

Interim Amendments Status 1/11/2011

Completed Interim Amendments

- Building Permit Amnesty
- Payment of Direct Charges
- Postponement/bonding of onsite or offsite improvements (Ordinance No. 3989)
- Cul-de-sac design (Ordinance 3988)
- Animal Control Regulations (Ordinance 3992)
- Agricultural-Residential Buffer Implementation Guidelines
- Agricultural Buffer Setback Applicability (Ordinance 3993)
- Regulations for Limited Density Owner-Built Rural Dwellings
- Minimum Parcel Sizes (GPA08-0001) Board (Reso. #09-078)
- Setback Requirements for Communication Towers
- Outdoor Lighting in Residential Areas (Ordinance 4010)
- Residential Generator Noise (Ordinance 4009)
- Grading Ordinance Revision (adopted December 8, 2009)
- Amendment to BCC 20-68: Subdivision Maps – Extensions of Time (adopted March 16, 2010)
- On-Site Wastewater Systems (adopted March 16, 2010; effective June 1, 2010)*
- 2010 Building Standards (CalGreen) Code (adopted November 9, 2010)

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

Items not assigned a priority ranking are listed in Table 2.

Several of the following items refer to the draft comprehensive update of the Butte County Zoning Code as part of the Butte County General Plan 2030 process. The draft zoning code was published on July 2, 2010. Visit www.buttegeneralplan.net for further information and to view the draft zoning code.

Table 1. Interim Amendments – Department of Development Services

PRIORITY	TOPIC	PROBLEM STATEMENT	STATUS	NEXT STEPS	USERS' GROUP	COUNTY COUNSEL	PLANNING COMMISSION	BOARD OF SUPERVISORS
1.d.	SMARA Update The County Surface Mining and Reclamation	The state Surface Mining and Reclamation Act (SMARA)	On April 21, 2009 the Board of Supervisors directed staff to refine the ordinance after further discussion with County	Staff presented the draft ordinance to the Mining Committee on		Reviewed by County Counsel.	Planning Commission reviewed and provided comments Dec.	Feb. 2011 (tent.)

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	Ordinance, Chapter 13, Article II, as adopted in 1993 needs to be updated.	has been amended since the adoption of the County's ordinance. The ordinance needs to be updated to address the SMARA amendments.	surface mine operators before further Board consideration. Staff met with mining operators to discuss the draft ordinance on May 28, 2009.	June 18, 2009			10, 2009	
4.a.	Nuisances in Residential Neighborhoods – Off-Highway Vehicles	Concerns regarding noise, dust, traffic, glare, and hours of operation have been raised by neighbors of several informal OHV tracks in Butte County.	Staff has solicited and received a number of examples of how similar issues have been resolved from members of the California Counties Planning Directors Association.				February 2011 (tent.)	March 2011 (tent.) On August 10, 2010 the Board of Supervisors provided the following clarified direction: 1) do not address standards for dust emissions, as these are implemented and enforced by the Butte County Air Quality Management District (BCAQMD); 2) prepare a draft ordinance for recreational OHV use, including reasonable options for noise

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								limitations. The draft ordinance should include a recommended standard for limiting hours of operation.
5.	<p>Small Wind Energy Systems</p> <p>On 12/14/10 the Board of Supervisors adopted a local wind ordinance and directed staff to refine its applicability in the AG areas</p>	<p>Adoption of the local wind ordinance avoided state preemption of local land use controls. However, the Board expressed concerns it may be too restrictive for agricultural areas where less costly wind energy is particularly helpful. The Board directed that staff reevaluate wind power regulations in Ag zones.</p>	<p>On 12/14/10 the Board of Supervisors directed that staff return by April 12, 2011 to re-address wind power regulations in Ag zones.</p>	<p>On January 19, 2011 staff will meet with representatives of the Farm Bureau and Cattlemen’s Association, as well as aerial sprayers and representatives of wind turbine businesses to review the new ordinance and discuss refinements.</p>			<p>On November 18, 2010 the Planning Commission recommended to the Board of Supervisors adoption of the draft ordinance.</p>	<p>On Dec. 14, 2010 the Board of Supervisors adopted the ordinance, but directed staff to return within 120 days with a report on proposed refinements.</p>
6.	<p>Policies and Procedures for Implementing</p>		<p>This issue consists of regulation and enforcement for both</p>				<p>On November 18, 2010 the Planning</p>	<p>The Board of Supervisors will consider the</p>

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	<p>Countywide Response to Marijuana</p> <p>On 6/8/10 the Board of Supervisors directed staff to begin formulating policies and procedures in response to this issue.</p>		<p>dispensaries and growing sites.</p> <p>Eight dispensaries have been identified in the County jurisdiction. Five have been closed; three remain open. Of these three, two have been to trial with a decision expected November 5th. One will have an arraignment Nov. 12th.</p> <p>Code Enforcement has received numerous complaints regarding growing sites. County Counsel is preparing for the Board's consideration an ordinance to regulate how and where marijuana can be grown. Implementation of the ordinance would allow enforcement actions to proceed.</p> <p>On 6/22/2010 the Board of Supervisors appointed a Marijuana Ordinance Ad Hoc Committee to work on this issue. The committee is working to develop approaches for implementing ordinances 4013 and 4015.</p> <p>The Sheriff's Department, in coordination with the</p>			<p>Commission recommended adoption of the ordinance to the Board of Supervisors</p>	<p>ordinance in early 2011.</p>
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			<p>District Attorney's office, the City of Chico, and other law enforcement agencies conducted enforcement actions on June 30, 2010.</p> <p>Section 24-160 of the draft comprehensive update of the Butte County zoning code also addresses this issue. See www.buttecounty.net for further information about the comprehensive zoning code update.</p>					
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Table 2. Potential Future Amendments – Department of Development Services

Mobile Homes

Topic/Problem Statement: On 2/21/08, the Board directed staff to research standards among other jurisdictions for managing the visual, public health, safety, and quality-of-life impacts of allowing aging or derelict mobile homes to remain in place. Standards for habitability should be explored, including age, quality, and condition. Further direction on 3/25/08 included working with Public Works to explore options for retiring or recycling derelict mobile homes or those older than 10 years. Direction to staff on 2/09/10 clarified that the key issue is concerns regarding the relocation of aging/derelict mobile homes into the County from elsewhere.

Status Update 3/16/10: On March 16, 2010 Development Services presented a potential ordinance amending Chapter 26 and 28 of Butte County Code to prohibit the installation of manufactured homes older than 10 years of age in Butte County. The Board of Supervisors directed staff to evaluate other options to address this issue. Discussion will take place at the Code Enforcement Advisory Board in April 2010, regarding permitting, monitoring, and enforcement of standards for mobile homes.

Status Update 4/28/10: Status update to Users' Group.

Status Update 11/09/10: The draft update of the Butte County Zoning Code defines a mobile home as "...A housing structure...not older than ten years of age measured from the date of manufacture of the unit to the date of building permit application...." (Glossary, p. 10). Staff is working to clarify the applicability of the draft code to existing mobile homes that are older than 10 years.

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Table 3. Interim Amendments – Department of Public Works

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

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	<p>either traffic and/or drainage improvements to the project.</p>	<p>such cases, unless city, county or city and county requires subdivider to enter into an agreement...(to construct improvements after city or county acquires interest in land) A) The city or county has 120 days to acquire by negotiation or condemnation an interest in the land necessary for the improvements to be constructed, or B) All offsite improvements shall be deemed to be waived.</p>						
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