

**ARTICLE 4 – SPECIFIC USE REGULATIONS****CHAPTER 17.40 – SPECIFIC USE REGULATIONS****Sections:**

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**17.40.010 Purpose and Intent**

The purpose of this Chapter is to regulate certain specified uses that may be permitted, either by right or by discretionary permit, in a number of different zones. It is the intent of this Chapter to identify those uses that by their nature may have a potential adverse impact on adjacent property, the neighborhood, or the community; and to prevent creating land use conflicts and hazards by providing appropriate standards for the design, location, and operation of the specific land uses consistent with the General Plan.

**17.40.020 Applicability**

The provisions contained in this Chapter shall apply to all land in the unincorporated part of El Dorado County regardless of zone, unless otherwise specified in this Chapter.

**17.40.030 Accessory Structures and Uses**

**A. Purpose.** The purpose of this Section is to identify the uses and structures that are accessory to the principal permitted uses in the zones, as specified in Chapters 17.21 through 17.25 inclusive, establish regulations that apply to accessory structures in order to accommodate the needs of residents and businesses in the County, and to protect the public health, safety, and welfare.

**B. Relationship of Accessory Use or Structure to Primary Use.**

1. Accessory uses and structures shall be incidental to and consistent with the character of the site created by the principal use.
2. For purposes of this Section, barns, stables, and other structures used to store crops and feed, shelter livestock, or house agriculturally-related machinery shall be allowed as a primary use on agriculturally zoned property, subject to the development standards for the zone (Chapter 17.21). When allowed in residential zones, said structures shall be accessory to an existing primary residence.
3. Accessory uses and structures shall be established or constructed at the same time or after the establishment or construction of the principal use or structure on a lot, except where earlier establishment or construction is authorized by Temporary or Conditional Use Permit.
4. Where building permits are issued concurrently for the principal and accessory structures, the permit for the accessory structure may be approved for final occupancy prior to completing the principal structure, provided that the permit of the principal structure is still active.

**C. Exemption.** Small sheds or other storage structures that do not require a building

permit for installation pursuant to applicable building code provisions shall be exempt from the provisions of this Title, but shall remain subject to the setback requirements of the zone.

**D. Accessory Uses and Their Determination.** In addition to the principal use or uses expressly established for the zone, each use shall include such accessory uses which are customarily associated with and necessary for carrying on the principal use(s). For those uses not specifically identified in the use matrices for the zones, the Director shall determine whether such use is customarily associated with, incidental to, and subordinate to the principal use of the zone.

**E. Residential Accessory Structures.** In addition to the primary dwelling, the following residential accessory structures that are customarily associated with or incidental and subordinate to the principal structure shall be permitted in compliance with specific regulations under this Chapter, development standards of the respective zone, and Article 3 (Site Planning and Project Design Standards):

1. Garages, carports, and storage sheds.
2. Swimming pools and spas.
3. Shade structures, arbors, trellises, and gazebos.
4. Decks.
5. Barns, stables, and other animal shelters, where the keeping of animals is permitted in the zone.
6. Accessory structures providing habitable space subject to the following:
  - a. A structure no greater than 600 square feet that is designated a guest house as defined in Article 7, shall be subject to the requirements of Section 17.40.150.
  - b. A structure up to 1,200 square feet that is designated a secondary dwelling as defined in Article 8, shall be subject to the requirements of Section 17.40.290.
  - c. A structure to be used by the property owner as a pool house, workshop, artist studio, as defined in Article 8, or other similar use, may contain a full bathroom along with the changing room or work area, but shall not contain kitchen and/or cooking facilities nor be utilized for housing residents or guests.
7. Alternative energy systems, such as solar or wind energy collection systems.

**17.40.040 Adult Business Establishments**

- A. Purpose and Intent.** The purpose of this Section is to regulate the time, location, and manner of operating adult (sex oriented) business establishments in compliance with Government Code Section 65850.4, in order to protect the public health, safety, and welfare. The intent of this Section is to establish reasonable and uniform regulations to prevent any deleterious location and concentration of adult business establishments within the County, thereby reducing or eliminating the adverse secondary effects experienced by other cities and counties, such as crime, blight, and downgrading of the surrounding commercial districts and residential neighborhoods. Location of said establishments along U.S. Highway 50 will be regulated in order to preserve the commercial, residential, and scenic character of not only its main transportation corridor, but what is considered to be the “gateway” to the County.
- B. Applicability.** The regulations and standards within this Section shall apply to adult business establishments, as defined in Article 8, where permitted in the use matrices for the zones, under the following forms:
- 1. New Business.** The opening or commencement of operation of a business as a new business.
  - 2. Conversion of an Existing Business.** The conversion of an existing business, whether an adult business or not, to an adult business establishment.
  - 3. Enlargement of Existing Business.** The addition of an adult business to an existing adult business if the addition results in enlargement of the place of business. For the purpose of this Subsection, enlargement shall mean an increase in the size of the structure within which the business is conducted by either construction or use of an adjacent structure or a portion of a structure, whether located on the same or an adjoining lot.
- C.** Prior to Administrative Permit approval, a potential adult business owner shall provide a vicinity map demonstrating that the adult business is not being established or located within 300 feet of U.S. Highway 50 and within 1,000 feet of the following existing uses:
1. Any zone that allows residential uses by right;
  2. Any house of worship or any noncommercial establishment operated by a bona fide religious organization;
  3. Any public library, public building, or other public facility;
  4. Any public, private, or parochial school, pre-school, child day care center, park, or playground, or any establishment or facility likely to be used by minors; and
  5. Any other adult business.

- D.** For the purposes of this Section, distances shall be measured in a straight line, without regard to intervening structures, from the nearest point of the structure in which the adult business will be located to the nearest property line of a land use or zone described in Subsection C, above.
- E.** It shall be unlawful for any licensee, operator, or other person in charge of any adult business establishment to employ any person who is not at least 18 years of age.
- F.** No licensee shall allow, permit, suffer or tolerate any person under the age of 18 years to enter, be in, or remain in any adult entertainment business. The licensee or employee shall determine the age of persons who enter the premises by checking the driver's license or other authorized identification of said person.
- G.** All building entrances to an adult business establishment shall be clearly and legibly posted with a notice indicating that the premises contains sexually oriented material or offers sexually oriented entertainment, and persons under 18 years of age are prohibited from entering the premises. The notice shall be posted so that it is visible to the public entering the establishment.
- H.** No adult business establishment shall be open nor shall any activity described in this Section be conducted or carried on in the business premises between the hours of 10:00 p.m. and 10:00 a.m. of any day.
- I.** Signs or structures, advertisements, displays, or other promotional material depicting "specified anatomical areas" or "specified sexual activities", as defined under Subsections 5.34.020.H and I of the County Code respectively, or displaying instruments, devices or paraphernalia designed for use in connection with "specific sexual activities", shall not be exhibited or shown in a way that is visible from an exterior area.
- J.** Structure openings, entries, and windows shall be located, covered, or screened to prevent viewing the interior from an exterior area.
- K.** Loudspeakers or sound equipment audible to persons in a public area shall not be used in connection with an adult business, and the business shall be conducted so that sounds associated with the business are not emitted beyond the exterior walls of the structure in which the use is occurring.
- L.** Dumpsters used by an adult business establishment shall be locked when not in use to prevent access thereto by the public.

**17.40.050 Agricultural Preserves and Zones: Contracts, Criteria and Regulations**

- A. Purpose.** The purpose of the Section is to implement the provisions and intent of the Land Conservation Act of 1965 (Williamson Act) and the farmland security zone legislation (Government Code Chapters 51200 et seq. and 51296-7, respectively) and to provide criteria for zoning and protecting the existing agricultural resources of the County.
- B. Criteria for Establishment of Agricultural Preserves.** In order to establish a new Agricultural Preserve, hereinafter referred to as “Preserve”, a property owner must enter into a Williamson Act Contract with the County subject to the provisions and criteria set forth in Government Code Chapter 51200 et seq. and Resolutions adopted by the Board establishing Williamson Act criteria, as amended from time to time, and the following:
- 1. Zone Change.** The property shall be rezoned to Exclusive Agriculture (AE) or Agricultural Preserve (AP) with the approval and establishment of a Preserve, subject to the specific applications under Subsection 17.21.010.C (.1 and .2).
  - 2. Term.** The initial term of a contract is ten years, calculated from January 1 of the same year it is approved in. On each anniversary date of a contract, a year shall be automatically added to the initial term unless written Notice of Non-Renewal is given as provided in Subsection D. If the property owner or the County serves written Notice of Non-Renewal in any year, the contract shall remain in effect for the balance of the unexpired term.
- C. Preserve Standards.**
- 1. Minimum acreage.** The minimum acreage of a Preserve shall be:
    - a. 20 acres for high intensive farming operations or 50 acres for low intensive farming operations, consisting of a single lot or contiguous lots; or
    - b. Between ten acres and less than 20 acres on a positive recommendation from the Agricultural Commission if the property meets all land suitability requirements for agricultural potential, and the lot was or contiguous lots were in existence as of March 23, 1993.
  - 2. Land Use.** The use of the property shall be limited during the term of the contract to agricultural and compatible uses. Structures may be erected and/or enlarged on the property on a positive recommendation from the Agricultural Commission if they are directly related to and compatible with uses permitted in Table 17.21.020 (Agricultural and Resource Zone Districts Use Matrix).
  - 3. Residential Development.** In addition to a primary dwelling, one secondary dwelling may be allowed within a Preserve by Administrative Permit approval

in compliance with Section 17.52.010, providing all of the following findings regarding the secondary dwelling can be made:

- a. It is located on the same lot as the primary dwelling;
- b. It complies with all other zone setbacks and development standards, including agricultural buffer setbacks, if applicable;
- c. It is consistent with the terms of the applicable Agricultural Preserve Contract; and
- d. It is consistent with the principles of compatibility in compliance with Government Code Section 51238.1(a), as determined by the Agricultural Commissioner or Agricultural Commission.

**D. Non-Renewal of Williamson Act Contracts/Agricultural Preserves.** In compliance with Government Code Section 51245, a Notice of Non-Renewal shall be processed according to the following procedures:

- 1. A written Notice of Non-Renewal (Notice) shall be recorded by the property owner and a copy provided to the Board at least 90 days prior to the contract renewal date, which would be by October 1 for the upcoming year.
- 2. The Notice shall include the notarized, written authorization of all record of interest holders.
- 3. Upon receiving a Notice, the Board Clerk shall forward such Notice to the Department, the Assessor, and the Agricultural Commission for a report.
- 4. The Department shall submit a written report to the Agricultural Commission indicating whether the Notice is for a partition, a roll out, or a partial roll out, as defined in Article 8: “Williamson Act Contract”, and other relative information regarding the agricultural preserve, with a copy to the Board.
- 5. An application for partition or partial roll out will be processed in the same manner as a request creating a new Williamson Act Contract.
- 6. When the Notice concerns a total roll out of a contract, the Agricultural Commission may submit a report to the Board giving an evaluation of the potential impacts resulting from the Notice.
- 7. When the Notice concerns a partial roll out of a contract, the Agricultural Commission shall submit a report to the Board giving an evaluation of the potential impacts resulting from the Notice, with a recommendation as to whether the remaining portion of the agricultural preserve still meets the minimum criteria.

8. The Board shall either receive and file the Notice and direct the County Assessor to begin the roll-out procedure, or when partial roll-out has been requested and it has been determined by the Board that the remaining portion of the agricultural preserve no longer meets the minimum criteria to qualify as an agricultural preserve, direct the Clerk of the Board to file a Notice of Non-Renewal for the entire contract.

**E. Breach of Contract.** The County shall file a Notice of Non-Renewal (Notice) when the Board finds that a breach of contract has occurred, when the property no longer meets minimum criteria as a Preserve, or when the remaining property in a partial roll out no longer qualifies as a Preserve under the Williamson Act.

1. Prior to the Board's decision, the Agricultural Commission shall hold a hearing to determine if the terms of the contract have been violated. The Agricultural Commission may provide an opportunity for the operator to bring the agricultural operation into compliance or may recommend to the Board that the Notice be filed.
2. A hearing to determine compliance with the terms of the contract shall be held by the Board prior to filing the Notice. The property owner shall be provided written notice of all hearings.
3. Upon the Board's decision not to renew the contract, the County shall serve a written Notice upon the property owner at least 60 days prior to the contract renewal date, which would be by November 1 for the upcoming year.
4. In the case where certain structure(s) are placed within an agricultural preserve that qualify as a material breach of contract under State law, additional remedies may be applied, including the payment of penalties, in compliance with the requirements under said Government Code Section 51250, as amended from time to time.

**F. Immediate Cancellation.** The property owner may file an application for an immediate cancellation of a Williamson Act Contract, concurrent with a zone change and General Plan amendment, if applicable, at any time during the contract period. As part of the application, the property owner must demonstrate the cancellation is consistent with the purpose of the Williamson Act by making the necessary findings in compliance with Government Code Section 51282, et seq. The application shall be processed as follows:

1. The Department shall forward a copy of the application to the Agricultural Commission and Assessor's Office for comments and recommendations.
2. The Assessor's Office shall determine the cash value of the property as though the land is free from contractual obligations and forward the report to the Department.
3. The Planning Commission shall hold a public hearing and make a recommendation to the Board.



4. The Board shall decide at public hearing whether to approve the cancellation, zone change, and General Plan amendment, if applicable, or deny the request.
5. If approved, the applicant shall pay the amount of cancellation fees, based on the Assessor’s report, prior to the effective date of cancellation.

**G. Agricultural Zones not under Williamson Act Contract.** For land to be zoned for agricultural or horticultural use that is not encumbered by a Williamson Act or farmland security zone contract, such as PA (Planned Agricultural) or AG (Agricultural Grazing), it must meet one of the following criteria:

1. **Soil Capability.** The site is classified as choice soil, as defined in the General Plan, based on the *Soil Survey of El Dorado Area, California* issued April 1974 by the U.S.D.A. Soil Conservation Service, or other comparable state or federal criteria, as further described below:
  - a. Choice agricultural land, up to 30 percent slope, includes some lands in classes II, III, IV, VI, and VII, which are suitable for orchard, vineyard, and woodland; or
  - b. Choice rangeland includes some lands in classes IV, VI, and VII, with range site indices of 1, 2, and 3, suitable for range use.
2. **Present Land Use.** Lands that are not included in one of the above soil groupings but are being actively used agriculturally may be considered for agricultural zoning when the land in question meets the three criteria of acreage, gross income, and capital outlay for establishment of an agricultural preserve, as set forth by resolution of the Board of Supervisors, as may be amended from time to time.
3. **Agricultural Commission Recommendation.** When lands do not qualify as agricultural zones under Subparagraphs 1.a, 1.b, or 2 above, they may still be zoned PA or AG, based on the recommendation of the Agricultural Commission that there are unique circumstances applying to the land and that an agricultural zone would further the intent of the General Plan for protecting and enhancing the agricultural industry in the County.

**17.40.060 Agricultural Support Services**

- A. Purpose.** The purpose of this Section is to promote and regulate the necessary support services that enhance the viability and productivity of the County’s agricultural resources while protecting the public health, safety, and welfare.
- B. Applicability.** The standards set forth in this Section shall apply to agricultural support services, as defined in Article 8, where permitted in the use matrices for the zones.

- C. Review by Agricultural Commission Required.** An application for a Conditional Use Permit to construct or operate a commercial operation on agricultural or resource zoned land as an agricultural support service shall be considered by the Agricultural Commission prior to a hearing before the review authority.
- D. Special Findings Required.** In order to approve a Conditional Use Permit for agricultural support services, the review authority must make the following findings in addition to the findings required under Chapter 17.52.020:
1. The establishment of such use is necessary to support the agricultural industry in the surrounding area, based on the type of agricultural enterprises that exist in the area and the proposed support service to be provided;
  2. The proposed support service is unique to agricultural activities;
  3. The establishment of such use will enhance the economic vitality of the agricultural industry in the area in which it is proposed to be located; and
  4. The establishment of such use will have no significant adverse effect on surrounding property and the permitted uses thereof.

#### **17.40.070 Animal Raising and Keeping**

- A. Purpose.** The purpose of this Section is to provide for the raising and keeping of domestic fowl and farm animals for hobby purposes, educational projects, or for commercial use while maintaining the residential character and enjoyment of surrounding neighborhoods; and to protect the public health, safety and welfare as well as animal health and safety by controlling erosion, dust, noise, and odors; providing vector control; and protecting water quality.
- B. Applicability of Standards.** The standards set forth in this Section shall apply to residential, non-agriculturally zoned lands, where the permitted use matrices for the zones allows the raising and keeping of animals.
- C. Exemptions.** Lands zoned AE (Exclusive Agricultural), AP (Agricultural Preserve), PA (Planned Agricultural), AG (Agricultural Grazing), and FR (Forest Resource) shall be exempt from the provisions of this Section.
- D.** No domestic farm animal, as defined in Article 8 (*Animal, domestic farm*), shall be kept on a lot of less than one acre in any residential zone.
- E.** The slaughtering of fowl or animals is not permitted in any of the residential zones.

#### **17.40.080 Reserved**

**17.40.090 Bed and Breakfast Inns (Adopted 4/29/08)**

- A. Purpose.** In order to further the development of the tourism and recreation economy of the County, while protecting the residential character of neighborhoods, the standards set forth in Subsection C, below, shall apply to bed and breakfast inns.
- B. Definitions.** “Bed and breakfast inn” means any owner-occupied residence that provides guest rooms, without individual kitchens, for paying guests, as a transient lodging facility.
- C. Standards.** Bed and breakfast inns shall be considered an expanded home occupation in residential and agricultural zones and shall only be authorized by approval of a Conditional Use Permit based on the standards provided herein. Bed and breakfast inns within the commercial zones are permitted either by right or with a Conditional Use Permit in compliance with Section 17.22.020 (Matrix of Permitted Uses).

  - 1. The bed and breakfast inn may provide up to a maximum of 20 guestrooms, which shall be contained within the primary and secondary dwelling units and guest house only, in compliance with the development standards of the applicable residential or agricultural zones.
  - 2. The property owner shall reside in either the primary or secondary dwelling on site.
  - 3. Meal service shall be limited to registered guests and shall consist of breakfast and light snacks as a portion of the overall room rate in compliance with the California Retail Food Codes enforced by the County (Health and Safety Code Section 113893).
  - 4. One, non-internally illuminated sign shall be permitted based on the applicable zone standard set forth in Chapter 17.37 (Signs) unless greater sign area is authorized under the Conditional Use Permit. The design of the sign shall be considered by the review authority for architectural compatibility with the inn’s existing or proposed structure(s).
  - 5. Bed and breakfast inns shall have direct access to a maintained road in conformance with Department of Transportation standards. The entrance, parking area and walkways shall be illuminated in compliance with Chapter 17.35 (Outdoor Lighting) and kept free of obstructions or hazards of any type.
  - 6. Kitchens shall be clean, well-maintained, and comply with accepted standards of sanitation and hygiene by conforming to the requirements of the applicable El Dorado County Environmental Health Department permit.
  - 7. Bed and breakfast inns shall provide off-street parking at a ratio of one space per each guest room, plus two spaces required for the principal dwelling. Guest

parking shall be subject to the following:

- a. No guest parking shall be permitted within the required front or side yard setback.
  - b. Tandem parking, meaning two cars parked one behind the other, may be allowed. Denser parking lot configurations may be allowed if valet parking is provided.
  - c. Guest parking shall be designed so as to prohibit the backing of vehicles directly into any public right of way in order to exit any parking space.
  - d. The parking area provided for a bed and breakfast inn may have a gravel surface.
8. A bed and breakfast inn consisting of five or fewer guestrooms shall be considered a single-unit residential dwelling or lodging house for the purpose of building codes, unless additional standards are required by said codes, as amended from time to time and adopted by the County. Six or more guestrooms within one structure shall be subject to further requirements under the building codes.
  9. Bed and breakfast inns within Agricultural Districts, as identified on the General Plan land use maps, or adjacent to land zoned Exclusive Agriculture (AE), Agricultural Preserve (AP), Planned Agriculture (PA), Agricultural Grazing (AG), Forest Resource (FR), or Timber Production (TPZ) must be reviewed by the Agricultural Commission for compatibility with surrounding agricultural land uses prior to action by the review authority.
  10. The operation of a bed and breakfast inn shall be subject to Title 3.28 (Transient Occupancy Tax) and Title 5.08 (Business License Requirements) of the County Code. The business license shall be posted in a conspicuous place on the premises prior to operation of the business.
  11. The Conditional Use Permit may authorize limited ancillary activities such as weddings, receptions, fund raisers, or similar events attended by non-guests, subject to conditions of approval that include, but are not limited to, restrictions upon the frequency and time of holding events, duration thereof, and the maximum number of persons attending. Food preparation, except for the aforementioned breakfast and light snacks, shall not be permitted within the bed and breakfast inn. Unless expressly authorized in the Conditional Use Permit, such ancillary activities are prohibited.

A Temporary Use Permit for an ancillary activity may be processed in situations where special events are not authorized under the Conditional Use Permit for the bed and breakfast inn. Applicable conditions shall be imposed, as determined necessary by the review authority, which restrict the number of

people attending and offset other related impacts, in order to maintain the residential character of the surrounding neighborhood.

12. New construction proposed on a bed and breakfast inn site, including buildings not necessarily proposed for bed and breakfast inn use, or exterior remodeling of the building(s) to be used for guest accommodations, is subject to architectural review by the review authority as part of the Conditional Use Permit process. This determination will be based on building materials, compatibility with neighborhood building style, and any historic style indigenous to the area.

**17.40.100 Campgrounds and Recreational Vehicle Parks**

- A. Purpose.** The purpose of this Section is to encourage development of the tourism industry in the County and to coordinate with the California Department of Housing and Community Development in providing reasonable standards for the development of transient camping facilities in compliance with Title 25 of the California Code of Regulations, in order to minimize conflicts with adjacent land uses and to protect the public health, safety, and welfare.
- B. Applicability.** The provisions of this Section shall apply to all campgrounds and recreational vehicle parks, as defined in Article 8, where the permitted use matrices for the zones allow these uses.
- C. Camping in Vehicle Prohibited.** It shall be unlawful to place, maintain, use, or occupy any vehicle or temporary structure, such as a tent, lean-to, or other makeshift enclosure for which no building permit has been issued, on any lot of real property for the purpose of camping, dwelling, maintaining, or establishing a temporary or permanent residency unless such placement, maintenance, use, or occupancy is authorized in compliance with this Section or with Section 17.52.060 (Temporary Mobile Home Permit).
- D. Compliance with State Law.** All campgrounds and recreational vehicle parks shall comply with the minimum standards of the Special Occupancy Parks Act (Health and Safety Code Section 18860, et seq.) and the applicable regulations adopted by the Department of Housing and Community Development (Code of Regulations, Title 25, Chapter 2.2) including, but not limited to setback and separation standards, infrastructure requirements, operations, maintenance, and inspections within these facilities.
- E. Development Standards.** The following general standards shall apply to new campgrounds and RV parks or proposed revisions to existing facilities, subject to a Conditional Use Permit in compliance with Section 17.52.020:
  - 1. Density.** Maximum overall density shall be consistent with the General Plan land use designation and zone standards. Dwelling units shall be defined as

individual campsites, as defined in Article 8, recreational vehicle spaces, dormitory rooms, or cabins. The review authority has the right to further limit the density based on physical or environmental constraints on the site of a proposed campground or recreational vehicle park.

2. **Fencing.** Where a recreational vehicle park fronts a public road, screening provided by a solid fence, wall, or landscaping shall be installed a minimum of 30 feet from the edge of right of way. The screening shall stand no less than six feet in height. This standard is not mandatory for a campground.
3. **Access.** Campground and recreational vehicle park access roads shall have clear and unobstructed access to a public roadway. There shall be no direct access from an individual campsite or RV space to a public roadway.
4. **Encroachment.** The design and number of the encroachments shall conform to the standards set forth in the Design and Improvement Standards Manual, based on the number of campsites and the type and design speed of the County road.
5. **Parking.** The campground and recreational vehicle park shall provide off street parking spaces for each campsite and guest parking in accordance with Chapter 17.36 (Parking and Loading).
6. **Signs.** Campground and recreational vehicle park entrance signs shall comply with the provisions under Chapter 17.37 (Signs).
7. **Drainage.** A drainage plan shall be required demonstrating how surface runoff will be controlled. Said plan shall be prepared by an appropriately licensed professional and shall show all on-site and off-site improvements or facilities that will be necessary to control runoff, with necessary calculations of flow, velocity, or other data as may be required by the County for review of the plan.
8. **Water Supply and Sewage Disposal.** If public sewer and/or water supply are proposed, a will-serve letter or similar document from the water or sewer purveyor shall be provided indicating that sufficient supply and/or treatment capacity, and adequate lines are available or will be made available to serve the project. If wells and/or septic systems are proposed, sufficient well data, percolation tests, and other data as required by the County Environmental Health Division shall be provided to determine that adequate water supply and/or septic capability is available to serve the project.
9. **Commercial Use.** The construction of a structure within the campground or recreational vehicle park that is under the ownership or control of the park and can provide commercial use to the public shall be reviewed by the County for potential impacts on local services under the conditional use permit.
10. **Length of Stay.** The maximum length of stay in any campground or recreational vehicle park shall not exceed 30 days. Specific exceptions to this

standard for individual campers may be approved by the review authority on a case-by-case basis at the written request of a campground operator where it is found that special circumstances warrant an increase.

11. **Other Requirements.** The Department or review authority may require additional data to provide mitigation to any other potentially significant impact identified during the initial study or public review process for the conditional use permit for a campground or recreational vehicle park.

**17.40.110 Child Day Care Facilities**

**A. Purpose.** The purpose of this Section is to meet the increasing demand for available and affordable child care by allowing child day care facilities within residences as child day care homes to give children the home environment which is conducive to healthy and safe development in compliance with California Health and Safety Code Section 1596.70; in commercial and neighborhood service zones as child day care centers to provide further choice and flexibility while protecting the neighborhoods and commercial areas in which they are located; and in workplaces as employer-sponsored child day care centers to provide convenience for working families.

**B. Child Day Care Homes.** Child day care homes, as defined in Article 8, may be provided in any zone that allows detached, single-unit residential dwellings, including rental units. As such, the following permit requirements shall apply:

1. **Small Family Day Care Homes.** Permitted by right.
2. **Large Family Day Care Homes.** Permitted under an Administrative Permit in compliance with Section 17.52.020. The following shall be submitted in addition to the standard permit application requirements:
  - a. Name and address of the applicant and a statement that he/she resides in the home where the day care will be conducted.
  - b. A site plan drawn to scale, which may be hand drawn provided it is legible, clearly delineating the location and dimensions of all existing and proposed buildings, structures, walkways, yards, driveways, on-site parking areas, and available parking area along the road frontage.
  - c. A sign plan, if applicable, demonstrating compliance with Chapter 17.37 (Signs) for residential signage

**C. Child Day Care Centers.** Child day care centers, as defined in Article 8, shall be permitted subject to the following:

1. By Administrative Permit in the Neighborhood Service (NS), Commercial (C), and Commercial Professional Office (CPO) zones

2. By Conditional Use Permit in the General Commercial (CG) zone.
3. Child day care centers are not permitted in either Industrial (I) or Research and Development (R&D) zones.

**D. Employer-sponsored Child Day Care Centers.** Employer-sponsored child day care centers, as defined in Article 8, shall be permitted by Administrative Permit as part of a commercial or industrial building or complex in NS, I, R&D, and all commercial zones.

**E. Permit Process.** When an Administrative Permit is required by this Section it shall be processed as follows:

1. The Director shall, within 45 days of the filing of a complete permit application, approve a child day care facility if the approval standards in Subsection F have been met; otherwise, the permit shall be denied.
2. Not less than 10 days prior to the date on which the decision will be made on the application, written notice shall be given to all residentially zoned property owners within a 100-foot radius from the property lines of a proposed large family day care home, child day care center, or employee-sponsored child day care center. The notice shall declare that the application will be acted on without a public hearing if no request for a hearing is made, in compliance with Paragraph E.3 below.
3. A hearing will only be held if one is requested in writing by the applicant or other affected person prior to the Director's decision (Health and Safety Code Section 1597.46.a.3). Hearings will be held before the Zoning Administrator.
4. Decisions that are rendered by the Director may be appealed by the applicant or other affected person. All decisions of the Director are appealable to the Commission and then to the Board, in compliance with Section 17.52.100 (Appeals).

**F. Approval Standards.** No application for an Administrative Permit shall be approved unless it complies with the development standards of the zone, Article 3 (Site Planning and Project Design Standards), and the following standards:

1. The loading and unloading of vehicle occupants shall only be permitted on the driveway of a residential dwelling, an approved parking area, or along the frontage of the site and shall not restrict traffic flow. Facilities located on those roads delineated in Figure TC-1 of the General Plan or roads designed for speeds of 35 mile per hour or greater shall provide a drop-off and pickup area designed to prevent vehicles from backing into the roadway.
2. The applicant shall comply with all fire and building codes applicable to child day care facilities.



3. The applicant shall obtain a valid state license to operate a child day care facility on the site within 180 days of the date of issuance of an Administrative Permit. Within 14 calendar days after issuance of the state license, the applicant shall provide a copy of the license to the Director. The applicant's failure to obtain a state license or to provide a copy of the license to the Director may result in revocation of the Administrative Permit in accordance with the provisions of Chapter 17.67 (Code Enforcement).
4. In addition to the standards in Paragraphs F.1 and F.2 above, a large family day care home shall be subject to the following:
  - a. The site shall provide at least two off-street parking spaces, none of which may be provided in a garage or carport. Parking spaces may include those provided to meet residential parking requirements.
  - b. The site shall not be located within 500 feet of any other large family day care home, as measured between the nearest property lines from one another.
  - c. If the site has a swimming pool or spa, the pool or spa shall meet all current code regulations for fencing, gate latches, and alarms.
  - d. No more than one family day care home shall be located on any single lot.
  - e. A permit for a large family day care home is non-transferable.

**17.40.120 Commercial Caretaker and Agricultural Employee Housing**

- A. Purpose.** The purpose of this Section is to provide affordable housing opportunities and to provide a convenience to agricultural employers, businesses, and civic uses with special security needs while protecting the public health, safety, and welfare.
- B. Applicability.** The provisions of this Section shall apply to all housing for commercial caretakers and agricultural employees, as defined in Article 8, where the permitted use matrices for the zones allow these uses.
- C. Commercial Caretaker Housing.**
  1. Commercial caretaker housing may be permitted as an accessory use where the principal commercial, industrial, recreational, or civic use involves operations, equipment, or resources that require 24-hour security, and where there is a demonstrated need for such security, based on the following:
    - a. Value and portability of goods and/or equipment stored on the property;

- b. Precautionary measures taken by the applicant to prevent loss or vandalism; and
  - c. Sheriff's records demonstrating the applicant's past experience with vandalism or the loss of goods and/or equipment.
2. Permanent housing for commercial caretakers may be established on a lot accessory to an existing, permitted commercial, industrial, recreational, or civic use subject to an Administrative Permit in compliance with Section 17.52.020.
3. Temporary housing for commercial caretakers shall be subject to a Temporary Mobile Home Permit in compliance with Section 17.52.070.
4. The Director, in approving a permit for commercial caretaker housing must find that there is a need for such housing based on the information provided under Paragraph C.1 and that sufficient additional security measures, such as security lighting and fencing, have been installed to minimize potential vandalism or theft.

#### **D. Agricultural Employee Housing**

1. A residential structure providing accommodation for six or fewer agricultural employees shall be considered a single-unit residential use and shall be permitted by right in any zone that permits single-unit residential uses. (Health and Safety Code Section 17021.5).
2. Agricultural employee housing consisting of no more than 36 beds in group quarters, or 12 units or spaces designated for use by single households, shall be allowed under an Administrative Permit in agricultural zones. The permitted occupancy in said housing shall include agricultural employees who do not work on the property where the agricultural labor housing is located (Health and Safety Code Section 17021.6). Administrative Permit approval for agricultural employee housing shall be subject to the following:
  - a. Findings made by the Agricultural Commission that the need for such housing exists based on the type of agricultural commodity produced, amount of acreage in production, and any other factors determined to be applicable; and
  - b. The term of occupancy for agricultural employee housing shall be limited to the seasonal extent of the produce grown on the lot. An exception to this limitation is where an agricultural employee works off-site, as allowed under this Paragraph, in serially seasonal, agriculturally-related employment, subject to the findings in 2.a above.

- E. General Standards.** In addition to the specific provisions under Subsections C and D above, all commercial caretaker and agricultural employee housing shall be subject to the following standards:
- 1. Occupancy.** At least one of the occupants of each housing unit shall be a full-time or seasonal employee of the business, operation, or institution that qualifies for such housing in compliance with this Section.
  - 2. Location of Housing Unit.** All housing shall be located on the same lot as the principal use that provides the qualification for such housing, in compliance with the development standards of its applicable zone. The exception to this requirement shall be agricultural employee housing in compliance with Subsection D.2 above.
  - 3. Housing Maintenance.**
    - a. Permanent housing shall be constructed and maintained to conform to the minimum standards contained in the building code, or as otherwise regulated by the State Department of Housing and Community Development for migrant farm labor housing.
    - b. Mobilehomes and recreational vehicles used specifically for such housing shall be maintained in compliance with the applicable requirements of the Manufactured Housing Act (Health and Safety Code Section 18000, et seq.)
- F. Exceptions.** Housing inconsistent with the standards in this Section shall be subject to a Conditional Use Permit in compliance with Section 17.52.020.
- G. Removal of Housing Unit.** A caretaker or agricultural employee housing unit shall remain in use concurrent with the existence of the principal use of the site that justifies the housing unit. Upon termination of the principal use, the housing unit shall be removed if a temporary structure, or converted to another permitted use if a permanent structure.

**17.40.130 Communication Facilities**

- A. Purpose and Intent.** The purpose of this Section is to provide for the orderly development of commercial and private wireless communication facilities including transmission and relay towers, dishes, antennas, and other similar facilities, to encourage the appropriate location and development of said facilities, and to protect the character of neighborhoods and communities, and the scenic quality of County roadways.

The Board finds that minimizing the number of communication facilities through co-locations on existing and new towers and siting such facilities in areas where their

potential visual impact on the surrounding area is minimized will provide an economic benefit and will protect the public health, safety and welfare.

1. Communication service providers shall:
  - a. Employ all reasonable measures to site their antennas on existing structures as facade mounts, roof mounts, or co-location on existing towers prior to applying for new towers or poles;
  - b. Work with other service providers and the Department to co-locate where feasible. Where co-location on an existing site is not feasible, develop new sites which are multi-carrier to facilitate future co-location, thereby reducing the number of sites countywide;
2. It is the intent of the County to minimize the visual impacts of wireless communication facilities by limiting the number of facilities. However, the County may require construction of a number of smaller facilities instead of a single monopole or tower if it finds that multiple smaller facilities are less visually obtrusive.

**B. Permit Requirements.** Wireless communication facilities, as defined in Article 8, shall be permitted in all zones, subject to the following standards and permitting requirements:

1. **Repeaters and Other Small Facilities.** Repeaters and other similar small communication facilities that do not exceed five square feet and do not protrude more than 18 inches from the mounting surface or extend more than three feet above the roofline may be permitted by right in any zone provided that no additional equipment is required.
2. **Building Facade Mounted Antennas.** In all zones, building facade-mounted antennas may be permitted subject to an Administrative Permit in compliance with Section 17.52.020. Those facilities not meeting the requirements below are subject to a Conditional Use Permit in compliance with Section 17.52.050.
  - a. No portion of the antenna, support equipment, or cables shall project above the roofline unless consistent with Subsection 3 below;
  - b. The surface area of all antenna panels shall not exceed 10 percent of the surface area of the facade of the building on which it is mounted or 30 square feet, whichever is greater;
  - c. No portion of the antenna or equipment shall extend out more than 24 inches from the facade of the building;
  - d. Antennas and equipment shall be constructed and mounted to blend with the predominant architecture and color of the building, or otherwise

appear to be part of the building to which it is attached;

- e. The lowest portion of all antennas shall be located a minimum of 15 feet above grade level; and
- f. All equipment shelters, cabinets, or other ancillary structures shall be located within the building being utilized for the communication facility, or on the ground screened from public view. Equipment located on the roof must be screened from public view from adjacent streets and properties by an architecturally compatible parapet wall or other similar device.

**3. Roof Mounted Antennas.** The construction or placement of communication facilities as roof mounted antennas may be permitted as follows:

- a. In all commercial, industrial and research and development zones, except where located adjacent to a state highway or designated scenic corridor, roof mounted antennas may be permitted subject to approval of an Administrative Permit. Those facilities not meeting the requirements under Subparagraphs 2.c, 2.d, and 2.f above and the following requirement shall be subject to a Conditional Use Permit.
  - (1) Facilities located on the roof of the building shall be located towards the center of the roof if technologically feasible.
  - (2) The height of the facility shall not exceed 15 feet above the roof top or the maximum height for the zone, whichever is less.
- b. In all other zones, or where located adjacent to a state highway or designated scenic corridor, roof mounted antennas shall be subject to Commission approval of a Conditional Use Permit.

**4. Co-location on Existing Non-building Structures or Public Facilities.** In all zones, the co-location of antennas on signs, water tanks, utility poles and towers, light standards, and similar structures may be permitted subject to Zoning Administrator approval of a Minor Use Permit in compliance with Section 17.52.020. Those facilities not meeting the requirements below are subject to a Conditional Use Permit:

- a. Antennas shall not exceed the maximum height for the zone or 15 feet above the height of the existing structure, whichever is less.
- b. Antennas and mounting brackets shall be constructed and mounted to blend with the design and color of the existing structure;
- c. All equipment shelters, cabinets, or other ancillary structures shall be located within the structure being utilized for the communication facility, or on the ground screened from public view; and

- d. If proposed to be attached to a structure, utility pole, or tower located within a public utility easement, both the utility and the property owner must authorize submittal of an application for such use.

**5. Co-location on Existing Approved Monopoles or Towers.** In all zones, the placement of antennas on an existing approved monopole or tower may be permitted subject to Zoning Administrator approval of a Minor Use Permit. Those facilities not meeting the requirements below are subject to a Conditional Use Permit.

- a. New antennas shall be located at or below the topmost existing antenna array, either on the same pole, or at the same height on a replacement pole within the approved lease area;
- b. New antennas shall not extend out horizontally from the pole more than the existing widest projection. Use of designs similar to the existing antenna array is encouraged;
- c. All equipment shelters, cabinets, or other ancillary structures shall be located within the building being utilized for the communication facility, or on the ground screened from public view;
- d. The antennas and pole or tower shall be designed to match the existing facility, or to blend with the natural features or vegetation of the site; and
- e. Additional antenna arrays added above the existing approved antenna array or that requires the tower height to be increased shall be considered a new tower and shall be subject to the provisions of Paragraph 6, below.

**6. New Towers or Monopoles.** The construction or placement of communication facilities on new towers or monopoles, or an increase in height of existing towers or monopoles may be permitted as set forth below:

- a. In all commercial, industrial, and research and development zones, except where located adjacent to a state highway or designated scenic corridor or within 500 feet of any residential zone, a new tower or monopole may be permitted subject to Zoning Administrator approval of a Minor Use Permit.
- b. In all other zones, or where located adjacent to a state highway or designated scenic corridor or within 500 feet of any residential zone, new towers or monopoles shall be subject to Commission approval of a Conditional Use Permit.

**6. Other Types of Facilities Not Listed Above.** Application proposals that do

not conform to the above requirements of Paragraphs 2 through 5 above will be subject to Commission approval of a Conditional Use Permit, as determined by the Director.

- 7. Speculative Towers.** Towers for which no licensed communication carriers have committed to utilize shall be prohibited.
- C. Visual.** Visual simulations of the wireless communications facility, including all support facilities, shall be submitted. A visual simulation can consist of either a physical mockup of the facility, balloon simulation, computer simulation, or other means.
- D. Development Standards.** All facilities shall be conditioned, where applicable, to meet the criteria below:

  - 1. Screening.** All facilities shall be screened with vegetation or landscaping. Where screening with vegetation is not feasible, the facilities shall be disguised to blend with the surrounding area. The facility shall be painted or constructed with stealth technology to blend with the prevalent architecture, natural features, or vegetation of the site.
  - 2. Setbacks.** Compliance with the applicable zone setbacks is required. Setback waivers shall be considered to allow flexibility in siting the facility in a location that best reduces the visual impact on the surrounding area and roads, subject to Zoning Administrator approval of a Minor Use Permit.
  - 3. Maintenance.** All improvements associated with the communication facility, such as equipment shelters, towers, antennas, fencing, and landscaping shall be properly maintained at all times. Design, color, and textural requirements under the approved conditions shall be maintained to ensure a consistent appearance over time.
- E. RF Requirements.** The application for a discretionary permit shall contain a report or summary of the estimates of the non-ionizing radiation generated by the facility. The report shall include estimates of the maximum electric and magnetic field strengths in all directions from the facility to the property lines of the facility site.
- F. Availability.** All existing communication facilities shall be available to other carriers as long as structural or technological obstacles do not exist.
- G. Unused Facilities.** All obsolete or unused communication facilities shall be removed within six months after the use of that facility has ceased or the facility has been abandoned. The applicant shall notify the Department at the time of abandonment. All site disturbance related to the facility shall be restored to its pre-project condition.
- H. Permit Application Requirements.** In order to protect the visual character of established neighborhoods and to protect school children from safety hazards that may

result from a potentially attractive nuisance, in addition to the noticing requirements of Article 5, the following notification shall occur:

1. **School District Notification.** If the proposed wireless facility is located within 1,000 feet of a school, the appropriate school district shall be notified during the initial consultation.
2. **Homeowners Association Notification.** For facilities proposed to be located on residentially-zoned land, the applicant shall identify any homeowners association which might govern the property. Any that are identified shall be notified during the initial consultation.

**17.40.140**     *Reserved*

**17.40.150**     **Drive-through Businesses**

- A. **Purpose.** The purpose of this Section is to regulate the location and design of drive-through commercial facilities in order to reduce air pollution, control traffic circulation, promote pedestrian circulation, and protect the public health, safety, and welfare.
- B. **Location of Drive-through Facility.** A drive-through facility shall be located at the rear or side of a commercial structure and not within any front setback area.
- C. **Permit Requirements.** A drive-through facility shall be subject to approval of a Conditional Use Permit in compliance with Section 17.52.050, unless the project that includes the drive-through facility is subject to a Development Plan Permit and the drive-through facility is included as a part of the project description.
- D. **Setback from Residential Uses.** A drive-through facility, including stacking areas for vehicles awaiting service, shall be a minimum of 50 feet from the nearest property line of any residentially-zoned lot. The review authority may impose a greater setback where it is determined to be necessary to mitigate impacts from noise, air pollution, lights, or other land use conflicts.
- E. **Parking Areas to Remain Clear.** Stacking areas shall not block access to any parking area or space required of a business in compliance with Chapter 17.36 and the Design Standards Manual.
- F. **Denial Due to Non-attainment of Air Quality Standards.** The review authority may deny any application for a drive-through facility if it finds that the facility will add to the cumulative air quality impacts for a specified pollutant and the County is found to be in non-attainment status of either federal or state air quality standards for that pollutant.



**17.40.160 Guest House**

A guest house detached from the primary dwelling may be established as an accessory use in any zone allowing single-unit residential development in compliance with the following:

- A. General Development Requirements.** A guest house shall conform to the setbacks, height limits, lot coverage, and other requirements of the zone in which it is located
- B. Floor Area Limitation.** The maximum floor area allowed for a guest house is 600 square feet. Floor area shall be measured from the outside of the exterior guest house walls including all enclosed habitable or potentially habitable space.
- C. Limitation on Use.** As defined under Article 8, a guest house:
  - 1. May contain a living area, a maximum of two bedrooms, and one bathroom. The living area may include a wet bar, as defined in Article 8. A laundry facility, kitchen or cooking facility, or room for installation of a stove, full size refrigerator, or sink other than the bathroom and wet bar sinks, shall be prohibited;
  - 2. Shall be used for temporary, non-commercial sleeping quarters by visitors of the property owner/lessor;
  - 3. Shall not be provided an electric meter separate from the primary dwelling; and
  - 4. Shall not be allowed on any site containing a secondary dwelling established in compliance with Section 17.40.300.

**17.40.170 Home Occupations**

- A. Purpose.** The purpose of this Section is to provide opportunities for home-based businesses incidental to and compatible with surrounding residential and agricultural uses in order to encourage employers to offer home workplace alternatives, promote economic self-sufficiency of County residents, reduce commuting on U.S. Highway 50, while minimizing conflicts with adjacent property owners and protecting the public health, safety, and welfare.
- B. Applicability.** A home occupation shall be permitted in any zone that allows single- or multi-unit residential use in compliance with the standards and permitting requirements of this Section.
- C. Standards.** A home occupation consisting of small scale production or parts assembly, work performed exclusively by telephone, mail, or over the internet, or work that is the activity of creative artists, music teachers, academic tutors, or similar educational instructors shall be allowed in compliance with the following standards:

1. All business is conducted within permitted structures on the lot. The appearance of the structure shall not be altered nor shall the occupation be conducted in a manner that would cause the structure to differ from its residential character either by the use of colors, materials, construction, lighting, or signs.
2. The conduct of the home occupation shall not prevent the use of the garage for vehicle parking on a daily basis.
3. The business shall be owned and operated by a person or persons residing on the premises. No employees shall be allowed to report to work at the site of the home occupation.
4. No retail sales shall occur on the premises except when conducted by telephone, mail, or internet, with delivery occurring off-site.
5. As part of the home occupation, no equipment or process shall be used that creates noise, vibration, glare, fumes, odors, or electrical interference detectable to the normal senses off-site. In the case of electrical interference, no equipment or process shall be used that creates visual or audible interference in any radio or television receivers, or that causes fluctuations in line voltage off-site.
6. The home occupation shall not involve the use of commercial vehicles for the delivery of materials to or from the premises beyond those types of commercial delivery vehicles normally associated with residential uses.
7. No heavy commercial vehicles, as defined in Article 8 (Vehicle, Heavy Commercial), used as part of the home occupation shall be stored or parked on-site or on the road frontage.
8. No goods or materials used or produced as part of the home occupation shall be stored either inside a structure or outside so as to be visible to the public.
9. Any materials used or manufactured as part of the home occupation may be subject to the review and approval of Environmental Management and the applicable fire department prior to business license sign off by the Department.
10. Student instruction shall be provided by appointment only, subject to the following standards:
  - a. Group lessons shall be limited to a maximum of four students at any one time, once per day, provided adequate parking is available. Parking space that meets on-site residential requirements, as well as available parking space along the road frontage may be used.
  - b. No concerts, recitals, performance events, or art shows shall be held on the site unless in compliance with Subsection E, below.

- c. Student instruction shall be permitted between the hours of 8:00 a.m. and 9:00 p.m.
- 11. One, on-site identification sign may be permitted for those home occupations involving student instruction only, in accordance with the provisions of Section 17.37 (Signs).
- 12. The following home occupations shall be allowed by right in Estate Residential (RE) and Agricultural and Resource zones (Chapters 17.24 and 17.21, respectively), with a minimum lot size of 10 acres:
  - a. Horseback riding lessons or similar instruction involving animal husbandry consistent with the standards under Paragraph C.10.
  - b. Horse boarding in compliance with Section 17.40.070 (Animal Raising and Keeping), providing the use or training of the horse(s) is limited to their owners.

**D. Student Instruction - Administrative Permit Required.** An Administrative Permit shall be required when a home occupation exceeds the standards under Paragraph C.10 above. An Administrative Permit for a home occupation under this Subsection shall only be approved when the Director finds that the standards being exceeded will not change the residential character of the neighborhood based on the attendance numbers, frequency or duration of the event, and nature of the use. If applicable, location of an accessory structure relative to adjacent residential uses shall be considered, as well. In addition to all other standards under Subsection C, permit approval shall be subject to compliance with the following standards:

- 1. The site of the home occupation has direct access to a public road, or the property owner participates in a road maintenance association.
- 2. The total number of vehicle round trips to the site generated by students receiving group lessons shall not exceed 10 per day.
- 3. There shall be adequate parking on the site to accommodate recitals or concerts, in addition to the required residential parking spaces. Added parking areas shall be located outside of any setback areas for the zone, in compliance with Subsection 17.36.040.D (Parking and Loading). Available parking along the road frontage may be used, also.
- 4. A proposed accessory structure for the purpose of conducting recitals or concerts shall be permitted on a minimum 0.25 acre lot as follows:
  - a. For lots 0.25 to less than one acre, one structure of 600 square feet, maximum.

- b. For lots one acre or larger, one structure of 1,200 square feet, maximum.
- 5. The Administrative Permit shall be nontransferable from the applicant to any other person.

**E. Prohibited Home Occupations.** The following uses occurring on the site are not incidental to or compatible with residential activities and shall not be allowed as home occupations:

- 1. Motor vehicle and other vehicle repair or maintenance (body or mechanical) including, but not limited to the repair of engine, muffler, or drive train components of the vehicle; and upholstery, painting, or detailing work, except as provided in Section 17.40.370 (Vehicle Maintenance, Repair, and Storage Accessory to a Residential Use).
- 2. The storage of motor vehicles, including but not limited to automobiles, motorcycles, heavy commercial vehicles, recreational vehicles, trailers, and boats (motorized or not), except as provided in Section 17.40.370.
- 3. Carpentry and cabinet making, excluding woodworking that results in the creation of small wood products or single pieces of furniture where delivery occurs off-site.
- 4. Food preparation and food sales.
- 5. Public kennels or catteries.
- 6. Personal services, as defined in Article 8.
- 7. Medical and dental offices, clinics, medical laboratories, and veterinary services.
- 8. Repair shops or service establishments, except repair of small electrical appliances, cameras, or other similar items where pick-up and delivery occurs off-site.
- 9. Public riding stables.
- 10. Large-scale upholstery service, excluding upholstery of single pieces of furniture or other objects where pick-up and delivery occurs off-site.
- 11. Welding and machining.
- 12. Winery and tasting rooms.

13. Any other use determined by the Director that is not incidental to and/or compatible with residential activities.

**17.40.180 Mixed Use Development**

- A. Purpose and Intent.** The purpose of this Section is to allow mixed use development, as defined in Article 8, that provides housing and employment opportunities in proximity to each other in order to more fully and efficiently utilize available land in Community Regions and Rural Centers. The intent of this Section is to encourage the development of affordable housing and pedestrian-oriented communities, maintain access to commercial businesses, enhance the core areas of existing community and rural centers while protecting historical and cultural amenities, and provide incentives for such development.
- B. Applicability.** Residential development may occur with the commercial development allowed in Chapter 17.22 (Commercial Zones) under the permitted use matrices for the zones, except where the commercial zone is combined with the Platted Lands (-PL) Combining Zone.
- C. General Requirements.** The following requirements shall apply to all mixed use development projects:
  1. Commercial and residential uses shall be complementary and mutually supportive of each other and shall be integrated into the community or neighborhood where the development is located.
  2. The residential component shall be allowed on separate lots within the development.
  3. The residential component may include a full range of single-unit and/or multi-unit residential design concepts.
  4. The residential component shall be constructed concurrently with or following construction of the commercial component of the project site. Construction of the first phase of commercial development shall receive final occupancy prior to the first phase of residential development.
  5. Mixed use development projects may be phased.
- D. Development Standards.**
  1. At least 30 percent of the gross floor area of the mixed use development project shall be devoted to commercial uses. “Gross floor area” as used within this Section does not include inner courtyards and exterior stairwells or balconies.

2. The maximum density for the residential use component shall be 16 dwelling units per acre in Community Regions and four dwelling units per acre in Rural Centers or developments without a public sewer connection.
3. Minimum residential dwelling unit area shall comply with the building code.
4. Minimum front yard setbacks may be to property lines that adjoin the back of sidewalks or other publicly accessible area.
5. Parking shall be subject to the requirements in Chapter 17.35 (Parking and Loading) and Section 17.33.050.A (Landscape Buffers).
6. On site pedestrian walkways or sidewalks connecting the residential and commercial components, as well as connecting to adjoining commercial, residential, and civic uses, shall be provided for pedestrian safety.

**E. Findings.** To assure the proposed development meets the intent of this Section for mixed use development and in addition to the findings in Section 17.52.040.E (Development Plan Permit: Findings), the following findings shall be made prior to approving a mixed use project.

1. The development contains complementary and connected uses that are mutually supportive of each use, provides a significant functional interrelationship, and are integrated into the community or neighborhood it is located.
2. The development creates an appropriate internal and external human scale, and provides for pedestrian comfort and amenities.
3. The development is an integrated project as to land use, building design, and site layout, with a coherent physical design.

#### **17.40.190 Mobile/Manufactured Homes**

**A. Purpose.** The purpose of this Section is to allow the placement of mobile homes as temporary and permanent housing or for use as temporary office space during construction in order to provide affordable housing options, offer relief in hardship circumstances, assist in protecting public and private property, and expedite approved development within the County, while providing regulations to protect the public health, safety, and welfare.

**B. Applicability.** A mobile or manufactured home (hereinafter referred to as “mobile home”) or a recreational vehicle (RV) may be permitted for temporary or permanent use in compliance with the provisions of Chapter 15.64 of the County Code (Mobilehome Regulations), the development standards of the zone, and the provisions of this Section.

**C. Permit Requirements.**

1. **Residential Dwellings.** In all zones which permit detached, single-unit residential dwellings by right, the permanent placement of mobile homes as primary and/or secondary dwellings shall be allowed by right.
2. **Temporary While Constructing.** One mobile home or recreational vehicle may be placed on a lot for the purpose of habitation during the construction of a permitted primary dwelling or during major repair of a damaged dwelling that is uninhabitable. A temporary occupancy permit shall be obtained from Building Services for the mobile home or recreational vehicle, and an active building permit must remain in effect for the primary dwelling. However, if an uninhabited secondary dwelling exists on-site, the use of a mobile home or recreational vehicle during major repair of the primary dwelling shall not be allowed.
3. **Hardship Purposes.** In addition to the primary dwelling, one temporary mobile home may be allowed on a lot measuring one acre or larger, in compliance with permit requirements under Section 17.52.060 (Temporary Mobile Home Permit), for the following uses:
  - a. To provide housing or shelter to person(s) related by birth or marriage to the property owner who resides on the lot.
  - b. To provide caretaker assistance to the elderly or handicapped homeowner(s) in their personal care and/or protection of their property. The elderly or handicapped homeowner(s) must reside in the primary dwelling. The use of a hardship mobile home shall not be allowed for this purpose where a secondary dwelling exists on-site. Under this Section, “elderly” shall mean a person 62 years of age or older.
4. **Contractor’s Office.** One or more mobile home(s) may be used exclusively as a temporary office for contractors engaged in construction projects during the course of construction of the project where an active building, grading, or other permit remains in effect, subject to the following provisions:
  - a. A temporary construction office may be located on the same property as the construction project subject to approval of an Administrative Permit in compliance with Section 17.52.010.
  - b. A temporary construction office may be located off-site subject to approval of a Temporary Use Permit in compliance with Section 17.52.070.
  - c. A temporary construction office located on or adjacent to agricultural or resource zoned land shall be subject to review by the Agricultural Commission

5. **Construction Employee Housing.** The temporary placement of one or more mobile homes or recreational vehicles to provide construction-related employee housing may be permitted by Administrative Permit. Such temporary housing shall be limited to projects in remote areas where permanent housing is infeasible and where a mobile home park, recreational vehicle park, or campground space are unavailable. A temporary occupancy permit shall be obtained from Building Services for the mobile home(s) or recreational vehicle(s), and an active building permit must remain in effect for the construction project. The Director, in approving the permit for construction employee housing, must find that housing availability is limited and that approval of the temporary housing will reduce daily vehicular trips.
  6. **Agricultural Employee Housing.** One or more mobile homes may be used for housing agricultural employees and their immediate families in compliance with the requirements under Section 17.40.120 (Commercial Caretaker, etc.).
  7. **Caretaker Housing.** On lots that contain commercial, industrial, recreational, or civic uses including public and private schools and churches, one mobile home may be placed on the lot or contiguous lots under common ownership for the purpose of providing housing for a caretaker in compliance with the requirements of Section 17.40.120.
- D. **Temporary Mobile Home Removal.** Where the permit has expired in compliance with Subsection 17.52.050.F (Permit Expiration), the mobile home or recreational vehicle shall be removed from the property within 30 days from the date of expiration. The applicant shall be required to obtain a demolition permit in order that the County can verify that water, sewer or septic systems, and other utilities are disconnected and the unit is removed from the site.

17.40.200 *Reserved*

17.40.210 **Outdoor Recreational Facilities**

- A. **Purpose.** The purpose of this Section is to ensure that adequate outdoor recreational facilities are available to the residents of the County while providing standards for the development of said facilities in order to protect the public health, safety, and welfare.
- B. **Applicability.** Commercial or public outdoor recreational facilities are subject to the provisions of this Section where permitted under the use matrices for the zones. The standards under this Section do not affect swimming pools, tennis courts, or similar facilities that are accessory to an individual residence or a multi-unit residential complex and not open to the public, or that are accessory to a school.



- C. Permit Requirements.** Where allowed under the use matrices for the zones, those commercial or public outdoor recreational facilities permitted by right shall be subject to the building permit process, while those subject to Administrative or Conditional Use Permit approval shall be reviewed on a case-by-case basis for impacts to the surrounding area. In addition, the specific use standards under Subsections D-F shall apply.
- D. Parks, Day Use.** Uses within this Subsection include neighborhood, community, and regional parks. The following standards shall apply:
1. Use and operation of park facilities shall be limited to daylight hours.
  2. Playground equipment shall be centrally located on the park site, or situated in a way that minimizes noise impacts on adjacent residential property owners.
  3. Landscaping and parking shall comply with the standards set forth in Chapters 17.34 and 17.36, respectively.
  4. Signs shall be in compliance with Chapter 17.36.
  5. Lighting shall be limited to security lighting only, in compliance with Paragraph 17.34.050.A.4 (Outdoor Lighting). Temporary lighting to extend daytime use of the park facilities shall be prohibited.
- E. Riding Stables.** Stables that provide horses for hire at an hourly or daily rate, commercial boarding and training of horses, or riding lessons that exceed the standards of a home occupation under Section 17.40.150.F.2 shall be subject to the following minimum standards:
1. **Minimum Parcel Size.** 10 acres.
  2. **Setbacks.** Under this Subsection, commercial stables, barns, and other structures used for or intended to be used for the sheltering of horses and/or other animals shall comply with the setback requirements of the zone in which it is located, except that the minimum setback from any residentially-zoned property shall be 100 feet.
  3. **Parking and Loading.** Horse trailer parking spaces required under Chapter 17.36 shall be located a minimum of 50 feet from any public road or right-of-way.
  4. **Arenas.** Training arenas shall have a minimum setback of 100 feet from any residentially-zoned property. Arenas used for shows or events where more than 10 people would congregate at any one time shall be subject to a Conditional Use Permit in compliance with Section 17.52.050.

- 5. Equestrian Trails.** Prior to approval of an Administrative Permit or Conditional Use Permit for a commercial stable where the public may be riding off of the premises, the applicant shall demonstrate access to a trail easement for equestrian purposes. Proposed commercial stables adjacent to trail systems may be required to dedicate land for trail access points, as determined by the Director.
- a. If horses will be traveling on a roadway, written approval shall be submitted from the following:
- (1) Private road: Any road maintenance association or other entity created for road maintenance. The operator of the stable shall provide sufficient written documentation to provide proof of the right to use the private road for the proposed use.
  - (2) County road: Department of Transportation.
  - (3) State highway: Caltrans and the California Highway Patrol.

**F. Swimming Pools and Tennis Courts.**

1. The facilities under this Subsection shall be subject to the standards under Paragraph D above, except that a noise analysis will be required for a swimming pool facility within 500 feet of a residential zone, prior to permit approval. If the noise analysis shows that the noise levels will exceed the daytime standards of Chapter 17.39 (Noise Standards), a Conditional Use Permit shall be required in compliance with Section 17.52.020.
2. When open for nighttime use, a Conditional Use Permit shall be required.

**G. Off-road Vehicle Use.** Uses within this Subsection shall include but not be limited to go-cart, motocross, all-terrain vehicle, and miniature auto tracks for recreational purposes. The following standards shall apply:

1. **Residential Zones.** The recreational use of off-road vehicles that are owned and operated by the residents of said property only, is permitted for on site use subject to the following provisions:
  - a. Lot size - five acre minimum;
  - b. Compliance with all applicable development standards under this Title to include, but not be limited to:
    - (1) Noise and outdoor lighting standards;
    - (2) Issuance of grading and encroachment permits where applicable;
    - (3) County erosion, dust control, and air quality standards; and
    - (4) Equipment requirements under Paragraph 2.

2. **Non-residential Zones.** Where permitted in the use matrices for the zones, any public off-road vehicle (OHV) recreation area shall require all vehicles using the site to be equipped, at a minimum, with the following:
  - a. Spark arrestors of a type approved by the U.S. Forest Service;
  - b. Noise suppression devices, such as mufflers or silencers, which limit exhaust noise emissions in compliance with threshold levels under Chapter 17.39 (Noise Standards). No exhaust system or noise suppression device shall be equipped with a cutout, bypass, or similar device, nor shall it be modified in such a manner to amplify or increase the noise emitted by the subject vehicle; and
  - c. Licensing to the extent required by law.

**17.40.220 Outdoor Retail Sales**

- A. **Purpose.** The purpose of this Section is to regulate the operation of outdoor retail sales in a manner that promotes retail commercial activities while protecting the public health, safety, and welfare.
- B. **Permanent Outdoor Retail Sales.** Areas of commercial development intended to be used for outdoor retail sales on a permanent or ongoing basis shall be subject to an Administrative or discretionary permit application. Outdoor retail sales areas may be conducted as a principal use, such as a vehicle sales lot or plant nursery, or as an accessory use, such as a sales yard or nursery area in conjunction with a building materials or other retail store. Outdoor seating at a restaurant, whether conducted as a principal or accessory use, shall also be subject to the standards of this Section. The following standards shall apply:
  1. A permanent outdoor retail sales area shall be distinct and separate from parking and loading areas, walkways, and landscaping areas.
  2. Sales areas shall be included in square footage calculations when determining parking requirements under Section 17.35.040 (Parking and Loading).
  3. All development standards under the specific zone shall apply, as well as those general standards applicable to the site plan, such as landscaping, lighting, and signs (Chapters 17.34, 17.35, and 17.37, respectively).
  4. Notwithstanding the required landscape buffers under Chapter 17.34 (Landscaping Standards), the outdoor sales area shall be screened with a six foot high wall or fence on its boundaries that face or form the side and rear property lines when adjoining residentially zoned property.

5. Surfacing requirements of the outdoor sales area shall consist of concrete or asphalt pavement, chip seal, gravel, or other material that can be maintained in a dust-free condition. Vehicle access and parking areas shall be surfaced in compliance with Chapter 17.35.080 (Parking and Loading).

**C. Temporary Outdoor Retail Sales.** Temporary outdoor retail sales such as farmers' markets, arts and craft fairs, seasonal sales, swap meets/flea markets, sidewalk sales, and mobile food vendors may be permitted subject to the issuance of an Administrative Permit in compliance with Section 17.52.010, unless otherwise specified under Subsections D through H. The following standards shall apply:

1. **Location.** The temporary sales area shall not block any emergency access route or otherwise disrupt general vehicular or pedestrian circulation of the shopping center or public street on which the retail business is located.
2. **Hours of Operation.** The temporary sales area shall be conducted during daylight hours only, with all sales facilities, signs, and any related vehicles removed from the site at the close of daily business. Except where otherwise prohibited by this Section, night operations are allowed only when specifically authorized through Temporary Use Permit approval in compliance with Section 17.52.060.
3. **Parking Requirements.** Parking requirements shall be in conformance with Table 17.36.040.A (Chapter 17.36, Parking and Loading) for each specific use. Parking shall be available to accommodate employee and customer parking needs either on-site or on adjoining property, provided a shared parking agreement between the applicant and the adjoining property owner has been notarized and submitted with the application. Parking along the road frontage(s) may be allowed subject to the review and approval of the Department of Transportation.

If the temporary sales area is located within an existing parking lot, reduction of available spaces shall not exceed 20 percent of the total amount

4. **Surfacing.** Surfacing materials shall comply with Paragraph B.5 above.
5. **Signs.** Signs allowed in conjunction with temporary outdoor retail sales are subject to the provisions of Chapter 17.37 for size and placement standards. Sign placement shall be limited to one day prior to the first day of the sales event and removal shall be required at the close of business on the last day of the event.

**D. Farmers' Markets.** In addition to the standards under Subsection C, farmers' markets are subject to all applicable provisions of Sections 47002 et seq. of the California Food and Agriculture Code.

**E. Garage Sales.** Garage sales or similar uses may be permitted by right by the residents of the property only, subject to the following standards:

1. Garage sale activity shall not be conducted in the public right-of-way, including streets, sidewalks, parkways, or alleys.
2. Items sold at garage sales shall be used goods, wares, or merchandise of a household nature, and shall not have been acquired elsewhere for resale.
3. Single-unit residential dwellings shall be allowed a maximum of four garage sales per calendar year at the same address.
4. Multi-unit residential dwellings shall be allowed a maximum of two garage sales per calendar year per legal dwelling unit.
5. A garage sale may not last longer than three consecutive days.
6. Garage sale advertising signs shall comply with the standards under Paragraph C.5 as to duration, and further shall not be posted on telephone poles, streetlights, traffic signs, or any other structure or location within the public right-of-way.
7. Garage sales that exceed the standards provided in this Subsection shall be considered a temporary use requiring issuance of a Temporary Use Permit in compliance with Section 17.52.070.

**F. Seasonal Sales.** Seasonal sales, as defined in Article 8, shall be subject to the following:

1. **Time Limit.** Seasonal sales products grown in a location separate from where they are sold shall be limited to a period of 45 consecutive days.
2. **Merchandise.** The area dedicated to seasonal sales shall not contain the sale of any merchandise not directly associated with the holiday identified by the applicant as the basis for the seasonal sales activity.
3. **Location.** Seasonal sales shall be conducted outside of any public right-of-way unless an encroachment permit is approved by the Department of Transportation. Off-site sales may utilize a shopping center parking lot subject to a reduction of 20 percent of the total amount of available parking.
4. **Hours of Operation.** Seasonal sales shall be conducted between the hours of 8:00 A.M. and 10:00 P.M. unless otherwise restricted.
5. **Lighting.** Lighting shall be subject to the requirements in Subsection 17.35.050.A.7 (Outdoor Lighting).

**G. Swap Meets/Flea Markets.** These temporary events may be conducted on the site of another use established in compliance with this Title in a commercial or industrial zone, provided that such site does not adjoin a residential zone.

1. **Limitation on Use.** The sale of vehicles is not permitted.
2. **Site Surfacing.** Portions of a swap meet site used for sales activities or pedestrian circulation shall be surfaced in compliance with Paragraph B.4 or planted and maintained with lawn.
3. **Duration.** Swap meets may not last longer than three consecutive days. This standard may be modified through Temporary Use Permit approval where it is found that the proposed site will be provided with adequate parking and restroom facilities and that the surrounding area can sustain traffic volumes generated by a swap meet without adverse effects in the area.

**H. Itinerant Sales.**

1. Transient produce, food, flower, or merchandise stands that are not part of a temporary use or event authorized in compliance with this Section, or that are not operated as a produce stand in compliance with Section 17.40.240 (Produce Sales) are prohibited.
2. Mobile food vendors, such as lunchwagon-type vehicles or self-contained food preparation facilities that are transported by another vehicle, shall be permitted in commercial and industrial zones only, subject to the following:
  - a. The service is to provide food on site to employees or customers of the existing commercial or industrial business;
  - b. Mobile food vendor vehicles shall not be parked in any one location for a period exceeding two hours other than the base of operations provided in Subparagraph 2.f;
  - c. Mobile food service vehicles shall not block any emergency access route or otherwise disrupt general vehicular or pedestrian circulation of the parking lot or public street on which the commercial or industrial business is located;
  - d. Location of the service shall not reduce available parking spaces in an amount greater than 20 percent of the total amount;
  - e. Surfacing materials surrounding the location of the service shall comply with Paragraph B.5; and
  - f. When not in operation, vehicles shall be stored on a commercial or industrial site.

**17.40.230 Private Schools in Light Manufacturing Facilities**

- A. Purpose.** The purpose of this Section is to allow the use of light manufacturing facilities to accommodate the development of private schools for general education while retaining the light manufacturing potential of the facility and providing standards to protect the public health, safety, and welfare.
- B. Applicability.** Private schools and their accessory uses are subject to the provisions of this Section where permitted under the use matrices for zones allowing light manufacturing uses, as defined in Article 8, subject to the standards and permitting requirements of this Section.
- C. Exemptions.** Trade schools that provide training in skills that would be compatible with the uses in zones allowing light manufacturing shall be exempt from this Section.
- D. Permit Requirements.** The use of light manufacturing facilities for private schools shall be subject to discretionary review. As part of discretionary approval, the review authority shall find:

  - 1. There is sufficient land or structures available in the adjacent area or business park in which the school is located to accommodate the expected demand for light industrial uses.
  - 2. Sufficient outdoor play area is provided to accommodate the number of children anticipated or approved by the discretionary permit, with age-appropriate play facilities on the site of the school.
  - 3. The location of the school will not detract from or compromise current or future light industrial uses in the vicinity.
  - 4. The private school conforms to all other requirements of this Title, including, but not limited to parking and signs (Chapters 17.35 and 17.36, respectively).
- E. General Standards.**

  - 1. Where it can be demonstrated that shared parking can accommodate the anticipated parking demand based on alternating use schedules, a school shall not be required to provide additional parking with the exception of meeting ADA requirements for access to the school building.
  - 2. An adjacent site may be utilized for parking with submittal of a written, binding agreement with the adjacent land owner allowing use of their site for this purpose.
  - 3. Utilization of parking and/or loading areas for outdoor play shall be prohibited.

4. A drop-off and pick-up area shall be provided that does not conflict with traffic flow or impact parking areas.

#### 17.40.240 Produce Sales

- A. **Purpose.** The purpose of this Section is to promote the sale and productivity of the County's agricultural resources and to regulate the accessory structures needed to support such activity while protecting the public health, safety, and welfare.
- B. **Applicability.** The standards set forth in this Section shall apply to produce sales, as defined in Article 8, where the permitted use matrices for the zones allow this use.
- C. **General Standards.** Sale of produce grown on-site shall be subject to the following:
  1. Sales may occur by right on site subject to adequate off-road and/or road frontage parking.
  2. One produce stand, as defined in Article 8, may be used subject to the following requirements:
    - a. The stand shall measure 200 square feet or less in size and be situated a minimum of 50 feet from the nearest side or rear property line.
    - b. An encroachment permit shall be secured from the Department of Transportation if the produce stand is accessed from a County road.
    - c. Parking requirements shall be in compliance with Table 17.35.040.1 (Chapter 36, Parking and Loading). The parking area shall meet minimum setback standards for the zone and shall be designed to prevent vehicles from backing into the roadway. Said parking area may be of gravel or dirt surface, but dust control measures shall be implemented as needed to comply with Air Pollution Control District standards.
- D. **Off-site Sales.** No direct sales of produce grown off-site or of any other merchandise, including wholesale or retail nursery products, shall be allowed by right. Off-site produce sales, when in conjunction with a shared multi-farm produce stand, may be allowed subject to approval of a Minor Use Permit.
- E. Produce sales in excess of the requirements of this Section, shall be subject to Section 17.40.260 (Ranch Marketing).



**17.40.250 Public Utilities**

Overhead and underground public utility lines and facilities, as defined in Article 8, may be established as a permitted use in any zone in conformance with the following:

- A. Overhead and Underground Utilities Allowed.** Public utility lines and facilities shall be allowed in all zones, as set forth in Subsections B through D below, provided that the routes and site locations of the proposed lines or facilities be submitted to the Department for a finding of consistency with the General Plan during the preliminary planning stages, prior to the adoption of the routes and site locations(s), and/or acquisition of right-of-way.
- B. Permitted by Right.** Public utility lines and facilities are permitted by right when said facilities conform to the setback standards of the zone, do not exceed the height limit of the zone by more than 15 feet, and do not create potential safety and health hazards to adjacent property owners, present or future.
- C. Administrative Permit Required.** Notwithstanding Subsections A and B, above, an Administrative Permit in compliance with Section 17.52.020 shall be required for the following:

  - 1. Overhead public utility lines and facilities proposed to be constructed in the Airport Transportation Corridor (TCA) zone or Airport Safety (-AA) combining zone. Said permit shall be subject to the review and approval of the Airport Land Use Commission for a finding of consistency with the applicable Comprehensive Land Use Plan (CLUP).
  - 2. Public utility lines and facilities that exceed the height limitations of the zone as set forth in Subsection B and are less than 150 feet in height or do not comply with setback standards.
- D. Conditional Use Permit Required.** A Conditional Use Permit in conformance with Section 17.52.050 shall be required for the following:

  - 1. Where the construction of the public utility lines and facilities creates a potential safety or health hazard to adjacent property owners, present or future, as determined by the Director.
  - 2. Where the construction of the public utility supporting structures or facilities exceed 150 feet in height.

**17.40.260 Ranch Marketing**

- A. Purpose.** The purpose of this Section is to provide for the orderly development of ranch marketing activities and accessory uses within agricultural zones; to encourage the economic development of the County agricultural and tourism industries; to provide

for the sales of value added products while protecting the agricultural character and long-term production of agricultural lands; and to provide for compatibility with adjacent land uses.

**B. Applicability.** Except as provided in Subsection C, the regulations and standards of this Section shall apply to ranch marketing uses, as defined in Article 8, where allowed in the permitted use matrices for the zones on lots that meet the following minimum criteria:

1. **Minimum Lot Size.** Ten gross acres.
2. **Minimum Crop Area.** As defined in Subsection D:
  - a. Five acres of permanent agricultural crop in production; or
  - b. Ten acres of annual agricultural crop in production; providing
  - c. The minimum crop area shall be properly maintained and cared for to produce a commercial crop, as determined by the County Agricultural Commissioner. Failure to maintain crops will void the ranch marketing uses of this Section.

**C. Exceptions.** This Section does not apply to the following uses:

1. Produce sales, as defined in Article 8, for the direct sale of products grown on site.
2. Indirect sales by mail, telephone, or internet where delivery of the goods occurs off site.

**D. Definitions.** As used in this Section, the terms below will mean the following:

**“Byproduct”** shall mean a value-added product, such as a pie, jam, or juice, produced from an agricultural commodity.

**“Choose and Cut Tree Sales”** shall mean a commercial operation where the public is allowed on a site where evergreen trees are grown in order to select a specimen, cut it, and personally transport it off site for their personal use as a Christmas tree.

**“Christmas Tree Season”** is the time period beginning on Thanksgiving Day and ending on Christmas Day.

**“Bake shop”** means a facility for the preparation and consumption of food items in which agriculture products grown on-site are used as a main ingredient for at least one of the baked goods apple pies, apple turnovers, and other apple pastries. Baked goods made from other ingredients may be offered for sale concurrently with goods made from on-site grown produce.

“**Food Stand**” means a food-serving facility used in conjunction with a ranch marketing operation serving prepared food from products not grown on site and for which indoor seating is not provided.

“**Harvest Season**” shall mean the time period in which the primary fruit or vegetable crop(s) is harvested on site and in which certain ranch marketing activities associated with that crop may occur. The season shall begin with the first day of the month in which the crop is harvested and conclude with either the last sale of the primary fruit or vegetable crop(s) harvested that season or December 24<sup>th</sup>, whichever comes first.

“**Minimum Crop Area**” shall mean an area planted and maintained in fruit trees, berry vines, truck crops, or other plants producing marketable produce using standard horticultural practices with regard to irrigation, plant spacing, pruning, and pest control.

“**Ranch Marketing Area**” shall mean an area used for ranch marketing activities, not including land planted in crops or orchard, and packing and storage facilities, unless those areas are also used for accessory ranch marketing activities as set forth in Subsections E and F. Ranch marketing area includes permanent parking spaces and portions of the on-site access road that serve only the Ranch Marketing facility, in compliance with Subsection J.

“**Special Events**” shall mean events such as charitable events, promotional events, and facility rental events, where more than 50 persons are in attendance, subject to the limitations set forth in Subsection F.5, below. Facility rental events involve the property, or portions thereof, being rented or donated for weddings, parties, company picnics, and similar social gatherings.

**E. General Standards.**

1. **Concurrency.** The uses identified in Subsections F, G, and H shall be conducted concurrently with the on site sale of agricultural products and/or byproducts grown on site, except as provided below:

- a. Marketing activities, as provided in Paragraph F.3, may be allowed concurrently with the sale of off site produce or byproducts if:
  - (1) The off-site produce or byproducts are, or are made from, the same type of produce grown on site;
  - (2) All other requirements of this Section are met.
- b. Special events, as provided in Paragraph F.5, may occur at any time, subject to all other provisions of this Section.

2. **Maximum Ranch Marketing Area.** The total ranch marketing area, as defined in Subsection D, cannot occupy more than five acres or 50 percent of the lot, whichever is less.

**F. Ranch Marketing Uses Permitted by Right.** The following uses shall be allowed by right during the harvest season, except as provided in Paragraph 7.

**1. Bake Shops and Food Stands.** Bake shops and food stands, subject to the following standards:

- a. Bake shops, food stands and any other sale of food products shall comply with the California Health and Safety Code, subject to approval from the County Environmental Management Department.
- b. Indoor seating for a bake shop is limited to a total of 1,000 square feet of seating area.
- c. Alcoholic beverage sales consistent with the provisions of a Type 2 Winegrower license from the State Department of Alcoholic Beverage Control (ABC).

**2. Handicraft Sales.** Handicraft sales subject to the following standards:

- a. Handicrafts shall be products that are made domestically by hand, normally sold by the person who made them, and do not include items that are mass produced by others;
- b. The area used for handicraft vendors is limited to a maximum of:
  - (1) 2,000 square feet for lots under 20 acres; or
  - (2) 4,000 square feet for lots 20 acres or larger.
- c. Agricultural production is the primary use or function of the property. The Agricultural Commissioner may review the proposed sales area to ensure that the site conforms to the standards of Paragraph E.2 and Subparagraph F.2.b;
- d. Vendors shall have a current County business license; and
- e. Vendors may use the site for overnight RV camping during the time the vendor occupies the site, subject to any applicable state and County health and safety regulations.

**3. Marketing Activities and Accessory Uses.** Marketing activities and accessory uses such as picnic areas, public tours, hay mazes, pony rides, and tractor rides, subject to the following:

- a. All public activities are limited to daylight hours.
- b. Outdoor music shall meet County noise standards.

4. **Retail Sales.** Retail display and sales area not associated with produce sales, handicrafts, or bake shops are limited to a maximum of 500 square feet of interior floor space.
5. **Special Events.** Special events, subject to the following limitations:
  - a. Total of 24 events per calendar year;
  - b. Maximum capacity of 250 persons at one time.
  - c. Special events shall be limited in time duration to 48 hours.
  - d. The total number of special events shall be limited to the number provided in this paragraph and shall not be cumulative if a lot also qualifies for events under Paragraph I.4 or Section 17.40.400 (Wineries).
6. **Museum.** Agriculturally related museums that primarily display items from California’s agricultural history.
7. **Exceptions to Uses Permitted by Right.** The following exceptions apply to the by-right provisions of this subsection:
  - a. Special events, consistent with Paragraph F.5, may be held throughout the year and are not limited to the harvest season;
  - b. Lots under active farmland conservation contracts pursuant to the California Government Code Section 51200 et seq. (Williamson Act) may require a Conditional Use Permit for any uses that are deemed to be incompatible under the terms of the Contract.
- G. **Uses Requiring an Administrative Permit.** The following uses are permitted by Administrative Permit in compliance with Section 17.52.010:
  1. Use of a Ranch Marketing Commercial Kitchen for off-season production of byproducts for off site sales.
  2. Ranch marketing activities that do not have direct access to a County Maintained Road, provided that the operator of the facility has entered into an agreement to participate in any road maintenance entity (homeowner’s agreement, Zone of Benefit, Community Services District, or County Service Area) on roads that serve the site.
- H. **Uses Permitted by Conditional Use Permit.** The following uses are permitted by Conditional Use Permit in compliance with Section 17.52.020, subject to the findings in Paragraph 8 below:
  1. Bake shop with an indoor seating area of over 1,000 square feet.

2. Alcoholic beverage sales other than that allowed under a Type 2 Winegrowers license allowed in Subparagraph F.1.d.
3. The use of an existing commercial kitchen, established for a bake shop or food stand, to be used as an owner-operated or leased catering facility not associated with on site sale of agricultural products produced on the lot.
4. Special events that exceed the provisions of Subsection F.5 that are on-going or reoccurring. One-time special events may be authorized by Temporary Use Permit in compliance with Section 17.52.060 (Temporary Use Permits).
5. Campgrounds, fishing, and commercial stables;
6. Retail sales area in excess of that allowed by right in Subsections F.2 and F.4;
7. Where a proposed facility is located on a non-County maintained road.
8. Mechanical amusement rides, helicopter rides, and similar non-agricultural activities.
9. Concerts or other live, outdoor amplified music where the music is the primary attraction.
10. Ranch marketing activities that do not have direct access onto a County-maintained road and do not participate in a road maintenance agreement, as provided in Paragraph G.2.
11. In addition to the findings required under 17.52.020.C (Conditional Use Permit), the following findings shall be made by the review authority prior to approving a Conditional Use Permit under this section:
  - a. The use is secondary and subordinate to the agricultural use.
  - b. The use does not detract from or diminish the on site agricultural uses.
  - c. There is no adverse effect on agricultural production on surrounding properties.
  - d. For lands under Williamson Act contract, the use is compatible with the provisions of Government Code Section 51200 et seq.

**I. Ranch Marketing Provisions for Christmas Tree Sales.** The provisions of this Subsection apply only to operations whose primary product are Christmas trees and are not in addition to other uses permitted by this Section. The following ranch marketing provisions shall be permitted where Christmas trees are grown on sites that meet the minimum acreage and planting standards of Subsection B:

1. Choose and cut tree sales, as defined in Section D.
2. Retail sales in compliance with Paragraph F.4.
3. The sale of pre-cut Christmas trees grown off site provided they are sold concurrently with Christmas trees grown on site and the primary crop (greater than 51 percent) is grown on site.
4. Special events outside of the Christmas tree season on lots of 10 acres or more, subject to the following minimum standards:
  - a. Two events on lots with five acres or more of planted Christmas trees.
  - b. Five events on lots with ten acres or more of planted Christmas trees.

**J. Development Standards:** Ranch marketing uses shall not be allowed unless they comply with the development standards of the zone and Article 3 (Site Planning and Project Design Standards), except as provided below:

**1. Parking.**

- a. Parking spaces shall be provided on site for all Ranch Marketing uses. No on-street parking is permitted on County maintained roads.
- b. Special events may utilize temporary overflow parking areas that are mowed of dried vegetation to a maximum height of two inches.
- c. Areas for bus stop and drop off areas shall be provided for any site that has a minimum of 20 parking spaces. Bus stops and drop off areas may be waived if the parking lot is designed to provide a loop or circular path of travel so that the bus can use the parking drive aisle as a temporary bus stop.

**2. Access.**

- a. A ranch marketing facility shall be connected directly to a County maintained road, except as provided in Paragraphs G.2 and H.10.
- b. Access to a facility shall meet the minimum fire safe standards or same practical effect, as determined by the applicable fire district.

**3. Signs.**

- a. One temporary directional sign no larger than six square feet may be placed along a private road with the property owner's permission, concurrent with the sale of on site produced agricultural products.

- b. Two or more temporary off site directional signs, not exceeding 6 square feet each, may also be approved with the property owner's permission through the Administrative Permit process with the submittal of a plan showing the location of each sign and the need for each of the directional signs. All temporary signs shall be removed at the conclusion of the regular sales season.

4. **Setbacks.** All Ranch Marketing facilities and outdoor use areas, excluding parking lots and picnic areas shall be a minimum of 50 feet from all property lines.

**K. Nonconforming Ranch Marketing Uses.** Existing ranch marketing uses made nonconforming by the adoption of this ordinance may continue to operate subject to an Administrative Permit, as set forth in Chapter 17.61 (Non-Conforming Uses), in order to document the existing nonconforming ranch marketing uses.

1. The Administrative Permit shall be submitted to the County within one year of the date of adoption of this ordinance.
2. All existing uses shall be allowed to continue for one year from the application date of the required permit. If the required permit has not been submitted within the one year time frame set forth in this Subsection, the existing uses shall constitute a violation of this Section and shall be subject to enforcement proceedings, as provided for in Chapter 17.67 (Code Enforcement).

**17.40.270** *Reserved*

**17.40.280** **Recycling Facilities**

**A. Purpose.** The purpose of this section is to facilitate the placement of recycling facilities to enhance waste stream reduction, while providing standards to ensure appropriate location, noise attenuation, and hazardous material handling to protect the public health, safety, and welfare.

**B. Recycled Oil Collection Facilities.** Used oil may be collected for recycling, subject to the following standards:

1. In all zones where automotive and equipment service, gasoline sales, small engine repair, and aircraft service and repair use types are permitted, the collection of used oil may be permitted by right, provided the use conforms to all applicable state laws and County requirements.
2. Recycled oil collection facilities located as a part of any use other than those listed in Paragraph B shall be subject to an Administrative Permit based on the



findings under Paragraph C.2 below, as well as all applicable state and county requirements.

**C. Recycling Collection Facilities.** Recycling collection facilities as defined in Paragraph 1 below, shall be permitted as a secondary use in commercial (C), general commercial (CG) and industrial (I) zones by Administrative Permit. Approval from the Director shall be granted if the proposed use and site plan are in compliance with the findings required in Paragraph 2 below.

1. “Recycling collection facilities” shall be defined for the purposes of this Section as:
  - a. Reverse vending machines, which are mechanical devices that accept one or more types of empty beverage containers and issue a cash refund or redeemable coupon. Some machines will also dispense coupons and promotional materials. The machines identify containers by reading the bar code, scanning the shape, or by other methods;
  - b. Mobile recycling units, which are properly licensed automobiles, trucks, trailers, or vans used for the collection of recyclable material such as aluminum, glass, plastic, and paper;
  - c. Small collection facilities no larger than 500 square feet, which are intended for collection only. They have room for limited day to day storage of material, and do not include power driven processing equipment except as part of reverse vending machines. Small collection facilities are usually located outdoors.
2. The following findings shall be made by the Director prior to Administrative Permit approval:
  - a. The facility is established in conjunction with an existing commercial or industrial use, or community service facility, and is in compliance with all applicable County Codes;
  - b. The facility itself is clearly marked to identify the name and telephone number of the facility operator and hours of operation, and displays a notice stating that no material shall be left outside the recycling enclosure or containers;
  - c. The facility’s schedule will accommodate daily collection needs and storage capacity on the site;
  - d. The facility is set back a minimum of ten feet from any road easement, is screened from view from said easement, and does not obstruct pedestrian or vehicular circulation;

- e. The facility is no larger than 500 square feet and occupies no more than five parking spaces, not including space that will be periodically needed for removal of materials or exchange of containers;
- f. The facility's occupation of existing parking space by its customers and attendant does not reduce available parking space below the minimum number required for the primary use of the site, unless all of the following conditions exist:
  - (1) The facility is located in a convenience zone, as defined in Article 8, or a potential convenience zone, as designated by the California Department of Conservation;
  - (2) A parking analysis demonstrates that existing parking capacity is not already fully utilized by the primary use during the time the recycling facility will be on the site. A reduction of 20 percent of available parking in an established parking facility may then be allowed up to a maximum of 15 spaces. When the primary use is a community facility a maximum reduction of five spaces will be allowed.
- g. No additional parking space for a small collection facility will be required in an established parking facility. One space may be dedicated for the attendant, if excess parking is available;
- h. Attended facilities located within 100 feet of a property zoned or occupied for residential use will limit their hours of operation between 9 a.m. to 7 p.m. and be fully screened from view from said residential property;
- i. Containers for the 24 hour donation of materials are located at least 30 feet from any property zoned or occupied for residential use, unless there is a recognized service corridor and acoustic shielding between the containers and the residential use that will reduce noise impacts consistent with Chapter 17.39 (Noise Standards), and the containers are fully screened from view from said residential properties;
- j. The collection containers are insulated so that noise generated by associated activities shall not exceed thresholds for non-transportation noise sources under Chapter 17.39.
- k. The facility will not use power driven processing equipment, except for reverse vending machines;
- l. The facility shall store all recyclable material in containers or in the mobile unit vehicle, and shall not leave materials outside of containers when the attendant is not present;

- m. The facility will use containers that will be of a sufficient capacity to accommodate the daily collection of materials. The containers will be constructed and maintained with durable waterproof and rust resistant material that will remain covered when the site is unattended, and secured from unauthorized entry and removal of material;
- n. The facility will accept only glass, metals, plastic containers, and paper material. Containers are to be clearly marked to identify the type of material which may be deposited in each;
- o. No advertisement, posters, or flyers will be attached temporarily or otherwise to the containers; and
- p. The facility will be maintained free of litter and will be swept at the end of each collection day. All other undesirable materials are to be removed at the end of each collection day.

**17.40.290 Right To Farm**

**A. Purpose and Intent.** It is the declared policy of the County to conserve and protect agricultural land and to encourage agricultural operations within the county. Where nonagricultural land uses, including but not limited to residential development, extend into or adjoin areas of agricultural land, agricultural operations have become the subject of nuisance complaints. As a result, agricultural operations are sometimes forced to curtail or cease operations, and operators are discouraged from making investments in farm improvements to the detriment of the economic viability of the County's agricultural industry as a whole. It is the purpose and intent of this Section to reduce the loss to the County of its agricultural resources by limiting circumstances under which agricultural operations may be considered a nuisance. This Section is not to be construed in any way as modifying or abridging state law relative to nuisances, but is to be utilized in the interpretation and enforcement of the provisions of this Code and other applicable County regulations.

**B. Definitions.** As used in this Section, the following terms shall have the meanings set forth below:

**Agricultural Land.** Lands which are zoned AE (Exclusive Agriculture), AP (Agricultural Preserve), PA (Planned Agricultural), AG (Agricultural Grazing), FR (Forest Resource), and TPZ (Timberland Production Zone). PCD

**Agricultural Operations.** Activities relating to agricultural use including, but not limited to, the cultivation and tillage of the soil; the burning of agricultural waste products or other agricultural burning; the protection of crops and livestock from insects, pests, diseases, birds, predators, or other pests that damage or could potentially damage crops; the proper and lawful use of agricultural chemicals, including but not limited to the application of pesticides and fertilizers; or the raising, production,

irrigation, pruning, harvesting, or processing of an agricultural commodity, including any type of crop or livestock, and any forestry improvements and timber harvesting and processing.

- C. Nuisance.** No present or future agricultural operation or any of its appurtenances conducted or maintained for commercial purposes and in a manner consistent with proper and accepted customs and standards of the agricultural industry on agricultural land shall become or be a nuisance, private or public, due to any changed condition of the use of adjacent land in or about the locality thereof. However, the provisions of this Subsection shall not apply whenever a nuisance results from the negligent or improper operation of any such agricultural operation and its appurtenances or if the agricultural activity or appurtenances obstruct the free passage or use in the customary manner of any navigable lake, stream, river, canal, or basin, or any public park, square, street or highway.
- D. Role of Agricultural Commission.** An interested party may submit a written request to the Agricultural Commission for an opinion as to whether a particular agricultural operation constitutes a nuisance. In the event a dispute arises between an owner of an agricultural operation and a resident (or residents) in or about the locality thereof as to whether a particular agricultural operation constitutes a nuisance, an interested party may submit a written request to issue an advisory opinion or mediate a dispute. The Agricultural Commissioner may promulgate such regulations as are necessary for the implementation of this Section. The County Farm Advisor from the University of California Cooperative Extension Service may serve as technical advisor to the Agricultural Commission.
- E. Disclosure Notice.** Every seller of any real property in the unincorporated areas of the county, either directly or through his/her authorized agent, shall provide to any prospective buyer a written disclosure statement advising the buyer of the existence of a Right to Farm Ordinance enacted by the County. Such disclosure statement shall contain or be accompanied by a copy of the Right to Farm Ordinance, Section 17.40.290 or successor, and the brochure provided by the county entitled "Agricultural Land Use in El Dorado County". The disclosure statement shall be substantially in the form promulgated by the Agricultural Commissioner, or his designee. The written disclosure statement shall include any agricultural setback requirements applicable to the property. The written disclosure statement also shall include a statement that intensive agricultural activities may be conducted on agricultural land within the county. The buyer shall sign a copy of the written disclosure statement acknowledging receipt of the disclosure and accompanying documents and deliver the signed copy to the seller or his/her authorized agent. The seller or his/her authorized agent shall retain the copy of the disclosure statement executed by the buyer in the escrow process.

#### 17.40.300 Secondary Dwellings

- A. Purpose.** The purpose of this Section is to implement California Government Code Section 65852.150 et seq. regarding secondary dwellings, provide affordable housing

alternatives, and protect the public health, safety, and welfare of residents of El Dorado County.

**B. Applicability.** In all zones that permit single-unit residential development, the expansion of the primary dwelling or the construction of a new structure for the purpose of creating a secondary dwelling may be permitted by right subject to the provisions of this Section.

**C. Development Standards.** The following development standards shall apply to all secondary dwellings:

**1. Maximum Floor Area.** The floor area of a secondary dwelling shall be measured from the outside of the exterior walls including all enclosed habitable or potentially habitable space, such as living areas, hallways, stairwells, attics, basements, storage areas, and equipment rooms, but excluding attached garages. The maximum floor area allowed for both attached and detached dwellings shall be subject to Table 17.40.300.1 below, providing an attached secondary dwelling does not exceed 30 percent of the square footage of the primary dwelling, as follows:

**Table 17.40.300.1**

Lot Area	Maximum floor area
Up to 9,999 sq ft	600 sq ft
10,000 – 19,999 sq ft	800 sq ft
20,000 sq ft to less than 1 acre	1,000 sq ft
1 acre or greater	1,200 sq ft

**2. General Development Requirements.** A secondary dwelling shall conform to the setbacks, height limits, lot coverage, and other requirements of the zone in which it is located.

**3. Specific Development Requirements.**

**a. Attached Dwellings.**

(1) An attached secondary dwelling shall share a common wall with the primary dwelling or garage. The common wall or portion thereof shall measure a minimum of 10 linear feet at the shared surface to be considered an attached dwelling.

(2) In order for the primary dwelling to maintain its single-unit residential character, the entrance to an attached secondary dwelling shall not be located on the same building face as the entrance to the primary dwelling unless separate entrances to both the primary and secondary dwellings are off of a shared entrance.

**b. Detached Units.** A secondary dwelling shall not be allowed when a guesthouse already exists on the lot. However, a guesthouse may be

converted into a secondary dwelling and expanded up to the maximum allowed in compliance with Table 17.40.300.1 and all other requirements of this Section.

4. **Parking.** Parking shall comply with the requirements under Table 17.35.040.1 (Parking and Loading). Said parking space(s) may be in tandem with the parking spaces required for the primary dwelling unless tandem parking is not feasible based upon specific site, fire, or safety restrictions.
  5. **Utilities.** Secondary dwellings may be connected to the power source, water supply, and sewage disposal system of the primary dwelling or may have separate connections that provide the same standards required of the primary dwelling, subject to the requirements of the applicable service providers and/or the Environmental Management Department.
- D. Owner Occupancy.** One of the residential dwelling units shall be occupied by the property owner. This Subsection is explicitly intended to prohibit two rental units on lots zoned for one single-unit residential dwelling. A notice of restriction on the subject property that is signed and notarized by the property owner declaring this limitation shall be filed with the Department prior to issuance of the certificate of occupancy for the secondary dwelling.

#### **17.40.310 Solar Collection Systems**

As defined under Title 8 and used in this Section, active solar collection systems may be permitted in any zone in compliance with the following:

- A. Solar panels located on the roof of an existing structure shall be subject to the height requirements for the zone.
- B. Solar panels located on the ground shall be classified as accessory structures, and shall be subject to front yard setback requirements for the zone. Exceptions to side and rear setback requirements shall be subject to Subparagraph 17.30.030.B.3.f (General Development Standards).
- C. Solar paneled structures placed in parking lots, whether public or private, may be counted as part of the shade requirements in compliance with Subsection 17.33.050.C (Parking Lot Landscaping).
- D. Solar collection systems constructed for the primary purpose of generating power for sale to a public utility, even if generating power for the use on site, shall be subject to a Conditional Use Permit in compliance with Section 17.52.020.

#### **17.40.320 Storage Facilities**

- A. Purpose.** The purpose of this Section is to regulate residential, commercial, and industrial storage facilities to protect the public health, safety, and welfare.
- B. Applicability.** Storage facilities and outdoor areas including, but not limited to, self-storage, vehicle storage, and commercial and industrial equipment and material storage yards are subject to the provisions of this Section where allowed under the permitted use matrices for the zones.
- C. Self-storage Facilities.** The following provisions shall apply to self-storage facilities:
1. Self-storage facilities shall be limited to the storage of personal effects of individuals or equipment and materials by businesses inside of a building or buildings. Use of storage facilities for manufacturing, retail, wholesale, or service uses other than storage shall be prohibited. Human occupancy of individual storage units shall be limited to that required for transporting, arranging, and maintaining stored materials.
  2. Vehicle storage areas may be permitted as an accessory use of a self-storage site provided such use is permitted in the zone in which the self-storage facility is located. Such storage area shall be fenced, screened, and landscaped in compliance with Paragraphs D.1 and 2.
  3. Caretaker housing may be provided in compliance with the provisions of Section 17.40.120 (Commercial Caretaker).
- D. Vehicle, Equipment, and Material Storage Yards.** In commercial, industrial, and transportation corridor zones, storage yards under this Subsection, as defined in Article 8, may be permitted as a primary use or as an accessory use to an otherwise permitted use. In the Industrial – Platted Land (I-PL) zone, storage yards are limited to storage accessory to a permitted use, such as storage of material and/or equipment associated with a resource extraction industry. Storage yards shall be fully screened from view from public areas such as roads, parking lots, pedestrian walkways, open space, and adjacent residential development, as follows:
1. Screening shall be by building design and placement, solid fence material, landscaped berms, or a combination thereof.
  2. Landscaping requirements under Chapter 17.34 shall be in addition to the screening requirements.
  3. Screening requirements can be waived by the Director where the storage yard is on an interior lot within an industrial zone or park and not visible from outside the zone or park, nor visible from a collector or arterial road.
- E. Residential Storage Areas.** The storage of personal equipment and materials on a residentially-zoned lot shall be permitted as an accessory use to a dwelling subject to the requirements of Section 8.42.700 of the County Code and the following provisions:

1. There shall be no limit to the amount of materials or equipment stored when all materials and equipment are stored inside an enclosed structure, in compliance with development standards of the zone and Section 17.40.030 (Accessory Structures and Uses).
2. Unenclosed, outside storage area(s) shall be fully screened from view by the public. Storage material shall be placed no higher than the screening material, including existing fencing that complies with Section 17.30.050 (Fences, Walls, and Retaining Walls).
3. Vehicle storage shall be subject to the standards in Section 17.40.380 (Vehicle Maintenance, Repair, and Storage, etc.).
4. The use of semi-trailers, shipping containers such as sea-land containers, railroad cars, and similar storage units shall be prohibited in all zones allowing residential uses by right.

**17.40.330 Temporary Real Estate Sales Offices**

A temporary real estate sales office for the exclusive sale of property within an approved, recorded subdivision may be authorized before completion of the subdivision improvements, subject to approval of an Administrative Permit in compliance with Section 17.52.010 and the following standards:

- A. Where a temporary sales office is a separate structure and not located within a model home, a site plan shall be submitted demonstrating compliance with all applicable development standards under the zone, such as setbacks and building height, as well as building and fire codes, and grading and encroachment ordinances.
- B. Any off-site parking areas shall be in compliance with Chapter 17.36 (Parking and Loading), except that the surface may be gravel instead of pavement.
- C. Exterior lighting shall be in compliance with 17.35 (Outdoor Lighting). Floodlights are prohibited.
- D. On-site signage and landscaping shall be in compliance with Chapter 17.36 (Signs) and Chapter 17.33 (Landscaping).
- E. Time limits on the subject use shall be either two years from the date of permit approval or sale of the final lot in the subdivision, whichever occurs first. The permit may be extended by the Director if a written request providing justification for the extension is submitted at least 14 days before expiration of the permit. Time extensions can be approved for additional 12 month periods, up to a maximum of five years from the date of permit approval.



- F. Site restoration shall be required within 30 days of the time limits specified under Subsection E above, as follows:
1. The real estate sales office shall be removed from the site if it is in a trailer or mobile home. If it is in the garage of a model home, the office shall be converted back to a garage and any off-street parking area shall be converted back to residential use.
  2. All temporary structures and related improvements shall be completely removed from the subject site.
- G. The review authority may require other conditions of approval deemed necessary to protect the public health, safety, and welfare of persons residing or working in the neighborhood.

**17.40.340** *Reserved*

**17.40.350 Timber Production Zone and Forest Resources: Criteria, Regulations, and Zone Change Requirements**

- A. Purpose.** The purpose of this Section is to implement the provisions and intent of the Forest Taxation Reform Act of 1976, which was established to provide property owners an incentive to grow, maintain, and harvest naturally occurring and/or cultivated timber products on their property and to provide criteria for zoning and protecting the existing timber resources of the County.
- B. Applicability.** Lands subject to the following regulations are or shall be zoned Timber Production Zone (TPZ) or Forest Resource Zone (FR).
- C. General Standards.** In addition to the following regulations, lands within the TPZ and Forest Resource Zone shall be subject to the permitted uses and development standards under Chapter 17.21 (Agricultural and Resource Zones).
- D. TPZ Rezone Application Requirements.** In addition to the requirements set forth in Chapter 17.63 (Amendments and Zone Changes), the following is required as part of any zone change to TPZ:
1. **Timber Production Assessment.** Based on General Plan Policy 8.3.1.3, the Agricultural Commission shall assess property to determine its suitability for timber production. Their decision as to suitability shall be based, in part, on the following findings:
    - a. Property is identified as meeting Timber Site Classifications I, II, or III, as defined in the *California Forest Handbook* and the *Soil Survey of El*

*Dorado Area* issued April 1974 by the USDA Soil Conservation Service and the U.S. Forest Service;

- b. Property is being used for commercial forestry/timber production;
- c. Property possesses topographical and other features that makes it suitable for timber production; and
- d. Low density development exists in the vicinity of the property.

2. **Forest Management Plan.** A forest management plan for the property shall be submitted that has been prepared or approved by a Registered Professional Forester, as defined in Article 8. Prior to approval of the zone change application, the forest management plan shall be reviewed and approved by the Agricultural Commission. The forest management plan shall include, at a minimum, a discussion and recommendation on each of the following:

- a. Commercial harvesting, a history of past operations, and recommendations for the future;
- b. Provisions for legal and physical access to the property so commercial operations can be carried out;
- c. A reasonable attempt to locate the boundaries of the property and attempts to protect the property against trespass;
- d. Disease or insect control work;
- e. Thinning slash disposal, pruning, and other appropriate silvicultural work;
- f. A fire protection plan including a fuels management program;
- g. Erosion control on existing roads and skid trails along with maintenance of existing roads; and
- h. Planting of a significant portion of the understocked areas of the land.

3. The property shall currently meet the timber stocking standards as set forth in the State Public Resources Code Section 4561 and the forest practice rules adopted by the State Board of Forestry for the district in which the property is located. As an alternative, the owner shall sign an agreement with the Board of Supervisors to meet the timber stocking standards and forest practice rules by the fifth anniversary of the signing of said agreement. After the zone change to TPZ is approved, failure to meet the state's timber stocking standards and forest practice rules within the five year time period will provide the Board of Supervisors grounds for rescinding the zone change of the property.

- E. Continued Eligibility.** The property owner shall continuously comply with at least six of the criteria in the forest management plan required under Paragraph D.2 in order to continue to be eligible for the TPZ classification.
- F. Disclosure Notice of Rezone.** Within 10 days of final action of a zone change application that either includes or deletes property from a TPZ, the Clerk of the Board shall cause to be recorded an instrument which will serve as constructive notice of the zone change action to prospective buyers of the subject property.
- G. Criteria for Residential Use in TPZ.** The County finds that residential use within the TPZ is generally inconsistent with growing and harvesting timber. However, it is recognized that in certain situations, such as intensively managed small lots, nurseries, and similar uses under private ownership, living quarters and outbuildings are necessary in managing and protecting the property. The review authority may grant a Conditional Use Permit in compliance with Section 17.52.020 for construction of one owner- or caretaker-occupied dwelling subject to the following findings:

  - 1. The Agricultural Commission finds that there has been three consecutive years of management of intensive timber production on the subject property. The following criteria will aid the Agricultural Commission in determining what constitutes intensive management and must be considered before granting a Conditional Use Permit for a dwelling:

    - a. A timber inventory of the stand has been prepared;
    - b. Commercial harvesting operations have been previously conducted;
    - c. Legal and physical access to the property exists that allows commercial operations to be carried out;
    - d. The boundaries of the property have been located and the property owner has attempted to protect the property against trespass;
    - e. Disease or insect control work has been conducted;
    - f. Thinning, slash disposal, pruning, and other appropriate silvicultural work has been performed;
    - g. A fire protection system or a functioning fire protection plan has been developed;
    - h. Erosion control has been provided on existing roads and skid trails, and existing roads are maintained;
    - i. A significant portion of the understocked area of the lot has been planted.

2. The property owner has either demonstrated a need for full-time residency on the subject lot to protect against theft or vandalism, or full-time management of the stand is necessary for its continued productivity.

**H. Forest Resource Zone (FR) Criteria.** For land to be zoned as Forest Resource to identify and protect its timber production potential without the encumbrance of TPZ zone requirements, the site must meet either of the following:

1. The classification of choice woodland, which includes some lands in classes IV, VI, and VII, with woodland site indices of 1 through 6, (suitable for woodland use), as defined in the General Plan, based on the *Soil Survey of El Dorado Area, California* issued April 1974 by the U.S.D.A. Soil Conservation; or
2. The recommendation of the Agricultural Commission that there are unique circumstances applying to the land and that the Forest Resource Zone (FR) would comply with General Plan policy of protecting and enhancing timber production in the County.

#### **17.40.360 Transitional Housing**

**A. Purpose.** The purpose of this Section is to provide standards for the use of transitional housing, as defined in Article 8, in order to provide temporary housing for residents in need and to protect the public health, safety, and welfare.

**B. Applicability.** Where permitted under the use matrices for the zones, transitional housing providing for six persons or less (small) shall be allowed by right, while transitional housing providing for more than six persons (large) shall be allowed subject to discretionary permit.

**C. General Standards.** All transitional housing shall conform to the development standards for its zone and under this Title. For those facilities housing seven persons or more the following additional standards shall apply:

1. A facility shall be located a minimum of 1,000 feet from another transitional housing facility, as measured in a straight line without regard to intervening structures, between the nearest point of each property line.
2. A 6-foot high solid fence shall be provided along all property lines, in compliance with Section 17.30.050 (Fences, Walls, and Retaining Walls).
3. Landscaping shall be regularly maintained and irrigated.
4. No identification signs shall be allowed within any zone allowing single-unit residential use. Signs for transitional housing within nonresidential zones shall comply with Chapter 17.37 (Signs).

5. Outdoor activities shall be conducted between the hours of 8am. and 10pm.
6. A valid business license is required prior to operation and shall be maintained as long as the use is in operation.

**17.40.370 Vacation Home Rentals**

- A. Purpose.** The purpose of this Section is to implement the policies of the County Treasurer/Tax Collector under Chapter 5.56 of the County Code regarding vacation home rentals, by ensuring the property is not constrained from being used for this purpose.
- B. General Standards.** Where allowed under the permitted use matrices for the zones, the renting of a single-unit residential dwelling shall be allowed subject to the following:
  1. There is an existing, permitted residence on the property.
  2. The property is not constrained by a Williamson Act Contract.

**17.40.380 Vehicle Maintenance, Repair, and Storage Accessory to a Residential Use**

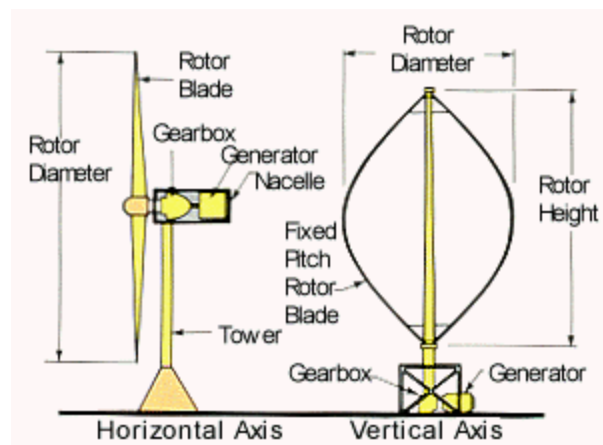
- A. Purpose.** The purpose of this Section is to regulate vehicle maintenance, repair, and storage in all zones allowing residential uses by right in order to coordinate with law enforcement agencies in protecting the enjoyment of property by adjacent landowners and the public health, safety, and welfare.
- B. General Standards.** The maintenance, repair, and storage of motor vehicles on lots allowing residential uses by right shall be prohibited unless:
  1. All vehicles being stored or repaired are registered to an occupant of the lot.
  2. Retail sale or storage of vehicle parts are in compliance with Section 17.40.170 (Home Occupations).
  3. Vehicle storage shall be confined to onsite garage(s) and their paved access driveway(s) and shall not be allowed in any setback area other than the front setback on a paved access driveway.
  4. RV parking and storage shall be subject to the setback requirements in Section 17.35.070 (RV Parking).

### 17.40.390 Wind Energy Conversion Systems

- A. Purpose and Intent.** The purpose of this Section is to comply with California Government Code Section 65893 which encourages local agencies to adopt zoning standards that enable construction of small wind energy conversion systems for on-site home, farm, and small commercial use. The intent is to provide standards and regulations for the safe and effective construction and use of these systems, as well as for larger, utility-scale systems that can potentially be developed within the County, based on the State Energy Commission’s *Wind Resource Potential Maps*.
- B. Applicability.** This Section shall apply to wind energy conversion system (WECS) used for electrical energy generation. Microturbines and Small WECS shall be regulated as accessory structures in all zones while large and utility-scale systems shall be regulated as a primary use in non-residential zones, subject to permitting requirements under Subsection F.
- C. Definitions.** The following definitions shall apply to this Section:

“WECS”, or “system”, means a machine which can convert the kinetic energy in wind into a usable form of electrical or mechanical energy, such as a wind turbine or windmill. As used within this Section, a WECS includes all parts of the turbine and the tower upon which it is installed, but does not include power transmission equipment. Turbines are classified as being either on a horizontal or a vertical axis configuration, as shown below:

#### EXAMPLE: WIND TURBINE CONFIGURATIONS



“Microturbine” means a WECS that generate one kilowatt or less.

“Small WECS” means one system with a rated capacity of 50 kilowatts (kw) or less, to be used to provide electrical energy on site. Excess electricity can be sold back to the utility supplier through net metering, net billing, or similar programs.

“Utility Scale WECS” means one system with a rated capacity of more than 100 kw.

“Wind Farm” means two or more utility-scale WECS on the same parcel or group of adjacent parcels under common ownership. A wind farm may cover an extended area, but the land between the systems may be used for agricultural or other purposes.

“Height of tower” means the height from base grade to the top of the system, including the uppermost extension of any horizontal axis blades.

**D. Permit Requirements.** WECS are permitted under Table 17.40.390.1 for all use types subject to the following rated capacity thresholds designated below:

- “P” Permitted use
- “A” Use permitted subject to issuance of an Administrative Permit (17.52.010)
- “MUP” Use permitted subject to issuance of a Minor Use Permit (17.52.020.)
- “SUP” Use permitted subject to issuance of a Special Use Permit (17.52.020)

Total rated capacity designated by a dash (–) is not permitted for the use type.

**Table 17.40.390.1 WECS Use Matrix**

	RATED CAPACITY				
	Per Individual System and Cumulative System Capacity				
	Microturbine	Small WECS		Large and Utility Scale WECS	
ZONES	1Kw or less <sup>1</sup>	>1Kw to less than 10Kw; 20 Kw total	10Kw to less than 50Kw; 100 Kw total	50Kw to less than 100Kw; 200Kw total	100Kw or greater; 200 Kw or greater total
Residential (all), RE-10, U, Tahoe Residential	P	A	SUP	—	—
Commercial (all), Industrial, R&D, TC, MR	P	A	A	SUP	SUP
Agricultural, Residential Agricultura, TPZ	P	A	A	A	SUP
Notes: <sup>1</sup> Maximum cumulative total as provided in Paragraph E					

**E. Number of WECS Units.**

1. **Microturbines.** The maximum number of microturbines that may be installed on a lot is as follows:

- a. Residential lots less than five acres in size may install a maximum of 5 microturbines.
  - b. Residential and agricultural lots five acres or greater in size may install a maximum of 10 microturbines.
  - c. Agricultural, Residential Agricultural, TPZ, Commercial, Industrial, and R&D zoned lots may install up to 25 microturbines.
2. **Small WECS.** The maximum number of small WECS units that may be installed on one lot shall be based on the following acreage requirements:
- a. For lots one acre to less than 10 acres, one WECS shall be allowed.
  - b. For lots 10 acres to less than 20 acres, two WECS shall be allowed.
  - c. For lots 20 acres or greater, a maximum of three WECS shall be allowed.
  - d. If the WECS generate greater than one to five kilowatts each, and are limited to 50 feet in height, a maximum of two WECS may be installed per five acres. Additionally, the separation between them may be reduced to twice the height of the tallest tower.
- F. Development Standards.** The following development standards shall apply to all WECS except that microturbines shall comply with Paragraphs 1, 2, 5, 8, 10, 11, and 13:
- 1. **General Development Standards.** General development standards shall be applied as set forth in Table 17.40.390.2.



Table 17.40.390.2

DEVELOPMENT STANDARDS			
Rated Capacity (per WECS Unit)	Minimum Lot Size	Setbacks – Freestanding Systems	Maximum Height
Microturbines Up to 1 kw	Subject to Zone Standards		
Greater than 1 – 10kw	1 acre	Greater of tower height or zone standard	80 feet
Greater than 10 to <del>25</del> 50kw	5 acres	Tower height	100 feet
Greater than <del>25</del> 50 – 100kw	10 acres	Tower height x 2	100 feet
Greater than 100kw	20 acres per each Megawatt	Greater of tower height x 3 or 500 feet	Manufacturer’s Recommendations

2. **Safety.** All WECS shall be completely enclosed by a locked, protective fence at least six feet high unless located upon a roof or other location with limited access.
3. **Guy Wires.** Anchor points of any guy wires for a system tower shall be located within the property that the system is located on. Guy wires shall not cross any above-ground electric transmission or distribution lines. The points of attachment for the guy wires shall be either enclosed by a fence six feet high or sheathed in bright orange or yellow coverings from three to eight feet above the ground.
4. **Tower Access.** Towers must either:
  - a. Have tower-climbing apparatus located no closer than 12 feet from the ground;
  - b. Have a locked anti-climb device installed on the tower;
  - c. Have a tower-access limitation program approved by the review authority.
5. **Rotor Safety.** Each WECS must be equipped with both manual and automatic controls to limit the rotational speed of the blade within the design limits of the rotor.
6. **Electromagnetic Interference.** The WECS shall be designed, installed and operated so that no disrupting electromagnetic interference is caused. Disruptive interference from the facility shall be promptly rectified to include the discontinued operation of one or more WECS.

7. **Utility Notification and Undergrounding.** For inter-connected systems, no wind turbine shall be installed until evidence has been given that the electric utility service provider has been notified and has indicated that the proposed interconnection is acceptable. On-site electrical wires associated with the system shall be installed underground, except for “tie-ins” to the electric utility service provider and its transmission poles, towers, and lines. This standard may be modified by variance if the project terrain is found to be unsuitable due to the need for excessive grading, biological impacts, or similar factors.
8. **Noise.** All WECS shall be subject to the noise standards under General Plan Policies 6.5.1.10 and 6.5.1.11. Measurement of sound levels shall not be adjusted for, or averaged with, non-operating periods.
9. **Wind Farm Site Access.** Construction of on site roadways shall be minimized. Temporary access roads utilized for initial installation shall be regraded and revegetated to its natural condition after completion of installation.
10. **Site Aesthetics.** WECS shall be designed and located in the following manner to minimize adverse visual impacts from public viewing areas and private property:
  - a. Structural components including, but not limited to, towers, blades, and fencing shall be of a nonreflective, unobtrusive color.
  - b. To the greatest extent feasible, the WECS shall not project above the top of ridgelines.
  - c. When adjacent to a designated scenic corridor, WECS shall not cause a significantly adverse visual impact either from the corridor, or on a designated scenic viewshed, subject to the requirement under Paragraph F.4.
11. **Exterior Lighting.** Exterior lighting on any structure associated with the WECS shall be prohibited, with the exception of that specifically required by the Federal Aviation Administration.
12. **Signs.** Signage shall be considered as part of a Special Use Permit, and shall be limited to the following:
  - a. Signs warning of high voltage electricity shall be posted at a height of five feet above the ground on stationary portions of the WECS or its tower, and at gated entry points to the project site.
  - b. No advertising sign or logo shall be placed or painted on any WECS or tower.

- c. For wind farms, no more than two identification signs relating to the development shall be located on the project site.
  - d. Signs shall not exceed 16 square feet in surface area or eight feet in height.
- 13.** Compliance with FAA Regulations. Small wind energy systems must comply with applicable FAA regulations, including any necessary approvals for installations close to airports.

**G. Application Submittal Requirements.** All applications for Administrative or Conditional Use Permit for a WECS shall include the following:

- 1. Delineation of the direction of the prevailing winds across the project site;
- 2. Distance to residentially zoned lots, public and private airports and airstrips, public and private schools within one-quarter mile of the proposed project as measured from its nearest property line;
- 3. Photo simulations of the proposed WECS as seen from residentially zoned lots and public viewsheds within one mile of the project site;
- 4. Maximum generating capacity of the WECS unit(s) proposed to be installed;
- 5. Manufacturer’s specifications documenting maximum noise levels generated by the WECS on the surrounding area;
- 6. A statement by the manufacturer certifying that the rotor and overspeed controls have been designed and fabricated for the proposed use in accordance with good engineering practice, and have been approved by the California Energy Commission or certified by a national program, such as National Electrical Code (NEC), American National Standards Institute (ANSI), or Underwriters Laboratories (UL).
- 7. Certification by a state licensed structural, mechanical or civil engineer that the tower structures are designed and constructed in compliance with the pertinent provisions of the Uniform Building Code and National Electric Code.
- 8. Written evidence that the electric utility service provider for the proposed site has been informed of the applicant’s intent to install an interconnected customer-owned electricity generator. If the applicant does not plan to connect the system to the electricity grid, the applicant shall include a statement to that effect.
- 9. A description of the proposed measures to minimize adverse noise, transmission interference, visual, and safety impacts to adjacent properties, and methods to prevent public access to the structure.

**17.40.400 Wineries**

**A. Purpose.** The purpose of the winery ordinance is to:

1. Provide for the orderly development of wineries and accessory uses within specified agricultural zones and specified residential zones to ensure compatibility with adjacent land uses (General Plan Policy 2.2.5.21.)
2. Encourage the economic development of the local agricultural industry by allowing for the direct sales and marketing of value added products (General Plan Policy 10.1.5.4.)
3. Implement General Plan policies that encourage development of agriculturally-related uses while protecting the agricultural character and long-term productivity of agricultural lands. (General Plan Policies: 8.2.2.1, 8.2.4.2., 8.2.4.3, 8.2.4.4, and 8.2.4.5)

**B. Applicability.** Except as provided in Subsection H, the regulations and standards of this Section shall apply to winery uses, as defined in Article 8, where allowed in the permitted use matrices for the zones, on lots that are a minimum of 10 acres or more in size with a commercial vineyard.

**C. Definitions.** As used in this Section, the terms below will mean the following:

“Commercial Vineyard” means a minimum of five acres of wine grapes are planted and are capable of producing a commercial crop. Five acres shall mean a planting of wine grapes spanning an area of at least 217,800 square feet and consisting of a minimum of 2,200 grape vines that are properly maintained to produce a commercial crop as determined and verified by the Agricultural Commissioner.

“County Maintained Road” means a road that is listed on the current County Maintained Mileage List by the Department of Transportation. This list does not typically include County Service Area (CSA) or Zones of Benefit (ZOB) roads.

“Properly maintained” means that the planted grapes are tended in a manner consistent with proper and accepted customs and standards of the agricultural industry including, but not limited to, the provision of irrigation, the control of pests and diseases, and the protection against deer depredation.

“Winery” means an agricultural processing facility that produces wine from fruit or fruit juices through fermentation or the refermenting of still wine into sparkling wine, that is bonded through the Alcohol, Tobacco Tax and Trade Bureau, and that has a current California Alcohol Beverage Control (ABC) Type 2 Winegrower’s License.

**D. Table of Permitted Uses.** Under Table 17.40.400.1, those uses identified as “by right” are subject to compliance with all applicable provisions of this Title and the County Code. All “by right” uses may require a discretionary permit in compliance with Paragraphs F.1 and G.5 (Land Use Compatibility Limitations and Access Standards, respectively). The following winery and accessory uses are further defined in Subsection E (Winery Uses):

**Table 17.40.400.1**

<b>AE: Exclusive Agricultural</b> <b>AP: Agricultural Preserve</b> <b>PA: Planned Agricultural</b> <b>RL: Rural Lands</b> <b>RE: Estate Residential</b>		P Permitted “by right” use CUP Conditional Use Permit required (Section 17.52.020) — Use not allowed in zone				
	<b>PERMIT REQUIRED BY ZONE</b>					
	<b>AE &amp; PA</b> 20+ Acres	<b>AE &amp; PA</b> 10 -19.9 Acres; In Ag District	<b>AE &amp; PA</b> 10 - 19.9 Acres; Out of Ag District	<b>RE &amp; RL</b> 10+ Acres; In Ag District	<b>RE &amp; RL</b> 10+ Acres; Out of Ag District	<b>AP</b> 10+ Acres
<b>USE</b>						
New Winery	P	P	CUP	P	CUP	CUP
Tasting Facilities	P	P	CUP	P	CUP	CUP
Wholesale/Retail Sale of Wine	P	P	CUP	P	CUP	CUP
Retail Sale of art/merchandise	P	P	CUP	P	CUP	CUP
Public Tours	P	P	CUP	P	CUP	CUP
Picnic Areas	P	P	CUP	P	CUP	CUP
Marketing Events	P	P	CUP	P	CUP	CUP
Special Events (in compliance with E.3)	P	P	CUP	CUP	CUP	CUP
Agriculture- related museums	P	CUP	CUP	CUP	CUP	CUP
Commercial kitchen for on site use, only	P	CUP	CUP	CUP	CUP	CUP
Commercial kitchen for off site use	CUP	CUP	CUP	CUP	—	CUP
Dining facilities	CUP	CUP	CUP	CUP	—	CUP
Distilleries	CUP	CUP	CUP	CUP	—	CUP
Special Events (in excess of E.3)	CUP	CUP	—	—	—	—

**E. Winery Uses:** The following provisions shall apply to all wineries, accessory structures, and accessory uses:

**1. General Winery Provisions.**

- a. The primary purpose of the winery shall be to process fruit grown on the winery lot or on other local agricultural lands. No more than 50 percent of the fruit processed shall be imported from outside El Dorado County.
- b. Wineries include those areas of a winery where grapes are crushed, fermented, or pressed; where bulk wine is stored in tanks or barrels; where winery operations such as racking, filtering, blending, or bottling of wines are carried out; and where on site case goods are stored.
- c. Multiple lots under the same ownership are not considered to be a single lot for purposes of this Section.

**2. Tasting Facilities.**

- a. **Subordinate to Winery.** Tasting facilities shall be clearly related and subordinate to the primary operation of the bonded winery as a production facility. The primary focus of the tasting facilities shall be the marketing and sale of the wine and grape or fruit products produced, vinted, cellared, or bottled at the winery. Snack foods that are consumed during wine tasting are allowed.
- b. **Wine Sales.** Retail sales of wine fruit products shall be limited to those produced, vinted, cellared, or bottled by the winery operator or grown on the winery lot, or custom crushed at another facility for the winery operator, subject to the provisions of an ABC Type 2 Winegrower's license. (The ABC Type 2 Winegrower's license requires that at least 50 percent of the wine sold be produced by the winery).
- c. **Marketing.** Tasting facilities include any marketing activities sponsored by a winery facility intended for the promotion and sale of the facility's products. Activities of a marketing event may include, but are not limited to live music, catered food, food prepared on the premises, winemaker dinners, releases, library wines, discounted sales, "bottle-your-own", and similar activities. Live music is subject to Paragraph G.8. Concerts or events sponsored by or for the benefit of an organization other than the winery shall not be allowed as marketing events, but may be allowed as special events subject to Paragraph E.3 below.

3. **Special Events.** Special events, as defined in Article 8, are any events such as charitable events, promotional events, and facility rental events that are not the tasting and marketing activities described in Subparagraph E.2.c above.

- a. **Number Permitted.** Special events are limited to a total of 48 days per calendar year. Special events that have less than 50 persons at one time shall not count against the total number of events allowed. Facility rental events are a type of special event where the property owner is compensated for the use of the site and facilities, such as weddings, parties, company picnics, birthdays, reunions, or other social gatherings. Facility rental events are part of the total special events permitted, but are further limited to the following:
    - (1) Lots less than 20 acres in size: 12 days per calendar year.
    - (2) Lots 20 acres or more in size: 24 days per calendar year.
  - b. **Capacity Limitation.** All special events are limited to 250 persons at one time.
  - c. **Ranch Marketing.** The number of special events shall not be added to or combined with those allowed by right under Section 17.40.260 (Ranch Marketing).
  - d. **Temporary Use Permit.** Those special events, such as fundraisers, concerts, or other special functions where the number of attendees will exceed 250 persons at any given time and where such events are held no greater than three times per calendar year and no more than one time per calendar month, may be permitted by Temporary Use Permit in compliance with Section 17.52.060.
- 4. **Dining Facility.** The dining facility, as defined in Article 8, shall be subordinate to the sale of wine. Areas of a winery that are temporarily set up for winemaker dinners are not considered to be part of the dining facility.
  - 5. **Distilleries.** A distillery, as defined in Article 8, shall be bonded through the Alcohol and Tobacco Tax and Trade Bureau and have a current California ABC License. Distilleries are only permitted with a Conditional Use Permit in conjunction with a winery on the same lot. Allowed activities include, but are not limited to, blending, aging, storing, bottling, and warehousing operations; tasting facilities; wholesale and retail sales; and administrative functions.
  - 6. **Commercial Kitchen.** A commercial kitchen, as defined in Article 8, shall be accessory to the winery, tasting room, and any other authorized accessory use.
  - 7. **Museum.** Agriculture-related museums shall be accessory to a winery and tasting room and shall primarily display items from California’s agricultural history.
  - 8. **Picnic Areas.** Picnic areas shall be subordinate to the winery and tasting room.

9. **Retail Sales.** Retail sales of merchandise, art, and prepackaged food items shall only be allowed within the tasting facilities and shall not be located in a separate structure. The sale of prepackaged food items shall comply with the California Health and Safety Code and be permitted by Environmental Management. Sale of non-wine merchandise shall be subordinate to the wine sales.
10. **Catering.** As defined in Article 8, use of an on site commercial kitchen for catering off site events may be allowed by Conditional Use Permit and only when the catering use is found to be subordinate to the winery's wine sales.

**F. Special Provisions.**

1. **Land Use Compatibility Limitations.** Proposed winery facilities that are not located within an Agricultural District and that have property lines adjoining a lot with a noncompatible land use designation shall require a Conditional Use Permit. For purposes of this Subsection, noncompatible land use designations shall be Multifamily Residential (MFR), High Density Residential (HDR), Medium Density Residential (MDR), and Low Density Residential (LDR). The compatibility determination will be made prior to issuance of a building permit for a winery building. Subsequent expansion of the facility's structures or uses will require additional compatibility determinations.
2. **Important Biological Corridor (IBC) Limitations.** Wineries and accessory structures in the IBC land use designation shall adhere to these additional restrictions, unless mitigated through the CEQA process under a Conditional Use Permit:
  - a. Minimum lot size for winery and accessory structures shall be 20 acres.
  - b. A maximum of 2.5 acres of the lot may be used for winery and accessory uses.
  - c. Structures shall be setback 200 feet for perennial streams and 100 feet for intermittent streams, as shown on the USGS quad maps.

**G. Development Standards.** These standards are the minimum required for all wineries, accessory uses, and structures listed in Subsection E. Additional requirements may be added through the discretionary permitting process, if applicable.

1. **Commercial Vineyard.** Should the minimum acreage of wine grapes cease to be properly maintained, as determined by the Agricultural Commissioner, the right to operate the winery and all accessory uses shall immediately cease until such time as the required five acres of wine grapes are re-established to the satisfaction of the Agricultural Commissioner. A determination by the Agricultural Commissioner may be appealed to the Agricultural Commission whose decision shall be final.



2. **Setbacks.** The following minimum setbacks apply to all wineries, tasting facilities, and outdoor use areas, excluding parking lots and picnic areas:
  - a. Within an Agricultural District: 50 feet from all property lines.
  - b. Outside an Agricultural District: 200 feet from all property lines.
  - c. The 200 foot setback in Subparagraph 2.b above may be reduced to no less than 50 feet by a grant of administrative relief in compliance with Section 17.52.010 (Administrative Permit).
  
3. **Signs.** The following signs are allowed for any winery that is allowed by right:
  - a. One, non-illuminated, on site sign advertising authorized activities. The sign face shall not exceed 32 square feet, or 64 square feet for a double-faced sign, and stand no higher than six feet from natural grade, as measured directly below the sign.
  - b. One, non-illuminated, off site sign of the same dimensions as in Subparagraph 3.a, above, may be allowed by Administrative Permit, in compliance with Section 17.52.010, subject to the property owner's permission and the need for the off site sign due to the location of the access road to the winery.
  - c. Small, off site directional signs, not exceeding six square feet each, may also be approved by Administrative Permit, subject to the property owners' permission, submittal of a site plan showing the location of each sign, and a statement addressing the need for each of the signs.
  - d. Industry association signs approved by the Board, such as for the Farm Bureau, Farm Trails, Apple Hill, Fair Play Winery Association, and El Dorado Winery Association, shall be exempt from the provisions of this Paragraph.
  
4. **Parking.** The following parking standards shall apply to wineries, tasting rooms, and accessory uses:
  - a. Permanent parking spaces shall be provided for wineries, tasting rooms, and retail sales areas in compliance with Chapter 17.35 (Parking and Loading).
  - b. Parking surfaces shall be surfaced with a Class 2 aggregate base or equivalent, with appropriate hard-surfacing for designated ADA compliant parking stalls.
  - c. Temporary parking for marketing activities and special events may utilize overflow parking areas that are not surfaced. Limitations on the

number of guests may be based on availability of off street parking in compliance with Chapter 17.35. All temporary parking shall be accommodated on site and shall meet any fire district requirements.

- 5. Access Standards.** Access standards shall be as follows:
- a. Direct access from a non-County maintained road, regardless of whether the road is located on or off site, shall require the following:
    - (1) **In an Agricultural District.** An Administrative Permit in compliance with Section 17.52.010, following a recommendation by the Agricultural Commission.
    - (2) **Not in an Agricultural District.** A Conditional Use Permit in compliance with Section 17.52.020.
  - b. **Road Maintenance.** The winery owner will be required to participate in a private road maintenance entity, annex into a road zone of benefit (ZOB), or otherwise pay a fair share for road maintenance as determined by the review authority.
  - c. **Fire Safe/Code Standards.** Access to a winery open to the public shall meet the minimum access requirements of the applicable fire district, including both on site and off site access roads. Exceptions to these standards may be allowed by the fire district, subject to the appeal processes identified in the SRA Fire Safe Regulations.
  - d. **Facilities Not Open to the Public.** A winery that is not open to the public and does not provide on site sales may be accessed by a non-County maintained road.
- 6. Size Limitation.**
- a. The winery, accessory buildings, and accessory uses shall not occupy more than five acres or 50 percent of the gross lot area, whichever is less.
  - b. All new wineries and expansions of existing wineries that exceed 10,000 square feet of floor area and are visible from a County maintained road shall require a Design Review Permit in compliance with Section 17.52.030.
  - c. Tent structures that exceed 1,200 square feet of floor area and are visible from a County maintained road shall be limited to a 30 day period, three times per calendar year, unless additional time frames are approved by a Temporary or Conditional Use Permit.
  - d. The total enclosed square footage of all floors of a winery building shall not exceed the square footage shown in the Table 17.40.400.2 below.

Any winery building or group of winery buildings and accessory buildings exceeding the square footage in the following Table shall require a Conditional Use Permit. Winery buildings do not include residential buildings, garages, outbuildings, and structures not associated with the winery, such as agricultural buildings.

**Table 17.40.400.2**

LOT ON WHICH THE WINERY IS LOCATED	MAXIMUM ALLOWABLE WINERY BUILDING SIZE
10 acres to less than 20.0 acres	10,000 square feet
20 acres but less than 40.0 acres	40,000 square feet
40.0 acres and larger	60,000 square feet

**7. Cultural Resource Protection.**

- a. Winery development on a lot identified by the County as being listed on the National Register of Historic Places (NRHP) and California Register of Historic Places (CRHR) shall be required to preserve the structure(s). Modifications or demolition of the structures shall only be approved based on recommendations from a cultural resource report that meets County guidelines.
- b. Winery development within 100 feet of perennial or intermittent streams shall submit a cultural resource study prior to approval of grading or building permits. Cultural sites identified in the study and recommended for avoidance and protection shall be protected as recommended in the cultural resource study.

**8. Outdoor Amplified Music.** All events featuring outdoor amplified music or amplified speech shall comply with Chapter 17.37 (Noise Standards). For any events occurring between 7pm and 10pm, a noise analysis shall be submitted to the Department demonstrating that the noise standards will not be exceeded. No outdoor music will be permitted after 10pm.

**H. Micro-Wineries and Small Vineyards.** Wineries that do not meet the minimum acreage requirement for a commercial vineyard, as defined under Subsection C, or the minimum lot size under Table 17.40.400.1 shall be allowed in compliance with Table 17.40.400.3, subject to the following requirements in this Subsection:

Table 17.40.400.3

USE	AE & PA 10+ Acres; In Ag District	AE, AP, PA, RL, & RE 5+ Acres; In/Out of Ag District
Small Vineyard Winery	CUP	—
Micro-winery	—	CUP

1. **Small Vineyard Winery Standards.** Wineries with a minimum of one to less than five acres of a planted wine-making crop (wine grapes or other fruit) shall be permitted in compliance with the following provisions and Paragraph 3 below:
  - a. The only accessory use allowed shall be a distillery; and
  - b. At least 75 percent of the fruit used by the facility shall be grown within El Dorado County.
  
2. **Micro-Winery Standards.** Micro-wineries shall be permitted in compliance with the following provisions and Paragraph 3 below:
  - a. All micro-wineries shall have a minimum of one acre of planted wine grapes on the same lot;
  - b. The capacity of the micro-winery shall not exceed 250 cases (595 gallons) for each acre of wine grapes grown on the lot, with a total capacity not to exceed 1,250 cases (2,972 gallons). Lots zoned PA may exceed these amounts in compliance with the Conditional Use Permit if:
    - (1) The lot is within an Agricultural District, and
    - (2) The Agricultural Commission finds that the land is not capable of supporting five acres of vineyard and potential on site agricultural land is not being precluded from future agricultural production;
  - c. No other accessory uses described in this Section are permitted on the site.
  - d. On site signs are limited to one, single-faced, non-illuminated sign advertising the name of the winery and owner, and stating “Not Open to the Public”. The sign face shall measure a maximum of six square feet in area and shall stand no higher than six feet from natural grade, as measured directly below the sign; and
  - e. The total enclosed floor area(s) of the micro-winery shall measure no greater than 2,000 square feet.

- 3. General Standards.** The following standards shall apply to both small vineyard wineries and micro-wineries:
- a. One acre shall mean a planting of wine grapes spanning an area of at least 43,560 square feet and consisting of a minimum of 440 grape vines;
  - b. The wine grapes or fruit crop shall be properly maintained and cared for to produce a commercial crop. Should the proper maintenance and care of the required minimum acreage cease, as determined by the Agricultural Commissioner, the right to operate the winery becomes void;
  - c. Wine sales shall be conducted off site or by internet, mail order, telephone, facsimile, or similar means, only. No on site sales, tasting, or public access shall be allowed either directly or by appointment;
  - d. Compliance with all applicable local, State, and federal laws shall be verified prior to operation. At a minimum, the following shall be required:
    - (1) Fire district review of the facility for consistency with the fire code;
    - (2) Waste Discharge Permit or Waiver of Discharge Permit from Regional Water Quality Control Board;
    - (3) Winegrower license from the ABC;
    - (4) Bonding through the Alcohol and Tobacco Tax and Trade Bureau; and
    - (5) Building permit, subject to review and approval of Development Services and Environmental Management.