

Butte County Department of Development Services

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TO: All Interested Parties

FROM: Tim Snellings, Director
Butte County Department of Development Services

SUBJECT: Summary of Board Actions – December 6 and 13, 2011 Board of Supervisors Meeting on Draft Zoning Text

DATE: January 9, 2012

On December 6 and 13, 2011, the Board of Supervisors accepted the Planning Commission's recommendations for the Draft Zoning text, incorporating additional changes as directed by the Board and directed that staff proceed with the preparation and completion of a Supplementary Environmental Impact Report (EIR) in accordance with the California Environmental Quality Act (CEQA) for the Draft Zoning Ordinance.

The brief summary set forth below provides all direction from the Board of Supervisors on the Draft Zoning Text. The Board acted separately on the Draft Zoning Map, reviewed on December 13, 2011. A separate summary memo provides the Board's direction on the Draft Zoning Map.

Board Actions on Third Draft Zoning Text –Parts 1 through 4 December 6, 2011

1. Draft Zoning Text – Part 1, Enactment and Applicability

Board Action: The Board of Supervisors approved a Motion of Intent for the Planning Commission's recommendations for Part 1 –Enactment and Applicability as contained within the Third Draft Zoning Ordinance, with the following additional changes directed by the Board of Supervisors:

Section 24-8 E. Parcels Containing Two or More Zones, Subsection 3:
“When a zone boundary interferes with existing structures or setbacks, the Zoning Administrator may approve a minor adjustment of the boundary on the Zoning Map.”

2. Draft Zoning Text – Part 2, Zoning Districts, Land Uses, and Development Standards

Board Action: The Board of Supervisors approved a Motion of Intent for the Planning Commission's recommendations for Part 2 –Zoning Districts, Land Uses, and Development Standards as contained within the Third Draft Zoning Ordinance, with the following additional changes directed by the Board of Supervisors including direction per the December 12, 2011 Memo presented to the Board on Solar Energy Systems:

- ◆ Table 24-13-1 Permitted Land Uses in the Agriculture Zones:

Refer to attached Table 24-13-1.

- ◆ Table 24-19-1 Permitted Land Uses in the Residential Zones:

Refer to attached Table 24-19-1.

- ◆ Table 24-22-1 Permitted Land Uses in the Commercial and Mixed Use Zones:

Amended Heavy Equipment Storage to be a permitted use in the NC (Neighborhood Commercial) and CC (Community Commercial) zones.

- ◆ Section 24-32 Planned Development Zone Requirements, Subsection B – Minimum Parcel Size. “The minimum parcel size of a site proposed for rezoning to the PD zone is 5 3 acres.”
- ◆ 24-44 Unique Agriculture Overlay Zone, Subsection C. Use Regulations, add new section 3: “3. Uses Not Allowed. Medical Offices and Clinics shall not be allowed in the Unique Agriculture Overlay Zone”.

3. Draft Zoning Text – Part 3, General Regulations

Board Action: The Board of Supervisors approved a Motion of Intent for the Planning Commission's recommendations for Part 3 –General Regulations as contained within the Third Draft Zoning Ordinance, with the following additional changes directed by the Board of Supervisors:

- ◆ Section 24-58 Height Limits, Table 24-58-1, Maximum Height of Fences and Walls, provide new Note 2, under "All Other Zones" column stating that: "Fences that do not visually obstruct line of sight of vehicles entering roadways may be allowed up to 6 feet if approved by the Director of Public Works."
- ◆ Section 24-59 Design, Subsection B. Standards that Apply in Urban Zones, Subsection 1, delete: ~~"Fences and walls on a single parcel shall be constructed with a consistent palette of materials"~~.
- ◆ Amend Section 24-60 as follows: Amortization of Inappropriate Nonconforming Fences
- ◆ Section 24-74 Camping, amend section as follows:

24-74 Camping

Camping outside any lawfully established outdoor recreational facility, campground, recreational vehicle park, or hunting/fishing camp is prohibited except under the following circumstances:

- A. Camping by means of recreational vehicle or tent is allowed on all parcels in Rural Zones (AG, TM, TPZ, RC, RR, and FR) developed with an approved sewage disposal system and water supply for a period of 14 or fewer days within any 30-day period, subject to the following standards:
 1. Camping on a parcel provided with approved power, an approved sewage disposal system and approved domestic water supply as determined by the Environmental Health Division shall be limited to 180 or fewer days annually.
 2. Camping on a parcel that is not provided with an approved sewage disposal system or an approved domestic water supply as determined by the Environmental Health Division shall be limited to 14 or fewer days within any 30 day period.
 3. No more than two recreational vehicles or tents shall occupy a parcel for the purpose of camping at any one time.
 4. No more than two families shall occupy a parcel for the purpose of camping at any one time.

- ◆ Section 24-77 Use Regulations, Subsection A. Permitted Activities, amend Subsection 1. as follows: “Livestock grazing and agricultural practices consistent with the requirements of the California Department of Fish and Game.
- ◆ Figure 24-76-1 Riparian Areas: Amend figure to show that livestock grazing and agricultural practices are permitted in the riparian area.
- ◆ Section 24-78 Performance Standards, Subsection C. Streambed Alteration, Item 6, amend as follows: “~~When a permit is obtained from a regulatory agency such as the Army Corps of Engineers or the California Department of Fish and Game.~~ Development associated with an approved conditional use permit, minor use permit, tentative parcel or subdivision map, or mining permit.”
- ◆ 24-85 Applicability, Subsection A. Location. Amend as follows: “Clustered development shall be allowed as-of-right in the ~~TM~~, FR, RR, VLDR, VLDR-2.5, and LDR zones. A Conditional Use Permit, Planned Development (PD), or other rezoning application is not required to utilize these provisions.”
- ◆ Section 24-95 Bicycle Facilities, Subsection B. Parking for Bicycles, amend Subsection 1 as follows: “For non-residential uses, bicycle parking spaces shall be provided at a rate appropriate for the use ~~equal to 5 percent of the total required parking spaces~~. Spaces may be in the form of racks (for more transient use) or lockers (for long-term use by employees).” Delete Subsection 5 as follows: “~~All bicycle parking and storage areas shall be paved with asphalt, concrete, or other all-weather surface.~~”
- ◆ Section 24-99 Definitions, delete Subsection I. Off-Site Billboard.
- ◆ Section 24-100 Signs Allowed Without Permits, Amend Subsection’s 6, 8, and 10 and add Subsection 17, as follows:
 6. One commemorative plaque that is cut into a permanent building material or made of a noncombustible material, with a maximum area of 16-4 square feet.
 8. One professional name plate, with a maximum area of 16 2 square feet.
 10. One garage sale sign at the residence where the garage sale is taking place, with a maximum area of 16 4 square feet.
 17. On-site signs used by businesses providing directional information for access, circulation, and transportation.
- ◆ Section 24-102 Prohibited Signs, delete Subsection C. as follows: “~~Temporary signs mounted or attached to a parked vehicle for the purpose of calling attention to or advertising a business establishment.~~”

- ◆ Section 24-102 Prohibited Signs, amend Subsection I. as follows:

Signs that include any part that appears to flash, blink, move, change color, or change intensity, excluding standard barber poles, and time and temperature signs that are located in commercial and industrial zones, and community identification signs.
- ◆ Section 24-104 Types of Signs Allowed by Zone, Subsection B. Commercial, Mixed Use and Public Zones, delete Subsection 2 as follows: “~~The maximum total area for all signs on a commercial or mixed use parcel shall be 1 square foot per lineal foot of building frontage, or 200 square feet, whichever is less, but never less than 25 square feet.~~”
- ◆ Table 24-104-1 Allowed Signs in Commercial, Mixed Use and Public Zones, replace “Off-Site Billboard Signs” with “Off-Site Signs”.
- ◆ Table 24-104-3 Allowed Signs in Agriculture and Natural Resource Zones, increase the maximum area per sign from 24 sq. ft. to 32 sq. ft. for freestanding, monument, projecting, wall, window, and farm signs.
- ◆ Section 24-107 Temporary Signs, Subsection C. Political Signs, delete subsections 1 and 2 as follows:
 - ~~1. Within residential zones, six political signs no more than 4 square feet in area and 4 feet in height shall be permitted per parcel.~~
 - ~~2. Within non-residential zones, one sign no more than 32 square feet in area and 8 feet in height shall be permitted per property street frontage.~~
- ◆ Section 24-108 Nonconforming Signs, amend section as follows:

“Any sign that does not comply with the requirements of this article but which was constructed, operated, and maintained in compliance with all previous regulations, shall be regarded as a legal nonconforming use. ~~that may be continued a maximum of ten years after the effective date of this Zoning Ordinance.~~”
- ◆ Section 24-123 Loss of Legal Status, Subsection A, Items 1 and 2, change “12” to “24” consecutive months.

4. Draft Zoning Text – Part 4, Supplemental Use Regulations

Board Action: The Board of Supervisors approves a Motion of Intent for the Planning Commission’s recommendations for Part 4 –Supplemental Use Regulations as contained within the Third Draft Zoning Ordinance, with the following additional changes directed by the Board of Supervisors, including direction per the December 12, 2011 Memo presented to the Board on Solar Energy Systems

- ◆ Section 24-155 Accessory Uses and Structures, Subsection C.1 Size. Change “1,000 square feet” to “25 percent of parcel size”.

- ◆ Section 24-156 Alternative Energy Structures
Refer to attached revision of Section 24-156, and revised Utility Definitions
- ◆ Section 24-161 Home Occupations, Subsection D. Suspension of Permit, Item 3, amend as follows: “The home occupation ceases for a period greater than 1 year ~~six months~~.”
- ◆ Section 24-166 Mobile Home Parks, Subsection B. Property Standards, Item 5, Preoccupancy Requirements, amend as follows: “Prior to occupancy of the first mobile home, a minimum of 25 percent of the ~~50~~ mobile home lots shall be prepared and available for occupancy.”
- ◆ Section 24-166 Mobile Home Parks, Subsection H. Transient Spaces, amend as follows: ~~“Not more than 10 percent of the mobile home sites in a mobile home park may be used for transient use. Sites reserved for transient mobile homes shall be so designated on an approved mobile home park master development plan. The site, yard, and property development standards of this section shall apply to sites reserved for transient mobile homes. Mobile homes may occupy designated transient mobile home sites for a period not more than 90 days.”~~
- ◆ Table 24-170-1 Maximum Allowable Noise Exposure, Include “Rural” designation where it has been erroneously left out on each column under Zone Type. Amend Note 1 to reflect “Rural” instead of “Non-Urban”.
- ◆ 24-172 Heavy Equipment Storage, Subsection D. Permits Required. Include new Item #1 as follows: “The storage of one piece of heavy equipment in conjunction with a residence is a permitted use”. Renumber existing items as #2 and #3.
- ◆ Section 24-173 Temporary Uses, Subsection E. Recreational Vehicle as Temporary Residences, amend Item 6 from “one-year” to “two-year” period.
- ◆ Section 24-174 Winery, Olive Oil, Fruit and Nut, Micro-Brewery, and Micro-Distillery Production Facilities, Subsection F. Operational Standards, Item 5, amend as follows: “Tour buses are allowed to visit large, very large and industrial facilities. Tour buses are prohibited from visiting small facilities, unless a Minor Use Permit is approved for tour bus visits. Vans are permitted to visit small facilities.”

**Board Actions on Third Draft Zoning Text –Parts 5 through 7
December 13 , 2011**

5. Draft Zoning Text – Part 5, Land Use and Development Approval Procedures

Board Action: The Board of Supervisors approves a Motion of Intent for the Planning Commission’s recommendations for Part 5 – Land Use and Development Approval Procedures, as contained within the Third Draft Zoning Ordinance.

- ◆ Section 24-248 Certificates of Occupancy, based upon board discussion staff recommends the following amendment: “A Certificate of Occupancy shall not be issued by ~~until~~ the Planning Division of the Development Services Department ~~Zoning Administrator~~ approves until all applicable permits have been approved such as a ~~Zoning Clearance or Minor Use Permit~~, and ~~determines that~~ all applicable standards and conditions of approval have been met.”

6. Draft Zoning Text – Part 6, Zoning Ordinance Administration

Board Action: The Board of Supervisors approves a Motion of Intent for the Planning Commission’s recommendations for Part 6 – Zoning Ordinance Administration, as contained within the Third Draft Zoning Ordinance, with the following additional changes directed by the Board of Supervisors:

- ◆ Section 24-255 Zoning Administrator, Subsection A. Appointment, amend as follows: “The Board of Supervisors shall designate the Director of Development Services ~~or the Director’s designee shall serve~~ as the Zoning Administrator. The Director or his/her designee shall serve as Zoning Administrator.”
- ◆ Section 24-267 Calls for Review, Subsection B. Initiation, amend as follows: Include “or email” after “written request”.
- ◆ Section 24-298, Article 41 Lot Line Adjustments:
Refer to attached revision of Article 41, Lot Line Adjustments

7. Draft Zoning Text – Part 7, Definitions

Board Action: The Board of Supervisors approves a Motion of Intent for the Planning Commission's recommendations for Part 7 – Definitions, as contained within the Third Draft Zoning Ordinance, with the following additional changes directed by the Board of Supervisors per the December 12, 2011 Memo presented to the Board on Solar Energy Systems:

Refer to attached revision of Utility definitions.

Final Board Action on Draft Zoning Ordinance and Map

- ♦ The Board of Supervisors accepts the Planning Commission recommendations for the Draft Zoning Map, and the text of Parts 1 – 7 of the Draft Zoning Ordinance and additional recommendations set-forth by staff, incorporating all additional changes directed by the Board and directs that staff proceed with the preparation and completion of a Supplementary EIR in accordance with CEQA for the Draft Zoning Map.

TABLE 24-13-1 PERMITTED LAND USES IN THE AGRICULTURE ZONES [1] [2]

Key P Permitted use, subject to Zoning Clearance A Administrative Permit required M Minor Use Permit required C Conditional Use Permit required - Use not allowed	Zone		Applicable Regulations
	AG	AS	
Agricultural Uses			
Agricultural Processing	P	P	
Animal Grazing	P	P	
Animal Processing	C	C	
Animal Processing, Custom	P	P	
Crop Cultivation	P	P	
Feed Store	C	P	
Intensive Animal Operations	C	C	
Stables, Commercial	C	C	
Stables, Private	P [3]	P [3]	
Stables, Semi-Private	P [3]	P[3]	
Natural Resource Uses			
Forestry and Logging	P	-	
Mining and Surface Mining Operations	C	C	Chapter 13 Butte County Code
Oil and Gas Extraction, including reinjection wells for natural gas	C	C	
Timber Processing	-	-	
Residential Uses			
Agricultural Worker Housing Center	P	-	
Caretaker Quarters	-	A [3]	
Duplex Home	-	-	
Home Occupations - Major	M	-	Section 24-161
Home Occupations - Minor	A	-	Section 24-161
Live/Work Unit	-	-	
Mobile Home Park	-	-	
Multiple-Family Dwelling	-	-	
Residential Care Homes, Large	-	-	
Residential Care Homes, Small	P	-	
Second Units	P [4]	-	Section 24-171
Single-Family Home	P [4 5]	-	
Community Uses			
Cemeteries, Private	-	-	
Cemeteries, Public	-	-	
Child Care Center	-	-	
Child Day Care, Large	-	-	

Child Day Care, Small	P [3]	-	Section 24-158
Clubs, Lodges and Private Meeting Halls	M [6 5]	M [6 5]	
Community Centers	-	-	
Correctional Institutions and Facilities	-	-	
Cultural Institutions	C	-	
Emergency Shelter	-	-	
Golf Courses and Country Clubs	-	-	
Hospital	-	-	
Office, Governmental	-	-	
Outdoor Education	P	-	
Parks and Recreational Facilities	C	C	
Public Safety Facilities	C	C	
Religious Facilities	-	-	
Schools, Public and Private	-	-	
Water Ski Lakes	-	-	
Commercial Uses			
Adult Businesses	-	-	
Agricultural Product Sales, Off-Site	M [3]	M [3]	Section 24-155
Agricultural Product Sales, On-Site	P [3]	P [3]	Section 24-155
Agricultural Support Services, General	-	C	
Agricultural Support Services, Light	-	P	
Animal Services	C [7 8]	C	Section 24-157
Bars, Nightclubs and Lounges	-	-	
Bed and Breakfast	M	-	
Commercial Recreation, Indoor	-	-	
Commercial Recreation, Outdoor	C	-	
Construction, Maintenance and Repair Services	-	-	
Drive-through Facility	-	-	
Equipment Sales and Rental	-	-	
Gas and Service Stations	-	-	
Heavy Equipment Storage	P	P	
Hotel and Motel	-	-	
Hunting and Fishing Clubs	P [7 8]	-	
Medical Offices and Clinics	-	-	
Offices, Professional	-	-	
Nursery, Retail	-	-	
Nursery, Wholesale	P	P	
Personal Services	-	-	
Personal Services, Restricted	-	-	

Public/Mini-Storage	-	-	
Recreational Vehicle Parks	<u>A [7]</u>	<u>A [7]</u>	
Restaurant	-	-	
Retail, General	-	-	
Retail, Large Projects	-	-	Section 24-162
Retail, Restricted	-	-	
Vehicle Repair	-	-	
Vehicle Sales and Rental	-	-	
Vehicle Service and Maintenance	-	-	
Wine, Olive Oil, Fruit and Nut, Micro-Brewery and Micro-Distillery Facilities	See Section 24-174		
Industrial Uses			
Composting	<u>M</u>	<u>M</u>	
Manufacturing, General	-	- [7 6]	
Manufacturing, Heavy	-	- [7 6]	
Manufacturing, Light	-	- [7 6]	
Research and Development	-	-	
Warehousing, Wholesaling and Distribution	-	-	
Transportation, Communication, and Utility Uses			
Aerial Applicator and Support Services	M	C	
Airport-Related Uses	-	-	
Farm Airstrips	P	P	
Freight and Truck Terminals and Yards	-	-	
Recycling Collection Facility, Large	-	-	
Recycling Collection Facility, Small	A	A	Section 24-169
Recycling Processing Facility, Heavy	-	-	Section 24-169
Recycling Processing Facility, Light	-	A	Section 24-169
Reverse Vending Machine	A	A	Section 24-169
Runways and Heliports	M [3]	M [3]	
Parking Facilities	-	-	
Telecommunications Facilities	See Article 26		
Utilities, Major	C [8]	C [8]	24-156
Utilities, Intermediate	M [8]	M [8]	24-156
Utilities, Accessory	A	A	24-156
Utilities, Minor	P	P	24-156
Other Uses			
Accessory Uses and Structures	See Section 24-155		

Notes:

[1] See Article 42 (Glossary) for definitions of listed land uses.

[2] The construction or expansion of structures occupied by any land use identified in this table requires the approval of a Site Development Permit, except as specifically exempted by Article 30 (Site Development Permits).

[3] Permitted only as an accessory use.

[4] One single-family home and a second dwelling is permitted per legal parcel.

[5] Permitted only for organizations that provide a service to the agricultural community, such as a grange or similar organization.

[6] Manufacturing uses that directly support agricultural activities in Butte County are classified as “Agricultural Support Services, General” and are conditionally permitted in the AS zone.

[7] Permitted only when not requiring permanent improvements and not interfering materially with agricultural operations.

[8] Solar Energy Systems under Utilities, Major and Utilities, Intermediate shall only be permitted on “Grazing Land” or “Other Land” as defined under the latest mapping provided by the California Department of Conservation Division of Land Resource Protection Farmland Mapping Program and as shown under General Plan Agriculture Element, Figure AG-1, and only on those lands not subject to a Williamson Act Contract.

TABLE 24-19-1 PERMITTED LAND USES IN THE RESIDENTIAL ZONES [1] [2]

Key P Permitted use, subject to Zoning Clearance A Administrative Permit required M Minor Use Permit required C Conditional Use Permit required - Use not allowed	Zone								Applicable Regulations	
	FR	RR	VLDR	LDR	MDR	MHDR	HDR	VHDR		
Agriculture Uses										
Agricultural Processing	-	-	-	-	-	-	-	-	-	
Animal Grazing	P	P	P	-	-	-	-	-	-	Section 24-157
Animal Processing	-	-	-	-	-	-	-	-	-	
Animal Processing, Custom	P	:P	-	-	-	-	-	-	-	
Feed Store	-	-	-	-	-	-	-	-	-	
Crop Cultivation	P	P	-	-	-	-	-	-	-	
Intensive Animal Operations	-	-	-	-	-	-	-	-	-	
Stables, Commercial	C[3]	<u>C[3]</u>	-	-	-	-	-	-	-	Section 24-157
Stables, Private	P	P	P	-	-	-	-	-	-	Section 24-157
Stables, Semi-Private	P [3]	<u>P [3]</u>	<u>M [3]</u>	-	-	-	-	-	-	
Natural Resource Uses										
Forestry and Logging	P	-	-	-	-	-	-	-	-	
Mining and Surface Mining Operations	C[4]	-	-	-	-	-	-	-	-	
Oil and Gas Extraction, including reinjection wells for natural gas	-	-	-	-	-	-	-	-	-	
Timber Processing	-	-	-	-	-	-	-	-	-	
Residential Uses										
Agricultural Worker Housing Center	-	-	-	-	-	-	-	-	-	
Caretaker Quarters	-	-	-	-	-	-	-	-	-	
Duplex Homes	-	-	-	-	P	P	P	P	P	
Home Occupations - Major	M	M	M	M	M	M	M	M	M	Section 24-161
Home Occupations - Minor	A	A	A	A	A	A	A	A	A	Section 24-161
Live/Work Unit	-	-	-	-	-	-	-	-	-	
Mobile Home Park	-	-	-	-	-	C	C	C	C	Section 24-166
Multiple-Family Dwelling	-	-	-	-	-	P	P	P	P	
Residential Care Homes, Large	-	-	M	M	M	M	M	M	M	
Residential Care Homes, Small	P	P	P	P	P	P	P	P	P	
Second Units	P	P	P	P	P	P	P	P	P	Section 24-171
Single-Family Home	P [6]	P [6]	P [6]	P	P	P	P	P	P	

TABLE 24-19-1 PERMITTED LAND USES IN THE RESIDENTIAL ZONES [1] [2]

Key P Permitted use, subject to Zoning Clearance A Administrative Permit required M Minor Use Permit required C Conditional Use Permit required - Use not allowed	Zone								Applicable Regulations	
	FR	RR	VLDR	LDR	MDR	MHDR	HDR	VHDR		
Research and Development	-	-	-	-	-	-	-	-	-	
Warehousing, Wholesaling and Distribution	-	-	-	-	-	-	-	-	-	
Transportation, Communication and Utility Uses										
Aerial Applicator and Support Services	-	-	-	-	-	-	-	-	-	
Airport-Related Uses	-	-	-	-	-	-	-	-	-	
Composting Facilities	-	-	-	-	-	-	-	-	-	
Farm Airstrips	-	-	-	-	-	-	-	-	-	
Freight and Truck Terminals and Yards	-	-	-	-	-	-	-	-	-	
Recycling Collection Facility, Large	-	-	-	-	-	-	-	-	-	
Recycling Collection Facility, Small	-	-	-	-	-	-	-	-	-	
Recycling Processing Facility, Heavy	-	-	-	-	-	-	-	-	-	
Recycling Processing Facility, Light	-	-	-	-	-	-	-	-	-	
Reverse Vending Machine	-	-	-	-	-	-	-	-	-	
Runways and Heliports	-	-	-	-	-	-	-	-	-	
Parking Facilities	<u>M</u> €	<u>M</u> €	<u>M</u> €	<u>M</u> €	<u>M</u> €	<u>M</u> €	<u>M</u> €	<u>M</u> €	<u>M</u> €	
Telecommunications Facilities	See Article 26 (Telecommunication Facilities)									
Utilities, Major [10]	C	C	C [10]	C[10]	C [10]	C [10]	C[10]	C [10]	C [10]	24-156
Utilities, Intermediate	M [9]	M [9]	-	-	-	-	-	-	-	24-156
Utilities, Accessory	A [8]	A[8]	-	-	-	-	-	-	-	24-156
Utilities, Minor	P [7]	P [7]	P [7]	P [7]	P [7]	P [7]	P [7]	P [7]	P [7]	24-156
Other Uses										
Accessory Uses and Structures	See Section 24-155									

Notes:

- [1] See Article 42 (Glossary) for definitions of listed land uses.
- [2] The construction or expansion of structures occupied by any land use identified in this table requires the approval of a Site Development Permit, except as specifically exempted by Article 30 (Site Development Permits).
- [3] Permitted only on sites 5 acres or larger.
- [4] Requires the approval of a mining permit and reclamation plan pursuant to Butte County Code Chapter 13.
- [5] Permitted only on sites 1-acre or larger.
- [6] One single-family home and a second dwelling is permitted per legal parcel.
- [7] Micro Wind Systems are subject to an Administrative Permit in all residential zones.
- [8] Agricultural Wind Energy System permitted in the FR and RR with a Minor Use Permit and not allowed in all other residential zones.
- [9] Small Wind Energy Systems are subject to a Conditional Use Permit in the RR and FR zones and not allowed in all other residential zones.
- [10] Large Wind Energy and Large Scale Solar Electric Systems not allowed.
- [11] Medical Offices and Clinics are not permitted in areas subject to the Unique Agriculture Overlay Zone.

24-156 Alternative Energy Structures

A. Location and Permit Process, Solar and Wind Energy Systems. Solar and Wind Energy Systems are permitted in accordance with Part 2 (Zoning Districts, Land Uses and Development Standards) under four different Utility land use types depending on their size and application: Utility, Minor; Utility, Accessory; Utility, Intermediate; and Utility, Major. Table 24-156-1 provides a summary of Solar Energy and Wind Energy Systems.

Table 24-156-1

Category	Solar Energy Systems	Wind Energy Systems
Solar Energy Systems Allowed in Agriculture Zones		
Utility, Minor	Tier 1, Roof-mount/Ground up to ½ acre	Rooftop/Micro
Utility, Accessory	Tier 2, <15 percent of parcel size up to 5 acres, whichever is less	Agricultural
Solar Energy Systems only Allowed on Grazing Land ^[1] in Agriculture Zones ^[2]		
Utility, Intermediate	Tier 3, <30 percent of parcel size up to 20 acres, whichever is less;	Small
Utility, Major	Tier 4, Ground-mounted system for power generation	Large

[1] Grazing Land or "Other Land" as defined under the latest mapping under the California Department of Conservation Division of Land Resource Protection Farmland Mapping and Monitoring Program, and as shown under General Plan Agriculture Element, Figure AG-1.

[2] Only allowed on parcels not subject to a Williamson Act Contract, or if the landowner has rescinded the Williamson Act Contract and entered into a solar-use easement pursuant to State law for marginally productive or physically impaired farmland.

B. Definitions, Solar Energy Systems.

- Tier 1.** A roof-mounted Solar Electric System used to power on-site primary or accessory uses located on structures or placed over parking lots or a ground mounted Solar Electric System up to one-half acre in size
- Tier 2.** A ground-mounted Solar Electric System used to power on-site primary or accessory uses, limited to less than 15 percent of the parcel's size up to 5-acres, whichever is less.
- Tier 3.** A ground-mounted Solar Energy System, limited in Agriculture zones to "Grazing Land" and "Other Land" as defined under the latest mapping under the California Department of

Conservation Division of Land Resource Protection Farmland Mapping and Monitoring Program, not subject to a Williamson Act Contract, and limited to less than 30 percent of a parcel's size up to 20 acres maximum with 50 percent or more of the power generated for on-site primary and accessory uses, with the remainder of the power delivered off-site.

4. **Tier 4.** A ground-mounted Solar Energy System limited in Agriculture zones to "Grazing Land" and "Other Land" as defined under the latest mapping under the California Department of Conservation Division of Land Resource Protection Farmland Mapping and Monitoring Program, and not subject to a Williamson Act Contract, where most or all power generated is delivered off-site with little or no on-site use.

C. Standards, Solar Energy Systems. Solar Energy Systems are subject to the following additional standards:

1. Photovoltaic panel systems shall meet all applicable performance standards established by the National Electrical Code, the Institute of Electrical and Electronics Engineers, and the Public Utilities Commission regarding safety and reliability.
2. Ground-mounted photovoltaic panel systems shall be required to meet all setback areas of the applicable zone.
3. Ground-mounted photovoltaic panel systems may exceed 8 feet in height above the ground only with the approval of a Minor Use Permit.
4. Photovoltaic panel systems attached to the roof of a structure shall not project more than 6 feet above the maximum elevation of the roof.
5. If the Solar Energy Facility is located on or adjacent to an agricultural zone, the applicant must acknowledge the County's Right to Farm Ordinance and shall be required to record a Right to Farm Notice on their parcel prior to issuance of any Building Permits. This shall be included as a recommended condition of approval of the land use entitlement.
6. For Solar Energy Facilities in Scenic areas, as designated in the General Plan (Figures COS-7, and COS-9, Conservation and Open Space Element), efforts shall be made by the owner/installer of the Solar Energy Facility, to the maximum extent practicable, to shield the Solar Energy Facility from public view. On-site transmission and power lines shall, to the maximum extent practicable, be placed out of sight or underground.
7. A Solar Energy Facility, other than a minor utility system, that ceases to produce electricity on a continuous basis for 24 months shall be considered abandoned unless the property owner/developer demonstrates by substantial evidence satisfactory to the Development Services Department that there is no intent to abandon the facility.

Parcel owners are required to remove all equipment and facilities and restore the site to original condition.

D. Definitions, Wind Energy Systems

1. **Wind Energy System, Auxiliary Rooftop Structure.** A roof-mounted wind energy conversion structure that is:
 - 1) Seven feet or less in diameter,
 - 2) Projects less than 10 feet above the highest point of the roofline on which it is installed,
 - 3) Produces energy which is used primarily on the parcel on which it is located, or on adjacent parcels in common ownership with the subject parcel, and
 - 4) Produces less than 6 decibels of noise above ambient levels, as demonstrated by product specifications to the satisfaction of the Director of Development Services.
2. **Wind Energy System, Micro.** A micro wind system is a very small wind system producing less than 1 kW that is:
 - 1) Ten feet or less in diameter
 - 2) May be installed on a pole, 10 feet or more above the highest point on the roof, or other structural supports as allowed by applicable building codes,
 - 3) Produces energy which is used primarily on the parcel on which it is located, or on adjacent parcels in common ownership with the subject parcel, and
 - 4) Produces less than 6 decibels of noise above ambient levels, as demonstrated by product specifications to the satisfaction of the Director of Development Services.
3. **Wind Energy System, Agricultural.** Any wind energy conversion system rated 50 kW or less and located in an Agricultural, Rural Residential, Foothill Residential, or Timber Mountain zone, excluding Auxiliary Rooftop Structures.
4. **Wind Energy System, Small.** Any wind energy conversion system that is rated 30kW or less that will be used primarily to reduce onsite consumption of utility power, excluding Auxiliary Rooftop Structures and Micro Wind Energy Systems.
5. **Wind Energy System, Large.** Any wind energy conversion system that is larger than 50 kW in an Agricultural, Rural Residential, Foothill Residential or Timber Mountain zone or larger than 30kW in other zones.

E. Standards, Wind Energy Systems. Wind Energy Systems are subject to the following additional standards:

1. Small, large, and agricultural wind energy systems shall not be permitted on land within the following locations:
 - a. City Spheres of Influence, unless permitted by the City.
 - b. Airport Land Use Compatibility Zones.
 - c. Conservation, open space easements, or agriculture easements which do not allow wind energy systems.
 - d. Alquist-Priolo Earthquake Fault Zones.
2. Wind energy systems shall not be permitted within 1,000 feet of the following:
 - a. A residence, excepting residences on the same parcel and residences owned by the applicant.
 - b. The VLDR, LDR, MDR, MHDR, HDR zones.
 - c. A property listed on the National Register of Historic Places or the California Register of Historical Resources.
 - d. Designated scenic resources.
3. Large and Small Wind Energy Systems. The following requirements shall apply to Large and Small Wind Energy Systems not located within the Agricultural zone:
 - a. Wind energy systems shall be painted a neutral, non-reflective color, except when obstruction marking is required for aviation purposes.
 - b. Power lines shall be placed underground when feasible.
 - c. Setbacks for all new facilities shall be located so that the distance from the base of the facility to the parcel boundary is equal to or greater than the height of the facility
 - d. Appropriate warning signs, no larger than 4 square feet, shall be placed on or near wind energy systems. Wind energy systems and related equipment will not be used to advertise or promote any product or service other than the manufacturer's identification up to a size not to exceed 32 square feet.
 - e. Noise levels resulting from normal operation of wind energy systems shall not exceed County noise standards for non-transportation noise, Table HS-3 of the County's General Plan Health and Safety Element as measured at the nearest property line. Applications for wind energy systems shall submit noise specifications and/or noise studies demonstrating consistency with those standards.

- f. Wind energy systems shall be placed and oriented to avoid casting a shadow or causing 'flicker' on any off-site structure.
 - g. Wind energy systems shall be removed if they remain inoperable for 24 consecutive months. After 24 months of nonuse, wind energy systems are subject to code enforcement actions.
 - h. Wind energy systems shall not be placed on parcels less than 1-acre in size.
4. Agricultural wind energy systems and large wind energy systems located within the agricultural zone shall meet the following minimum setbacks and requirements:
- a. Where facilities are located in the Agricultural, Foothill Residential, Rural Residential and Timber Mountain zones and one of the following circumstances apply, the facility shall demonstrate the minimum setback distance required by the zone:
 - 1) The wind system is adjacent to an existing structure such as a barn, rice dryer, or other facility such that the facility will blend with the surrounding area; or
 - 2) The adjacent property owner(s) consent in writing to a lesser distance.
 - b. Towers shall be obstruction marked and lighted in accordance with recommendations of the U.S. Department of Transportation Federal Aviation Administration's Advisory Circular AC 70/7460-1K. Where feasible, steady burn lighting shall be used in place of flashing or strobe lighting.
5. Small Wind Energy Systems. Small wind energy systems shall comply with Wind Energy systems-General Requirements as set forth under this chapter, as well as the following:
- a. Small wind energy systems shall be designed and appropriately sized to serve the needs of the use on the site.
 - b. The maximum height of any small wind energy system tower shall be:
 - 1) 60 feet on parcels less than 5 acres in size.
 - 2) 80 feet on parcels 5 acres or greater
 - 3) "Tower height" means the height above grade of the fixed portion of the tower, excluding the wind turbine/blade.

ARTICLE 41 LOT LINE ADJUSTMENTS

24-298 Purpose

This section establishes the requirements of the Zoning Ordinance regarding Lot Line Adjustments.

24-299 Application Required

Lot Line Adjustments are applied for and processed in accordance with Section 20-95-1 of the Butte County Code. This section is intended to provide regulations for lot line adjustments pursuant to the Zoning Ordinance; it is not intended to replace the requirements for lot line adjustments set forth under Section 20-95-1 of the Butte County Code

24-300 Exceptions for Minimum Setbacks ~~Zoning Ordinance Requirements~~

~~All parcels subject to a lot line adjustment shall comply with the minimum parcel sizes, setbacks, design standards, and other provisions set forth under the applicable zones and this chapter.~~

- A. Exceptions to setback requirements may be approved by the Zoning Administrator when no other alternative to comply with a setback exists. Setbacks shall only be reviewed for the lot line being modified.
- B. Findings. In approving an exception to a setback the Zoning Administrator shall make the following findings:
 1. Documentation and analysis that there is no logical alternative to comply with the setback.
 2. The adjusted line shall conform as much as possible to the required setback and all other provisions set-forth under this chapter.
 3. A review of the lot line adjustment application by the Department of Public Works and the Environmental Health Division of the Public Health Department has taken place in accordance with Butte County Code Chapter 20-95-1, providing approval or conditional approval of the lot line adjustment.
 4. The exception granted pursuant to this article would not conflict with a recorded parcel map or subdivision map condition, note, or Williamson Act Contract.

24-301 Exception for Minimum Parcel Size

- A. Parcels. Any existing parcel(s) that is smaller than the minimum parcel size of the base zone or overlay zone, or would become smaller than the minimum parcel size of the base zone or overlay zone under a proposed lot line adjustment, may be approved by the Zoning Administrator under one or more of the following three exceptions:
 1. The lot line adjustment would reduce parcel(s) size by no more than 10 percent or 10 acres, whichever is less.

2. The lot line adjustment would reduce parcel(s) size to a degree that is consistent with an average size of parcels in the immediate vicinity that are located within the same zoning district.
 3. The lot line adjustment would improve health or safety conditions; or improve the design of the existing affected lots without altering the existing land uses thereon.
- B. Findings. In approving an exception to the Minimum Parcel size the Zoning Administrator shall make the following findings:
1. Documentation and analysis that one or more of the three allowed exceptions applies.
 2. The adjusted lot line complies with applicable setbacks, design standards, and other provisions set-forth under the applicable zone.
 3. A review of the lot line adjustment application by the Department of Public Works and the Environmental Health Division of the Public Health Department has taken place in accordance with Butte County Code Chapter 20-95-1, providing approval or conditional approval of the lot line adjustment.
 4. The exception granted pursuant to this article would not conflict with a recorded parcel map or subdivision map condition, note, or Williamson Act contract.

Utility Definitions Revisions – Draft Zoning Ordinance Part 7 –Definitions

Utilities, Minor. Utility facilities that are necessary to support on-site development on the same parcel that involves only minor structures. Examples of Utilities, Minor include Tier 1 Solar Energy Facilities, Auxiliary Rooftop and Micro Wind Energy Systems, power lines, water and sewer lines, water transmission lines, storm drainage facilities, transformers, and water and sewer pump stations. Utilities, Minor includes uses permitted by right with a building permit in all zones.

Utilities, Accessory. Utility facilities that are accessory to a permitted use including Tier 2 Solar Energy Systems and Agricultural Wind Energy Systems. Utilities, Accessory includes uses that are permitted by an Administrative Permit in most zones, refer to the Use Regulation Table for each zone.

Utilities, Intermediate. Utility facilities at a level between Utility, Accessory and Utility, Major including Tier 3 Solar Energy Systems and Small Wind Energy Systems. Utilities, Intermediate includes uses that are permitted by a Minor Use Permit in most zones, refer to the Use Regulation Tables for each zone.

Utilities, Major. Large-scale facilities of a regional nature including Tier 4 Solar Energy Systems, Large Wind Energy Systems, power plants, hydro-electric facilities, electricity transmission substations, water storage tanks, community wastewater treatment plants, commercial and industrial composting operations, and similar facilities. Utilities, Major includes uses that are permitted by a Conditional Use Permit in most zones, refer to the Use Regulation Tables for each zone.