown as not a part is not counted, and conveyances to a public entity are also not counted helping to allow for the use of a parcel map. But additional divisions of the same property by the same individual, or a common scheme of development among several parties, that increases the total parcel count to more than four parcels will require a tentative and final map. See Bright v. Board of Supervisors (1977) 66 Cal.App.3d 191 and Pratt v. Adams (1964) 229 Cal.App.2d 602.

Exceptions and Exemptions:

There are exceptions that allow more than four new parcels to be processed as a parcel map under 66426 based on parcel size and access requirements. There is a process whereby a map may be waived under 66428(b). There are listed exemptions in 66412 for certain types of leases and lot line adjustments.

The Process

Filing an application:

By ordinance, Butte County generally specifies what is required in an application. In Butte County, the application requirements are the same for tentative and parcels maps. See the Tentative Map Application Guide.

First Intersection with Permit Streamlining Act (PSA):

The PSA applies to SMA applications, so the local agency needs to specify what information is required for an application and has 30 days to inform the applicant of any deficiencies in the application or the application will become complete. See the memorandum on the PSA.

Completeness:

Under 66474.2(a), the date on which an application becomes complete is the date used to determine which rules apply to the application.

Notice of Pending Changes in the Rules:

Under 66474.2(b), if a local agency anticipates changes in the rules, those changed rules may be applied to the project if, prior to the application becoming complete, the local agency initiates the changes, publishes sufficient notice of the changes, and the changes have gone into effect when action on the application is taken.
Conditions of Approval:

The departments involved may apply conditions. The conditions are often reflective of the Improvement Standards. A department may have a sheet of standard conditions from which the most common ones can be selected for inclusion. See Butte County Standard Conditions for Tentative Parcel/Final Map.

Environmental Review:

The SMA does not contain a requirement for environmental review. Instead, one must do an analysis under the California Environmental Quality Act (CEQA) to determine whether and to what degree a CEQA analysis must be done. One should assume for maps that a mitigated negative declaration or an environmental impact report will be required. It is the CEQA analysis that will most likely take the most time during the application processing stage.

The Decision

Notice and Hearing:

A decision on a map must be made at a public hearing under 66451.3(d), and notice of the hearing must be given under 66451.3(a). Independently, there is a separate, judicially established, due process requirement for notice and hearing, see Horn v. County of Ventura (1979) 24 Cal.3d 605.

Findings:

A decision must be based on findings as required in the SMA in sections 66473 through 66474.10 and in general to assure that the decision is properly made and will survive judicial review. Among the findings, there must be a finding of consistency with a general plan or a specific plan under 66473.5, a determination or finding of sufficiency of water supply for maps adding more than 500 residences or increasing the customers of a public water system by 10 percent or more under 66473.7, and findings regarding fire safety for maps in a state responsibility area or a very high fire hazard severity zone under 66474.02. There must be findings concerning CEQA and a finding concerning collection of fees pursuant to Fish and Game Code section 711.4. If a map is being approved, findings should be made that it complies with zoning and that each of the findings listed in 66474 do not apply. By contrast, if a map is being denied there should be a detailed finding concerning any particular reason requiring denial as listed in 66474. See the memorandum on Findings and examples of a resolution and conditions of approval.

Second Intersection with Permit Streamlining Act (PSA):

The PSA applies for a second time at the decision stage. If the local agency adopts or certifies an environmental document in advance of taking action on the project, the PSA specifies time limits in which action on the project must be taken. The PSA also specifies the circumstances under which the project may be deemed approved. See the memorandum on the PSA.
Appeal:

The subdivider or a tenant in a conversion project under 66452.5(a) or any interested person adversely affected by a decision under 66452.5(d) may file an appeal within 10 days after a decision is made. The appeal must be heard within 30 days of the request or, if there is no regular meeting for which it can be noticed within the 30 days, at the next regular meeting for which notice can be given or within 60 days of the request, whichever is shorter under 66452.5(a)(3) & (d)(1). The decision made on appeal must be supported by findings under 66452.5(e).

Tentative Map Life and Extensions:

To allow time to satisfy conditions and meet other requirements, a tentative map has an initial life that may be extended. The SMA requires an initial life of 2 years, but a local ordinance may make it 3 years under 66452.6(a). The tentative map may be extended for up to 6 years, provided the request for extension is made prior to the expiration of the tentative map under 66452.6(e). The State Legislature has approved several additional, automatic, extensions because of economic conditions, see 66452.11, 66452.13, and 66452.21 through 66452.25.

Final Map Approval:

A final map must be filed with the local agency for approval before the tentative map expires. The approval is made by the legislative body under 66457 & 66458 unless it has been delegated to another official under 66458(d). The action taken on the final map is ministerial: if it conforms to requirements, it shall be approved; if it does not conform, it shall be disapproved under 66458(a). Failure to make a timely decision leads to deemed approval if the final map conforms to requirements under 66458(b). Parcel maps are not required to be approved by the legislative body, but as specified in local ordinance under 66463.

Parcels Not Created Pursuant To SMA:

When an individual wishes to build on or establish a use on property in Butte County, we do an initial determination of whether the parcel was created in compliance with the SMA. See the Legal Lot Determination (Certificate of Compliance) Application Guide. If a parcel is found not to have been created in compliance with the SMA, the applicant will be required to get a certificate of compliance before any development can occur under 66499.34. The issuance of a certificate of compliance is discussed in 66499.35.

Notice of Violation:

If a parcel is found to have been created in violation of the SMA, the SMA in 66499.36 states the local agency shall begin the process of recording a notice of violation on the parcel which includes mailing notice of the intent to record a notice of violation and setting forth when an individual may attend a hearing to address the entity determining whether to record a notice of violation. In Butte County, we generally reach out to property owners over a period of time to get them to resolve the issue before we record a notice of violation. See Notice of Violation.
A subdivision or lot split is the legal division of any parcel into two or more lots for the purpose of sale, lease or financing, but may also include the conversion of structures into condominiums. The California Subdivision Map Act authorizes local governmental agencies to regulate and control the design and improvements of subdivisions to ensure that new development takes place in an orderly manner, and that services such as roads, utilities, open space, and other services are adequately provided.

A subdivision of land requires submittal of a tentative map showing the design and improvements for the proposed division, together with the existing conditions in and around the site. Generally speaking, if the subdivision is proposed to create five or more lots; five or more condominium units; or, converting five or more existing dwelling units to a stock cooperative, an application for a tentative subdivision map must be filed. If a subdivision is proposed to create fewer than five lots; four or fewer condominium units; or, converting four or fewer existing dwelling units to a stock cooperative, an application for a tentative parcel map must be filed.

Land divisions must ultimately be consistent with the General Plan, zoning requirements, development standards, and must conform to public health requirements, the Subdivision Map Act and related County ordinances, and must not cause substantial environmental damage. The tentative map application process is the method for determining if a land division meets those requirements. Conditions of approval will be added to the tentative map by the decision authority to ensure consistency with County and State requirements. After approval of a tentative map, the applicant must comply with the conditions of approval in order to record a parcel map or final map, and ultimately create the lots to be sold separately.

**Improvement Standards**

The most assured method of determining what improvements will be required with your application is to directly contact the various County agencies with authority over a particular system (i.e. Environmental Health Division, Land Development Division, County Fire Department, etc.)

For detailed information regarding Butte County’s subdivision requirements, please review Chapter 20 of the Butte County Code:

http://library.municode.com/index.aspx?clientId=16065
Additional information regarding County standards for roads, sewage disposal systems, water supply, and other systems, please review the 2006 Butte County Improvement Standards manual.

Parcel Map Waivers

Normally when land is subdivided, a recorded Parcel Map is required to formally recognize the newly created parcels. However, under specific circumstances stated in Butte County Code §20-104, a Parcel Map may not be required. Instead, newly created parcels may be recognized with the recording of a record of survey and/or deeds. For the County to waive the requirements of having a Parcel Map, a Parcel Map Waiver must be requested at the time of application submittal. A request for a Parcel Map Waiver will be reviewed by the Butte County Public Works Department to ensure that the requirements of a waiver have been met, but must be ultimately approved by the Zoning Administrator or Planning Commission.

APPLICATION SUBMITTAL REQUIREMENTS

The following information is required for a complete application. The applicant should discuss the application submittal requirements with Planning Division staff prior to submittal. Additional information may be required in order to clarify, correct or supplement the information below. Please contact the Planning Division of the Department of Development Services if you have any questions about these requirements.

- **Environmental Health Pre-Authorization Clearance.** Complete a Pre-Application Review with the Environmental Health Division and provide evidence of meeting their requirements for sewage disposal and water supply in one of the following ways:
  - A pre-application completion letter from Environmental Health;
  - A Willing and Able to Serve Letter from the appropriate utility district;
  - A completed cooperative agreement for annexation into a utility district.

- **Project Information Form (DPL-1).** Completed and signed.

- **Agent Authorization Form (DPL-2).** If the application is signed by an agent for the property owner of record, or by an applicant other than the property owner of record, an agent authorization form must be submitted along with the application.

- **Application Filing Fees.** A tentative map application is charged on an actual cost basis, with the applicant responsible for all costs for County staff to review the application and prepare any necessary documents. An initial retainer fee must be provided at the time of application submittal, which will include additional fees collected on behalf of other County departments to review the application. The amount of the initial retainer can vary widely, depending on the type of application,
the number of proposed lots, and site conditions. If the initial retainer funds become depleted, replenishment of the retainer must be paid to allow staff to continue processing the application. Please consult with Planning Division staff prior to application submittal to determine the initial filing fees. All checks must be payable to: "Butte County Treasurer."

**NEIC Agreement Form (DPL-3).** A signed agreement for Butte County Archaeological Resources Project Review by the Northeast Information Center (NEIC) accompanied by a check in the amount of $75.00 made out to "NEIC".

**Preliminary Title Report.** One copy of a current (less than 6 months old) preliminary title report will need to be provided. The report must include a reference to the easement(s) providing official access from the project site to a public road.

**Improvement Standards Exception Request.** If a proposed improvement for the subdivision includes a modification from county improvement standards, a written request must be filed with the application. The request must fully state the circumstances surrounding the requested exception, including any special conditions of the property preventing the applicant from meeting county standards.

**Parcel Map Waiver Request.** A request for a Parcel Map Waiver must be clearly noted on the Project Information Form and Tentative Map.

**Tentative Map.** Two (2) copies of a legible tentative map drawn to scale (i.e. 1"=20') on a sheet sized 24 inches by 36 inches, and one reduced copy of the tentative map no larger than 11 inches by 17 inches, to allow for reproduction. Submittal of a digital copy of the map (Adobe PDF format) is encouraged. The tentative map shall include the following information:

- **Vicinity Map.** Show north arrow, the location and boundary of the project site, major cross streets and the existing street pattern in the vicinity.

- **Information Table.** Include the following information:
  - Name of property owner and subdivision name (if any).
  - Location of the subject property, including Assessor Parcel Numbers.
  - North arrow, scale, and scale bar.
  - Name of map preparer. Date of draft and any subsequent revisions.
  - General Plan and Zoning designations.
  - Size of property including gross & net lot area (square feet and acres).

- **Property Boundaries.** Show existing and proposed property lines with dimensions; proposed lot number; gross and net lot areas (square feet and acres); and, the location and size of any common areas, open space, and trails.

- **Buildings and Setbacks.** Locations, dimensions, and use of all existing structures on the property, including accessory structures and wells. Show the structure setbacks
from proposed property lines. Indicate whether any structures are proposed to be removed.

☐ **Circulation.** Location, dimensions, and slopes for all adjacent streets (public and private) and proposed streets, showing both sides of streets, street names, street width, striping, centerlines, centerline radii of all curves, median and landscape strips, bike lanes, pedestrian ways, trails, driveways, and edge of right-of-way including any proposed or required right-of-way dedication.

☐ **Easements.** Identify all existing and proposed right-of-ways and easements, including the widths, location, purpose, and sufficient recording data to identify the conveyance (book and page of official records). Show and describe off-site access easements serving the property and the applicable County Recorder document numbers.

☐ **Topography.** Existing topography and proposed grading extending 50 feet beyond the property at 2 foot contour intervals for slopes up to 5%, and contour intervals of 5 feet for slopes over 5%. Include spot elevations, pad elevations, and percent slope.

☐ **Grading and Drainage.** Preliminary grading and drainage information with existing and proposed contours, existing and proposed on- and off-site drainage facilities, lot drainage patterns and overland path-of-flow.

☐ **Utilities.** Show the location and dimensions of existing and proposed utilities including water supply system, sanitary sewer and laterals, water wells, septic tanks and leach fields, underground and overheard electrical lines, utility poles, and any proposed or existing easements for these utilities.

☐ **Natural Features.** Location of all natural features such as creeks, ponds, drainage swales, wetlands, adjacent riparian vegetation, major rock outcroppings, etc., extending 50 feet beyond the property line to show the relationship with the proposed development.

☐ **Flood Zone.** If the property is within or adjacent to the 100 year flood zone, the extent of the approximate flood zone and the 100 year water surface elevation shall be clearly drawn on the map.

**REVIEW FOR COMPLETENESS**

Once an application has been submitted and fees collected, staff will perform an initial application review for completeness within 30 days following submittal. If the application is found to be incomplete, the applicant or designated agent will be contacted and advised on what additional items must be submitted before processing can be completed. As part of the review, staff may refer the application to any public agency having an interest in the proposed project. Requests for additional information by these agencies will cause the application to be deemed incomplete.
ENVIRONMENTAL REVIEW

Once deemed complete, an environmental review is performed to determine what effect, if any, the project will have on the environment. If it is determined that there may be an effect on the environment, mitigations may be required to reduce the project's environmental impacts to a less than significant level. If an impact cannot be mitigated, the applicant may opt to change the tentative map or be required to prepare an environmental impact report.

DECISION/DETERMINATION

The Zoning Administrator will review and approve most tentative parcel map applications. However, in some cases, the Zoning Administrator may forward tentative parcel map applications to the Planning Commission for action. All tentative subdivision map applications will be reviewed by the Planning Commission. A decision by the Zoning Administrator will generally be made within 90 to 120 days following the determination of a complete application. If the application is brought before the Planning Commission for action, a decision will generally be made within 5 to 9 months.

APPEALS

Any decision by the Zoning Administrator may be appealed to the Planning Commission, whereas, a decision by the Planning Commission may be appealed to the County Board of Supervisors. An appeal of the Zoning Administrator’s decision must be filed in writing to the Butte County Development Services Department by 5:00 pm on the tenth day following the date the decision was rendered, together with all required fees. If the tenth day falls on a weekend or a County holiday, the appeal must be filed by 5:00 pm on the next day on which the office is open for business.

An appeal of the Planning Commission must be filed with the Clerk of the Butte County Board of Supervisors no later than 4:00 pm on the tenth day following the decision of the Planning Commission. If the tenth day falls on a weekend or a County holiday, the appeal must be filed by 4:00 pm on the next day on which the office is open for business.

Once an appeal is filed, any decision on the application is suspended until the appeal is processed and a final decision is rendered by the applicable review authority.

FINALIZING TENTATIVE MAPS

To complete the tentative map application process, either a Parcel Map (in the case of a Tentative Parcel Map) or a Final Map (in the case of a Tentative Subdivision Map) must be filed and approved by the Director of Butte County Public Works. After filing of the maps, together with the applicable review fees, County staff will determine if all conditions of
approval have been completed and if prepared maps substantially conforms to the approved application. If a Parcel Map is deemed to be in substantial conformance, the Director of Public Works will certify the map and present the map to the County Recorder for recording. If a Final Map is deemed to be in substantial conformance, the map will be presented before the County Board of Supervisors for final approval. After which, the Clerk of the County Board of Supervisors will present the approved map to the County Recorder for recordation.

APPROVAL EXPIRATION

Conditional approval of a tentative map will be valid for twenty-four (24) months following the date the decision is made by the reviewing authority. At any time beforehand, the applicant may file all the necessary information to enable the Director of Public Works and Department of Development Services to finalize the approved subdivision. If the map cannot be recorded within the initial twenty-four (24) months, the applicant may file a written request for an extension of time, together with any applicable fees, prior to expiration. An application for extension of time will be reviewed by the Zoning Administrator, and, if good cause is demonstrated, approval of the tentative map application may be extended up to an additional six (6) years.
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<th>PROJECT INFORMATION</th>
<th>Project (Staff Use Only)</th>
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<tr>
<td><strong>APPLICANT'S NAME:</strong> (If applicant is different from owner an affidavit is required.)</td>
<td><strong>ASSESSOR'S PARCEL NUMBER:</strong></td>
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<td><strong>SITE SIZE</strong> (in square feet or acres)</td>
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<td>LOCATION OF PROJECT (major cross streets and address, if any)</td>
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<td>□ CONDITIONAL USE PERMIT</td>
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<td>□ CERTIFICATE OF MERGER</td>
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<td>FULL DESCRIPTION OF PROPOSED PROJECT (Attach necessary sheets. If this application is for a land division, describe the number and size of parcels.)</td>
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<td>I CERTIFY THAT I AM PRESENTLY THE LEGAL OWNER OR THE AUTHORIZED AGENT OF THE OWNER OF THE ABOVE DESCRIBED PROPERTY. FURTHER, I ACKNOWLEDGE THE FILING OF THIS APPLICATION AND CERTIFY THAT ALL OF THE ABOVE INFORMATION IS TRUE AND ACCURATE. (If an agent is to be authorized, execute an affidavit of authorization and include the affidavit with this application.)</td>
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Please contact Planning Division Staff with any questions.
AGENT AUTHORIZATION

To Butte County, Department of Development Services:

Print Name of Agent ____________________________ Phone Number ____________

Mailing Address ____________________________

is hereby authorized to process this application on my/our property, identified as Butte County Assessors Parcel Number(s)

This authorization allows representation for all applications, hearings, appeals, etc. and to sign all documents necessary for said processing, including mitigation and conditions of approval, but not including documents(s) relating to title interest.

**Owner(s) of Record (sign and print name)**

Print Name ____________________________ Print Name ____________________________

Signature ____________________________ Signature ____________________________

Print Name ____________________________ Print Name ____________________________

Signature ____________________________ Signature ____________________________

**Print Name of Applicant (if other than owner)** ____________________________

**Signature of Applicant (if other than owner)** ____________________________

Print Name of California Civil Engineer/Land Surveyor ____________________________ Phone Number ____________

Mailing Address ____________________________ Email Address ____________________________

Please contact Planning Division Staff with any questions.
Agreement For
Butte County Archaeological Resources Project Review By
The Northeast Information Center (NEIC)

The California Environmental Quality Act (CEQA) is the California State statute that requires the Butte County Department of Development Services to perform an environmental review on all discretionary land use projects, to identify the significant environmental impacts of the project and to avoid or mitigate those impacts, if feasible.

Every development project which requires a discretionary governmental approval will require at least some environmental review pursuant to CEQA, unless an exemption applies. The environmental review required imposes both procedural and substantive requirements. At a minimum, an initial review of the project and its environmental effects must be conducted. Depending upon the potential effects, a further and more substantial review may be conducted in the form of an environmental impact report (EIR). A project may not be approved if feasible alternatives or mitigation measures cannot substantially lessen the significant environmental effects of the project. At the state level, CEQA requires that public agencies consider the effects of their actions on historical resources eligible for listing on the California Register of Historical Resources. “Historical resource” refers to buildings, structures, sites (prehistoric and historic), objects, districts, and all manner of properties containing material remains of past human life or activity.

The Department of Development Services utilizes the Northeast Information Center (NEIC) of the California Historical Resources Information System (CHRIS) to identify projects that may have archaeological significance. The CHRIS is a statewide system for managing information on the full range of historical resources identified in California. This system is under the authority and direction of the Office of Historic Preservation (OHP), the State Historic Preservation Officer (SHPO), and the State Historical Resources Commission (SHRC). The Northeast Center of the CHRIS system, located at California State University, Chico, manages the historical resource records for 11 counties, including Butte County.

The Northeast Information Center will furnish a Record Search to Development Services indicating the archaeological/historical significance and sensitivity of the applicant’s project area and additionally providing a recommendation as to whether further archaeological survey is warranted. If further archaeological survey is required, the application would be considered incomplete until the appropriate archaeological survey is completed and reviewed.

The Department of Development Services will forward applicant’s payment (by check) of $75.00 and relevant project application information required for the Records Search to NEIC. NEIC will provide the results of the Records Search to Development Services. Development Services will notify the applicant if further archaeological survey is warranted. The $75.00 fee does not cover the cost of further archaeological survey work.

If further archaeological survey work is required, Development Services will work with the applicant to see that it is accomplished, according to set standards, by a qualified archaeologist. The applicant shall bear all costs associated with further archaeological survey work required to continue processing of the planning project application.

THIS FORM MUST BE ACCOMPANIED BY A COPY OF A 7.5’ TOPO MAP, WITH THE PROJECT AREA OUTLINED. THIS IS USED DURING THE REVIEW TO RESEARCH CULTURAL SITES.

The undersigned applicant for the project as identified below has read and understood the Butte County Archaeological Resources Project Review process and agrees to fund the required Record Search to be provided by NEIC.

Attached is a check for $75.00 made payable to the Northeast Information Center for NEIC to perform the Records Search.

Applicant Signature

Applicant PRINTED Name

Check Number Planner; File Number

K:\Planning\FORMS\APPLICATIONS\NEIC_Arch_Agreement.doc
PROJECT SETTING DESCRIPTION INSTRUCTIONS

Applicant Name: ___________________ Project Number: _______ 

Please address the following in the space provided. Attach a separate sheet of paper, if needed:

1. Identify any applicable proposed development schedule, including anticipated, incremental, or phased development and all associate projects.

2. List and describe any other related permits and other public approvals required for this project, including those required by city, regional, state and federal agencies.

3. Describe the site as it exists before the project, including information on topography, soil stability, plants, animals, and any cultural, historical, or scenic aspects. Describe any existing structures on the site and the use of the structures.

4. Describe the surrounding properties, including information on plants, animals and any cultural, historical, or scenic aspects. Indicate the type of land use (residential, commercial, etc.), intensity of land use (one-family, apartment houses, shops, department stores, etc.), and scale of development (height, frontage, setback, rear yard, etc.).

5. Include any special studies prepared for the project site including, but not limited to traffic, biology, wetlands delineation, archaeology, etc.

Please contact Planning Division Staff with any questions.
County staff may encounter a frustrated applicant who asserts that the processing of the applicant’s project has taken so long that the county has violated the Permit Streamlining Act (PSA), and, therefore, the project has been deemed approved. While the PSA does apply to certain steps in the processing of a project, it is not as broad or automatic as applicants believe.

The PSA is found in Government Code (all section references are to this code) §65920 through §65964.1. It only applies at two periods in the application process. It applies upon receipt of an application and after action has been taken as to CEQA but before the project is initially approved or denied. It does not apply to the time during which environmental review is taking place, nor to administrative appeals [§65922(b)] [CEQA time limits do not give rise to “deemed approval” under PSA, see Eller Media Co. v. City of Los Angeles (2001) 87 Cal.App.4th 1217, 1220-1 and Riverwatch v. County of San Diego (1999) 76 Cal.App.4th 1428, 1440-1]. In addition, the PSA only applies to development projects [defined in §65928] which commonly include applications for subdivision maps, use permits, or variances, but does not include actions such as general plan or zoning amendments. [PSA does not apply to legislative actions, Landi v. County of Monterey (1983) 139 Cal.App.3d 934, 936-7, or to ministerial actions, Findleton v. Board of Supervisors (1993) 12 Cal.App.4th 709, 713-4.]

When an application is received, the PSA applies in two ways. First, each county is required to compile a list specifying in detail the information an applicant is required to submit when applying for a development project [§65940]. It is also required to specify the criteria to be used to determine whether an application is complete [§65941]. For these two regulations to apply, they must have been in effect prior to receiving the application. Several appellate decisions have discussed these requirements. See Bickel v. City of Piedmont (1997) 16 Cal.4th 1040, 1049 and Beck Development Co. v. Southern Pacific Transportation Co. (1996) 44 Cal.App. 4th 1160, 1198.

Second, staff must determine in writing within 30 days of receipt of the application whether it is complete or incomplete [§65943(a)]. If a determination is not made within 30 days, the application is deemed complete [§65943(b)]. If staff determines it is incomplete, staff must specify the parts of the application that are not complete, indicate the manner in which they can be made complete, and list and describe the specific information required. The applicant needs to supply the specified information. When the application is resubmitted, a new 30 day period begins to determine completeness. The new 30 day period only applies where the county has timely informed the applicant of the prior application’s incompleteness. A later resubmittal that is not a response to a timely notice of incompleteness does not alter a prior completeness date, see Orsi v. City Council (1990) 219 Cal.App.3d 1576, 1584-6. The county has to allow a determination of incompleteness to be appealed to either the Board of Supervisors or the Planning Commission [§65943(c)]. If there is an appeal, a final determination on the appeal needs to be made within 60 days after receipt of the appeal. If no final determination is made within that time limit, the application is deemed complete. An applicant and the county can mutually agree to an extension of the time limits [§65943(d)].
Once an application is complete, staff cannot request new or additional information [§65944] not specified on the list compiled under §65940. The county does not need to require at this stage all the information that will be needed for final approval of the project, nor is completeness a limit on staff’s ability to request information required for environmental review [§65944(b) & (c)]. There are also special rules for projects located close to military facilities or flight paths [§65944(d)-(f)]. The county must inform the applicant that s/he can request to receive information on any proposed changes such as to the general plan or zoning that are relevant to the applicant’s project [§65945].

After the completeness determination of the application, the PSA does not again apply until after action has been taken as to CEQA. Since there are different actions that can be taken under CEQA, there are different time limits for county action [§65950(a)]. If an EIR is certified, the county generally has 180 days in which to approve or deny the project [§65950(a)(1)]. However, if the project contains a certain percentage of low income housing [§65950(a)(2)], if an extension was granted under CEQA [§65950.1], or if the environmental document is a combined EIR/EIS [§65951], the county has only 90 days in which to take action. If a negative declaration is adopted [§65950(a)(3)], or if the project is determined to be exempt [§65950(a)(4)], the time limit for county action is only 60 days. The applicant and county may mutually agree in writing to an extension [§65950(b)], but there can only be one extension, and it cannot exceed 90 days [§65957].

Time limits for responsible agencies are set forth in §65952. If a project requires more than one approval, the aggregate time period to make all approvals cannot exceed the limits specified in §65950 & §65952 [§65957.1]. Where shorter time limits for action are established under the Subdivision Map Act, i.e., §66452.1 & §66452.2, those time limits are not extended by the PSA [§65952.1]. The specified time limits are the maximum time that is allowed, but the county should take action in a shorter period if possible [§65953]. The county cannot disapprove a project simply because the time limits are about to run [§65952.2]. In order to disapprove a development project, the county must specify reasons other than the failure to timely act within the PSA time limits. The failure of the applicant to give complete or adequate information as required under §65943 & §65944 may be a ground for disapproving the project [§65956(c)].

The failure to act within the specified time limits may lead to a project being deemed approved. However, a project is not deemed approved upon failure to meet the statutory time limits unless additional measures have been taken. If the county is required by law to give notice, hold a public hearing, or both, and the county has not done so at least 60 days prior to the expiration of the time limits set forth in §65950 & §65952, the applicant can file an action to compel the county to give notice, hold the public hearing, or both [§65956(a)]. For a project to be deemed approved due to a failure to meet the time limits, the required notice must be given [§65956(b)]. The applicant may choose to give the required notice, and the statute specifies the information required to be in the notice for it to be effective. If the applicant gives notice, the county has 60 days thereafter in which to take action.

Several legal decisions have discussed what is required for a project to be deemed approved. Initially, a project that is deemed approved is not different from a project that is regularly
approved. See Ciani v. San Diego Trust & Savings Bank (1991) 233 Cal.App.3d 1604, 1613 and 81 Ops.Cal. Atty.Gen. 166, 168 (1998). Thus, the right of appeal and the ability of parties to object at a public hearing is not extinguished by a deemed approval. See Ciani, at 1615. For this reason, the form of the public notice is extremely important. The purpose of the deemed approval public notice requirement is not just assuring awareness of the project, but assuring awareness of the potential for deemed approval of the project in the event of the county’s failure to timely act. See Mahon v. County of San Mateo (2006) 139 Cal.App.4th 812, 821-4. Thus, a public notice that fails to give adequate notice of the potential for deemed approval is not sufficient to give rise to a deemed approval. Likewise, if the required public notice is not given, there cannot be a deemed approval. See Am. Tower Corp. v. City of San Diego (9th Cir. 2014) 763 F.3d 1035.

Some other cases deal with the issue of completeness. If a local agency has determined an application is complete, it cannot later deny the application on the ground that it is incomplete. See Chino MHC, LP v. City of Chino (2012) 210 Cal.App.4th 1049, 1076-7. Similarly, where the advisory agency has accepted an application as complete, a local agency cannot deny an application on the ground that it is incomplete without requesting supplemental information. See 218 Properties, LLC v. City of Carson (2014) 226 Cal.App.4th 182, 197-9.

There are several strategies that may be employed to avoid giving rise to a deemed approval. First, the decisionmaker may simultaneously adopt an environmental document and approve a project. Where there is no gap in time between the environmental document’s approval and the adoption of a project, there is no possibility for a deemed approval. A potential difficulty arises when there is a staff level decisionmaking process with no set hearings. For example in Mahon, staff determined the project was CEQA exempt well before the project was approved. Some attention should be paid to this pitfall.

Second, the county should not include language in its public notices that would give rise to a deemed approval. The court in Mahon did not find it inappropriate for the burden of giving such notice to be placed on the applicant. “[T]he Legislature plainly did not require the agency to provide as well the ‘public notice required by law’ for a deemed approval.” Id., at 824, italics in the original.
BUTTE COUNTY
STANDARD CONDITIONS FOR
TENTATIVE PARCEL/FINAL MAP

APPLICANT: DATE:
AGENT: APN:
FILE#: PLANNER:

PROJECT DESCRIPTION:

Those items checked are conditions of approval.

PLEASE CONTACT THE PUBLIC WORKS DEPARTMENT FOR COMPLIANCE WITH
THE FOLLOWING CHECKED CONDITIONS:

A. STREETS

☐ 1. Prior to recordation of the parcel/final map, provide a fully executed road maintenance agreement for all non-publicly maintained access roads on the county approved form. A note shall be placed on a separate document which is to be recorded concurrently with the map or on an additional map sheet of the parcel/final map stating: "In accordance with Civil Code Section 845, maintenance of the road as shown hereon shall be shared by those properties with a legal interest in it."

☐ 2. All access rights shall be reserved by deed per county ordinance, offered for dedication, and depicted on the parcel/final map. Place the following note on the parcel/final map: "approved road name is a non-exclusive easement for ingress, egress, road and public services purposes, to be reserved in deeds and is hereby offered for dedication to the County of Butte."

☐ 3. Prior to recordation of the parcel/final map, demonstrate to the Department of Public Works that there is approved access conforming to county code to each parcel from a publicly maintained road.

☐ 4. Prior to recordation of the parcel/final map, deed to Butte County in fee simple feet of right-of-way from the physical centerline of along the entire property frontage. The right-of-way shall be sufficient for the installation of county improvement standard S-5 at all street intersections.

☐ 5. Prior to recordation of the parcel/final map, relinquish abutter's rights of access to Butte County along the frontage of parcel except at approved access points.

☐ 6. Prior to recordation of the parcel/final map, provide street name signs per requirements of the Department of Public Works. Street names shall be reviewed by the county address coordinator and one name for each new street shall be recommended to the Board of Supervisors for approval prior to recordation of the parcel/final map. A minimum of five alternate names for each new street shall be submitted.

☐ 7. Prior to final road inspection, install all necessary traffic safety signs including stop signs. For all non-publicly maintained access roads, a note shall be placed on a separate document which is to be recorded concurrently with the map or on an additional map sheet of the parcel/final map stating: "No public entity shall be responsible for the maintenance of the traffic safety signs including stop signs. In accordance with Civil Code Section 845, maintenance of the traffic safety signs shall be shared by those properties with a legal interest in them."

☐ 8. Prior to recordation of the parcel/final map, obtain an encroachment permit and improve all new and existing driveway approaches to publicly maintained roads as specified in the county improvement standards and the terms of the encroachment permit.
9. Prior to recordation of the parcel/final map, submit road and drainage improvement plans to the Land Development Division for the installation of a standard S-18 road approach in accordance with county improvement standards. Obtain an encroachment permit and construct the road approach prior to recordation of the parcel/final map. Adequate sight distance at the intersection of access road and shall be provided. Right-of-way required for construction of road approach and roadside drainage shall be provided.

10. Provide a cul-de-sac or building free turn around area designed and constructed as specified in the county improvement standards. The parcel/final map shall show the cul-de-sac or building free turn around area.

11. Prior to recordation of the final map, construct or provide a performance, labor and material bond for construction of street frontage improvements on . Construct a ½+12' street section along the entire parcel frontage in conformance with county improvement standard RS-I, including curb, gutter, and sidewalk, AC, AB, prime coat, fog seal and 95% relative compaction. Submit design to the Land Development Division for approval prior to construction. “R” value determination and other data may be required to support the section design.

12. Prior to recordation of the final map, construct or provide a performance, labor and material bond for construction of interior streets in conformance with county improvement standard RS-I, including curb, gutter, and sidewalk, AC, AB, prime coat, fog seal and 95% relative compaction. Submit design to the Land Development Division for approval prior to construction. “R” value determination and other data may be required to support the section design. Form a zone of benefit or other approved maintenance entity within the county’s permanent road division for operation and maintenance of interior streets and storm drain facilities.

13. Prior to recordation of the parcel map, construct or provide a performance, labor and material bond for construction of street frontage improvements on . Construct a ½+12' street section along the entire parcel frontage in conformance with county improvement standard RS-I, including curb, gutter, and sidewalk, AC, AB, prime coat, fog seal and 95% relative compaction. Submit design to the Land Development Division for approval prior to construction. “R” value determination and other data may be required to support the section design.

14. Prior to recordation of the parcel map, provide approved access to parcel from a county maintained road or from a state highway. Construct or provide a performance, labor and material bond for construction of improvements to access road in conformance with county improvement standard RS-8 LD-I feet wide with of CL II aggregate base and sealcoat.

15. Prior to recordation of the parcel map, provide approved access to each parcel being created. Construct or provide a performance, labor and material bond for construction of interior road in conformance with county improvement standard RS-8 LD-I feet wide with of CL II aggregate base and sealcoat. (If the parcel being created are 5 acres or less in gross area, submit road and drainage plans to the Department of Public Works for plan checking and approval prior to construction).

16. Street lighting shall be provided in accordance with Butte County requirements, accepted design criteria, and recommendations of Pacific Gas & Electric Company. Where the County has determined that it is not detrimental to health and safety, the developer may choose to only install electrical outlets for streetlights. If streetlights are to be installed, the annual energy costs shall be funded through a county service area (CSA), zone of benefit within a permanent road division (PRD), or other entity as approved by the public works director. The developer must complete the formation of the CSA, zone of benefit within a PRD, or other approved entity prior to recordation of the final map. The formation process will require the developer to fund the service until the beginning of the first fiscal year in which service charges can be collected and to agree to an annual maximum service charge to ensure continued operation of the facilities.

17. Prior to recordation of the parcel/final map, construct access to lot per Butte County Code 20-136. Submit design to the Department of Public Works for review and approval prior to construction. Provide a fully executed road maintenance agreement for all non-publicly maintained access roads on the county approved form. A note shall be placed on a separate document which is to be recorded concurrently with the map or on an additional map sheet of the parcel/final map stating: "In accordance with Civil Code Section 845, maintenance of the access road as shown hereon shall be shared by those properties with a legal interest in it."
Prior to recordation of the parcel/final map, construct or provide a performance bond and labor and material bond for the construction of a landscaping strip within the public right-of-way adjacent to parcel I. Submit design to the Land Development Division for approval prior to construction. The developer must complete the formation of a county service area (CSA), zone of benefit within a permanent road division (PRD), or other Department of Public Works approved maintenance entity for landscaping prior to recordation of the final map. The formation process will require the developer to fund the service until the beginning of the first fiscal year in which service charges can be collected for the maintenance entity and agree to an annual maximum service charge to ensure continued maintenance of the facilities.

**B. DRAINAGE**

1. Prior to recordation of the parcel/final map, drainage plans and calculations shall be submitted to and approved by the Department of Public Works. Engineering plans shall detail existing drainage conditions and specify how storm water runoff will be either detained or retained onsite and/or conveyed to the nearest natural drainage channel or publicly maintained facility. Engineering calculations shall show there is no increase in peak flow runoff leaving the property. If storm drainage facilities serve new public roads, the developer must complete the formation of a county service area (CSA), zone of benefit within a permanent road division (PRD), or other Department of Public Works approved entity prior to recordation of the parcel/final map. The formation process will require the developer to fund the service until the beginning of the first fiscal year in which service charges can be collected and agree to an annual maximum service charge to ensure continued operation of the facilities.

2. Prior to final improvement inspection by the Department of Public Works, all new drain inlets shall be labeled with the county approved drain marker per county standard S-40. Improvement plans shall show and/or note the requirements for labeling inlets pursuant to county standard S-40.

3. Place a note on a separate document which is to be recorded concurrently with the parcel/final map or on an additional map sheet stating: "After adoption of the Central Valley Flood Protection Plan by the Central Valley Flood Protection Board pursuant to Section 9612 of the Water Code and after the amendments of the Butte County General Plan and Zoning Ordinance required by Sections 65302.9 and 63860.1 of the Government Code have become effective, Butte County will be prohibited from approving any discretionary permit or entitlement or any ministerial permit that would result in the construction of a new residence on any lot or parcel depicted on this map unless the county makes one of the findings required by Section 65962 of the Government Code regarding flood protection. Such findings must be based on substantial evidence. It shall be the responsibility of the owner of the lot or parcel, or the agent of the owner, to provide any and all information requested by the County in order for the County to be able to make the required findings."

4. Prior to recordation of the parcel/final map in accordance with Butte County Code Section 26-25 either:
   a. Show or note the existing regulatory flood plain on the map; or
   b. Establish the regulatory flood plain and then show it on the map.

5. Prior to recordation of the parcel/final map, pay drainage impact fees per Article XI, Chapter 3 of Butte County Code.

6. Prior to grading, a construction storm water permit will be required by the State Water Resources Control Board if the project results in a disturbance (including clearing, excavation, filling, and grading) of one or more acres. The permit must be obtained from the State Water Resources Control Board prior to construction. If a construction storm water permit is required, place a note on an additional map sheet that states: "The development of this parcel/final map required a construction storm water permit. Construction activities that result in a land disturbance of less than one acre, but which are part of a larger common plan of development, also require a permit. Development of individual lots may require an additional permit(s)."

**C. PARCEL/FINAL MAP**

1. Show all easements of record on the parcel/final map.
2. Prior to recordation of the parcel/final map, pay in full any and all delinquent, current and estimated taxes and assessments as specified in Article 8 of Chapter 4 of Division 2 of Title 7, of the California Government Code commencing with Section 66492.

3. Pay the recording fees in effect at the time the parcel/final map and related documents are recorded.

4. Prior to recordation of the parcel/final map, pay North Chico Specific Plan Area development impact fees per Article XVII, Chapter 3 of Butte County Code.

5. Prior to recordation of the parcel/final map, pay all applicable assessments established by affected assessment districts, in full.

6. Place a note on a separate document which is to be recorded concurrently with the map or on an additional map sheet of the parcel/final map regarding I.

7. Prior to recordation of the final map, a preliminary soils report prepared by a registered design professional and based upon adequate testing shall be submitted to the Department of Public Works Land Development Division and Department of Development Services Building Division for review and approval.
FINDINGS
[by Felix Wannenmacher, Butte County]

When a local government agency takes an action, it generally exercises either its legislative authority or its adjudicatory, also known as quasi-judicial, authority. Legislative authority is exercised when the agency establishes policies or rules in the form of ordinances or resolutions. Unless a law specifically requires findings for a particular legislative action, e.g., Government Code §51133 requiring findings for rezoning land that is zoned for timberland production, findings are not generally required for legislative actions.

An agency exercises its adjudicatory authority when it applies existing policies or rules to a specific project. Such action includes approving a subdivision map, approving a use permit or variance, or adopting a CEQA document. All adjudicatory actions require findings.

The California Supreme Court, in Topanga Assn. for a Scenic Community v. County of Los Angeles (1974) 11 Cal.3d 506, 514-5, explained what the State Legislature, in Code of Civil Procedure §1094.5, intended a reviewing court to look for when reviewing a local government adjudicatory decision. "Section 1094.5 clearly contemplates that at minimum, the reviewing court must determine both whether evidence supports the administrative agency’s findings and whether the findings support the agency’s decision." Without findings, a court cannot speculate as to how the decision was made. This is how the Court explained it:

"We further conclude that implicit in section 1094.5 is a requirement that the agency which renders the challenged decision must set forth findings to bridge the analytic gap between the raw evidence and ultimate decision or order. If the Legislature had desired otherwise, it could have declared as a possible basis for issuing mandamus the absence of substantial evidence to support the administrative agency’s action. By focusing, instead, upon the relationships between evidence and findings and between findings and ultimate action, the Legislature sought to direct the reviewing court’s attention to the analytic route the administrative agency traveled from evidence to action. In so doing, we believe that the Legislature must have contemplated that the agency would reveal this route. Reference, in section 1094.5, to the reviewing court’s duty to compare the evidence and ultimate decision to ‘the findings’ (italics added) we believe leaves no room for the conclusion that the Legislature would have been content to have a reviewing court speculate as to the administrative agency’s basis for decision."

Each entity within the agency must make its own findings when rendering its decision. This requirement applies not only to the initial decisionmaking entity, but also to those hearing the matter on appeal. For example, CEQA Guideline §15025(b) specifies that when a matter concerning CEQA is heard, the decisionmaking body, whether hearing it for the first time or on appeal, cannot delegate reviewing and considering the environmental document to another entity and cannot delegate the making of findings to adopt the environmental document to another entity. The decisionmaking body must independently review and consider the document and...
make findings when adopting it. This guideline is derived from *Kleist v. City of Glendale* (1976) 56 Cal.App.3d 770, 777-8, where the court determined that the decisionmaking body could not delegate its duty to review and consider the environmental document and that a reviewing court need not infer from the mere fact that the environmental document was transferred from the initial decisionmaking body to the appellate decisionmaking body that the latter had performed its required duty to independently review and consider the document. The court stated: “The trial court was not required to draw that inference since the imposition of the conditions could as likely have been the result of the city council’s blind acceptance of the actions of the Board and planning commission as it could have been the result of review and consideration of the EIR.”

This requirement was satisfied in *Greenebaum v. City of Los Angeles* (1984) 153 Cal.App.3d 391, 402-4, where the court determined that a city council had performed its duty when it “voted to certify the finding that they had, ‘reviewed and considered the information in the final EIR’ and also, that the EIR had been ‘completed in compliance with the CEQA of 1970 and the State’s and City’s Guidelines.’” Based on these findings and other evidence in the record, the court stated: “In the case at bar, the trial court had substantial evidence to support its finding that the City Council properly reviewed and considered the EIR as required by the CEQA.”

The failure to make findings that can be clearly and easily identified in the record can lead to a court reversing a project’s approval. In *Protect Our Water v. County of Merced* (2003) 110 Cal.App.4th 362, 373, a court invalidated a project because the administrative record did not reveal how the agency arrived at its decision. The court stated:

“In this case, we reviewed the record for written findings pertaining to the lack of feasibility of the project alternatives and the reasons for rejecting those alternatives. The board of supervisors did appear to adopt ‘Related Environmental Findings prepared for Conditional Use Permit Application No. 99012 and Reclamation Plan,’ but it is impossible to determine from this record what those findings are. The findings mentioned in the excerpt of the minutes of the public hearing are not attached or otherwise referenced by the board of supervisors. In addition, the record contains different sets of ‘findings’ related to the project made by the planning commission and its staff.” In fact, POW notes that the record does not appear to contain a final resolution of approval of the project or certification of the EIR and acknowledges its own difficulty in locating the pertinent findings.

Because we cannot discern the required findings under CEQA, we reverse the judgment.”

The law makes clear that in order for a decisionmaking body, whether initial or on appeal, to perform its official duty, it must make its own findings. The findings an appellate decisionmaking body makes may be very similar to the findings made by the initial decisionmaking body. However, the appellate decisionmaking body cannot adopt another decisionmaking body’s findings or resolution, but must adopt its own findings and resolution.
RESOLUTION PC16—

A RESOLUTION OF THE BUTTE COUNTY PLANNING COMMISSION APPROVING TENTATIVE SUBDIVISION MAP TSM13-0001

WHEREAS, the Planning Commission has considered Tentative Subdivision Map TSM13-0001 for Mark & Cindy Sanford, in accordance with Chapter 20; Subdivisions, of the Butte County Code on Assessor’s Parcel Numbers 040-020-020; and

WHEREAS, the Planning Commission has considered an initial study and mitigated negative declaration in accordance with the California Environmental Quality Act; and

WHEREAS, said map was referred to various affected public and private agencies, County departments, and referral agencies for review and comments; and

WHEREAS, a duly noticed public hearing was held on February 25, 2016; and

WHEREAS, the Planning Commission has considered public comments and a report from the Planning Division:

NOW, THEREFORE, BE IT RESOLVED, that the Planning Commission:

I. Adopts a mitigated negative declaration with the following findings:

A. The Initial Study was completed in compliance with the California Environmental Quality Act. Said Study identified significant environmental effects and included mitigation measures that would mitigate such effects below significant levels;

B. The Planning Commission has considered the Mitigated Negative Declaration, together with comments received during the review process.

C. On the basis of the whole record before the Planning Commission, including the Initial Study and any comments received, there is no substantial evidence that the Tentative Parcel Map for Ron and Rebecca Prater, Planning Division File No. TPM07-0009, with conditions and mitigations here attached, would have a significant effect on the environment. The custodian of the record is the Land Development Division of the Public Works Department. The location of the record is 7 County Center Drive, Oroville CA 95965.

D. The Mitigated Negative Declaration reflects the independent judgment and analysis of the County, which is the Lead Agency.

II. Finds that collection of fees pursuant to Fish and Game Code Section 711.4 is required, prior to filing a Notice of Determination for the project, unless the project proponent provides verification from the California Department of Fish and Game that the project is exempt from the fee requirement. If a required fee is not paid for a project, the project will not be operative, vested or final and any local permits issued for the project will be invalid (Section 711.4 (c)(3)).
III. Approves Tentative Subdivision Map TSM13-0001 for Mark and Cindy Sanford, subject to the conditions found in Exhibit “A” and the following findings:

A. The proposed map is consistent with the Very Low Density Residential 1-acre minimum zone and with the Very Low Density Residential General Plan land use designation.

B. The proposed map is consistent with the following Butte County General Plan Goals and Policies:

**Goal AG-5** - Reduce conflicts between urban and agricultural uses and between habitat mitigation banking and agricultural uses.

**Policy AG-P5.3.3** - The Zoning Ordinance shall require a setback between a new residence and an existing active orchard or vineyard that locates the residence as far away from the orchard or vineyard as practicable, taking into account adjacent agricultural uses and practices, provided it does not limit the density permitted by the residential zone, and in no case is less than 25 feet. This setback shall be imposed on the parcel developing with residences and shall be reviewed by the Zoning Administrator in consultation with the Agricultural Commissioner as to width. The subject shall be subject to a public hearing.

Policy AG-P5.3.3 is implemented by BCC §24-56.1 - Residential Setback from Orchards and Vineyards. The proposed project was reviewed by the Department of Development Services, in consultation with the Agricultural Commissioner's office, and it was determined that a 100-foot residential dwelling setback, or 60 feet with approved vegetation screen, from the northwest property line and a 50-foot residential dwelling setback from the southwest property line.

**Policy LU-P4.1** - The integrity and stability of existing residential neighborhoods shall be promoted and preserved.

The project area consists of single family residential and agricultural uses within the Very Low Density Residential (VLDR) zone. The adjacent residential zone support densities of 1+ acre and may also include limited agricultural uses. The proposed project includes the creation of one acre parcels within the VLDR zone, resulting in a project that is compatible with the surrounding residential neighborhood.

**Policy LU-P13.8** - Accommodate future urban and suburban growth that occurs in the Chico area of Butte County on lands situated in the Urban Side of the Chico Greenline.

The project site is located in the Bell-Muir area, west of Chico, on the urban side of the Chico Greenline. The proposed project is consistent with the existing zoning (VLDR - 1-acre minimum).

**Policy W-P2.5** - The expansion of public water systems to areas identified for future development on the General Plan land use map is encouraged.

The project is extending public water (California Water Service) from the intersection of Henshaw Avenue and Guynn Avenue to the project site.
Policy - W-P4.6 - New development projects shall adopt best management practices for water use efficiency and demonstrate specific water conservation measures.

Future development would be subject to California Green Building Standards Code, which contains specific measures for water conservation of residential development.

Policy - W-P3.3 - The County shall protect groundwater recharge and groundwater quality when considering new development projects.

Policy - W-P5.2 - New development project shall identify and adequately mitigate their water quality impacts from stormwater runoff.

Future development would result in only a minor increase in impervious surfaces from the construction of concrete foundations and access roads. Thus, the proposed project would not cause a measureable reduction in surface infiltration or a decrease in deep percolation to the underlying aquifers. At the time of development, proposed improvements will be evaluated to ensure that stormwater runoff is appropriately retained on-site to adequately allow for groundwater recharge and improved water quality.

Policy - COS-P5.2 - Developers shall implement best available mitigation measures to reduce air pollution emissions associated with the construction and operation of development projects.

The project includes an air quality mitigation measure that contains best management practices in the suppression of dust and other air pollution emissions during construction activities.

Policy - COS-P15.1 - Areas found during construction to contain significant historic or prehistoric archaeological artifacts shall be examined by a qualified consulting archaeologist or historian for appropriate protection and preservation. Historic or prehistoric artifacts found during construction shall be examined by a qualified consulting archaeologist or historian to determine their significance and develop appropriate protection and preservation measures.

Policy - COS-P51.2 - Any archaeological or paleontological resources on a development project site shall be either preserved in their sites or adequately documented as a condition of the removal. When a development project has sufficient flexibility, avoidance and preservation of the resource shall be the primary mitigation measure.

Policy - COS-P16.4 - If human remains are located during any ground disturbing activity, work shall stop until the County Coroner has been contacted and, if the human remains are determined to be of Native American origin, the NAHC and most likely descendant have been consulted.

Mitigation measures have been included that address the recovery of cultural resources, and identification of human remains, should any be discovered through future grading activities on the resultant parcels.
C. The design and improvements of the proposed parcel map are consistent with County standards and policies provided all conditions of project approval are complied with.

D. The project site is physically suitable for the use and density of the proposed development.

E. The design and improvements of the project will not conflict with easements acquired by the public at large for access through or use of property within the proposed parcel map provided the attached conditions are met.

F. The project site is not located within an earthquake fault zone.

G. Approval of this project will not be detrimental to the public health, safety, and welfare provided the required conditions and mitigation measures are complied with.

H. The future residents of the project site would not be exposed to any increased significant impacts related to agricultural practices.

I. The roads in the project area have the capacity to handle the increase in vehicular traffic generated by the project.

DULY PASSED AND ADOPTED this 25th day of February, 2016, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

Mary Kennedy, Chair
Planning Commission
County of Butte, State of California

ATTEST:

Kim McMillan, Secretary
Planning Commission
County of Butte, State of California
EXHIBIT A

Tentative Subdivision Map for Mark & Cindy Sanford (Sanford Manor) on APN 040-020-020, File # TSM13-0001: An application for a Tentative Subdivision Map to divide a 10-acre property into ten one-acre parcels, at 2802 Guynn Avenue, Chico. Lots will be served by public roads, Guynn Avenue and the proposed cul-de-sac. Pursuant to the requirements of Butte County Code §24-56.1 (Residential Setback from Orchards and Vineyards), the Department of Development Services in conjunction with the Agricultural Commissioner’s Office is recommending a residential dwelling setback from adjacent active orchards of 100 feet, or 60 feet with approved vegetation screen, from the northwest property line and 50 feet from the southwest property.

I. CONDITIONS OF APPROVAL:

Planning Division

1. Mitigation Measure #1:

   Place a note on a separate document which is to be recorded concurrently with the map or on an additional map sheet that states: “Dust generated by the development activities shall be kept to a minimum and retained on-site. Follow the air quality control measures listed below:

   Control Dust

   a. During clearing, grading, earth moving, excavation, or transportation of cut or fill materials, water trucks or sprinkler systems are to be used to prevent dust from leaving the site and to create a crust after each day’s activities cease.

   b. During construction, water trucks or sprinkler systems shall be used to keep all areas of vehicle movement damp enough to prevent dust from leaving the site. At a minimum, this would include wetting down such areas in the later morning and after work is completed for the day and whenever wind exceeds 15 miles per hour.

   c. Soil stockpiled for more than two days shall be covered, kept moist, or treated with soil binders to prevent dust generation.

   d. On-site construction vehicles shall be limited to a speed of 15 mph on unpaved roads.

   e. Haul vehicles transporting soil into or out of the property shall be covered.

   f. Existing roads and streets adjacent to the project shall be cleaned at least once per day if dirt or mud from the project site has been tracked onto these roadways, unless conditions warrant a greater frequency.

   g. Other measures may be required as determined appropriate by the BCAQMD or Department of Public Works in order to control dust.

Post Contact Information

h. Post a publicly visible sign with the telephone number and person to contact regarding dust complaints. This person shall respond and take corrective action within 24 hours. The telephone number of the Butte County Air Quality Management District shall be visible to ensure compliance with BCAQMD Rule 200 & 205 (Nuisance and Fugitive Dust Emissions).
Other Construction Practices
i. Maintain all construction equipment in proper tune according to manufacturer’s specification.

j. Where feasible, give preference to utilizing the following equipment:
   - Electric equipment
   - Substitute gasoline-powered for diesel-powered equipment
   - Alternatively fueled construction equipment on site such as compressed natural gas (CNG), liquid natural gas (LNG), propane, or biodiesel.
   - Equipment that has Caterpillar pre-chamber diesel engines, as practical.
   - Diesel construction equipment meeting the CARB’s 1996 or newer certification standard for off-road heavy-duty diesel engines.

k. Construction workers shall park in designated parking area(s) to help reduce dust emissions.

Plan Requirements: The note shall be placed on a separate document which is to be recorded concurrently with the map or on an additional map sheet. This note shall also be placed on all building and site development plans.

Timing: Requirements of the condition shall be adhered to throughout all grading and construction periods.

Monitoring: The Butte County Department of Development Services and the Public Works Department shall ensure that the note is placed on a separate document which is to be recorded concurrently with the map or on an additional map sheet. Building inspectors shall spot check and shall ensure compliance on-site. Butte County Air Pollution Control District inspectors shall respond to nuisance complaints.

2. Mitigation Measure #2:

Place a note on a separate document which is to be recorded concurrently with the map or on an additional map sheet that states: “Prior to any development activity on proposed lot 10 or the issuance of any permit or approval removing or encroaching upon oak trees (this generally includes the canopy drip-line of trees within the area of ground disturbance and trees subject to changes in hydrologic regime) an Oak Tree Mitigation Plan prepared by a certified arborist, registered professional forester, botanist or landscape architect shall be submitted for review and approval by the Director of Development Services or his/her designee that includes:

1) A survey showing the location of oak trees 5 inches or more in diameter at breast height, as defined by PRC §21083.4(a);

2) The removal of all oak trees 5 inches or more in diameter at breast height shall be mitigated. It shall be mitigated by one or more of the following: replanting and maintaining oak trees, establishing conservation easements, contributing funds for off-site oak woodlands conservation, and/or other mitigation measures developed by Butte County. Replanting of oak seedlings shall be grown from acorns collected from a suitable seed zone and elevation and be planted at a 3 to 1 ratio. It is recommended that the source of the seedlings be
secured a year from the proposed planting date. Replanted oak trees shall be maintained for a period of seven years after they are planted. If any of the replanted oak trees die or become diseased, they shall be replaced and maintained for seven years after the new oak trees are planted;

3) A replanting schedule and diagram for trees removed or encroached upon by permit activities consistent with PRC §21083.4(b)(2), applicable mitigation measures, and Butte County Ordinance, if any, shall be submitted to and approved by the Director of Development Services or his/her designee. Replanted trees shall be planted in areas deemed appropriate by the Plan, considering future lot development, interference with foundations, fencing, roadways, driveways, and utilities. Trees planted shall be protected from livestock and other animals.

4) Oak Tree protection measures for trees to be retained within the project site shall be included in construction specifications. Each oak tree to be preserved shall be surrounded by a tree zone identified by the drip line of the tree. An orange plastic fence or other suitable type of fence shall be used to identify the tree zone during construction activities. No vegetation removal, soil disturbance, or other development activities shall occur within the tree zone in order to protect root systems and minimize compaction of the soil, unless authorized by Oak Tree Mitigation Plan; and

5) Conservation easements or funds for off-site oak woodlands conservation shall be proposed to and approved by the Director of Development Services or his/her designee.”

Plan Requirements: No vegetation removal, grading, road construction, or other earthwork shall be permitted until the tree plan is submitted and approved.

Timing: Requirements of the condition shall be satisfied prior to any development activity or the issuance of any grading, building, septic, or well permit, or the approval of any improvement plans on the parcels.

Monitoring: At the time of septic, well, or building permit application, the Development Services Department will reference this requirement on any grading, building, septic, or well permit site plans and verify that an Oak Tree Mitigation Plan has been submitted to and approved by the Director of Development Services or his/her designee. Butte County building inspectors shall ensure compliance on-site.

3. Mitigation Measure #3:
Place a note on a separate document which is to be recorded concurrently with the Final Map or on an additional map sheet that states: “Should grading activities reveal the presence of prehistoric or historic cultural resources (i.e. artifact concentrations, including arrowheads and other stone tools or chipping debris, cans glass, etc.; structural remains; human skeletal remains) work within 50 feet of the find shall immediately cease until a qualified professional archaeologist can be consulted to evaluate the find and implement appropriate mitigation procedures. Should human skeletal remains be encountered, State law requires immediate notification of the County Coroner. Should
the County Coroner determine that the remains are in an archaeological context, the Native American Heritage Commission in Sacramento shall be notified immediately, pursuant to State Law, to arrange for Native American participation in determining the disposition of such remains." The provisions of this note shall be followed during construction of all subdivision improvements, including land clearing, road construction, utility installation, and building site development.

**Plan Requirements:** This note shall be placed on a separate document which is to be recorded concurrently with the map or on an additional map sheet and shall be shown on all site development and building plans.

**Timing:** This measure shall be implemented during all site preparation and construction activities.

**Monitoring:** The Department of Development Services and/or Public Works Department shall ensure the note is placed on a separate document which is to be recorded concurrently with the map or on an additional map sheet. Should cultural resources be discovered, the landowner shall notify the Planning Division and a professional archaeologist. The Planning Division shall coordinate with the developer and appropriate authorities to avoid damage to cultural resources and determine appropriate action. State law requires the reporting of any human remains.

4. **Mitigation Measure #4:**

   Place a note on a separate document which is to be recorded concurrently with the map or on an additional map sheet that states: To the extent feasible, the developer shall implement the following measures at the time of development to offset the anticipated contribution of greenhouse gas emissions from residential development:

   - **Support expansion of renewable energy systems**
     - Prewire all new residential development to support photovoltaic system installation.
   - **Support efficiency in vehicles and landscaping equipment**
     - Install electrical vehicle outlets on external walls or in garages in all new residential development.
   - **Improve fuel efficiency of equipment during construction-related activities**
     - Minimize idling time either by shutting equipment off when not in use or reducing the time of idling to no more than 3 minute.
     - Use clean or alternative fuel equipment

   **Plan Requirements:** The note shall be placed on a separate document which is to be recorded concurrently with the map or on an additional map sheet. This note shall also be placed on all building and site development plans.

   **Timing:** Shall be implemented prior to issuance of building permits for residential development. Construction-related measures shall be adhered to throughout all grading and construction periods.
Monitoring: The Butte County Department of Development Services and the Public Works Department shall ensure that the note is placed on a separate document which is to be recorded concurrently with the map or on an additional map sheet. Planning Division will ensure that future residential development includes the applicable measures during Building Permit review. Building inspectors shall spot check and shall ensure compliance on-site.

5. Place a note on the Final Map or additional map sheet stating: “Residential dwelling setbacks from adjacent active orchards shall be 100 feet, or 60 feet with approved vegetation screen, along the northwest property line on Lots 1, 5 and 6 and 50 feet from the southwest property line on Lots 1, 2, 3 and 10. If the existing agricultural use (orchards) have been removed permanently, the residential dwelling setback shall be consistent with the zoning.”

6. Prior to or concurrently with the recordation of the Final Map, record a Declaration Acknowledging Right To Farm (Agricultural Statement of Acknowledgement).

7. Place a note on a separate document which is to be recorded concurrently with the final map or on an additional map sheet that states: “A Declaration Acknowledgement Right to Farm (Agricultural Statement of Acknowledgement) has been recorded on the parcels.”

Public Works

8. All access rights shall be reserved by deed per County Ordinance, offered for dedication, and depicted on the Final Map. Place the following note on the Final Map: “approved road name is a non-exclusive easement for ingress, egress, road and public services purposes, to be reserved in deeds and is hereby offered for dedication to the County of Butte.”

9. Prior to recordation of the Final Map, deed to Butte County in fee simple 30 feet of right-of-way from the centerline of Guynn Avenue along the entire property frontage. The right-of-way shall be sufficient for the installation of Improvement Standard No. S-5 at all street intersections.

10. Prior to recordation of the Final Map, provide street name signs per requirements of the Department of Public Works. Street names shall be reviewed by the County Address Coordinator and one name for each new street shall be recommended to the Board of Supervisors for approval prior to recordation of the Final Map. A minimum of five alternate names for each new street shall be submitted.

11. Prior to final road inspection, install all necessary traffic safety signs including stop signs.

12. Prior to recordation of the Final Map, obtain an encroachment permit and improve all new and existing driveway approaches to publicly maintained roads as specified in the County Improvement Standards and the terms of the encroachment permit.

13. Provide a cul-de-sac or building free turn around area designed and constructed as specified in the county improvement standards. The final map shall show the cul-de-sac or building free turn around area.
14. Prior to recordation of the final map, construct or provide a performance, labor and material bond for construction of interior street in conformance with county improvement standard RS-3B, including rolled curb, gutter, 3" AC, 12" AB, prime coat, fog seal and 95% relative compaction. Submit design to the Land Development Division for approval prior to construction. “R” value determination and other data may be required to support the section design. Form a zone of benefit or other approved maintenance entity within the county’s permanent road division for operation and maintenance of interior streets and storm drain facilities.

15. Prior to recordation of the parcel map, construct or provide a performance, labor and material bond for construction of street frontage improvements on Guynn Avenue. Construct a ¾+ 12’ street section along the entire parcel frontage in conformance with county improvement standard RS-3B, including rolled curb, gutter, 3" AC, 12" AB, prime coat, fog seal and 95% relative compaction. Submit design to the Land Development Division for approval prior to construction. “R” value determination and other data may be required to support the section design.

16. Street lighting shall be provided in accordance with Butte County requirements, accepted design criteria, and recommendations of Pacific Gas & Electric Company. Where the County has determined that it is not detrimental to health and safety, the developer may choose to only install electrical outlets for streetlights. If streetlights are to be installed, the annual energy costs shall be funded through a county service area (CSA), zone of benefit within a permanent road division (PRD), or other entity as approved by the public works director. The developer must complete the formation of the CSA, zone of benefit within a PRD, or other approved entity prior to recordation of the final map. The formation process will require the developer to fund the service until the beginning of the first fiscal year in which service charges can be collected and to agree to an annual maximum service charge to ensure continued operation of the facilities.

17. Prior to recordation of the final map, drainage plans and calculations shall be submitted to and approved by the Department of Public Works. Engineering plans shall detail existing drainage conditions and specify how storm water runoff will be either detained or retained onsite and/or conveyed to the nearest natural drainage channel or publicly maintained facility. Engineering calculations shall show there is no increase in peak flow runoff leaving the property. If storm drainage facilities serve new public roads, the developer must complete the formation of a county service area (CSA), zone of benefit within a permanent road division (PRD), or other Department of Public Works approved entity prior to recordation of the final map. The formation process will require the developer to fund the service until the beginning of the first fiscal year in which service charges can be collected and agree to an annual maximum service charge to ensure continued operation of the facilities.

18. Prior to final improvement inspection by the Department of Public Works, all new drain inlets shall be labeled with the county approved drain marker per county standard S-40. Improvement plans shall show and/or note the requirements for labeling inlets pursuant to county standard S-40.
19. Prior to recordation of the final map, pay drainage impact fees per Article XI, Chapter 3 of Butte County Code.

20. Prior to final improvement inspection by the Department of Public Works, all new drain inlets shall be labeled with the county approved drain marker per county standard S-40. Improvement plans shall show and/or note the requirements for labeling inlets pursuant to county standard S-40.

21. Prior to grading, a construction storm water permit will be required by the State Water Resources Control Board if the project results in a disturbance (including clearing, excavation, filling, and grading) of one or more acres. The permit must be obtained from the State Water Resources Control Board prior to construction. If a construction storm water permit is required, place a note on an additional map sheet that states: “The development of this final map required a construction storm water permit. Construction activities that result in a land disturbance of less than one acre, but which are part of a larger common plan of development, also require a permit. Development of individual lots may require an additional permit(s).”

22. Show all easements of record on the Parcel Map.

23. Prior to or concurrently with the recordation of the Parcel Map, pay in full any and all delinquent, current and estimated taxes and assessments as specified in Article 8 of Chapter 4 of Division 2 of Title 7, of the California Government Code commencing with Section 66492.

24. Pay the recording fees in effect at the time the final map and related documents are recorded.

25. Prior to recordation of the final map, pay all applicable assessments established by affected assessment districts, in full.

26. Prior to recordation of the Final Map, a preliminary soils report prepared by a registered design professional and based upon adequate testing shall be submitted to the Department of Public Works Land Development Division and Department of Development Services Building Division for review and approval.

Butte County Fire/California Department of Forestry

27. Construction, installation or development of buildings and/or roads, driveways, gates and bridges on parcels/ lots shall comply with current Butte County Improvement Standards.

28. Prior to construction, a pressurized community water system for fire protection is required. Bonding may be allowed with the approval of the County Fire Chief. Average required hydrant spacing is 500 feet (reduce by 100 feet on dead-end streets and roads), hydrant size 6 inches, and residual fire flow of 1000 GPM. Fire hydrant identification, road reflectors or post reflectors acceptable to the County Fire Chief shall be installed or bonded, prior to Parcel or Final map recordation. Submit plans to the Fire Department for review and approval prior to construction.
29. Prior to building construction, provide an all weather access of at least 10 feet wide and vertical clearance of 15 feet that will allow for ingress and egress and accommodate a 40,000-pound fire apparatus to within 150 feet of any point on all structures.

30. Pressurized community water system must be installed and operational prior to combustible building materials arriving on site.

Environmental Health Division

31. Place a note on the Final Map or additional map sheet stating: "Reports that may have been conditions of approval on the tentative map and a list of current requirements for building sites are on file and available for review in the Butte County Department of Development Services and Butte County Environmental Health Division files."

Processing Fees

32. Prior to recordation of the Parcel Map, pay any outstanding project-related processing fees.

II. NOTATION

A. Minor changes may be approved administratively by the Directors of Development Services, Environmental Health, or Public Works upon receipt of a substantiated written request by the applicant, or their respective designee. Prior to such approval, verification shall be made by each Department or Division that the modification is consistent with the application, fees paid and environmental determination as conditionally approved. Changes deemed to be major or significant in nature shall require a formal application for amendment.
Alternative Method of Making General Plan Consistency Findings

Finding in Resolution:

C. The project is substantially consistent with applicable Goals and Policies of the Butte County General Plan identified in the General Plan Consistency Review contained in the Staff Report.

Staff Report:

GENERAL PLAN CONSISTENCY

General Plan goals and policies were evaluated in the context of the proposed project. Eighteen goals and 33 policies were identified as being applicable to the project. The following table identifies each applicable goal and policy, and a review of the project’s consistency with each policy.

<table>
<thead>
<tr>
<th>General Plan 2030 Goals and Policies</th>
<th>Consistency Review</th>
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<tbody>
<tr>
<td><strong>GOAL LU-G13. Plan for growth and protect agriculture in the Chico area through the Chico Area Greenline.</strong></td>
<td>Consistent. This goal is more specifically reviewed in the discussion of the policies below.</td>
</tr>
<tr>
<td><strong>LU-P13.4. Allow residential land uses on the agricultural side of the Chico Area Greenline only within those areas designated for Very Low Density Residential (VLDR) and Rural Residential (RR) use on the Official Chico Area Greenline Map shown in Figure LU-7.</strong></td>
<td>Consistent. The project site is situated on the agricultural side of the Chico Area Greenline and zoned Very Low Density Residential (VLDR).</td>
</tr>
<tr>
<td><strong>LU-P13.7. Conserve and protect for agricultural use the lands in the Chico area that are situated on the agricultural side of the Chico Area Greenline.</strong></td>
<td>Consistent. The project applicant is proposing to establish a 300-foot Agricultural Buffer along the northerly property line of the project site, in accordance with Butte County Code §24-81 et seq., and the Residential Setbacks, in accordance with BCC §24-56.1. Together these setbacks would all future residential development adjacent to the current agricultural operations and agricultural zoning designations, minimizing potential conflicts between residential and agricultural uses, and promoting the conservation and protection of agricultural uses from premature conversion to non-agricultural uses.</td>
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**AGRICULTURE ELEMENT**

| **GOAL AG-5. Reduce conflicts between urban and agricultural uses and between habitat mitigation banking and agricultural uses.** | Consistent. This goal is more specifically reviewed in the discussion of the policies below. |

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* Butte County Department of Development Services
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### General Plan 2030 Goals and Policies

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<td>AG-P5.3. The Zoning Ordinance shall require that a buffer be established on property proposed for residential development in order to protect lands designated Agriculture by the General Plan and zoned Agricultural under the Zoning Ordinance from incompatible use conflicts. The desired standard shall be 300 feet, but may be adjusted to address unusual circumstances.*</td>
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<tr>
<td>Consistent. A 300-foot Agricultural Buffer will be established from adjacent property zoned Agriculture, pursuant to Butte County Code §24-81 et seq.</td>
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<tr>
<td>AG-P5.3.2. The Zoning Ordinance shall require a setback between a new residence and an existing active orchard or vineyard that locates the residence as far away from the orchard or vineyard as practicable, taking into account adjacent agricultural uses and practices, provided it does not limit the density permitted by the residential zone, and in no case is less than 25 feet. The setback shall be imposed on the parcel developing with residences and shall be reviewed by the Zoning Administrator in consultation with the Agricultural Commissioner as to width. The setback shall be subject to a public hearing.</td>
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<td>Consistent. A 50-foot residential setback will be established from the western property line of the project site, pursuant to §24-56.1 of the Butte County Zoning Ordinance. The 50-foot residential setback is proposed along the portion of the western property line that does not include the proposed 60-foot right-of-way for a private access road. The right-of-way is 1,319 feet in length with an additional 40-foot at the end of the road to be established for a vehicle turn-around. Future residential dwellings constructed on the resultant parcels (along the right-of-way) would be setback an additional 20-feet, pursuant to Table 24-20-2 of the Butte County Zoning Ordinance, making the total setback from the western property line a minimum of 80 feet.</td>
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#### WATER RESOURCE ELEMENT

<p>| Goal W-1. Maintain and enhance water quality. |
| Consistent. This goal is more specifically reviewed in the discussion of the policies below. |
| W-P1.1. County planning and programs shall be integrated with other watershed planning efforts, including best management practices, guidelines and policies of the Central Valley Regional Water Quality Control Board. |
| Consistent. The proposed project will include BMPs as necessary during construction activities. BMPs may include silt fences, stakes straw bales/wattles, silt/sediment basins, temporary revegetation, and any other appropriate measures. |
| W-P1.4. Where appropriate, new development shall be Low Impact Development (LID) that minimizes impervious area, minimizes runoff and pollution and incorporates best management practices. |
| Consistent. The proposed project will include BMPs as necessary during construction activities. BMPs may include silt fences, stakes straw bales/wattles, silt/sediment basins, temporary revegetation, and any other appropriate measures. |
| W-P1.8. The County supports conversion from septic systems to public sewer service, where feasible. |
| Consistent. The nearest sewer lines to the project site is approximately 1,500 feet, and located in the City of Chico. Conversion from septic systems to sewer would not be feasible. |
| Goal W-2. Ensure an abundant and sustainable water supply to support all uses in Butte County. |
| Consistent. This goal is more specifically reviewed in the discussion of the policies below. |</p>
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<td><strong>W-P2.8.</strong> The County supports Area of Origin water rights, the existing water right priority system and the authority to make water management decisions locally to meet the county's current and future needs, thereby protecting Butte County's communities, economy and environment.</td>
<td>Consistent. Future beneficial land uses will utilize established vested rights to underlying groundwater resources to meet water needs.</td>
</tr>
<tr>
<td><strong>W-P2.9.</strong> Applicants for new major development projects, as determined by the Department of Development Services, shall demonstrate adequate water supply to meet the needs of the project, including an evaluation of potential cumulative impacts to surrounding groundwater users and the environment.*</td>
<td>Consistent. The availability of water resources to serve future development on the project site would be evaluated by Butte County Environmental Health upon application for a new well, and certification from a professional hydrologist.</td>
</tr>
<tr>
<td><strong>GOAL W-3. Effectively manage groundwater resources to ensure a long-term water supply for Butte County.</strong></td>
<td>Consistent. This goal is more specifically reviewed in the discussion of the policies below.</td>
</tr>
<tr>
<td><strong>W-P3.3.</strong> The County shall protect groundwater recharge and groundwater quality when considering new development projects.*</td>
<td>Consistent. Future development would result in only a minor increase in impervious surfaces from the construction of concrete foundations and access roads. Thus, the proposed project would not cause a measurable reduction in surface infiltration or a decrease in deep percolation to the underlying aquifers. At the time of development, proposed improvements will be evaluated to ensure that stormwater runoff is appropriately retained on-site to adequately allow for groundwater recharge and improved water quality.</td>
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<td><strong>GOAL W-4. Promote water conservation as an important part of a long-term and sustainable water supply.</strong></td>
<td>Consistent. This goal is more specifically reviewed in the discussion of the policies below.</td>
</tr>
<tr>
<td><strong>W-P4.6.</strong> New development projects shall adopt best management practices for water use efficiency and demonstrate specific water conservation measures.*</td>
<td>Consistent. Future development would be subject to California Green Building Standards Code, which contains specific measures for water conservation of residential and non-residential buildings.</td>
</tr>
<tr>
<td><strong>GOAL W-5. Protect water quality through effective stormwater management.</strong></td>
<td>Consistent. This goal is more specifically reviewed in the discussion of the policies below.</td>
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<tr>
<td><strong>W-P5.2.</strong> New development projects shall identify and adequately mitigate their water quality impacts from stormwater runoff.*</td>
<td>Consistent. Drainage plans and calculations will be submitted to the County Public Works Department as a condition of project approval. Engineering plans will detail existing drainage conditions and specify how stormwater runoff will be either detained or retained onsite and/or conveyed to the nearest natural drainage channel or publicly-maintained facility. Engineering calculations will show there is no increase in peak flow runoff leaving the property.</td>
</tr>
<tr>
<td><strong>W-P5.4.</strong> Temporary facilities shall be installed as necessary during construction activities in order to adequately treat stormwater runoff from construction sites.*</td>
<td>Consistent. Access road construction to the resultant parcel would be designed in accordance with the 2006 Butte County Improvement Standards, which would include the construction of appropriate stormwater collection systems with the construction of road improvements.</td>
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<td><strong>W-P5.5.</strong> Stormwater collection systems shall be installed concurrently with construction of new roadways to maximize efficiency and minimize disturbance due to construction activity.</td>
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<td><strong>CONSERVATION AND OPEN SPACE ELEMENT</strong></td>
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<td><strong>GOAL COS-1. Reduce greenhouse emissions to 1990 levels by 2010.</strong></td>
<td>Consistent. This goal is more specifically reviewed in the discussion of the policies below.</td>
</tr>
<tr>
<td><strong>COS-P1.1.</strong> Greenhouse gas emission impacts from proposed development projects shall be evaluated as required by the California Environmental Quality Act (CEQA).</td>
<td>Consistent. The Initial Study, prepared pursuant to the CEQA, evaluated whether the proposed project would cause an adverse impact from greenhouse gas emissions, and whether the project is consistent with the Butte County CAP.</td>
</tr>
<tr>
<td><strong>COS-P1.2.</strong> New development projects shall mitigate greenhouse gas emissions on-site or as close to the site as possible.</td>
<td>Consistent. Cal Green development measures will be applied in the design of the future development, the use alternative fuels for construction equipment, and limiting construction equipment idling times applied during construction.</td>
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<tr>
<td><strong>GOAL COS-2. Promote green building, planning and business.</strong></td>
<td>Consistent. This goal is more specifically reviewed in the discussion of the policies below.</td>
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<tr>
<td><strong>COS-P2.2.</strong> New development shall comply with Green Building Standards adopted by the California Building Standards Commission at the time of building permit application, including requirements about low- or no-toxicity building materials.</td>
<td>Consistent. Cal Green development measures will be applied in the design of future development, at the time of the building permit application.</td>
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<tr>
<td><strong>GOAL COS-5. Minimize air pollutant emissions.</strong></td>
<td>Consistent. This goal is more specifically reviewed in the discussion of the policies below.</td>
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<td><strong>COS-P5.2.</strong> Developers shall implement best management practices to reduce air pollutant emissions associated with the construction and operation of development projects.*</td>
<td>Consistent. The project includes an air quality mitigation measure that contains best management practices in the suppression of dust and other air pollution emissions during construction activities.</td>
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<td><strong>GOAL COS-9.</strong> Protect identified special-status plant and animal species.</td>
<td>Consistent. This goal is more specifically reviewed in the discussion of the policies below.</td>
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<td><strong>COS-P9.1.</strong> A biological resources assessment shall be required for any proposed development project where special-status species or critical habitat may be present. Assessments shall be carried out under the direction of Butte County. Additional focused surveys shall be conducted during the appropriate season if necessary. Upon adoption of the Butte Regional Habitat Conservation Plan (HCP) and Natural Community Conservation Plan (NCCP), assessment requirements of the HCP/NCCP shall be implemented for development projects within the HCP/NCCP area.*</td>
<td>Consistent. Preconstruction biological resource surveys for potential special-status species identified in the project area have been incorporated into the proposed project. Surveys shall be performed pursuant to adopted protocols established by applicable federal, State and regional agencies.</td>
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<tr>
<td><strong>GOAL COS-15.</strong> Ensure that new development does not adversely impact cultural resources.</td>
<td>Consistent. This goal is more specifically reviewed in the discussion of the policies below.</td>
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<tr>
<td><strong>COS-P15.1.</strong> Areas found during construction to contain significant historic or prehistoric archaeological artifacts shall be examined by a qualified consulting archaeologist or historian for appropriate protection and preservation. Historic or prehistoric artifacts found during construction shall be examined by a qualified consulting archaeologist or historian to determine their significance and develop appropriate protection and preservation measures.*</td>
<td>Consistent. Mitigation measures have been included that address the recovery of cultural resources, and identification of human remains, should any be discovered through future grading activities on the resultant parcels.</td>
</tr>
<tr>
<td><strong>COS-P15.2.</strong> Any archaeological or paleontological resources on a development project site shall be either preserved in their sites or adequately documented as a condition of removal. When a development project has sufficient flexibility, avoidance and preservation of the resource shall be the primary mitigation measure.*</td>
<td></td>
</tr>
<tr>
<td><strong>GOAL COS-16.</strong> Respect Native American culture and planning concerns.</td>
<td>Consistent. This goal is more specifically reviewed in the discussion of the policies below.</td>
</tr>
<tr>
<td>General Plan 2030 Goals and Policies</td>
<td>Consistency Review</td>
</tr>
<tr>
<td>-------------------------------------</td>
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</tr>
<tr>
<td>COS-P16.4. If human remains are located during any ground disturbing activity, work shall stop until the County Coroner has been contacted and, if the human remains are determined to be of Native American origin, the NAHC and most likely descendant have been consulted.*</td>
<td>Consistent. Mitigation measures have been included that address the recovery of cultural resources, and identification of human remains, should any be discovered through future grading activities on the resultant parcels.</td>
</tr>
<tr>
<td>GOAL COS-17. Maintain and enhance the quality of Butte County's scenic and visual resources.</td>
<td>Consistent. This goal is more specifically reviewed in the discussion of the policies below.</td>
</tr>
<tr>
<td>COS-P17.1. Views of Butte County's scenic resources, including water features, unique geologic features and wildlife habitat areas, shall be maintained.*</td>
<td>Consistent. No scenic resources were identified within the project area that would be adversely impacted by the proposed project, including any substantial water features, unique geological features, or wildlife habitat areas.</td>
</tr>
<tr>
<td>GOAL HS-1. Maintain an acceptable noise environment in all areas of the county.</td>
<td>Consistent. This goal is more specifically reviewed in the discussion of the policies below.</td>
</tr>
<tr>
<td>HS-P1.1. New development projects proposed in areas that exceed the land use compatibility standards in Tables HS-2 and HS-3 shall require mitigation of noise impacts.*</td>
<td>Consistent. No significant transportation or non-transportation noise sources have been identified within the project area.</td>
</tr>
<tr>
<td>HS-P1.2. Noise from transportation sources shall not exceed land use compatibility standards in Table HS-2.*</td>
<td>Consistent. No significant transportation noise sources have been identified within the project area.</td>
</tr>
<tr>
<td>HS-P1.4. New noise-sensitive land uses shall not be located within the 60 Ldn contour of the Chico Municipal Airport.*</td>
<td>Consistent. The Chico Municipal Airport is located approximately 2.5 miles northeast from the project site, and is situated within Airport Land Use Compatibility Zone D for the airport. At this distance, the project site is located outside the 55 dB CNEL noise level established for the airport.</td>
</tr>
<tr>
<td>HS-P1.9. The following standard construction noise control measures shall be required at construction sites in order to minimize construction noise impacts: (a.) Equip all internal combustion engine driven equipment with intake and exhaust mufflers that are in good condition and appropriate for the equipment. (b.) Locate stationary noise-generating equipment as far as possible from sensitive receptors when sensitive receptors adjoin or are near a construction project area. (c.) Utilize quiet air compressors and other stationary noise-generating equipment where appropriate technology exists and is feasible.*</td>
<td>Consistent. Noise generated by construction activities associated with the project are temporary, intermittent and separated from noise sensitive receptors. Noise control measures are standard in the construction industry and are commonly used to minimize noise impacts to surrounding uses. Additionally, construction activities would be consistent with the County's Noise Control Ordinance.</td>
</tr>
<tr>
<td>General Plan 2030 Goals and Policies</td>
<td>Consistency Review</td>
</tr>
<tr>
<td>-------------------------------------</td>
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</tr>
<tr>
<td>GOAL HS-3. Prevent and reduce flooding.</td>
<td>Consistent. This goal is more specifically reviewed in the discussion of the policies below.</td>
</tr>
<tr>
<td>HS-P3.2. Applicants for new development projects shall provide plans detailing existing drainage conditions and specifying how runoff will be detained or retained on-site and/or conveyed to the nearest drainage facility and shall provide that there shall be no increase in the peak flow runoff to said channel or facility.*</td>
<td>Consistent. The applicant will submit drainage plans and calculations to the County Public Works Department, as a condition of project approval. Engineering plans will detail existing drainage conditions and specify how stormwater runoff will be either detained or retained onsite and/or conveyed to the nearest natural drainage channel or publicly-maintained facility. Engineering calculations will show there is no increase in peak flow runoff leaving the property.</td>
</tr>
<tr>
<td>HS-P3.3. All development projects shall include stormwater control measures and site design features that prevent any increase in the peak flow runoff to existing drainage facilities.*</td>
<td>Consistent. This goal is more specifically reviewed in the discussion of the policies below.</td>
</tr>
<tr>
<td>GOAL HS-11. Reduce risks from wildland and urban fire.</td>
<td>Consistent. The project is not located in a Fire Hazard Severity Zone or a State Responsibility Area, and therefore, would not be exposed to a significant wildland fire risk.</td>
</tr>
<tr>
<td>HS-P11.1. Fire hazards shall be considered in all land use and zoning decisions, environmental review, subdivisions review and the provision of public services.</td>
<td>Consistent. The project is subject to the California Public Resources Code 4290 and 4291, which require that new development projects have adequate water storage, access, defensible space, building construction, and other fire protection standards.</td>
</tr>
<tr>
<td>HS-P11.4. New development projects shall meet current fire safe ordinance standards for adequate emergency water flow, emergency vehicle access, signage, evacuation routes, fuel management, defensible space, fire safe building construction and wildfire preparedness.</td>
<td>Consistent. This goal is more specifically reviewed in the discussion of the policies below.</td>
</tr>
<tr>
<td>GOAL PUB-13. Plan adequate wastewater infrastructure to serve new development.</td>
<td>Consistent. A pre-application review was performed by Butte County Department of Environmental Health, in accordance with Chapter 19 of Butte County Code (On-Site Wastewater Systems). The review identified initial septic locations on the resultant parcels that have adequate soil conditions to allow for future development of an on-site wastewater system. Future development is required to receive an On-Site Wastewater System Construction Permit from Butte County Environmental Health Division. The Construction Permit will include detailed plans of the proposed wastewater system, prepared by a Certified Installer or Certified Designer, which will demonstrate compliance with County regulations and the County's On-Site Wastewater Manual, and to ensure a safe, sanitary, and environmentally sound wastewater system.</td>
</tr>
</tbody>
</table>
LEGAL LOT DETERMINATION
(CERTIFICATE OF COMPLIANCE)
APPLICATION GUIDE

A Legal Lot Determination would provide a property owner, or an authorized applicant, with an opportunity to obtain a Certificate of Compliance for a parcel of land within Butte County. A Certificate of Compliance is a legal document recorded by the County which provides official notice that a parcel was created in compliance with the California Subdivision Map Act and County subdivision regulations.

A Certificate of Compliance is generally needed for a parcel of land because it was not created in compliance with the applicable Map Act or County subdivision regulations in effect at the time the parcel was created. If a parcel had not been created in compliance with applicable subdivision regulations, the sale, lease, or finance of the parcel is prohibited by California law, and the County may not issue a development permit, or grant any approval necessary to develop the property.

Parcels not created in conformance with subdivision regulations generally lacked adherence to subdivision standards at the time of creation. If certain standards are required to bring the parcel into compliance with applicable subdivision laws, such as having legal access to the parcel, conditions of approval could be added to the Certificate, at which case, a Conditional Certificate of Compliance would be issued.

When is a Legal Lot Determination Required?

Determining whether a Legal Lot Determination application for a Certificate of Compliance will be needed for a parcel generally occurs when a building permit or development permit is submitted to the Development Services Department.

County staff will review the legal status of the parcel at that time. In many cases, the legal status of a parcel is clear, and the parcel will be found to have been created legally, and no further action is required. However, if the parcel is found to not be in compliance with subdivision regulations, a Legal Lot Determination Application and Certificate of Compliance will be needed.

Additionally, property owners also have the option of applying for a Legal Lot Determination at any time to insure that the title to the property is clear, and/or to avoid unnecessary delays in sale or development.
Parcel Clearance

If the County is unable to verify the legal status of the parcel, the property owner will need to apply for Parcel Clearance through the Land Development Division of the Public Works Department. Parcel Clearance requires that the property owner submit the parcel's creation deed (the first deed that created the parcel in its current configuration) and a minimum filing fee of $81.50. Depending on the parcel involved, Public Works may require additional materials to determine the parcel’s creation status.

Upon completion of the Parcel Clearance, the legal status of the parcel will be discovered, and a determination of the parcel's compliance with subdivision regulations will be made. If the parcel is found to be in compliance, no further action is required. If the parcel is found to not be in compliance, a Legal Lot Determination Application and Certificate of Compliance would be required to render the parcel 'buildable,' that is to enable the County to issue any building or development permits for the parcel.

APPLICATION SUBMITTAL REQUIREMENTS

The following information is required for a complete application. The applicant should discuss the application submittal requirements with Planning Division staff prior to submittal. Additional information may be required in order to clarify, correct or supplement the information below. Please contact the Planning Division of the Department of Development Services if you have any questions about these requirements.

- **Project Information Form (DPL-1).** Completed and signed.
- **Agent Authorization Form (DPL-2).** If the application is signed by an agent for the property owner of record, or by an applicant other than the property owner of record, an agent authorization form must be submitted along with the application.
- **Application Filing Fees.** A legal lot determination application is charged on an actual cost basis, with the applicant responsible for all costs for County staff to review the application and prepare any necessary documents. An initial retainer fee must be provided at the time of application submittal, which will include additional fees collected on behalf of other County department to review the application. An initial retainer fee of $2,481.76 is required at the time of submittal. If initial retainer funds become depleted, replenishment of the retainer must be paid to allow staff to continue processing the application. Please make checks payable to: “Butte County Treasurer.”
- **Property Ownership Verification.** To verify ownership of the subject property, a current Grant Deed or deed of sale of the property must be provided. In some circumstances, a Preliminary Title Report (less than 6 months old) may be provided in-lieu of a deed.
Parcel Creation Deed. If the subject property was historically created by a deed conveyance rather than by a recorded subdivision map, parcel map, or parcel map waiver, the County must verify whether the property was created in conformance with State and County regulations. The creation deed is the historic deed that caused the subject property to be subdivided and sold from its parent parcel. This deed may be obtained from a title company or from the County Recorder’s Office.

REVIEW FOR COMPLETENESS

Once an application for a legal lot determination has been submitted and fees collected, staff will perform an initial application review for completeness within 30 days following submittal. Should the application be found incomplete, the applicant or your designated agent will be contacted and advised on what additional items must be submitted before processing can be completed. As part of the review, Staff may refer the application to any public agency having an interest in the proposed project. Requests for additional information by these agencies will cause the application to be deemed incomplete.

DECISION/DETERMINATION

The Zoning Administrator will review and approve most legal lot determination applications. However, in some cases, the Zoning Administrator may forward the application to the Planning Commission for action. If the parcel is determined to be in compliance with the provisions of the Map Act and local subdivision ordinances, a Certificate of Compliance will be issued and recorded. If it’s determined that the parcel was not created in compliance with subdivision regulations, a Conditional Certificate of Compliance will be issued, indicating what steps must be taken to bring the parcel into conformance with State and County regulations, and to create a buildable parcel. A decision by the Zoning Administrator will generally be made within 30 to 45 days following the determination of a complete application. An additional 30 days may be required if the application is brought before the Planning Commission for action.

The applicant will have an opportunity to complete the conditions of a Conditional Certificate of Compliance, prior to it being recorded. If conditions have been met, a Certificate of Compliance will be recorded. The applicant may decide to record the Conditional Certificate of Compliance, which would allow the applicant to sell or transfer but not develop the parcel. Once conditions of the recorded Conditional Certificate of Compliance have been met, the property owner may request that the Land Development Division of the Public Works Department record a Notice of Compliance, which states that all the conditions have been fulfilled.

APPEALS

A decision by the Zoning Administrator may be appealed to the Planning Commission, whereas, a decision by the Planning Commission may be appealed to the County Board.
of Supervisors. An appeal of the Zoning Administrator's decision must be filed in writing to the Butte County Development Services Department by 5:00 pm on the fifteenth day following the date the decision was rendered, together with all required fees. If the fifteenth day falls on a weekend or a County holiday, the appeal must be filed by 5:00 pm on the next day on which the office is open for business.

An appeal of the Planning Commission must be filed with the Clerk of the Butte County Board of Supervisors no later than 4:00 pm on the fifteenth day following the decision of the Planning Commission. If the fifteenth day falls on a weekend or a County holiday, the appeal must be filed by 4:00 pm on the next day on which the office is open for business.

Once an appeal is filed, any decision on the application is suspended until the appeal is processed and a final decision is rendered by the applicable review authority.
Butte County Department of Development Services  
NOTICE OF VIOLATION  
Pursuant to Government Code Section 66499.36 and  
Butte County Code, Chapter 20, Sections 20-161 and 20-161.1

PROPERTY(IES) AFFECTED:


Street Address or Location: On Bean Creek Road within approximately two miles of its intersection with Bald Rock Road, and on Darnell Lane, Berry Creek

Map of Affected Parcels: See Exhibit "A"


OWNER(S) OF RECORD as of date of this Notice:

Eugene Brest (as to APNs 061-320-013, 061-320-014, and 061-320-017), and  
G.W. & J.A. Linnell Family Trust C/O Gerald W. & Jeannine A. Linnell Trustees  
(as to APN 061-320-015), and  
Monica L. Chase/Monica Leithner Chase SS (as to APNs 061-320-016 and 061-320-072), and  
James T. Cook (as to APN 061-320-018), and  
Arthur J. Gross (as to APN 061-320-021), and  
Simon Jesus Keohuhu Robles (as to APN 061-320-023), and  
William C. Lane (as to APN 061-320-024), and  
Karl & Connie Akers (as to APNs 061-320-025 and 061-320-026), and  
Elliot Akers (as to APN 061-320-027), and
William J. & Catherine K. Bishop (as to APN 061-320-054), and  
John & Barbara Dekerguen Family Trust C/O John H. & Barbara A.  
Dekerguen Trustees (as to APNs 061-320-055 and 061-320-056), and  
Terrell L. & Irene P. Truitt Trust C/O Terell L. & Irene P. Truitt Trustees (as to  
APN 061-320-059), and  
Calvin J. Baumgarten (as to APN 061-320-060), and  
Hugo Maldonald (as to APN 061-320-061), and  
Terry M. & Debra J. Delagardie (as to APN 061-320-062), and  
Catherine A. Kremer/Catherine K. Bishop (as to APN 061-320-063), and  
Ricardo & Bonifacia R. Maravillas or Jack Rawlins (as to APN 061-320-064), and  
James H. & Tamie Alcock (as to APN 061-320-065), and  
Clyde S. & Louise H. Williams CP C/O Cathy Bishop (as to APN 061-320-066), and  
Roscoe Dean Currier Estate C/O Deanna Tricoli (as to APN 061-320-069), and  
Lonnie R. & Bertha E. Young CP (as to APN 061-320-070), and  
Mary E. & Lance Simon (as to APN 061-320-071)

DESCRIPTION OF VIOLATION:

The affected properties were illegally created in violation of the Subdivision Map Act and Butte County Code.  
Charles E. Lane, with the assistance of other individuals, illegally created the above listed properties between 1969 and 1977. The matter was prosecuted in Butte County Superior Court in case no. 68826 and in case no. SC69014. Mr. Lane pled guilty, and his sentence required him to obtain “legal access, meeting Butte County standards, to a public thoroughfare [sic] for the lot purchasers affected by this action.” Despite making some effort to satisfy this requirement, Mr. Lane did not do so, and his probation terminated without legal access being obtained. The properties listed above remain illegally created, and each one must obtain a Certificate of Compliance, including satisfying any required conditions attached to it, to become a legal property. The process for obtaining a Certificate of Compliance is described in Government Code Section 66499.35 and Butte County Code Sections 20-165 through 20-168.

ACTION NEEDED TO CLEAR VIOLATION:

On August 1, 2012, the property owners were sent a detailed letter explaining the circumstances and detailing their options to correct the violation by achieving a Certificate of Compliance. While a few of the property owners have contacted staff to discuss the letter, none have taken additional steps to create a legal parcel. In addition, several of the property owners were invited by one of the property owners to join a lawsuit to perfect access to their properties and resolve the violation. None of the invited property owners joined in the lawsuit, while the property owner that pursued the lawsuit successfully perfected legal access and received a Certificate of Compliance creating a legal parcel. The property owners whose property remains in violation need to obtain Conditional Certificates of Compliance which will detail the conditions required to be satisfied to cure the violation and create legal parcels. On December 11, 2014, the Butte County Planning Commission held a hearing on whether to record the Notice of Violation. All of the affected property owners received notice of the hearing. None of the affected property owners attended the hearing or submitted evidence that a Notice of Violation should not be recorded. The Planning Commission directed staff to record the Notice of Violation. Arthur J. Gross appealed the Planning Commission decision. On March 24, 2015, the Board of Supervisors denied the appeal. Mr. Gross did not attend.
Lane Judgment Area Notice of Violation

Note: Pursuant to Butte County Code Sections 20-163 & 41-10, no county permits, licenses or other entitlements shall be issued after a notice of violation has been recorded concerning the affected properties until all required corrections of the violation have been completed and approved by the affected department or a waiver is obtained from the director of the affected department.

Signed by:                          Date: 4/7/2015
Tim Snellings, Director
Department of Development Services

A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

STATE OF CALIFORNIA )
COUNTY OF BUTTE ) SS.

On April 7, 2015, before me, Kim McMillan, Notary Public, personally appeared Tim Snellings, who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

Kim McMillan
Notary Public - California
Butte County
Commission # 2037186
My Comm. Expires Aug 16, 2017
Exhibit "A"

APN 061-320-028 has a recorded Certificate of Compliance and is not included.

Affected parcels are listed by the Assessor Parcel Numbers: 061-320-013, 014, 015, 016, 017, 018, 021, 023, 024, 025, 026, 027, 054, 055, 056, 059, 060, 061, 062, 063, 064, 065, 066, 069, 070, 071 and 072.

Legend
- Parcels
- Roads