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CHAPTER 130.20 – DEVELOPMENT AND USE APPROVAL REQUIREMENTS

Sections:

- 130.20.010 Contents of Chapter
- 130.20.020 General Requirements for Development and New Uses
- 130.20.030 Allowable Uses and Planning Permit Requirements
- 130.20.040 Exemptions from Planning Permit Requirements
- 130.20.050 Temporary Uses

130.20.010 Contents of Chapter

This Chapter contains the County’s requirements for the approval of proposed development and new uses. Development Standards and permit requirements established by this Ordinance for specific uses are in Chapters 130.21 (Agricultural, Rural Lands, and Resources Zones) through 130.26 (Meyers Area Plan [MAP] Zone).

130.20.020 General Requirements for Development and New Uses

Each use and/or structure shall be established, constructed, reconstructed, altered, moved or replaced in compliance with the following requirements.

- A. **Allowable Use.** Only a use allowed by this Ordinance in the zone applied to the site shall be established. The basis for determining whether a use is allowable is described in Section 130.20.030 (Allowable Uses and Planning Permit Requirements) [below in this Chapter](#).
- B. **Permit and Approval Requirements.** Any planning permit or other approval required by Section 130.20.030 (Allowable Uses and Planning Permit Requirements) [below in this Chapter](#) shall be obtained before the issuance of any required grading, building, or other construction permit, and before the proposed use is constructed, otherwise established or put into operation, unless the proposed use is listed in Section 130.20.040 (Exemptions from Planning Permit Requirements) [below in this Chapter](#).
- C. **Development Standards, Conditions of Approval.** Each use and structure shall comply with the development standards of this Chapter, applicable standards and requirements in Article 3 (Site Planning and Project Design Standards) and Article 4 (Specific Use Regulations) [of this Title](#), applicable site or design requirements identified in other Board adopted manuals, and/or any applicable conditions imposed by a previously granted planning permit.
- D. **Legal Lot.** The site of a proposed development or new use shall be on a legal lot, as defined in Article 8 (Glossary: [See “Legal Lot” of this Title](#)).

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130.20.030 Allowable Uses and Planning Permit Requirements

A. **Allowable Uses.** The uses allowed by this Ordinance are listed in Chapters 130.21 (Agricultural, Rural ~~Lands~~, and Resources Zones) through 130.25 (Special Purpose Zones) below in this Article, together with the type of planning permit required for each use. Each use type listed in the tables is defined in Article 8 (Glossary) of this Title unless otherwise defined within Article 4 (Specific Use Regulations). Chapter 130.26 (Meyers Area Plan [MAP] Zone) below in this Article regarding the Meyers Area Plan has different use type provisions and definitions as set forth in the Tahoe Regional Planning Agency (TRPA) Code of Regulations.

1. Establishment of an Allowable Use.

- a. Any use type identified by Chapters 130.21 (Agricultural, Rural ~~Lands~~, and Resources Zones) through 130.26 (Meyers Area Plan [MAP] Zone) below in this Article as being allowable within a specific zone may be established on any lot within that zone, subject to the planning permit requirements of Subsection B (Planning Permit Requirements) below in this Section, and compliance with all applicable requirements of this Ordinance.
- b. Where a single lot is proposed for concurrent development of two or more uses listed in the tables, the overall project shall be subject to the permit level required for each individual use under Subsection B (Planning Permit Requirements) below in this Section. Consolidation of multiple permits into the one permit application may be allowed, subject to Director approval.

2. Use Not Listed.

- a. A use that is not listed in Chapters 130.21 (Agricultural, Rural ~~Lands~~, and Resources Zones) through 130.26 (Meyers Area Plan [MAP] Zone) below in this Article, and is determined by the Director to not be included in Article 8 (Glossary) of this Title under the definition of a listed use, is not allowed within the County, except as otherwise provided in Subsection A.3 below in this Section, or Section 130.20.040 (Exemptions from Planning Permit Requirements) below in this Chapter.
- b. A use that is not listed in the tables within a particular zone is not allowed within that zone, except as otherwise provided in Subsection A.3 (Similar and Compatible Uses Allowed) below in this Section, or Section 130.20.040 (Exemptions from Planning Permit Requirements) below in this Chapter.

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3. **Similar and Compatible Uses Allowed.** A use not listed in this Article is allowable where the Director or other approval authority makes the following findings:

- a. **Required Findings; Similar and Compatible Use.** A proposed use not listed in this Article is similar to and compatible with a listed use and shall be allowed where the Director or other approval authority makes all of the following findings:
- (1) The characteristics of, and activities associated with the use are similar to one or more of the listed uses, and will not involve a greater intensity than the uses listed in the zone;
 - (2) The use will be consistent with the purposes of the applicable zone;
 - (3) The use will be consistent with the General Plan and any applicable specific plan; and
 - (4) The use will be compatible with the other uses allowed in the zone.

A determination that a use qualifies as a similar and compatible use and the findings supporting the determination shall be in writing. The Zoning Ordinance shall be periodically amended to incorporate those uses not listed in this Article which are found to be similar and compatible.

- b. **Applicable Standards and Permit Requirements.** When the Director determines that a proposed but unlisted use is similar and compatible to a listed use, the proposed use will be treated in the same manner as the listed use in determining where it is allowed, what permits are required, and what other standards and requirements of this Ordinance apply.
- c. **Referral for Determination.** The Director may refer the question of whether a proposed use qualifies as a similar and compatible use directly to the Commission for a determination at a public meeting.
- d. **Appeal.** A determination of similar and compatible use may be appealed in compliance with Section 130.52.090 (Appeals) in Article 5 (Planning Permit Processing) of this Title.

B. **Planning Permit Requirements.** Chapters 130.21 (Agricultural, Rural ~~Lands~~, and Resources Zones) through 130.25 (Special Purpose Zones) below in this Article provide for uses that are:

1. Allowed by right subject to compliance with all applicable provisions of this Ordinance. Uses allowed by right are exempt from planning permit requirements. These are shown as "P" in each respective matrix of allowed uses;

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2. Allowed subject to approval of an Administrative Permit (Section 130.52.010, Administrative Permit, Relief, or Waiver) in Article 5 (Planning Permit Processing) of this Title, shown as “A” in each respective matrix of allowed uses;
 3. Allowed subject to approval of a Temporary Use Permit (Section 130.52.060, Temporary Use Permit) in Article 5 (Planning Permit Processing) of this Title, shown as “TUP” in each respective matrix of allowed uses;
 4. Allowed subject to the approval of a Use Permit (Section 130.52.0210, Conditional and Minor Use Permits) in Article 5 (Planning Permit Processing) of this Title, and shown as "CUP" or “MUP” in each respective matrix of allowed uses;
 5. Not allowed in particular zones, shown as “—” in each respective matrix of allowed uses;
 6. Where additional provisions are contained in Article 4 (Specific Use Regulations) of this Title that address the “by right” or permit requirements, the matrix will cross reference the applicable section.
- C. **Meyers Area Plan Requirements.** Chapter 130.26 (Meyers Area Plan [MAP] Zone) below in this Article provides for uses within the Meyers Area Plan and follows the unique permit requirements of Section 130.26.050 (Matrix of Allowed Uses) below in this Article instead of Subsection 130.20.030.B (Planning Permit Requirements) above in this Section.
- D. **Multiple Permits May Be Required.** A use authorized through the approval of an Administrative Permit, Temporary Use Permit, or Conditional/Minor Use Permit may also require a Design Review Permit, building permit, and/or other permit(s) as required by the County Code of Ordinances.

130.20.040 Exemptions from Planning Permit Requirements

- A. **General Requirements for Exemption.** The uses, structures, and activities identified by Subsection B below in this Section are allowed in any zone and are exempt from the planning permit requirements of this Ordinance when:
1. The use, activity or structure is established and operated in compliance with the setback requirements, height limits, and all other applicable standards of this Article 2 (Zones, Allowed Uses, and Zoning Standards), and Article 3 (Site Planning and Project Design Standards), Article 4 (~~Standards for~~ Specific Uses Regulations) and, where applicable, Chapter 130.61 (Nonconforming Uses, Structures, and Lots) in Article 6 (Zoning Ordinance Administration) of this Title; and

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2. Any permit or approval required by regulations other than this Ordinance is obtained (for example, a Building Permit).

B. **Exempt Activities and Uses.** The following are exempt from the planning permit requirements of this Ordinance when in compliance with Subsection A (General Requirements for Exemption) above in this Section.

1. **Allowed Uses.** Uses identified in Chapters 130.21 (Agricultural, Rural ~~Lands~~, and Resources Zones) through 130.25 (Special Purpose Zones) below in this Article, inclusive, as allowed by right, shown as “P” in the matrices. Allowed Uses include Accessory Structures and Uses, as defined in Section 130.40.030 (Accessory Structures and Uses) in Article 4 (Specific Use Regulations) of this Title.
2. **Agricultural Buildings** exempt under County Building Code Section 110.16.060 of Title 110 (Buildings and Construction) of the County Code of Ordinances.
3. **Decks, Paths and Driveways.** Decks, platforms, on-site paths, and driveways. A building permit or grading permit may be required.
4. **Fences and Walls.** Except as set forth in Section 130.30.050 (Fences, Walls, and Retaining Walls in Article 3 (Site Planning and Project Design Standards) of this Title).
5. **Interior Remodeling.** Interior alterations that do not increase the gross floor area of the structure or change the Allowed use of the structure.
6. **Repairs and Maintenance.**
 - a. **Single-unit Residential Dwellings.** Ordinary repairs to and maintenance of single-unit dwellings.
 - b. **Multi-unit Residential Dwellings, and Non-residential Structures.** Ordinary repairs to, and maintenance of multi-unit residential and non-residential structures, if:
 - (1) The work does not change the approved use of the site or structure; or add to, enlarge, or expand the use and/or structure; and
 - (2) Any exterior repairs employ the same materials and design as the original construction.
7. **Small, Portable, Residential Accessory Structures.** A single portable structure per lot or unit, including pre-manufactured storage sheds or other small structures in residential zones that are exempt from building permit requirements in compliance with the County Code of Ordinances and the building code. Additional structures may be approved in compliance with

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Section 130.40.030 (Accessory Structures and Uses) in Article 4 (Specific Use Regulations) of this Title, where allowed by the applicable zone.

8. **Solar Collectors.** Solar collectors accessory to a building attached to the roof or side of a building provided that the collectors comply with applicable height limit requirements.
9. **Spas, Hot Tubs, and Fish Ponds.** Portable spas, hot tubs, and constructed fish ponds, and similar equipment and structures that do not:
 - a. Exceed 120 square feet in total area including equipment;
 - b. Contain more than 2,000 gallons of water; or
 - c. Exceed three feet in depth.
10. **Utilities.** The erection, construction, alteration, or maintenance by a public utility or public agency of utilities intended to service existing or nearby approved developments shall be allowed in any zone. These include: water; gas; electric; wastewater disposal systems; including wires, mains, drains, sewers, pipes, conduits, cables, fire-alarm boxes, police call boxes, traffic signals, hydrants, etc., but not including new transmission lines and related structures. Satellite and wireless communications antennas are not exempt, and are instead subject to Section 130.40.130 (Communication Facilities) in Article 4 (Specific Use Regulations) of this Title.
11. **Satellite Dish, Radio and Television Antennas.** Non-commercial, receive-only antennas for the sole use of the occupants of a structure provided that these antennas are not located within the front setback or street side setback on a corner lot:
 - a. A ground or structure-mounted, radio or satellite dish antenna that does not project above the roof ridge line and does not have a diameter greater than one meter (39 inches); and
 - b. Roof-mounted radio or television aerials not exceeding 75 feet in overall height (building height plus roof-mounted antenna height).

130.20.050 Temporary Uses

Requirements for establishing a temporary use (for example, a construction yard, seasonal sales lot, special event, temporary office trailer, etc.) are in Section 130.52.060 (Temporary Use Permit) in Article 5 (Planning Permit Processing) of this Title.

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CHAPTER 130.21 – AGRICULTURAL, RURAL, AND RESOURCE ZONES

Sections:

- 130.21.010 Zones Established; Applicability
- 130.21.020 Matrix of Allowed Uses
- 130.21.030 Agricultural, Rural, and Resource Zone Development Standards

130.21.010 Matrix of Allowed Uses

- A. **Zones Established; Applicability.** A number of agricultural, rural and resource zones are established in this Ordinance to implement the uses described in the General Plan, and to provide for, promote and regulate the range of uses applicable to those lands.
- B. This Chapter lists the uses allowed within an agricultural, rural land and a resource zone established by Section 130.12.010 (Zones Established) in Article 1 (Zoning Ordinance Applicability) of this Title, determines the type of planning permit/approval required for each use, and provides basic standards for site layout and building size.
- C. The manner in which the individual agricultural, rural lands and resource zones are applied is as follows:
 - 1. **Planned Agricultural (PA).** The PA, Planned Agricultural Zone, applies to the development of agricultural enterprises and uses whether encumbered by a farmland conservation contract or not. This zone shall be utilized to identify those lands most capable of supporting horticulture, aquaculture, ranching, and grazing, based on existing use, soil type, water availability, topography, and similar factors. Agricultural enterprise is intended to be the primary use of these lands, but compatible commercial uses, as listed in Table 130.21.020 (Agricultural, Rural, ~~Lands~~ and Resource Zone Districts Use Matrix) below in this Chapter, may also be allowed in compliance with the provisions of this Chapter. Minimum lot size designators shall be applied to this zone based on commodity type, soil type, surrounding uses, and other appropriate factors. The designator shall represent the number of acres and shall be in the following increments: 10, 20, 40, 80, and 160.
 - 2. **Limited Agricultural (LA).** The LA, Limited Agricultural Zone, applies to the development of agricultural enterprises and uses, whether encumbered by a farmland conservation contract or not. This zone shall be utilized to identify those lands most capable of supporting horticulture, aquaculture, ranching, and grazing, based on existing use, soil type, water availability, topography, and similar factors. The LA zone is distinguished from the PA zone in that it provides limited opportunities for ranch marketing and commercial winery uses, and shall generally be applied where those more intensive commercial uses may be undesirable. Minimum lot size designators shall be applied to this zone based on commodity type, soil type, surrounding uses, and other appropriate factors.

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The designator shall represent the number of acres and shall be in the following increments: 10, 20, 40, 80, and 160.

3. **Agricultural Grazing (AG).** The AG, Agricultural Grazing Zone, is applied to lands suitable for grazing whether encumbered by a farmland conservation contract or not. This zone shall be utilized to identify those lands that are being used for grazing and/or that have the potential for commercially viable grazing operations, based on existing use, soil type, water availability, topography, and similar factors. Grazing and other agricultural activities are intended to be the primary use of these lands, but other compatible commercial uses may also be allowed in compliance with the provisions of this Chapter. Minimum lot size designators shall be applied to this zone based on use designation and other appropriate factors. The minimum lot size designator shall be in the following increments: 40, 80 and 160 acres.
4. **Timber Production (TPZ).** The TPZ, Timber Production Zone, is applied to identify and regulate lands subject to the Forest Taxation Reform Act of 1976 (California Government Code Section 51110, et seq.). Criteria for establishing a TPZ is located in Section 130.40.350 (Timber Production Zone: Criteria, Regulations, and Zone Change Requirements) in Article 4 (Specific Use Regulations) of this Title.
5. **Forest Resource (FR).** The FR, Forest Resource Zone, is applied to lands containing valuable timber or having the potential for timber production, but that are not subject to TPZ zoning requirements in compliance with Section 130.40.350 (Timber Production Zone: Criteria, Regulations, and Zone Change Requirements) in Article 4 (Specific Use Regulations) of this Title. The purpose of this zone is to encourage timber production and associated activities, and to limit noncompatible uses from restricting such activities. Minimum lot size designators shall be applied to this zone based on elevation and other appropriate factors. The minimum lot size designator shall be in the following increments: 40, 80, and 160 acres.
6. **Rural Lands (RL).** The RL, Rural Lands Zone, is intended to identify those lands that are suitable for limited residential development based on topography, access, groundwater or septic capability, and other infrastructural requirements. This zone may be applied where resource-based industries in the vicinity may impact residential uses. Commercial support activities that are compatible with the available infrastructure may be allowed within this zone to serve the surrounding rural and agricultural communities. Although agricultural uses are allowed, these lands generally do not support exclusive agricultural use. This zone is applied to those lands to allow uses which supplement the agricultural use. For special setback purposes, the RL zone is not considered to be an agricultural or timber zone. Minimum lot size designators shall be applied to this zone based on the constraints of the site, surrounding uses, and other appropriate factors. The designator shall represent the minimum number of acres and shall be in the following increments: 10, 20, 40, 80, and 160.

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130.21.020 Matrix of Allowed Uses

Uses are allowed in the following zones subject to the requirements of this Title as designated in Table 130.21.020 (Agricultural, Rural, ~~Lands~~ and Resource Zone Districts Use Matrix) below [in this Section](#):

Table 130.21.020 – Agricultural, Rural, ~~Lands~~ and Resource Zone Districts Use Matrix

USE TYPE	P Allowed use A Administrative permit required (130.52.010) TUP Temporary use permit required (130.52.060) CUP Conditional use permit required(130.52.021 0) MUP Minor use permit required (130.52.020) TMA Temporary mobile home permit (130.52.050) — Use not allowed in zone						
	LA	PA	AG	RL	FR	TPZ	Specific Use Reg.
Agricultural							
Animal Raising and Keeping	P	P	P	P	P	P	130.40.080
Accessory Structures	P	P	P	P	P	P	130.40.030
Crop Production	P	P	P	P	P	—	
Dairy	P	P	P	P	P	—	
Grazing	P	P	P	P	P	P	
Livestock, high density	CUP	CUP	CUP	CUP	—	—	
Nursery, plants: Production and Wholesale	P	P	P	P	CUP	CUP	
Orchards and Vineyards	P	P	P	P	P	—	
Processing of agricultural products	P	P	P	CUP	CUP	CUP	
Produce Sales: Sale of produce grown on-site	P	P	P	P	P	—	130.40.240
Sale of produce grown off-site	A	A	A	A	A	—	
Timber	P	P	P	P ¹	P ¹	P ¹	
Agricultural Support Services							
Packing of on-site and off-site agricultural products	P	P	P	P	P	P	
Slaughterhouse or Rendering Plant	—	CUP	CUP	—	—	—	
Agriculture, Value-added processing	P	P	P	P	P	—	
Custom Farm Services	CUP	CUP	CUP	CUP	CUP	—	
Animal, Domestic Farm: Sales	P	P	P	P	P	—	
Farm Machinery & Equipment Sales and Maintenance	CUP	CUP	CUP	CUP	CUP	—	

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Table 130.21.020 – Agricultural, Rural, ~~Lands~~ and Resource Zone Districts Use Matrix

LA: Limited Agricultural PA: Planned Agricultural AG: Agricultural Grazing RL: Rural Lands FR: Forest Resource TPZ: Timber Production Zone	P Allowed use A Administrative permit required (130.52.010) TUP Temporary use permit required (130.52.060) CUP Conditional use permit required(130.52.021 0) MUP Minor use permit required (130.52.020) TMA Temporary mobile home permit (130.52.050) — Use not allowed in zone						
USE TYPE	LA	PA	AG	RL	FR	TPZ	Specific Use Reg.
Feed and Farm Supply Store	CUP	CUP	CUP	CUP	CUP	—	
Nursery, Plant Production Plus	CUP	A	A	CUP	CUP	—	
Ranch Marketing	See Table 130.40.260.1 (Ranch Marketing Use Matrix)						130.40.260
Wholesale storage and distribution (Agricultural Products)	CUP	CUP	CUP	CUP	CUP	—	
Wineries	See Table 130.40.400.1 (Wineries Allowed Uses Matrix)						130.40.400
Residential							
Child Day Care Home: Small family day care home	P	P	P	P	P	—	130.40.110
Large family day care home	CUP	A	A	A	A	—	
Community Care Facility: Small (serving 6 or fewer)	—	—	—	P	—	—	
Large (serving 7 or more)	—	—	—	CUP	—	—	
Dwelling: Single-unit, detached	P	P	P	P	P	CUP	130.40.350
Temporary during construction	P	P	P	P	P	TUP	130.40.190
Employee Housing: Agricultural 6 or fewer employees	P	P	P	P	P	—	130.40.120
Agricultural up to 36 beds or 12 units in compliance with standards	MUP	MUP	MUP	MUP	MUP	—	130.40.120
Agricultural Not in compliance with standards	CUP	CUP	CUP	CUP	CUP	—	130.40.120
Construction	—	—	TUP	TUP	TUP	—	130.40.190
Seasonal Worker	—	—	A	A	A	—	130.40.120
Seasonal Workers not in compliance with standards	—	—	CUP	CUP	CUP	—	130.40.120
Guest House	P	P	P	P	P	—	130.40.150
Temporary Mobile Home	TMA	TMA	TMA	TMA	TMA	—	130.40.190
Kennel, private ²	P	P	P	P	P	—	
Room Rental: One bedroom, only	P	P	P	P	P	—	

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Table 130.21.020 – Agricultural, Rural, ~~Lands~~ and Resource Zone Districts Use Matrix

	P						
LA: Limited Agricultural	Allowed use						
PA: Planned Agricultural	Administrative permit required (130.52.010)						
AG: Agricultural Grazing	Temporary use permit required (130.52.060)						
RL: Rural Lands	Conditional use permit required(130.52.021 ⁹)						
FR: Forest Resource	Minor use permit required (130.52.020)						
TPZ: Timber Production Zone	Temporary mobile home permit (130.52.050)						
	—	Use not allowed in zone					
USE TYPE	LA	PA	AG	RL	FR	TPZ	Specific Use Reg.
Secondary Dwelling	P	P	P	P	P	—	130.40.060, 130.40.300
Commercial							
Animal Sales and Service							
Kennel, commercial	CUP	CUP	CUP	CUP	CUP	—	
Pet Grooming and Pet Stores	CUP	CUP	CUP	CUP	CUP	—	
Veterinary Clinic	—	CUP	CUP	CUP	CUP	—	130.40.070
Breweries, Micro	CUP	CUP	CUP	CUP	CUP	—	
Contractor’s Office	TUP	TUP	TUP	TUP	TUP	—	130.40.190
Commercial Kitchen	CUP ⁴	CUP ⁴	CUP	CUP	CUP	=	130.40.260 130.40.400
Dining Facilities	CUP	CUP	CUP	CUP	CUP	—	
Distillery	CUP	CUP	CUP	CUP	CUP	—	
Feed and Farm Supply Store	CUP	CUP	CUP	CUP	CUP	—	
Fuel Sales	—	—	—	—	CUP ⁵	CUP ⁵	
Home Occupation	See Table 130.40.160.1 (Home Occupation Use Matrix)					—	130.40.160
Lodging Facilities: Agricultural Lodging	See Table 130.40.170.1 (Agricultural Lodging)						
Bed and Breakfast Inn	CUP	CUP	CUP	CUP	CUP	—	130.40.170
Health Resort and Retreat Center	—	CUP	CUP	CUP	CUP	CUP	
Vacation Home Rental	A	A	A	A	A	—	130.40.370
Nursery, Plants: Commercial Retail	CUP	CUP	CUP	CUP	CUP	—	130.40.220
Outdoor Retail Sales: Garage Sales	P	P	P	P	P	—	130.40.220
Temporary Outdoor	A/TUP ³	A/TUP ³	A/TUP ³	A/TUP ³	—	—	
Permanent	CUP	CUP	CUP	CUP	CUP	CUP	
Industrial							
Industrial: General	—	—	—	—	CUP	=	

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Table 130.21.020 – Agricultural, Rural, ~~Lands~~ and Resource Zone Districts Use Matrix

LA: Limited Agricultural PA: Planned Agricultural AG: Agricultural Grazing RL: Rural Lands FR: Forest Resource TPZ: Timber Production Zone	P Allowed use A Administrative permit required (130.52.010) TUP Temporary use permit required (130.52.060) CUP Conditional use permit required(130.52.021 0) MUP Minor use permit required (130.52.020) TMA Temporary mobile home permit (130.52.050) — Use not allowed in zone						
USE TYPE	LA	PA	AG	RL	FR	TPZ	Specific Use Reg.
Mineral Exploration, and Mining	See Table 130.29.070.1 (Mineral Exploration and Mining)						
Storage Yard: Equipment and Material Permanent	P	P	P	P	P	P	130.40.320. C
Temporary	TUP	TUP	TUP	TUP	TUP	TUP	
Recreation and Open Space							
Campground	CUP	CUP	CUP	CUP	CUP	CUP	130.40.100
Golf Course	—	—	—	CUP	—	—	
Hiking and Equestrian Trail	P	P	P	P	P	P	
Hunting/Fishing Club or Farm	A	P	P	P	P	P	130.40.210. D
Hunting/Fishing Club or Farm Facility	CUP	CUP	CUP	CUP	CUP	CUP	130.40.170. B
Marina: Non-motorized Craft	—	CUP	CUP	CUP	CUP	CUP	
Off-Highway or Off-Road Vehicle Recreation Area	—	—	—	—	CUP	=	
Park, day use	—	—	—	CUP	CUP	—	130.40.210
Picnic Area	P	P	P	P	P	P	
Resource Protection and Restoration	P	P	P	P	P	P	
Ski Area	—	—	—	CUP	CUP	=	130.40.210
Snow Play Area	—	—	—	CUP	CUP	CUP	
Special Events, temporary	TUP	TUP	TUP	TUP	TUP	TUP	
Stable: Commercial	CUP	CUP	CUP	CUP	CUP	CUP	130.40.210
Trail Head Parking or Staging Area	CUP	CUP	CUP	CUP	CUP	CUP	130.40.210
Civic Uses							
Cemetery	—	—	CUP	CUP	CUP	—	
Churches and Community Assembly	—	—	—	CUP	CUP	—	
Community Services: Intensive	CUP	CUP	CUP	CUP	CUP	—	
Minor	CUP	CUP	CUP	CUP	CUP	—	

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Table 130.21.020 – Agricultural, Rural, ~~Lands~~ and Resource Zone Districts Use Matrix

LA: Limited Agricultural PA: Planned Agricultural AG: Agricultural Grazing RL: Rural Lands FR: Forest Resource TPZ: Timber Production Zone	P Allowed use A Administrative permit required (130.52.010) TUP Temporary use permit required (130.52.060) CUP Conditional use permit required(130.52.021 0) MUP Minor use permit required (130.52.020) TMA Temporary mobile home permit (130.52.050) — Use not allowed in zone						
USE TYPE	LA	PA	AG	RL	FR	TPZ	Specific Use Reg.
Schools: College and University	—	—	—	CUP	—	—	130.40.230
Elementary and Secondary, Private	—	—	—	CUP	—	—	
Transportation							
Airports, Airstrips, and Heliports	CUP	CUP	CUP	CUP	CUP	CUP	
Utility and Communication							
Communication Facilities	A / CUP	A / CUP	A / CUP	A / CUP	A / CUP	CUP	130.40.130
Public Utility Service Facilities: Minor	—	CUP	CUP	CUP	CUP	CUP	130.40.250
Minor	P	P	P	P	P	P	
Wind Energy Conversion System	See Table 130.40.390.1 (WECS Use Matrix)						130.40.390
NOTES:							
¹ In FR and TPZ only, logging camps and sawmills may be allowed by CUP. ² Dogs used for herding or guardian purposes in commercial ranching or browsing operations are allowed by right subject to licensing requirements of Animal Control <u>the County Animal Services Division</u> in compliance with Title 6 (Animals <u>Zoning Ordinance Administration</u>). ³ Subject to the issuance of an Administrative Permit, unless otherwise specified in Section 130.40.220 (Outdoor Retail Sales) <u>in Article 4 (Specific Use Regulations) of this Title.</u> ⁴ Or as permitted in Section 130.40.400 (Wineries) or Section 130.40.260 (Ranch Marketing) <u>in Article 4 (Specific Use Regulations) of this Title.</u> ²⁵ Accessory to Off-highway or off road vehicle recreational uses.							

130.21.030 Agricultural, Rural, and Resource Zone Development Standards

Allowed uses and associated structures shall comply with the following development standards listed in Table 130.21.030 (Agricultural, Rural, and Resource Zones Development Standards) below in this Section in addition to any other applicable requirements of this Title, unless a variance is obtained in compliance with Section 130.52.070 (Variance) in Article 5 (Planning Permit Processing) of this Title, or standards are modified pursuant to a Development Plan permit in compliance with Section 130.52.040 (Development Plan Permit), in Article 5 (Planning Permit Processing) of this Title.

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Table 130.21.030 – Agricultural, Rural, ~~Lands~~ and Resource Zones Development Standards

<u>Development Attribute</u>	LA	PA	AG	TPZ	FR	RL
Minimum Lot Size ^{1, 2}	10 acres or as designated	10 acres or as designated	40 acres or as designated	160 acres	40 acres below 3,000 ft. elev. or as designated; 160 acres 3,000 ft. and higher	10 acres or as designated
Setbacks: (in feet) Agricultural (ag) structure, Front, secondary front, sides, rear	50	50	50	50	50	50
Non-ag structure, Front, secondary front, sides, rear	30	30	30	30	30	30
Building Height: (in feet) Ag structure	50	50	50	50	50	50
Non-ag structure	45	45	45	45	45	45
Lot Frontage (in feet)	200	150	200	200	200	150
<p>Notes:</p> <p>¹ An agricultural preserve may consist of a lot or adjacent lots of between 10 and 20 acres in compliance with Section 130.40.060 (Agricultural Preserves and Zones: Contracts, Criteria, and Regulations) in Article 4 (Specific Use Regulations) of this Title.</p> <p>² Lots that are created for access road, parking areas, common area landscaping and open space purposes are exempt from the area and frontage standards of the respective zones.</p>						

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CHAPTER 130.22 – COMMERCIAL ZONES

Sections:

- 130.22.010 Zones Established; Applicability
- 130.22.020 Matrix of Allowed Uses
- 130.22.030 Commercial Zone Development Standards

130.22.010 Zones Established; Applicability

- A. As provided in the General Plan Policy 2.2.1.2 (Land Use Designations), this Chapter establishes a number of commercial zones to direct specific categories of commercial uses to the appropriate areas of the County.
- B. This Chapter lists the uses that are allowed within the Commercial zones established by Section 130.12.020 (Zoning Map and Zones) in Article 1 (Zoning Ordinance Applicability) of this Title, describes the types of planning permit/approval required for each use and provides basic standards for site layout and building size.
- C. The various Commercial zones and the manner in which they are applied are as follows.
 - 1. **Commercial, Professional Office (CPO).** The CPO, Professional Office Commercial Zone is intended to regulate the development of land suitable for professional, administrative, and business offices and offices mixed with low to high intensity residential uses. It is intended that this zone be utilized as a transition between residential areas and higher intensity commercial uses by creating an environment which is compatible with surrounding residential uses while providing adequate economic incentive for development of such office space. Retail sales that are incidental to the primary office uses in this zone, are allowed subject to the provisions of the Ordinance.
 - 2. **Commercial, Limited (CL).** The CL, Limited Commercial Zone, designates areas suitable for lower intensity retail sales, office and service needs of the surrounding area while minimizing conflicts with the residential uses and outside traffic into the area. Mixed use development compatible with surrounding uses would also be appropriate.
 - 3. **Commercial, Main Street (CM).** The CM, Main Street Commercial Zone, allows a wide range of pedestrian-oriented retail, office, and service uses, and mixed use development comprised of commercial and residential uses. Flexible development standards are applied to facilitate preservation of historic structures and to encourage new development compatible with the identity of each unique community. This zone is generally appropriate for historic downtown areas or town centers.

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4. **Commercial, Community (CC).** The CC, Community Commercial Zone, provides for the retail sales, office, and service needs of the residents residing within the surrounding community and accommodates the commercial and service needs of visitors to the County. Mixed use development compatible with General Plan densities is appropriate in this zone.

5. **Commercial, Regional (CR).** The CR, Regional Commercial Zone, provides for large-scale retail services for a regional trade area. The CR zone applies to regional shopping centers that serve a market beyond the community and are located along arterials and at major intersections that provide convenient automobile access. Residential uses are generally inappropriate in the CR zone.

6. **Commercial, General (CG).** The CG, General Commercial Zone provides a mix of more intensive commercial uses, such as light manufacturing, automobile repair, and wholesale activity; where outdoor storage or activity commonly occurs; and where residential, civic, and educational uses are limited to avoid conflicts with allowed uses.

7. **Commercial, Rural (CRU).** The CRU, Commercial Rural Zone is utilized to provide limited commercial uses to support agricultural, tourism, recreational and resource based industry, as well as surrounding residential uses in the Rural Regions.

130.22.020 Matrix of Allowed Uses

Uses are allowed in commercial zones subject to the requirements of this Title as designated in Table 130.22.020 (Allowed Uses and Permit Requirements for the Commercial Zones) below:

Table 130.22.020 – Allowed Uses and Permit Requirements for the Commercial Zones

CPO: Commercial, Professional Office CL: Commercial, Limited CM: Commercial, Main Street CC: Commercial, Community CR: Commercial, Regional CG: Commercial, General CRU: Commercial, Rural	P Allowed use (Article 4: Special Use Regulations) A Administrative permit required (130.52.010) TUP Temporary use permit required (130.52.060) CUP Conditional Use Permit required(130.52.021 0) MUP Minor use permit required (130.52.020) TMA Temporary mobile home permit (130.52.050) — Use not allowed in zone							
Use Type								Specific Use Regulation
	CPO	CL	CM	CC	CR	CG	CRU	
Commercial								
Animal Sales and Service: Kennel, commercial	—	—	—	P	P	P	CUP	
Pet Grooming and Pet Stores	—	P	P	P	P	P	—	
Veterinary Clinic	—	P	P	P	P	P	P	

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Table 130.22.020 – Allowed Uses and Permit Requirements for the Commercial Zones

Use Type								Specific Use Regulation
	CPO	CL	CM	CC	CR	CG	CRU	
CPO: Commercial, Professional Office	P Allowed use (Article 4: Special Use Regulations)							
CL: Commercial, Limited	A Administrative permit required (130.52.010)							
CM: Commercial, Main Street	TUP Temporary use permit required (130.52.060)							
CC: Commercial, Community	CUP Conditional Use Permit required(130.52.0219)							
CR: Commercial, Regional	MUP Minor use permit required (130.52.020)							
CG: Commercial, General	TMA Temporary mobile home permit (130.52.050)							
CRU: Commercial, Rural	— Use not allowed in zone							
Automotive and Equipment: Fuel Sales	—	P	CUP	P	P	P	CUP	
Paint and Body Shops	—	—	—	CUP	—	P	CUP	
Repair Shops	—	—	—	CUP	CUP	P	CUP	
Sales and Rental	—	—	—	CUP	CUP	P	CUP	
Vehicle Storage	CUP	—	—	CUP	—	P	CUP	130.40.320
Banks and Financial Services	P	P	P	P	P	P	P	
Bars and Drinking Establishments	CUP	P	P	P	P	P	P	
Brewery Large Commercial	—	—	CUP	P	CUP	P	CUP	
Micro Brewery	CUP	CUP	CUP	CUP	P	P	P	
Brewpub	CUP	P	P	P	P	—	P	
Broadcasting and Recording Studio	P	—	P	P	P	P	—	
Building Supply Store	—	—	—	P	P	P	P	130.40.220
Business Support Services	—	—	P	P	P	P	P	
Child Day Care Center	A	A	A	A	A	CUP	P	130.40.110
Commercial Recreation: Arcade	—	P	P	P	P	P	P	
Indoor Entertainment	—	—	P	P	P	—	—	
Indoor Sports and Recreation	—	P	—	P	P	P	—	
Large Amusement Complex	—	—	—	CUP	CUP	—	—	
Outdoor Entertainment	—	—	— CUP	CUP	CUP	—	CUP	
Outdoor Sports and Recreation	—	—	—	—	CUP	—	CUP	130.40.210
Contractor’s Office: On-site	A	A	A	A	A	A	A	130.40.190
Off-site	TUP	—	TUP	TUP	TUP	TUP	TUP	
Employer-sponsored Child Day Care Center	A	A	—	A	A	A	A	130.40.110
Food and Beverage Retail Sale	—	P	P	P	P	P	P	

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Table 130.22.020 – Allowed Uses and Permit Requirements for the Commercial Zones

Use Type								Specific Use Regulation
	CPO	CL	CM	CC	CR	CG	CRU	
CPO: Commercial, Professional Office CL: Commercial, Limited CM: Commercial, Main Street CC: Commercial, Community CR: Commercial, Regional CG: Commercial, General CRU: Commercial, Rural	P Allowed use (Article 4: Special Use Regulations) A Administrative permit required (130.52.010) TUP Temporary use permit required (130.52.060) CUP Conditional Use Permit required(130.52.0219) MUP Minor use permit required (130.52.020) TMA Temporary mobile home permit (130.52.050) — Use not allowed in zone							
Free Food Distribution Center	—	—	—	—	—	CUP	CUP	
Funeral and Internment Services	—	P	CUP	P	—	P	CUP	
Lodging Facilities: Bed and Breakfast Inn	—	CUP	P	P	—	—	P	130.40.170
Health Resort and Retreat Center	—	—	—	P	—	—	<u>P</u>	
Hotel and Motel	CUP	—	P	P	P	—	P	
Maintenance and Repair	—	—	CUP	P	P	P	P	
Medical Services: Hospital	CUP	—	—	P	CUP	CUP	—	
Clinic	CUP	P	P	P	P	—	P	
Long-Term Care Facility	—	CUP	—	P	—	—	CUP	
Mobile/Manufactured Home Sales Lots	—	—	—	A	—	P	—	130.40.220
Offices: Professional	P	P	P	P	CUP	—	P	
Medical	P	P	P	P	CUP	—	P	
Recycling Facilities	—	—	—	P/A	—	P/A	CUP	130.40.280
Restaurant	CUP	P	P	P	P	—	P	
Retail Sales and Service: Indoor Sales	—	P	P	P	P	P	P	130.40.220
Outdoor Sales	—	CUP	CUP	P	CUP	P	P	
Temporary Outdoor Sales	A/ TUP	TUP ¹	TUP ¹	A/ TUP	A/ TUP	A/ TUP	A/ TUP	
Personal Services	— P/CUP	P	P	P	P	P	P	
Property Services	—	P	—	P	—	P	<u>P</u>	
Specialized Education and Training	P	P	P	P	—	CUP	—	130.40.230
Storage, Self	—	—	—	CUP	—	P	CUP	130.40.320
Trade School: Indoor	CUP	CUP	—	CUP	—	P	CUP	
Outdoor	—	—	—	—	—	CUP	CUP	

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Table 130.22.020 – Allowed Uses and Permit Requirements for the Commercial Zones

	P							Allowed use (Article 4: Special Use Regulations)
CPO: Commercial, Professional Office	A							Administrative permit required (130.52.010)
CL: Commercial, Limited	TUP							Temporary use permit required (130.52.060)
CM: Commercial, Main Street	CUP							Conditional Use Permit required(130.52.021 9)
CC: Commercial, Community	MUP							Minor use permit required (130.52.020)
CR: Commercial, Regional	TMA							Temporary mobile home permit (130.52.050)
CG: Commercial, General	—							Use not allowed in zone
CRU: Commercial, Rural								
Use Type								Specific Use Regulation
	CPO	CL	CM	CC	CR	CG	CRU	
Winery: Production	—	—	— CUP	—	—	P	P	
Full-service Facilities	—	P	CUP	P	—	—	P	
Industrial								
Laundries, Commercial	—	CUP	—	CUP	—	P	P	
Light Manufacturing	—	—	CUP ²	CUP	—	P	CUP	
Ceramic products	—	—	CUP ²	CUP	—	P/CUP ³	CUP	
Lightweight nonferrous metal casting foundry	—	—	CUP ²	CUP	—	P/CUP ³	CUP	
Mineral Exploration and Mining	See Table 130.29.070.1 (Mineral Exploration and Mining)							
Printing and Publishing	—	—	—	CUP	—	P	—	
Research and Laboratory Services	P	—	—	P	—	P	P	
Storage Yard, Equipment and Material: Permanent	—	—	—	—	—	P	CUP	130.40.320
Temporary	TUP	—	—	TUP	TUP	TUP	TUP	
Wholesale Storage and Distribution	—	—	—	CUP	—	P	CUP	
Agricultural								
Nursery, commercial retail	—	P	CUP	CUP	—	P	P	
Packing: off -site products	—	CUP	—	—	—	P	P	
Residential								
Caretaker Unit: Permanent	A	A	A	A	A	A	A	130.40.120
Temporary	TMA	TMA	TMA	TMA	TMA	TMA	TMA	
Child Day Care Home ^{5,6} Small family day care home	—	A	—	A	—	—	A	130.40.110
Large family day care home	—	A	—	A	—	—	—A	
Community Care Facility: Small or Large	CUP	P	—	P	—	—	P	

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Table 130.22.020 – Allowed Uses and Permit Requirements for the Commercial Zones

CPO: Commercial, Professional Office	P Allowed use (Article 4: Special Use Regulations)							
CL: Commercial, Limited	A Administrative permit required (130.52.010)							
CM: Commercial, Main Street	TUP Temporary use permit required (130.52.060)							
CC: Commercial, Community	CUP Conditional Use Permit required(130.52.021 ⁹)							
CR: Commercial, Regional	MUP Minor use permit required (130.52.020)							
CG: Commercial, General	TMA Temporary mobile home permit (130.52.050)							
CRU: Commercial, Rural	— Use not allowed in zone							
Use Type								Specific Use Regulation
	CPO	CL	CM	CC	CR	CG	CRU	
Dwelling (as part of a Mixed Use Development)	See Section 130.40.180 (Mixed Use Development) Permitted by Design Review (See Section 130.52.030 – Design Review Permit in Article 5 – Planning Permit Processing, of this Title)							
Emergency Shelter	—	—	—	CUP	—	P	—	
Employee Housing: Commercial Caretaker, permanent	A	A	A	A	A	A	A	130.40.120
Commercial Caretaker, temporary	TMA	TMA	TMA	TMA	TMA	TMA	TMA	
Construction	—	—	—	—	—	A	A	130.40.190.B.5
Home Occupation ⁴	See Table 130.40.160.1 (Home Occupation Use Matrix)							
Lodging: Vacation Home Renta ^{5,6}	—	A	A	A	—	—	—	130.40.370
Transitional Housing: Large, only	—	—	—	CUP	—	A	—	130.40.360
Recreation and Open Space								
Golf Course	—	—	—	CUP	—	—	CUP	
Marina: Motorized Craft	—	—	—	CUP	—	CUP	CUP	
Non-Motorized Craft	—	—	—	P	—	—	P	
Parks: Day Use	A ⁶	A ⁶	A ⁶	A ⁶	A ⁶	—	A ⁶	130.40.210
Nighttime Use	CUP	CUP	CUP	CUP	CUP	—	—	
Snowplay Area	—	—	—	CUP	—	CUP	CUP	
Special Events, Temporary	TUP	TUP	TUP	TUP	TUP	TUP	TUP	
Swimming Pool, Public	—	CUP	—	CUP	—	—	—	130.40.210
Tennis Courts, Public	—	CUP	—	CUP	—	—	—	
Trail Head Parking and Staging Area	—	—	—	CUP	—	CUP	P	
Civic								
Cemeteries	—	—	—	CUP	—	CUP	—	
Churches and Community Assembly Indoor	CUP	CUP	P	P	—	CUP	CUP	

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Table 130.22.020 – Allowed Uses and Permit Requirements for the Commercial Zones

	P	A	TUP	CUP	MUP	TMA	—	
CPO: Commercial, Professional Office CL: Commercial, Limited CM: Commercial, Main Street CC: Commercial, Community CR: Commercial, Regional CG: Commercial, General CRU: Commercial, Rural	Allowed use (Article 4: Special Use Regulations)	Administrative permit required (130.52.010)	Temporary use permit required (130.52.060)	Conditional Use Permit required(130.52.021 ⁹)	Minor use permit required (130.52.020)	Temporary mobile home permit (130.52.050)	Use not allowed in zone	
Use Type								Specific Use Regulation
	CPO	CL	CM	CC	CR	CG	CRU	
Outdoor	CUP	CUP	CUP	CUP	CUP	—	CUP	
Community Services: Intensive	—	—	—	CUP	CUP	CUP	CUP	
Minor	P	P	P	P	P	—	P	
Schools: College and University	P	—	CUP	P	CUP	—	—	130.40.230
Elementary and Secondary, private	CUP	—	CUP	CUP	—	—	—	
Transportation								
Airports, Airstrips and Heliports	—	—	—	CUP	—	CUP	CUP—	
Intermodal Facility	CUP	CUP	CUP	CUP	CUP	P	—	
Parking Lot	P	P	P	P	P	P	P	
Utility and Communications								
Communication Facilities	A/ CUP	A/ CUP	A/ CUP	A/ CUP	A/ CUP	A/ CUP	A/ CUP	130.40.130
Public Utility Service Facilities: Intensive	CUP	—	—	CUP	CUP	CUP	CUP	130.40.250
Minor	P	P	P	P	P	P	P	
Wind Energy Conversion System	See Table 130.40.390.1 (WECS Use Matrix)							130.40.390
NOTES:								
¹ Excluding Subsection 130.40.220.E (Garage Sales) <u>in Article 4 (Specific Use Regulations) of this Title.</u> ² Limited to small-scale, artisanal production of goods (See Article 8 (Glossary: “Light Manufacturing”) <u>of this Title.</u> ³ CUP for larger scale, ‘general industrial’ use. ⁴ As part of the residential component of a mixed use development. ⁵ As a rental of an existing legal nonconforming residential structure. ⁶ As an accessory use								

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130.22.030 Commercial Zones Development Standards

Allowed uses and associated structures shall comply with the following development standards listed in Table 130.22.030 (Commercial Zones Development Standards) below [in this Section](#), in addition to any other applicable requirements of this Title unless a variance is obtained in compliance with Section 130.52.070 (Variance) [in Article 5 \(Planning Permit Processing\) of this Title](#), or standards are modified pursuant to a Development Plan permit in compliance with Section 130.52.040 (Development Plan Permit) [in Article 5 \(Planning Permit Processing\) of this Title](#).

Table 130.22.030 – Commercial Zones Development Standards

Development Attribute	CPO	CL	CM	CC	CR	CG	CRU
Minimum Lot Size ¹ (in square feet)	6,000	4,000	None	4,000	100,000 ²	10,000	10,000
Minimum Lot Width (in feet)	60	60	20	60	70	70	100
Residential Density Range for Mixed Use	See Section 130.40.180 (Mixed Use)				N/A		
Setbacks (in feet) Front and secondary front ³	10	10	Min. 0 Max. 10	10	20	10	30
Sides and Rear ⁴	0 or 5	0 or 5	0 or 5	0 or 5	0 or 5	0 or 5	30.
Sides and Rear (Abutting R, R1A, R2A, R3A, and RE Zoned Land) ⁵	10 or 30					30	
Maximum Building Height (in feet)	50	50	50	50	50	50	40
Floor Area Ratio ⁶	.85	.85	2.0	.85	.85	.85	.50
Notes:							
¹ Mixed use development and commercial condominiums subject to Section 130.40.180 (Mixed Use Development) in Article 4 (Specific Use Regulations) of this Title .							
² Does not limit the creation of new smaller lots within a regional commercial facility.							
³ Subject to Landscaping requirements in the site planning and design manual.							
⁴ Zero lot line with fireproof wall and no openings, meeting building and fire code requirements, otherwise the 5 foot setback applies.							
⁵ Subject to Landscaping Ordinance requirements in the site planning and design manual.							
⁶ Ratio of allowable floor area to lot area.							
⁷ Lots that are created for access road, parking areas, common area landscaping and open space purposes are exempt from the area and width standards of the respective zones.							

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CHAPTER 130.23 – INDUSTRIAL AND RESEARCH AND DEVELOPMENT ZONES

Sections:

- 130.23.010 Zones Established; Applicability
- 130.23.020 Matrix of Allowed Uses
- 130.23.030 Development Standards
- 130.23.040 Design Standards

130.23.010 Zones Established; Applicability

- A. This Chapter establishes several Industrial zones to provide for a full range of light and heavy manufacturing, including manufacturing, processing, distribution and storage. In addition, a Research and Development Zone is established to provide areas for high technology, non-polluting manufacturing plants, research and development facilities, corporate/industrial offices, and support service facilities in a rural or campus-like setting, such as a business park environment. [See General Plan Policy 2.2.1.2 (Land Use Designations)]
- B. This Chapter further provides regulations applicable to each industrial zone established in Section 130.12.020 (Zoning Maps and Zones) in Article 1 (Zoning Ordinance Applicability) of this Title. The Industrial zones are as follows:
1. **Industrial – Light (IL).** The IL zone is applied to lands for manufacturing and associated retail or service activities, wholesaling, and other industrial uses, where the primary activity is conducted within a building or buildings, or in outdoor storage or activity areas. Conditional Use Permits shall be required for those uses which, by their nature, have the potential to produce or emit noise, odor, fumes, dust, smoke, vibrations, glare, heat, electrical interference or waste material beyond the confines of the property boundaries.
 2. **Industrial – Heavy (IH).** The IH zone is applied to areas which may also be suitable for more intensive industrial uses, including manufacturing, assembling, fabrication and processing, bulk handling, storage, warehousing and trucking. The uses associated with this district are likely to generate significant levels of truck traffic, noise, pollution, vibration, dust, fumes, odors, radiation, radioactivity, poisons, pesticides, herbicides, or other hazardous materials, fire or explosion hazards, or other undesirable conditions. A Conditional Use permit is required for uses having the potential to pose a safety hazard or produce particulate matter. Heavy industrial districts are unsuitable adjacent to residential districts and some commercial uses. Dwellings, care centers, and certain commercial uses are not allowed. Uses allowed within IL (Light Industrial) districts are allowed, provided that the uses are subordinate to and do not restrict heavy industrial uses in the zone. Activity at heavy industrial sites consists predominantly of trucks, rather than passenger vehicles, and the

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road system is built to support truck traffic. Provisions for pedestrians are not required.

3. **Research and Development (R&D).** The R&D, Research and Development zone is intended to provide areas for the location of high technology, non-polluting manufacturing plants, research and development facilities, corporate and industrial offices, and support service facilities in a rural or campus-like setting, such as a business park environment.

130.23.020 Matrix of Allowed Uses

Uses are allowed in the following zones subject to the requirements of this Title as designated in Table 130.23.020 (Industrial / R&D Zones Use Matrix) below [in this Section](#):

Table 130.23.020 – Industrial / R&D Zones Use Matrix

IL: Industrial Low IH: Industrial High R&D: Research & Development	P Allowed use (Article 4: Special Use Regulations) A Administrative permit required (130.52.010) TUP Temporary use permit required (130.52.060) CUP Conditional use Permit required(130.52.021 0) MUP Minor use permit required (130.52.020) TMA Temporary mobile home permit (130.52.050) — Use not allowed in zone			
USE TYPE	IL	IH	R&D	Specific Use Reg.
Industrial				
Automotive and Equipment: Salvage and Wrecking Yard	CUP	CUP	—	
Hazardous Material Handling	CUP	CUP	CUP	
Industrial: General	P/CUP	P/CUP	CUP	
Specialized	CUP	CUP	—	
Laundries, Commercial	P	—	—	
Light Manufacturing	P	—	P	
Ceramic products from compounded clay	P	—	P/CUP ¹	
Lightweight nonferrous metal casting foundry				
Mineral Exploration and Mining	See Table 130.29.070.1 (Mineral Exploration and Mining)			
Printing and Publishing	P	—	P	
Research and Laboratory Services	P	—	P	
Slaughterhouse	CUP	CUP	—	
Storage Yard: Equipment and Material Permanent	P	P	CUP	130.40.320.C

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Table 130.23.020 – Industrial / R&D Zones Use Matrix

IL: Industrial Low IH: Industrial High R&D: Research & Development	P Allowed use (Article 4: Special Use Regulations) A Administrative permit required (130.52.010) TUP Temporary use permit required (130.52.060) CUP Conditional use Permit required(130.52.021 0) MUP Minor use permit required (130.52.020) TMA Temporary mobile home permit (130.52.050) — Use not allowed in zone			
USE TYPE	IL	IH	R&D	Specific Use Reg.
Temporary	TUP	TUP	TUP	
Wholesale Storage and Distribution	P	P	P	
Commercial				
Adult Business Establishment	A	—	—	130.40.040
Animal Sales and Service: Veterinary Clinics	CUP	—	CUP	
Automotive and Equipment: Paint and Body Shops	P	CUP	—	
Repair Shop	P	CUP	—	
Vehicle Storage	P	CUP	—	130.40.320
Banks and Financial Services	—	—	P	
Bars and Drinking Establishments	CUP	—	—	
Brewery: Large Commercial	P	CUP	CUP	
Micro Brewery	P	CUP	CUP	
Building Supply Store	P	—	—	130.40.220
Business Support Services	P	—	P	
Distillery ³	P	CUP	CUP	
Commercial Recreation: Indoor Entertainment	—	—	A/CUP	
Indoor Sports and Recreation	CUP	—	P	
Outdoor Entertainment	—	—	CUP	
Outdoor Sports and Recreation	—	—	P	130.40.210
Employer-sponsored Child Day Care Center	A	—	A	130.40.110.C
Mobile/Manufactured Home Sales Lot	A	—	—	130.40.220
Offices: Professional and Medical	P	—	P	

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Table 130.23.020 – Industrial / R&D Zones Use Matrix

IL: Industrial Low IH: Industrial High R&D: Research & Development	P Allowed use (Article 4: Special Use Regulations) A Administrative permit required (130.52.010) TUP Temporary use permit required (130.52.060) CUP Conditional use Permit required(130.52.021 0) MUP Minor use permit required (130.52.020) TMA Temporary mobile home permit (130.52.050) — Use not allowed in zone			
USE TYPE	IL	IH	R&D	Specific Use Reg.
Printing and Publishing	P	—	P	
Recycling Facilities	P/A	P	—	130.40.280
Restaurant	P ²	—	P	
Retail Sales and Service: Indoor Sales	CUP	—	P	
Permanent Outdoor Sales	A	CUP	A/CUP	130.40.220
Temporary Outdoor Sales	A/TUP	A/TUP	A/TUP	
Personal Services	—	—	P	
Property Services	P	—	P	
Specialized Education and Training	—	—	P	
Trade School, indoor or outdoor	P	—	CUP	
Wineries ³ Production Facilities	P	P	CUP	
Residential				
Contractor's Office: On-site	A	A	A	130.40.190
Off-site	TUP	TUP	TUP	
Employee Housing: Commercial Caretaker, permanent	A	CUP	A	130.40.120
Commercial Caretaker, temporary	TMA	—	TMA	
Construction	A	A	—	130.40.190
Civic				
Cemetery	CUP	—	—	
Churches and Community Assembly Indoor only	—	—	CUP	
Community Services: Intensive	P	—	P	
Schools: College and University	—	—	CUP	130.40.230

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Table 130.23.020 – Industrial / R&D Zones Use Matrix

IL: Industrial Low IH: Industrial High R&D: Research & Development	P Allowed use (Article 4: Special Use Regulations) A Administrative permit required (130.52.010) TUP Temporary use permit required (130.52.060) CUP Conditional use Permit required(130.52.0210) MUP Minor use permit required (130.52.020) TMA Temporary mobile home permit (130.52.050) — Use not allowed in zone			
USE TYPE	IL	IH	R&D	Specific Use Reg.
Elementary and Secondary, private	—	—	CUP	
Transportation				
Airports, Airstrips, and Heliports	CUP	CUP	CUP	
Intermodal Facility	P	—	P	
Parking Lot, Public	P	—	P	
Utility and Communication				
Communication Facilities	P/A	CUP	P/A	130.40.130
Public Utility Service Facilities: Intensive	CUP	CUP	—	130.40.250
Minor	P	—	P	
Wind Energy Conversion System		See Table 130.40.390.1 (WECS Use Matrix)		130.40.390
Recreation and Open Space				
Special Events, temporary	TUP	—	TUP	
Agricultural				
Crop Production	—	P	—	
Grazing	—	P	—	
Livestock, High Density	—	CUP	—	
Nursery, plants: Wholesale	P	P	—	
Orchards and Vineyards	—	P	—	
Packing: On-site products	P	P	—	
Off-site products	P	P	—	
Produce Sales	—	CUP	—	
Timber	—	P	—	

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Table 130.23.020 – Industrial / R&D Zones Use Matrix

<p>IL: Industrial Low IH: Industrial High R&D: Research & Development</p>	<p>P Allowed use (Article 4: Special Use Regulations) A Administrative permit required (130.52.010) TUP Temporary use permit required (130.52.060) CUP Conditional use Permit required(130.52.0210) MUP Minor use permit required (130.52.020) TMA Temporary mobile home permit (130.52.050) — Use not allowed in zone</p>				
USE TYPE	<table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 25%; text-align: center;">IL</td> <td style="width: 25%; text-align: center;">IH</td> <td style="width: 25%; text-align: center;">R&D</td> <td style="width: 25%; text-align: center;">Specific Use Reg.</td> </tr> </table>	IL	IH	R&D	Specific Use Reg.
IL	IH	R&D	Specific Use Reg.		
<p>NOTES: ¹ CUP for larger, general industrial-scale use. ² On-site cafeteria for employee use only. ³ Not subject to Section 130.40.400 (Wineries) in Article 4 (Specific Use Regulations) of this Title.</p>					

130.23.030 Development Standards

Allowed uses and associated structures shall comply with the following development standards listed in Table 130.23.030 (Industrial / R&D Zone Development Standards) below, in addition to those under Section 130.23.040 (Design Standards) [below in this Section](#), and any other applicable requirements of this Title unless a variance is obtained in compliance with Section 130.52.070 (Variance) [in Article 5 \(Planning Permit Processing\) of this Title](#), or standards are modified pursuant to a Development Plan permit in compliance with Section 130.52.040 (Development Plan Permit) [in Article 5 \(Planning Permit Processing\) of this Title](#).

Table 130.23.030 – Industrial / R&D Zones Development Standards

Development Attribute ⁵	IL	IH	R&D	
Minimum Lot Size (in square feet) ⁵	10,000	20,000	10,000	
Minimum Lot Width (in feet) ⁵	60	60	60	
Setbacks: (in feet) Front and secondary front ¹	10	30	20	
Sides	0 ² or 5	30	0 ² or 5	
Rear	10	30	10	
Sides and Rear (Abutting residentially zoned land) ³	10 or 30	50	10 or 30	
Maximum Building Height (in feet)	50	50	50	
Floor Area Ratio (FAR) ⁴	0.85	0.85	0.50	
<p>Notes: ¹ Subject to Landscaping requirements in the site planning and design manual. ² Zero lot line with fireproof wall and no openings meeting building and fire code requirements, otherwise the 5 foot setback applies. ³ Subject to Landscaping requirements in the site planning and design manual. ⁴ Ratio of allowable floor area to site area. ⁵ Lots that are created for access road, parking areas, common area landscaping and open space purposes are exempt from the area and width standards of the respective zones.</p>				

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130.23.040 Design Standards

- A. **Research and Development Zones.** Design standards for the Research and Development Zone are contained in the County's adopted ~~design manual~~Research and Development Zone Design Standards (Resolution 201-2015). The Design Review process, where applicable, shall determine whether the structure is in compliance with the adopted design standards.

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CHAPTER 130.24 — RESIDENTIAL ZONES

Sections:

- 130.24.010 Zones Established; Applicability
- 130.24.020 Matrix of Allowed Uses
- 130.24.030 Residential Zone Development Standards

130.24.010 Zones Established; Applicability

- A. This Chapter establishes residential zones as provided in the General Plan to accommodate a range of housing types, including single-family and multi-family housing for households of various income levels.
- B. This Chapter lists the uses that may be allowed within the residential zones established by Section 130.12.020 (Zoning Map and Zones) in Article 1 (Zoning Ordinance Applicability) of this Title, determines the type of planning permit/approval required for each use, and provides basic standards for site layout and building size.
- C. The manner in which the single-unit and multi-unit residential zones are applied are as follows:
 - 1. **Multi-unit Residential (RM).** The RM, Multi-unit Residential Zone identifies those lands which are most capable of supporting the highest density of development within the County, based on topography, infrastructure, and circulation availabilities and constraints, as well as proximity to employment centers, public facilities, recreation, and shopping. It is applied to regulate and promote the development of multi-unit dwellings, including apartments, condominiums, and townhouses, while ensuring compatibility with surrounding lower density residential neighborhoods. Detached or attached residential dwellings are allowed in accordance with the standards set forth in this Chapter, and providing the minimum density of at least 5 dwelling units per acre is met. This zone is utilized in Community Regions and Rural Centers to meet affordable housing goals identified in the Housing Element of the General Plan. Mobile home and manufactured home land lease development shall also be allowed within this zone (see General Plan Policy 2.2.1.2). This zone is applicable to lands designated as Multi-Family Residential (MFR) in the General Plan.
 - 2. **Single-unit Residential (R).** The Single-unit Residential Zone is used to promote and regulate the development of higher density, single-unit dwellings, and accessory structures and uses. Minimum lot size designations of R1 and R20K are applied to this zone based on surrounding use compatibility, and physical and infrastructural constraints. Said designations represent the minimum lot size of 6,000 and 20,000 square feet, respectively. This zone is

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applicable to lands designated as High Density Residential (HDR) in the General Plan.

3. **One-acre Residential (R1A).** The R1A, One-acre Residential Zone, is used to create a more dispersed suburban residential character to an area by providing for and regulating medium density residential development at the highest range of one dwelling unit per acre. Accessory structures and uses and low-intensity commercial agricultural pursuits (crop lands, orchards, raising and grazing of domestic farm animals) are considered compatible with this zone. This zone is applicable to lands designated as Medium Density Residential (MDR) in the General Plan and may be applied to High Density Residential lands where infrastructure to serve higher densities is not yet available.
4. **Two-acre Residential (R2A).** The R2A, Two-acre Residential Zone, is utilized to create a more dispersed suburban residential character to an area by providing for and regulating medium density residential development at the mid-range of one dwelling unit per two acres. Accessory structures and uses and low-intensity commercial agricultural pursuits (crop lands, orchards, raising and grazing of domestic farm animals) are considered compatible with this zone. This zone is applicable to lands designated as Medium Density Residential (MDR) in the General Plan.
5. **Three-acre Residential (R3A).** The R3A, Three-acre Residential Zone, is utilized to create a more dispersed residential character to an area by providing for and regulating the development of medium density residential development at the lowest range of one dwelling unit per three acres. Agricultural structures and low-intensity commercial agricultural pursuits (crop lands, orchards, raising and grazing of domestic farm animals) are considered compatible with this zone. This zone is applicable to lands designated as Medium Density Residential (MDR) in the General Plan.
6. **Residential Estate (RE).** The RE, Residential Estate Zone is intended to preserve the rural character of an area by providing for and regulating the development of low density and rural residential development at a range of densities to include one dwelling unit per five acres and one dwelling per 10 acres. Minimum lot size designations of —5 and —10 are applied to this zone based on surrounding use compatibility, physical and infrastructural constraints, and General Plan use designation. Said designations represent the minimum number of acres allowed for each lot. Agricultural structures and uses are considered compatible with this zone.

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130.24.020 Matrix of Allowed Uses

Uses are allowed in the following zones subject to the requirements of this Title as designated in Table 130.24.020 (Residential Zone Use Matrix) below [in this Section](#):

Table 130.24.020 – Residential Zone Use Matrix

USE TYPE	RM	R1, R20K	R1A	R2A	R3A	RE	Specific Use Regulation
	Legend: P Allowed use PD Planned Development Permit required (130.52.040) A Administrative Permit required (130.52.010) CUP Conditional Use Permit (130.52.0219) MUP Minor use Permit required (130.52.020) TMA Temporary Mobile Home Permit required (130.52.050) TUP Temporary use permit required (130.52.060) — Use not allowed in zone						
Residential							
Child Day Care Home: Small Family Day Care Home	P	P	P	P	P	P	130.40.110
Large Family Day Care Home	CUP	A	A	A	A	A	130.40.110
Community Care Facility: Small (serving 6 or fewer)	P	P	P	P	P	P	
Large (serving 7 or more)	CUP	CUP	CUP	CUP	CUP	CUP	
Dwelling: Multi-unit	P	—	—	—	—	—	
Single-unit, attached	P	P	—	—	—	—	
Single-unit, detached	P ¹	P	P	P	P	P	
Temporary During Construction	—	P	P	P	P	P	130.40.190
Employee Housing: Agricultural- Six or fewer	—	P	P	P	P	P	130.40.120
Seasonal Worker in compliance with standards	—	—	A	A	A	A	
Seasonal Worker not in compliance with standards	—	—	CUP	CUP	CUP	CUP	
Construction	TUP	TUP	TUP	TUP	TUP	TUP	130.40.190
Guest House	—	P	P	P	P	P	130.40.150
Hardship Mobile Home	—	TMA	TMA	TMA	TMA	TMA	130.40.190
Kennel, private	—	—	—	—	—	CUP	130.40.080
Mobile/Manufactured Home Park	CUP	CUP	CUP	CUP	CUP	CUP	130.40.190 Also refer to adopted Mobile Home Park Design Standards (Resolution 198-2015)
Room Rental: One bedroom, only	P	P	P	P	P	P	

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Table 130.24.020 – Residential Zone Use Matrix

RM: Multi-unit Residential R1, R20K: Single-unit Residential R1A: One-acre Residential R2A: Two-acre Residential R3A: Three-acre Residential RE: Residential Estate NS: Neighborhood Service	P Allowed use PD Planned Development Permit required (130.52.040) A Administrative Permit required (130.52.010) CUP Conditional Use Permit (130.52.021 0) MUP Minor use Permit required (130.52.020) TMA Temporary Mobile Home Permit required (130.52.050) TUP Temporary use permit required (130.52.060) — Use not allowed in zone						
USE TYPE	RM	R1, R20K	R1A	R2A	R3A	RE	Specific Use Regulation
Secondary Dwelling	—	P	P	P	P	P	130.40.300
Transitional Housing: Small (serving 6 or fewer)	P	P	P	P	P	P	130.40.360
Large (serving 7 or more)	CUP	CUP	CUP	CUP	CUP	CUP	
Agricultural							
Animal Raising and Keeping	See Table in 130.40.080.1 (Animal Raising & Keeping Matrix)						130.40.080
Accessory Structures	—	P	P	P	P	P	130.40.030
Crop Production	—	—	P	P	P	P	
Grazing	—	—	P	P	P	P	
Nursery, plants: Wholesale	—	—	—	—	—	P	
Orchards and Vineyards: Commercial	P	P	P	P	P	P	
Packing, on-site products	P	P	P	P	P	P	
Processing of Agricultural Products; Commercial			CUP	CUP	CUP	CUP	130.40.160
Produce Sales Sale of produce grown on-site	—	A	P	P	P	P	130.40.240
Commercial							
Child Day Care Center	—	—	—	—	—	—	130.40.110
Contractor's Office	TUP	TUP	TUP	TUP	TUP	TUP	130.40.190
Stables; Commercial	—	—	—	—	—	CUP	130.40.210
Home Occupation	See Table in 130.40.160.1 (Home Occupation Use Matrix)						130.40.160
Lodging Facilities	CUP	CUP	CUP	CUP	CUP	CUP	130.40.170
Vacation Home Rental	A	A	A	A	A	A	130.40.370
Mixed Use Development	P ²	—	—	—	—	—	130.40.180
Outdoor Retail Sales: Garage Sales	P	P	P	P	P	P	130.40.220
Seasonal Sales	—	—	—	—	—	A	

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Table 130.24.020 – Residential Zone Use Matrix

	P						Allowed use	
RM: Multi-unit Residential	PD						Planned Development Permit required (130.52.040)	
R1, R20K: Single-unit Residential	A						Administrative Permit required (130.52.010)	
R1A: One-acre Residential	CUP						Conditional Use Permit (130.52.021 9)	
R2A: Two-acre Residential	MUP						Minor use Permit required (130.52.020)	
R3A: Three-acre Residential	TMA						Temporary Mobile Home Permit required (130.52.050)	
RE: Residential Estate	TUP						Temporary use permit required (130.52.060)	
NS: Neighborhood Service	—						Use not allowed in zone	
USE TYPE	RM	R1, R20K	R1A	R2A	R3A	RE	Specific Use Regulation	
Temporary Real Estate Sales Office	A	A	A	A	A	A	130.40.330	
Wineries	—	—	—	—	—	CUP ^{**} ₃	130.40.400	
Industrial								
Mineral Exploration	A	A	A	A	A	A/ CUP	Chapter 130.29	
Mining	CUP	CUP	CUP	CUP	CUP	CUP		
Storage Yard: Equipment and Material Temporary	TUP	TUP	TUP	TUP	TUP	TUP		
Recreation and Open Space								
Golf Course	CUP	CUP	CUP	CUP	CUP	CUP	130.40.210	
Hiking and Equestrian Trail	P	P	P	P	P	P		
Marina, Non-motorized Craft	—	—	—	—	—	CUP		
Off -highway or Off-road Vehicle Area	—	—	—	—	—	A		
Parks (Public): Day Use	P	P	P	P	P	P		
Nighttime Use	CUP	CUP	CUP	CUP	CUP	CUP		
Picnic Area	P	P	P	P	P	P		
Private Recreation Area	PD/ CUP	PD/CUP	PD/CUP	PD/ CUP	PD/ CUP	PD/ CUP		
Resource Protection and Restoration	P	P	P	P	P	P		
Swimming Pool, public	CUP	CUP	CUP	CUP	CUP	CUP	130.40.210	
Tennis Court, public	CUP	CUP	CUP	CUP	CUP	CUP		
Trail Head Parking or Staging Area	—	CUP	CUP	CUP	CUP	CUP		
Civic								
Cemetery	CUP	CUP	CUP	CUP	CUP	CUP		
Churches and Community Assembly	CUP	CUP	CUP	CUP	CUP	CUP		

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Table 130.24.020 – Residential Zone Use Matrix

RM: Multi-unit Residential R1, R20K: Single-unit Residential R1A: One-acre Residential R2A: Two-acre Residential R3A: Three-acre Residential RE: Residential Estate NS: Neighborhood Service	P Allowed use PD Planned Development Permit required (130.52.040) A Administrative Permit required (130.52.010) CUP Conditional Use Permit (130.52.021 0) MUP Minor use Permit required (130.52.020) TMA Temporary Mobile Home Permit required (130.52.050) TUP Temporary use permit required (130.52.060) — Use not allowed in zone						
USE TYPE	RM	R1, R20K	R1A	R2A	R3A	RE	Specific Use Regulation
Community Services: Minor	CUP	CUP	CUP	CUP	CUP	CUP	
Schools: Elementary and Secondary, private	CUP	CUP	CUP	CUP	CUP	CUP	130.40.230
Utility							
Communication Facilities	A/ CUP	A/ CUP	A/ CUP	A/ CUP	A/ CUP	A/ CUP	130.40.130
Public Utility Service Facilities: Intensive	CUP	CUP	CUP	CUP	CUP	CUP	130.40.250
Minor	P	P	P	P	P	P	
Wind Energy Conversion System	See Table 130.40.390.1 (WECS Use Matrix)						130.40.390
NOTES:							
¹ Requires minimum General Plan density to be met. Planned Development application required unless in compliance with adopted Traditional Neighborhood Design standards found in the site planning and design manual. ² Allowed as part of a Mixed Use Development, residential component meets minimum General Plan density requirement and is subject to Section 130.40.180 (Mixed Use Development) <u>in Article 4 (Specific Use Regulations) of this Title.</u> ³ Or as otherwise permitted under the Section 130.40.400 (Wineries) <u>in Article 4 (Specific Use Regulations) of this Title.</u>							

130.24.030 Residential Zone Development Standards

Allowed uses and associated structures shall comply with the following development standards in Table 130.24.030 below in this Section, in addition to any other applicable requirements of this Title, unless a variance is obtained in compliance with Section 130.52.070 (Variance) in Article 5 (Planning Permit Processing) of this Title, or standards are modified pursuant to a Development Plan permit in compliance with Section 130.52.040 (Development Plan Permit) in Article 5 (Planning Permit Processing) of this Title.

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Table 130.24.030 – Residential Zones Development Standards

Development Attribute ²	RM ³	R1	R20K	R1A	R2A	R3A	RE
Minimum Lot Size for Interior Lot	6,000 or 2,000 sq ft	6,000 sq ft	20,000 sq ft	1 acre	2 acre	3 acre	5 acres or 10 acres as designated
Minimum Lot Size for Corner Lot	7,500 or 3,500 sq ft	7,500 sq ft	20,000 sq ft	1 acre	2 acre	3 acre	5 acres or 10 acres as designated
Minimum Lot Width for Interior Lot (in feet)	60 or 20	60	100	100	150	150	100
Minimum Lot Width for Corner Lot (in feet)	75 or 35	75	100	100	150	150	100
Residential Density Range	See G.P. Policy 2.2.1.2 (MFR)	1 primary plus 2 nd dwelling unit per lot					
Setbacks ¹ : (in feet) Front	20	20	30	30	30	30	30
Secondary Front	10	15	20	25	30	30	30
Side ^{4,5}	5	5	10	15	20	30	30
Rear	10	15	30	30	30	30	30
Agricultural Structure	—	50	50	50	50	50	50
Maximum Height (in feet)	50	40	40	45	45	45	45
<p>NOTES:</p> <p>¹ May be subject to agricultural setbacks under Section 130.30.030 (Setback Requirements and Exceptions) <u>in Article 3 (Site Planning and Project Design Standards) of this Title</u> if adjacent to agricultural zones or fire safe setbacks if over one acre in lot size.</p> <p>² Lots that are created for access road, parking areas, common area landscaping and open space purposes are exempt from the area and width standards of the respective zones</p> <p>³ Smaller minimum lot area or lot width is allowed when proposed with attached or small lot design detached units.</p> <p>⁴ <u>Fire Safe setbacks may apply.</u></p> <p>⁵ <u>May be subject to special side yard setbacks due to building height under Section 130.30.060 (Height Limits and Exceptions) in Article 3 (Site Planning and Project Design Standards) of this Title.</u></p>							

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CHAPTER 130.25 – SPECIAL PURPOSE ZONES

Sections:

- 130.25.010 Zones Established; Applicability
- 130.25.020 Matrix of Allowed Uses
- 130.25.030 Special Purpose Zone Development Standards

130.25.010 Zones Established; Applicability

- A. Special purpose zones are used to provide for, promote and regulate certain recreational, transportation and open space uses.
- B. This Chapter lists the uses that may be allowed within the special purpose zones established by Section 130.12.020 (Zoning Map and Zones) in Article 1 (Zoning Ordinance Applicability) of this Title, determines the type of planning permit/approval required for each use, and provides basic standards for site layout and building size.
- C. Special purpose zones and the manner in which they are applied ~~is~~are as follows:
 - 1. **Recreational Facilities, Low-Intensity (RFL).** The RFL Zone is applied to regulate and promote dispersed recreational and tourist accommodating uses and activities primarily in Rural Regions or Rural Centers of the County where such uses are compatible with adjacent or nearby rural residential, agricultural or resource development. Uses include but are not limited to camping, picnicking, equestrian staging, and river put-in and take-out.
 - 2. **Recreational Facilities, High-Intensity (RFH).** The RFH Zone applies to regulate and promote recreational uses and activities with high concentrations of people or activities of a more urban nature, such as recreational vehicle parks, sports fields and complexes, and amusement parks or facilities that are primarily located in Community Regions and Rural Centers.
 - 3. **Transportation Corridor (TC).** The TC Zone is intended to protect and preserve established and identified future transportation corridors within the County, including corridors for motor vehicle, bicycle, hiking, equestrian, and rail transportation.
 - 4. **Open Space (OS).** The OS Zone is applied to set aside for primarily open space purposes including, but not limited to, the protection of rare and endangered plant or animal habitat; wildlife habitat, such as critical winter deer range and migration corridors; sensitive riparian areas; oak woodlands; visual resources as a part of a development plan or along a designated scenic corridor; and watersheds and groundwater recharge areas. Intensive agriculture is not compatible, although low intensity agriculture such as seasonal grazing may be

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compatible. Recreational uses that have little impact and do not require substantial permanent structures or facilities are also compatible.

The OS Zone can also designate land set aside to protect agricultural lands covered by an open space easement or as a part of a development plan in an Agricultural District, as identified on the General Plan land use maps, or on other identified agricultural lands.

Where the OS Zone is applied as part of a development plan, the uses allowed under the development plan permit are allowed, including a full range of recreational facilities.

Where the County determines it is necessary or in the public interest, limited infrastructure, including but not limited to, roads, water, wastewater, drainage facilities and other utilities are expressly allowed in the OS zone.

130.25.020 Matrix of Allowed Uses

Uses are allowed in Special purpose zones subject to the requirements of this Title as designated in Table 130.25.020 (Special Purpose Zones Use Matrix) below [in this Section](#):

Table 130.25.020 – Special Purpose Zones Use Matrix

RFL: Recreation Facility-Low RFH: Recreation Facility-High TC: Transportation Corridor OS: Open Space	P Allowed use A Administrative permit required (130.52.010) TUP Temporary use permit required (130.52.060) CUP Conditional Use Permit (130.52.0219) MUP Minor use permit required (130.52.020) TMA Temporary mobile home permit (130.52.050) — Use not allowed in zone				
USE TYPE	RFL	RFH	TC	OS	Specific Use Regulation
Agricultural					
Grazing	P	—	—	P	
Timber	P	—	—	CUP	
Recreation and Open Space					
Campground	CUP	CUP	—	—	130.40.100
Golf Course	CUP	CUP	—	CUP ¹	130.40.210
Hiking and Equestrian Trail	P	P	P	P	
Hunting/Fishing Club, Farm	A	A	—	A	
Hunting/Fishing Club, Farm Facilities	CUP	CUP	—	CUP	
Marina, motorized craft	CUP	CUP	—	—	

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Table 130.25.020 – Special Purpose Zones Use Matrix

RFL: Recreation Facility-Low RFH: Recreation Facility-High TC: Transportation Corridor OS: Open Space	P Allowed use A Administrative permit required (130.52.010) TUP Temporary use permit required (130.52.060) CUP Conditional Use Permit (130.52.0210) MUP Minor use permit required (130.52.020) TMA Temporary mobile home permit (130.52.050) — Use not allowed in zone				
USE TYPE	RFL	RFH	TC	OS	Specific Use Regulation
Marina, non-motorized craft	A	A	—	CUP	
Off-road Vehicle Recreation Area	CUP	CUP	—	—	
Parks: Day Use	P	P	—	CUP	
Nighttime Use	A	A	—	—	
Picnic Area	P	P	P	P	
Private Recreation Area	P ¹	P ¹	—	P ¹	
Recreational Vehicle Park	—	CUP	—	—	130.40.100
Resource Protection and Restoration	P	P	P	P	
River Put-in and Take-out	A	A	—	CUP	130.40.210
Ski Area	CUP	CUP	—	—	
Snow Play Area	A	A	—	CUP	
Special Events, Temporary	TUP	TUP	—	TUP	
Stable, commercial	A	A	—	—	130.40.210
Swimming Pool, public	A	A	—	—	
Tennis Court, public	A	A	—	—	
Trail Head Parking or Staging Area	A/CUP	A	A	A/CUP	
Residential					
Employee Housing: Commercial Caretaker Permanent	A—	A	—	—	130.40.120
Temporary	TMA—	TMA	—	—	
Commercial					
Automotive and Equipment: Fuel Sales	CUP ²	CUP ²	—	—	
Commercial Recreation: Arcade	—	P	—	—	

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Table 130.25.020 – Special Purpose Zones Use Matrix

RFL: Recreation Facility-Low RFH: Recreation Facility-High TC: Transportation Corridor OS: Open Space	P Allowed use A Administrative permit required (130.52.010) TUP Temporary use permit required (130.52.060) CUP Conditional Use Permit (130.52.021 0) MUP Minor use permit required (130.52.020) TMA Temporary mobile home permit (130.52.050) — Use not allowed in zone				
USE TYPE	RFL	RFH	TC	OS	Specific Use Regulation
Indoor Entertainment	A	P	—	—	
Large Amusement Complex	—	CUP ³	—	—	
Outdoor Entertainment	CUP	A	—	—	
Outdoor Sports and Recreation	A/CUP	A	—	—	130.40.210
Off Highway or Off Road Recreation Area	CUP	CUP			130.40.210.E
Contractor’s Office	TUP	TUP	—	—	130.40.190
Food, Beverage & General Merchandise Sales	CUP	CUP	—	—	
Lodging Facilities: Guest Ranch	A	—	—	—	130.40.170
Health Resort and Retreat Center	A	A	—	—	
Hotels and Motels	—	CUP ³	—	—	
—Seasonal Sales	—	A	A TUP	A	130.40.220
Specialized Education and Training	—	CUP	—	—	130.40.230
Industrial					
Storage Yard: Equipment and Material Permanent	—	—	A	—	130.40.320
Temporary	—	TUP	TUP	—	
Mineral Exploration	A/ CUP	A/ CUP	—	—	Chapter 130.29
Mining, Subsurface	CUP	CUP	—	—	
Civic					
Community Services: Minor	CUP	CUP	—	—	
Transportation					
Intermodal Facility	—	CUP	P	—	
Parking Lot, Public	—	—	P	—	
Utility and Communication					

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Table 130.25.020 – Special Purpose Zones Use Matrix

RFL: Recreation Facility-Low RFH: Recreation Facility-High TC: Transportation Corridor OS: Open Space	P Allowed use A Administrative permit required (130.52.010) TUP Temporary use permit required (130.52.060) CUP Conditional Use Permit (130.52.021 0) MUP Minor use permit required (130.52.020) TMA Temporary mobile home permit (130.52.050) — Use not allowed in zone				
USE TYPE	RFL	RFH	TC	OS	Specific Use Regulation
Communication Facilities	A/ CUP	A/ CUP	CUP	CUP	130.40.130
Public Utility Service Facilities: Intensive	—	—	CUP	CUP	130.40.250
Minor	P	P	CUP	CUP	
Wind Energy Conversion System	See Table 130.40.390.1 (WECS Use Matrix)				130.40.390
Notes: ¹ As part of an approved development plan or subdivision. ² Accessory to Off highway or off road vehicle recreational uses ³ In Community Regions, only.					

130.25.030 Special Purpose Zone Development Standards

Allowed uses and associated structures shall comply with the following development standards listed in Table 130.25.030 (Special Purpose Zone Development Standards) below in this Section, in addition to any other applicable requirements of this Title, unless a variance is obtained in compliance with Section 130.52.070 (Variance) in Article 5 (Planning Permit Processing) of this Title.

Table 130.25.030 – Special Purpose Zone Development Standards

<u>Development Attribute</u>	RFL	RFH	TC	OS
Minimum Lot Size	5 acres	20,000 sq. ft.	None	None
Setbacks: (in feet) Front and secondary front	50	50	None	50
Sides	50	50	None	50
Rear	50	50	None	50
Maximum Height (in feet)	35	35	None	25
¹ Lots that are created for access road, parking areas, common area landscaping and open space purposes are exempt from the area and width standards of the respective zones				

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CHAPTER 130.26— MEYERS AREA PLAN (MAP) ZONE

Sections:

130.26.010	Zones Established
130.26.020	Applicability
130.26.030	Zone Designations
130.26.040	Uses Allowed by Right or by Conditional Use Permit
130.26.050	Matrix of Allowed Uses
130.26.060	Development Standards

130.26.010 Zone Established

The MAP Zone is applied to implement the policies of the Meyers Area Plan by setting forth separate and distinct uses and standards which apply to each of the five areas of the Meyers Community. As noted in the Sections which follow, the allowed uses and development standards may vary for each designated area as a means of implementing the policies of the adopted Meyers Area Plan.

130.26.020 Applicability

The regulations set forth in this Chapter shall apply to the Meyers Area Plan (MAP) Zone. Where applicable, the standards of this Title shall apply. Additionally, the provisions of the Tahoe Regional Planning Agency (TRPA) Code of Ordinances shall apply to all projects within the MAP Zone. Where there is a conflict with the TRPA Code of Ordinances and this Ordinance, the most restrictive standard shall apply.

130.26.030 Zone Designations

In order to differentiate the variable uses and development standards required for each area, the MAP Zone will be designated on the official zone map as follows:

- A. MAP-1 Meyers Community Center District (Center)
- B. MAP-2 Meyers Industrial District (Ind)
- C. MAP-3 Upper Truckee Residential/Tourist District (Res/T)
- D. MAP-4 Meyers Recreation District (Rec)
- E. MAP-5 Upper Truckee River Corridor District (River)

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130.26.040 Uses Allowed by Right or by Conditional Use Permit

- A. The resource management uses of timber, wildlife/fisheries, vegetation protection and watershed improvements are allowed uses in any of the MAP zones as long as such practices are consistent with the Meyers Area Plan.
- B. TRPA Code of Ordinances, Chapter 21, Section 21.4, *List of Primary Uses*, is adopted by reference for the uses listed under Table 130.26.050 (Allowed, Conditional Uses, and Prohibited Uses) below in this Chapter.

130.26.050 Matrix of Allowed Uses

Uses are allowed in the following zones subject to the requirements of this Title as designated in Table 130.26.050 (Allowed, Conditional Uses, and Prohibited Uses) below in this Section:

Table 130.26.050 – Allowed, Conditional Uses, and Prohibited Uses

Only those uses listed on the following table and otherwise noted in this Section shall be allowed by right or by Conditional Use Permit within the zones specified. The table has the following designations:

- “P” Allowed use;
- “CUP” Conditional Use Permit required (Section 130.52.02~~10~~);
- (—) Use not allowed in zone.

Table 130.26.050 – Allowed, Conditional Uses, and Prohibited Uses					
USE	MAP-1 (Center)	MAP-2 (Ind)	MAP-3 (Res/T)	MAP-4 (Rec)	MAP-5 (River)
Residential					
Employee Housing	CUP ⁽³⁾	—	CUP	CUP	—
Multiple Family Dwelling	P ⁽⁶⁾	—	P	—	—
Multiple Person Dwelling (i.e., dormitories, etc.)	CUP	—	—	—	—
Nursing and Personal Care	CUP	—	—	—	—
Single Family Dwelling	P ⁽⁴⁾⁽⁶⁾	—	P	—	—
Tourist Accommodation					
Time-share units	—	—	—	—	—
Bed and Breakfast Facilities	P	—	P	—	—
Hotels/Motels	CUP	—	CUP ⁽²⁾	—	—
Commercial (Retail)					
Auto/Mobile Homes/Vehicle Dealers	—	CUP	—	—	—
Building Materials/Hardware	P	P	—	—	—
Eating and Drinking Places	P	P	—	—	—
Food and Beverage Sales	P	P	—	—	—
Furniture/Home Furnishings/Equipment	P	P	—	—	—
General Merchandise Stores	P	P	—	—	—
Mail Order and Vending	P	P	—	—	—
Nursery	P	P	—	CUP	—
Outdoor Retail Sales	CUP	CUP	—	—	—

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Table 130.26.050 – Allowed, Conditional Uses, and Prohibited Uses					
USE	MAP-1 (Center)	MAP-2 (Ind)	MAP-3 (Res/T)	MAP-4 (Rec)	MAP-5 (River)
Service Stations	CUP	CUP	—	—	—
Commercial (Entertainment)					
Amusements and Recreation Services	P	—	—	CUP	—
Privately Owned Assembly and Entertainment	CUP	—	—	—	—
Outdoor Amusements	CUP	—	—	CUP	—
Commercial (Services)					
Animal Husbandry Services	CUP	P	—	—	—
Broadcasting Studios	P	P	—	—	—
Business Support Services	P	P	—	—	—
Contract Construction Services	CUP	P	—	—	—
Financial Services	P	P	—	—	—
Health Care Services	P	P	—	—	—
Personal Services	P	P	—	—	—
Professional Offices	P	P	—	—	—
Repair Services	CUP	P	—	—	—
Schools-Business and Vocational	CUP	—	—	—	—
Sales Lots	—	CUP	—	—	—
Secondary Storage	CUP ⁽¹⁾	CUP	—	—	—
Auto Repair and Service	CUP	P	—	—	—
Laundries and Dry Cleaning	CUP	CUP	—	—	—
Commercial (Light Industrial)					
Food and Kindred Products	CUP ⁽⁶⁾	P	—	—	—
Fuel and Ice Dealers	—	P	—	—	—
Industrial Services	—	CUP	—	—	—
Printing and Publishing	CUP ⁽⁶⁾	P	—	—	—
Commercial (Wholesale/Storage)					
Recycling and Scrap	—	CUP	—	—	—
Small Scale Manufacturing	CUP ⁽⁶⁾	CUP	—	—	—
Storage Yards	—	CUP	—	—	—
Vehicle/Freight Terminals	—	CUP	—	—	—
Vehicle Storage and Parking	CUP ⁽⁶⁾	P	—	—	—
Warehousing	CUP ⁽⁶⁾	P	—	—	—
Wholesale and Distribution	CUP ⁽⁶⁾	P	—	—	—
Public Services (General)					
Churches	P	—	CUP	—	—
Collections Stations	CUP ⁽⁶⁾	P	—	—	—
Child Day Care Facilities and Preschools	P	CUP	CUP	CUP	—
Government Offices	P	CUP	CUP	—	—
Hospitals	CUP	—	—	—	—
Local Assembly and Entertainment	P	CUP	CUP	P	—
Local Post Office	P	—	—	—	—
Local Public Health and Safety Facilities	P	P	CUP	CUP	CUP
Membership Organizations	P	—	—	—	—
Publicly Owned Assembly and Entertainment	CUP	—	—	CUP	—
Public Utility Centers	CUP ⁽⁶⁾	CUP	—	CUP	CUP
Regional Public Health and Safety Facilities	CUP	CUP	—	—	—
Social Service Organizations	P	CUP	CUP	—	—
Schools (K-12)	CUP	—	—	—	—

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Table 130.26.050 – Allowed, Conditional Uses, and Prohibited Uses					
USE	MAP-1 (Center)	MAP-2 (Ind)	MAP-3 (Res/T)	MAP-4 (Rec)	MAP-5 (River)
Cultural Facilities	P	CUP	P	P	—
Schools/Colleges	CUP	—	—	—	—
Public Service (Linear Facilities)					
Pipelines and Power Transmission	CUP	CUP	CUP	CUP	CUP
Transit Stations and Terminals	P	P	CUP	CUP	CUP
Transportation Routes	CUP ⁽⁵⁾	CUP ⁽⁵⁾	CUP ⁽⁵⁾	CUP ⁽⁵⁾	CUP ⁽⁵⁾
Transmission and Receiving Facilities	CUP	CUP	CUP	CUP	CUP
Recreation					
Cross Country Ski Courses	P	P	P	P	P
Day Use Areas	P	—	P	P	P
Golf Courses	—	—	—	CUP	—
Group Facilities	CUP	—	CUP	P	—
Outdoor Recreation Concessions	P	CUP	CUP	P	—
Participant Sport Facilities	CUP	CUP	—	P	—
Recreation Centers	P	—	CUP	CUP	—
Riding and Hiking Trails	P	P	P	P	P
Rural Sports	—	CUP	CUP	P	CUP
Snowmobile Courses	—	—	—	CUP	—
Sport Assembly	CUP	—	—	—	—
Visitor Information Center	P	—	CUP	P	—
Developed Campgrounds	—	—	—	P	CUP
Undeveloped Campgrounds	—	—	—	P	CUP
Recreational Vehicle Parks	—	—	—	CUP	—
⁽¹⁾ Applies only to parcels on Santa Fe Road. ⁽²⁾ Maintenance facilities not allowed within any new transit facilities. ⁽³⁾ One employee housing unit allowed without a CUP per commercial building with at least 1000 sq. ft. of CFA. ⁽⁴⁾ Single family dwellings in Meyers Community Center limited to condominiums or townhouses with at least 3 attached units. ⁽⁵⁾ Non-motorized public trails are a permitted use. ⁽⁶⁾ These uses are not allowed within the portion of the ground floor of a structure that faces the primary entry point for projects adjacent to US 50. This restriction may be waived if the Meyers Advisory Council and the Planning Commission find that the use is otherwise consistent with the intent of the Meyers Area Plan. ⁽⁷⁾ Hotels/motels are only allowed in the Town Center portion of MAP-3.					

130.26.060 Development Standards

A. The following provisions shall apply in all MAP zones unless a variance is obtained in compliance with Section 130.52.070 (Variance) in Article 5 (Planning Permit Processing) of this Title, or a modification is approved by the Advisory Committee for the front yard setback as further described herein.

The following table (Table 130.26.060 – Meyers Area Plan Development Standards) sets forth the applicable lot area, lot width and setback requirements for each MAP zone. Land coverage, building height, development density, and sign standards are further regulated under the TRPA Code of Ordinances and Attachment A of the Meyers Area Plan.

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Table 130.26.060 – Meyers Area Plan Development Standards						
		MAP-1 (Center) ⁽⁶⁾	MAP-2 (Ind)	MAP-3 (Res/T)	MAP-4 (Rec)	MAP-5 (River)
Maximum Height and Density for All Uses	Maximum Height (Ft.) ⁽⁸⁾	42	TRPA Code Chapter 37	42, TRPA Code Sec. 37.4 ⁽⁹⁾	TRPA Code Sec. 37.4	TRPA Code Sec. 37.4
	Density, Single Family Residential	NA	NA	1 unit/ parcel (parcels less than 1 acre); 2 units if greater than one acre	NA	NA
	Density, Multiple Family ⁽⁴⁾	20 units/ acre	NA	15 units/ acre	NA	NA
	Density, Multi-person/ Nursing & personal care	25 persons/ acre	NA	NA	NA	NA
	Density, Bed and Breakfast	10 units/ acre	NA	10 units/acre	NA	NA
	Density, all other Tourist accommodation	30 units/ acre	NA	30 units/ acre ⁽⁷⁾	NA	NA
	Density, Group facilities	25 persons/ acre	NA	25 persons/ acre	25 persons/ acre	NA
	Density, Campgrounds & Recreational Vehicle Parks	NA	NA	NA	8 sites/ acre for campgrounds, 10 sites/ acre for RV Parks	8 sites/ acre for camp grounds
Setbacks and Lot Sizes for All Non-residential Uses	Minimum Lot Size (Sq. Ft.)	5,000	10,000	5,000	NA	NA
	Minimum Lot Frontage (Ft.)	50	100	50	NA	NA
	Front Setback (Ft.)	20 ⁽³⁾	20 ⁽¹⁾	20 ⁽¹⁾	20 ⁽¹⁾	20
	Side Setback (Ft.)	0	0	0	0	0
	Rear (Ft.)	0	10	0	0	0
	Setback Adjacent to residential (Ft.)	25	25	25	25	0
Lot Sizes for All Residential	Minimum Lot Size (Sq. Ft.)	6,000	NA	6,000	NA	NA
	Minimum Lot Frontage (Ft.)	60	NA	60	NA	NA

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Table 130.26.060 – Meyers Area Plan Development Standards						
		MAP-1 (Center)⁽⁶⁾	MAP-2 (Ind)	MAP-3 (Res/T)	MAP-4 (Rec)	MAP-5 (River)
	Front Setback (Ft.)	20 ⁽³⁾	NA	20 ⁽²⁾	NA	NA
	Side Setback (Ft.)	5	NA	5	NA	NA
	Rear Setback (Ft.)	15	NA	15	NA	NA
Maximum Transferred Land Coverage (see TRPA Code Sec. 30.4 for additional detail)		70% of high capability land	See TRPA Code Ch. 30	70% of high capability in Town Center overlay; see TRPA Code Ch. 30 for outside of Town Center ⁽⁵⁾	70% of high capability in Town Center overlay; see TRPA Code Ch. 30 for outside of Town Center	See TRPA Code Ch. 30

(1) The front setback may be reduced as part of the design review when such reduction supports the policies of the Meyers Area Plan and does not reduce the numerical scenic rating of the roadway unit.

(2) Second story cantilever living space not more than 4 feet into front yard.

(3) For parcels adjacent to the US 50 ROW in MAP-1 the minimum front setback can be reduced to 1 ft. from property line if the resulting setback is a minimum of 70 ft. from the centerline of US 50 and 35 feet from the centerline of the Pat Lowe multi-use trail.

(4) Multiple family density applies to apartments, condominiums, and townhomes.

(5) Detached single family dwellings limited to no more than 30% coverage per TRPA Code Sec. 30.4.

(6) The maximum density for parcels in the Meyers Community Center Zoning District proposed for a mixture of land uses shall be calculated as a proportional share of the maximum densities used for different project land uses. These densities shall be combined together and rounded to the next lowest whole number. For example, if a 3 acre parcel proposes that 2 acres be used primarily for multiple family (20 units/acre) and 1 acre be used primarily for tourist accommodation other than bed and breakfast (30 units/acre), then the maximum density allowed for the project would be 30 tourist accommodation units and 40 multiple family units.

(7) Hotels/motels are only allowed in the Town Center portion of the MAP-3 Zoning District.

(8) For building height above the maximum height of 26 feet, the findings in TRPA Code Sec. 37.7 shall apply.

(9) A maximum building height of 42 feet is only allowed in the Town Center portion of the MAP-3 Zoning District. For building height above the maximum height of 26 feet, the findings in TRPA Code Sec. 37.7 shall apply.

B. Any new development, additions to existing development, change in use, or exterior modifications to existing development shall be subject to a Design Review Permit in compliance with Section 130.52.030 (Design Review Permit) [in Article 5 \(Planning Permit Processing\) of this Title.](#)

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CHAPTER 130.27 — COMBINING ZONES

Sections:

- 130.27.010 Combining Zones Established; Applicability
- 130.27.020 *Reserved*
- 130.27.030 Avalanche Hazard (-AV) - *Reserved*
- 130.27.040 Dam Failure Inundation (-DFI)
- 130.27.050 Design Review - Community (-DC)
- 130.27.060 Design Review - Historic (-DH)
- 130.27.070 Design Review - Scenic Corridor (-DS)
- 130.27.080 *Reserved*
- 130.27.090 Manufactured/Mobile Home Park (-MP)
- 130.27.100 Airport Noise and Safety Contour (-ANCS)
- 130.27.110 *Reserved*
- 130.27.120 Tahoe Basin (-T)

130.27.010 Combining Zones Established; Applicability

- A. The Combining Zones described in this Chapter are established to implement provisions of the General Plan, to regulate certain uses, provide for innovative design solutions, and to protect the public health and safety from natural and man-made hazards.
- B. **Applicability.** The Combining Zones identified in this Chapter apply to development and uses in addition to all other applicable requirements of this Title, including the requirements of the base zone. In the event of a conflict between the provisions of this Chapter and any other provision of this Title, the more restrictive provision shall apply.
 - 1. **Mapping of Combining Zones.** The combining zone is shown by the combining zone symbol being appended as a suffix to the symbol for the base zone. The combining zones are applied to property through the zone change process in compliance with Chapter 130.63 (Amendments and RezZoning Changes) in Article 6 (Zoning Ordinance Administration) in this Title and to any specific rezoning requirements of the applicable combining zone.
 - 2. **Allowed Uses, Permit Requirements, Development Standards.** Except as may be otherwise provided by this Chapter for a specific combining zone:
 - a. Any use normally allowed in the base zone by this Chapter may be allowed within a combining zone, subject to any additional requirements of the combining zone;
 - b. Development and uses within a combining zone are subject to the development permits required by this Chapter for the base zone and the combining zone, as applicable, except where a proposed use requires a

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similar permit but with a different level of review (Administrative Permit versus Conditional Use Permit), in which case the more stringent permit requirements shall apply; and

- c. Development and uses within a combining zone shall comply with all applicable development standards of the base zone and the combining zone, except as modified by this Chapter.

130.27.020 *Reserved*

130.27.030 **Avalanche Hazard (-AV) Combining Zone - Reserved**

130.27.040 **Dam Failure Inundation (-DFI) Combining Zone**

A. **Combining Zone Established.** This Section implements General Plan Policy 6.4.2.1 (Dam Failure Inundation) to advise of the potential hazard in the event of dam failure and to protect public health and safety by establishing regulations that minimize public exposure to such hazards. Nothing in this Section is intended to preclude the development of any lot.

B. **Applicability.** The Dam Failure Inundation (-DFI) Combining Zone ~~(-DFI)~~ shall be combined with existing base zones and shall be designated by the Board on the zone maps. The designation shall apply to lands that are located within identified areas susceptible to flooding in the event of the failure or collapse of a dam within the following jurisdictions:

1. State Department of Water Resources Division of Dam Safety, which the California Office of Emergency Services has determined poses a risk of injury or loss of life in the event of failure or collapse; or
2. Federally-controlled dams not under state jurisdiction.

C. **Uses Prohibited.** The following critical or high occupancy uses or structures shall not be located within a Dam Failure Inundation Combining Zone:

1. Schools.
2. Churches and other places of assembly.
3. Child day care facilities.
4. Mobile home parks.
5. Community care facilities.
6. Hospitals.

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130.27.050 Design Review - Community (-DC) Combining Zone

- A. **Combining Zone Established.** This Section implements the General Plan by establishing a Design Review – Community (–DC) Combining Zone which includes standards and site review procedures.
- B. **Applicability.** This Section shall apply to all areas designated Design Review-Community Combining Zone (-DC) that are adjacent to or visible from designated State Scenic Highway corridors or located within community design review areas established by the Board. Prior to the application of the (-DC) Combining Zone design guidelines and standards shall be adopted by the Board.

The requirements of this Section shall be combined with the provisions of the base zone as designated on the zoning map.

- C. **Design Review Permit Application.** Prior to development of any multi-unit residential, commercial, mixed-use, or industrial zoned property within a (-DC) Combining Zone, a Design Review Permit application shall be processed in compliance with Section 130.52.030 (Design Review Permit) in Article 5 (Planning Permit Processing) of this Title.

1. The requirements for a Design Review permit as set forth by this Subsection are in addition to, and not a substitute for, the requirements pertaining to building permits.
2. If the development requires a discretionary permit, such as a Conditional Use or Development Plan Permit, said discretionary permit will satisfy the Design Review Permit requirement.

- D. **Exemptions.** With the exception of the Meyers Area Plan Design Review Area (See Subsection E, Meyers Area Plan Design Review Exemptions and Requirements, below in this Section), the following structures shall be exempt from the design review process required in this Section, but must still comply with all other applicable provisions of this Title and adopted community design guidelines and standards:

1. Structures and site development within a research and development zone that is combined with a (-DC) designation, if said base zone has been expanded to include architectural style and site design requirements which are more specific in nature and satisfy the intent of the design review concept;
2. Wall signs;
3. Change in text on existing signs;
4. Internal changes within an existing structure, including changes in the use of the existing structure, where no external changes or alterations are proposed;

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5. Minor additions to existing structures wherein the total floor area increase is ~~10~~ten-percent or less, and where compliance to the appearance of the existing structure is demonstrated, providing the existing structure has been reviewed and approved under a previous Design Review Permit or other discretionary application;
6. Fencing;
7. Detached single-unit residences and accessory structures;
8. Structures accessory to temporary uses in compliance with Section 130.52.060 (Temporary Use Permit); and
9. Modifications to bring a structure into conformance with the Americans with Disabilities Act.

E. Meyers Area Plan Design Review Exemptions and Requirements.

1. Any new development or additions and modifications to existing development on properties designated ~~(-DC)~~ on the Zoning Map within the Meyers Area Plan, shall be processed as a Design Review Permit. All design review applications shall be subject to applicable zone provisions and to the Meyers Area Plan Design Guidelines as noted within Appendix A of the Meyers Area Plan. The following activities, however, are exempt from the design review process:
 - a. Internal changes within an existing structure where no external changes or alterations are proposed;
 - b. Change in text on existing signs;
 - c. Those activities listed as being "exempt" or "qualified exempt" in Chapter 2 of the TRPA Code of Ordinances;
 - d. Modifications to bring a structure into conformance with the Americans with Disabilities Act;
 - e. Fencing six feet or less in height if not located in a front yard setback.
2. The following minor use permit applications are also exempt from the procedures provided in this Subsection, but are subject to applicable zone regulations and the Design Guidelines as noted in Attachment A of the Meyers Area Plan, and shall be reviewed and approved, conditionally approved, or denied by the Department based on those provisions:

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- a. Wall signs;
 - b. Internal changes within an existing structure where such changes require additional parking;
 - c. Fencing greater than six feet in height;
 - d. Freestanding and monument signs;
 - e. Minor increases to existing floor area that do not exceed five percent of the existing floor area or 500 square feet, whichever is less; and
 - f. Those projects which are located within a (-DC) Combining Zone but are located on lots which do not have frontage on either U.S. Highway 50 or State Route 89, or are so situated on the site that the project will not be visible from either highway.
3. All activities subject to this Subsection, which are not exempt as noted therein, shall be processed as a Design Review Permit in compliance with this Section. The Department shall review the application for compliance with the Design Guidelines for Meyers Area Plan and applicable zone regulations, and shall forward recommendations to the Commission. The Commission shall approve, conditionally approve, or deny the application based on the Design Guidelines and applicable zone regulations.

F. Establishment of Community Design Review Areas; Guidelines and Standards.

1. The Board, following consideration by the Commission, may establish new community design review areas upon making the following findings:
 - a. It is the desire of the majority of residents in the affected community to impose such guidelines and standards; and
 - b. The establishment of a community design review area would enhance the character of the community by establishing a community identity that would protect property values while promoting economic development.
2. Upon creation of a new community design review area, the Board shall adopt by resolution the boundaries of the area, shall designate the members of the design review committee, and delineate the procedural requirements for design review in the community for which it is adopted.
3. The following procedures shall be followed in adopting community design guidelines and standards for both existing and newly created design review areas:

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- a. The design review committee designated by the Board, whether an advisory committee, community service district, or some other entity recognized by the County, shall draft a document containing design guidelines and standards based on their establishment of a community identity through public outreach and consensus, and shall submit said draft to the Director. The design guidelines and standards shall be objective and measurable, rather than subjective and vague.
 - b. The Director shall review the draft community design guidelines and standards, and provide comments as to its consistency with the standards and findings provided in this Section, as well as its overall utility and effectiveness. The draft community design guidelines and standards shall be revised by the Department to incorporate those comments.
 - c. The Commission shall hold a hearing to review the draft community design guidelines and standards and shall transmit its action to the Board in the form of a written recommendation.
 - d. The Board shall hold a hearing to review and adopt the community design guidelines and standards.
 - (1) This hearing may be held in conjunction with the adoption of the respective community design review area.
 - (2) The manner of adoption of the community design guidelines and standards (i.e., by ordinance or resolution) shall be at the discretion of the Board.
 - e. Adoption of the community design guidelines and standards constitutes a directive to the Department for its use in reviewing projects located in the specific community design review area. However, adoption does not constitute a granting of any authority to any local design review committee not otherwise granted formal authority by the Board in compliance with Section 130.60.070 (~~Community~~ Design Review ~~Advisory~~ Committees) in Article 6 (Zoning Ordinance Administration) of this Title.
4. Until such time as new design guidelines and standards are adopted in compliance with Subsection F.3 (Establishment of Community Design Review Areas; Guidelines and Standards) above in this Section, design review of projects located within a community design review area shall utilize the guidelines set forth in the Community or Historic Design Guides where applicable, adopted by the Board on April 13, 1982 and reformatted on April 24, 2018 (Resolutions No. 071-2018 and 072-2018, respectively). Projects located within the Missouri Flat Road Corridor shall utilize the guidelines set forth in the Missouri Flat Design Guidelines adopted by the Board on June 3, 2008 and reformatted on April 24, 2018 (Resolution No. 074-2018). Projects located in the Pollock Pines design review area shall utilize the guidelines set

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forth in the Sierra Design Guide, adopted by the Board on October 26, 1982 and reformatted on April 24, 2018 (Resolution No. 073-2018).

130.27.060 Design Review - Historic (-DH) Combining Zone

A. **Combining Zone Established.** This Section establishes a Design Review – Historic (-DH) Combining Zone to identify and protect historic structures, sites, and districts, and establishes procedures and regulations for the review of projects that may affect such resources.

B. Designation of Design Review - Historic (-DH) Combining Zones.

1. Following consideration by the Commission, the Board may designate a (-DH) Combining Zone upon determining that it is consistent with General Plan Objective 7.5.2 (Maintenance of the Visual Integrity of Historic Resources).
2. The boundaries of each (-DH) zone shall be specifically identified at the time of its creation. Said boundaries may be amended by a zone change in compliance with Chapter 130.63 (Amendments and Zone Changes) in Article 6 (Zoning Ordinance Administration) of this Title.

C. Development Requirements within (-DH) Combining Zones.

1. Development on multi-unit residential, commercial, or industrial zoned property within the (-DH) Combining Zone shall be reviewed for consistency with standards adopted under Subsection 130.52.030.C (Design Review Committee) in Article 5 (Planning Permit Processing) of this Title. If the development requires another discretionary permit, such as a Conditional Use or Development Plan Permit, said discretionary permit will satisfy the Design Review Permit requirement. For discretionary projects requiring public hearing, staff shall make a recommendation to the review authority based on the determination of consistency.
2. Prior to issuance of a building permit for single-unit residential development, consistency with design and development standards under Subsection D (Adoption of Historic Design Guidelines) below in this Section shall be determined by Administrative Permit (Section 130.52.010, Administrative Permit, Relief, or Waiver) in Article 5 (Planning Permit Processing) of this Title, subject to the guidelines and standards adopted for the specific (-DH) Combining Zone in which the development is located.

D. **Adoption of Historic Design Guidelines.** The Board shall adopt, by resolution, guidelines and standards that shall delineate the requirements for design review within each historic district. Until such time as design guidelines and standards are adopted,

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the Historic Design Guides adopted by the Board on April 13, 1982, and reformatted on April 24, 2018 (Resolution No. 072-2018), shall be applied.

130.27.070 Design Review — Scenic Corridor (-DS) Combining Zone *Reserved*

130.27.080 *Reserved*

130.27.090 Mobile/Manufactured Home Parks (-MP) Combining Zone

- A. **Combining Zone Established.** The Mobile/Manufactured Home Park (-MP) Combining Zone is established to provide consistent standards for mobile/manufactured home parks, hereinafter referred to as “mobile home park(s)”.
- B. **Applicability.** The following standards shall apply to new mobile home parks or proposed revisions to an existing mobile home park, where allowed in the use matrices for the zones.
- C. **Compliance with State Law.** All mobile home parks shall comply with the minimum standards of the Mobile Home Parks Act (Health and Safety Code 18200 et seq.) and the applicable Mobile Home Parks Regulations adopted by the Department of Housing and Community Development (Code of Regulations, Title 25) to include, but not be limited to lot size and setback standards, infrastructure requirements, operations, maintenance, and inspections within a mobile home park.
- D. **Development Standards.** New mobile home parks shall comply with the standards found in the site planning and design manual adopted Mobile Home Park Design Standards (Resolution 200-2015).

130.27.100 Airport Noise and Safety Contour (AA) (-ANS) District *Reserved*

- A. 130.38.010 Purpose. This chapter establishes regulations to assure that the creation or establishment of structures or objects of natural growth will not constitute hazards to air navigation; to minimize public exposure to airport related hazards; and to assure the compatibility of permitted development with anticipated airport noise levels consistent with the El Dorado County Airport Land Use Compatibility Plan (ALUCP).
- B. 130.38.020 Applicability. These regulations shall be combined with existing principal zone districts and shall apply to areas designated AA-Airport Noise and Safety Contour (-ANS) on the zoning maps that encroach into the airport imaginary surfaces, airport safety areas, or within airport areas with a noise exposure level of equal or in excess of 60 dBCNEL coincides with the Airport Influence Area (AIA) as identified in the airport comprehensive land use plan ALUCP for the Cameron Airpark, Georgetown,

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and Placerville airports. All land uses and development standards of the principal zone shall apply in the combined zone except in so far as they are inconsistent with or modified by the land uses and development standards set forth in ~~these regulations~~ the ALUCP. Parcels or portions of parcels that are not located within the ~~airport imaginary surfaces, airport safety areas, or within airport areas with a noise exposure level of equal or in excess of 60 dBCNELAIA~~ as identified in the ~~airport comprehensive land use plan~~ ALUCP are not subject to the Aairport Noise and Ssafety Contour (-ANS)airport safety (AA) regulations.

C. 130.38.030 **Definitions.**

The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

“Airport” means ~~any airport open for public use~~ an area of land or water that is used or intended to be used for the landing and taking off of aircraft and includes its buildings and facilities, if any (Federal Aviation Regulations [(FAR)]4, Section 1.1, General Definitions). Airports include the Cameron Airpark Airport, Georgetown Airport, Placerville Airport, or any new public-use or military airport that may be created within the western El Dorado County area under the jurisdiction of the El Dorado County Airport Land Use Commission.

~~“Airport comprehensive land use plan” means the document prepared by the airport land use commission pursuant to Section 21675 of the Public Utilities Code that specifies land use and development policies to protect the safety and general welfare in the vicinity of county airports and to assure the safety of air navigation.~~

“Airport hazard” means any structure or natural growth that obstructs the navigable air space.

“Airport Influence Area (AIA)” means an area in which current or future airport-related noise, overflight, safety, or airspace protection factors may significantly affect land uses or necessitate restrictions on those uses. The AIA constitutes the area within which certain land use actions are subject to ALUC review to determine consistency with the policies herein.

“Airport Land Use Commission (ALUC)” means a commission authorized under the provisions of California Public Utilities Code, Section 21670 et seq. and established (in any county within which a public-use airport is located) for the purpose of promoting compatibility between airports and the land uses surrounding them. The El Dorado County Transportation Commission, or a legally established successor agency, acts as the Airport Land Use Commission for El Dorado County.

“Airport Land Use Compatibility Plan (ALUCP)” means a planning document that contains policies for promoting safety and compatibility between public use airports and the communities that surround them. The ALUCP is the foundation of the airport

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land use compatibility planning process. It is adopted by the ALUC and reflects the ALUCs jurisdictional boundary.

“Avigation Easement” means an easement that conveys rights associated with the aircraft overflight of a property and establishes restrictions on use of the underlying property.

"Imaginary surfaces" means surfaces established in relation to the end of each runway or designated takeoff and landing area, as defined in paragraphs 77.25, 77.28 and 77.29 of the Federal Aviation Regulations (FAR) Part 77. Such surfaces include imaginary approach, horizontal, conical, transitional, primary and other surfaces. These surfaces are specifically described for each airport in the airport comprehensive land use plan and shall be calculated based upon the established airport elevation. The established elevation of an airport shall be the highest point of the usable land area.

D. ~~130.38.040~~ Land Use Compatibility. New development, development approval or any expansion of existing uses shall be consistent with the criteria of the land use compatibility guidelines ~~for safety~~ contained in the ~~applicable airport comprehensive land use plan~~ ALUCP. Notwithstanding the restrictions for the location of a single-family residence within ~~an approach or departure zone~~ the AIA, the construction of a new single family residence ~~within a R1 district~~ on a lawfully created parcel, when appropriately zoned, may be permitted in accordance with height restrictions, ~~of Section 130.38.051~~ and noise attenuation requirements of ~~Section 130.38.052~~ the ALUCP.

In interpreting and applying the land use compatibility guidelines ~~for safety~~, the land use criteria are the minimum requirements for the promotion of the public health, safety and general welfare. If an ambiguity arises concerning the content or application of the guidelines, the ~~planning director~~ El Dorado County Airport Land Use Commission shall ascertain all relevant facts, consider the ambiguity, and interpret and apply the guidelines.

~~130.38.041 Prohibited uses and development. In addition to the uses specified by the land use compatibility guidelines for safety, the following uses and development are prohibited within the airport safety areas as identified in the airport comprehensive land use plan as follows:~~

- ~~A. Within and below the designated periphery of safety area 3 (overflight zone):~~
- ~~1. Any distracting lights or glare including any nonairport light that may be mistaken for airport lights or any source of glare directed towards an operating aircraft,~~
 - ~~2. Any significant source of smoke, whether from a permanent or temporary use,~~
 - ~~3. Any source of electrical and electronic interference that disrupts radio communications or navigational signals, and~~
 - ~~4. Any land uses that attract concentrations of birds to levels that would increase the risk of collision;~~

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- ~~B. Within the safety area 1 (clear zone), any use, whether temporary or permanent, resulting in an assemblage of more than ten persons per acre at any time;~~
- ~~C. Within specified safety areas 1 and 2 (approach or departure zones), second residential units as provided in Chapter 17.15 of this code. (Ord. 3721 §1(part), 1987)~~
- E. **130.38.042** Exceptions. The land use compatibility guidelines ~~for safety~~ and the provisions of ~~Subsection 130.38.040~~130.27.100.D (Land Use Compatibility) above in this Chapter shall not apply to the following:
- A.1. **Temporary uses.** Temporary uses, including, but not limited to: carnival, air show, or other outdoor entertainment events; provided, that the airport is temporarily closed for general aviation purposes;
- ~~B. **Exceptions:** Notwithstanding the requirements of the Cameron Airpark Airport comprehensive land use plan, land use compatibility guidelines for safety, a single family residence located within the safety area 1, may be constructed, maintained, altered or reconstructed on assessor's parcel numbers 83-243-01, 83-243-02, 83-243-03 and 83-253-01 (also known as lots 63, 64 and 65 of Cameron Park North unit no. 1; and lot 98 of Cameron Park North unit no. 6). These residential uses shall not be considered nonconforming uses pursuant to Title 17 of this code;~~
- C.2. **Hardship Overruling ALUC Determination.** If the Planning Commission wishes to proceed with a proposed action, regulation, permit, or project that the ALUC has determined to be inconsistent with the ALUCP, the Planning Commission must overrule the ALUC determination. To do so, the Planning Commission must make the findings and follow the notification and voting requirements specified in state law (California Public Utilities Code Sections 21676 and 21676.5).
- ~~Any use or structure for which the planning commission, following a public hearing, finds that a hardship exists that clearly outweighs the public health, safety and welfare objectives of the airport comprehensive land use plan. Such finding must be made by four fifths of the voting members of the commission. If a request for a hardship exemption is appealed to the board of supervisors, the finding of hardship must also be approved by a four fifths vote of the voting members of the board of supervisors, following a public hearing.~~
- ~~Prior to any planning commission or board of supervisors' action, the planning division shall refer the matter to the airport land use commission for review and comment. The planning commission, and the board of supervisors on appeal, shall consider the comments, if any, of the airport land use commission in their review and action. (Ord. 3721 §1(part), 1987)~~
- F. **130.38.050** Development **R**requirements. Development requirements are set forth in the ALUCP Sections 130.58.051 and 130.38.052. ~~(Ord. 3721 §1(part), 1987)~~

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~~**130.38.051 Height restrictions.** No natural growth or structure shall be located or extended such that the height of the structure or natural growth will encroach upon or rise above any of the imaginary surfaces of the airport. Where there is a question as to whether a proposed structure would penetrate or natural growth penetrates an imaginary surface, the planning director may require certification of ground elevations for the location of the proposed structure or natural growth. Such certification shall be determined by interpolation of the elevation contours, to the nearest one foot, from elevation datum as deemed appropriate by the license surveyor. An exception to the height restrictions may be granted if:~~

- ~~A. — The planning director determines based on factual evidence that the object would be substantially shielded by existing permanent structures or terrain in a manner such that it clearly would not affect the safety of air navigation; or~~
- ~~B. — The FAA has determined, pursuant to Federal Aviation Regulations (FAR) Part 77, that the proposed structure does not constitute a hazard to air navigation or the structure is located within and consistent with a blanket study prepared by FAA on the possible effects upon the navigable airspace of potential construction; or~~
- ~~C. — The Caltrans Division of Aeronautics has issued a permit allowing construction of the proposed structure. Any height exception granted by this section may be conditioned to require the owner of the subject structure to install, operate, and maintain thereon such markers and lights as may be necessary to indicate to flyers the presence of an airport obstacle. (Ord. 3721 §1(part), 1987)~~

~~Any height exception granted by this section may be conditioned to require the owner of the subject structure to install, operate, and maintain thereon such markers and lights as may be necessary to indicate to flyers the presence of an airport obstacle.~~

~~130.38.052 Noise attenuation:~~

- ~~A. — All residential structures located within the sixty dBCNEL contour shall comply with Title 25 of the California Administrative Code to attenuate exterior noise such that interior noise levels shall not exceed dCNEL in any habitable room.~~
- ~~B. — Enlargements and alterations of a single family residence in existence on the effective date of these regulations shall not be required to attain compliance with noise attenuation standards of this section; provided, that such enlargements and alterations do not create a greater degree of nonconformance. An acoustical analysis shall not be required for enlargements or alterations of a single family residence unless the chief building official determines that the proposed enlargement or alteration may create a greater degree of nonconformance with the interior noise levels established herein. (Ord. 3721 §1(part), 1987)~~
- ~~G. **130.38.060 Administration.** No building permit or development permit or other entitlement for use shall be issued by the County for any development or activity within~~

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areas designated ~~AA(-ANS)~~ on the zoning map until such development or activity has been reviewed and found to be in compliance with ~~this chapter~~ the ALUCP.

H. ~~130.38.061~~ Supplemental application information. An application for a building or development permit or other entitlement for use shall include ~~the following~~ information and any maps, drawings or other information as may be required by the ~~Director of Planning and Building to determine compliance with these regulations~~ ALUCP.

~~A. *CNEL contours.* Community noise equivalent level (CNEL) contours of sixty dbCNEL or larger, as provided in the applicable airport comprehensive land use plan, shall be superimposed on a topographic map of the development site to show both present and, as applicable, future aircraft generated sound levels projected for the property. All maps should be drawn at a scale designated by the Director of Planning and Building.~~

~~B. *Location and height of structures.* The placement and height of all existing and proposed buildings and structures shall be shown on the site/contour map and accompanied by building elevations.~~

~~C. *Specification of uses.* Identification of the use(s) to occur within each structure or activity area shall be designated on the site/contour map.~~

~~D. *Noise mitigation measures.* As required by Section 130.38.052, an acoustical analysis report prepared by a person with experience in the field of acoustical engineering describing noise attenuation measures to be applied in the development, together with an analysis of the noise insulation effectiveness of the proposed construction showing that the prescribed interior noise level requirements are met. If interior allowable noise levels are met by requiring that windows be unopenable or closed, the design for the structure must also specify the means that will be employed to provide ventilation and cooling if necessary, to provide a habitable interior environment.~~

~~E. *Narrative description.* A narrative shall be provided describing the location of the site, its total acreage, existing character and use; a description of the proposed development or use, including, as appropriate, proposed residential density, number of employees and estimated number of people who will be engaged in transactions or aggregated at the site over a twenty-four hour period, such as, but not limited to, retail store customers.~~

~~(Code 1997, § 17.38.061; Ord. No. 3721, § 1(part), 1987; Ord. No. 5051, § 2, 4-18-2017)~~

I. ~~130.38.062~~ Avigation and noise easement required.

~~No permit of any type shall be issued for any development or activity subject to the airport safety (AA) regulations until the County is provided with an avigation and noise easement granting the right of flight and the right to cause noise, light and other effects associated with the operation of aircraft in the airspace over and above the subject property. Such easement shall be supplied in a form prescribed by the County and shall~~

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~~be recorded on the title of the subject property. (Code 1997, § 17.38.062; Ord. No. 3721, § 1(part), 1987)~~

Airport Land Use Commission Review. No discretionary permit of any type shall be approved for development or activity ~~subject to within~~ the ~~airport safety (AA) regulations~~AIA until the eCounty has forwarded the application to the agencyAirport Land Use Commission responsible for the administration of the CLUPALUCP for review as to consistency with the plan and the eCounty has received any recommended conditions or restrictions in order to ensure the public health, safety and general welfare, including but not limited to the requirement for filing of an appropriate ~~and/or noise~~ dedication, in compliance with Section 4.6.1 of the ALUCP. ~~(Code 1997, § 17.38.062; Ord. No. 3721, § 1(part), 1987)~~

130.27.110 *Reserved*

130.27.120 **Tahoe Basin (-T) Combining Zone**

- A. **Combining Zone Established.** The Tahoe Basin (-T) Combining Zone identifies lands under the jurisdiction of both the County and the Tahoe Regional Planning Agency (TRPA), and provides for the coordination of planning and permitting activities between both agencies.
- B. **Applicability.** The Tahoe Basin (-T) Combining Zone ~~(-T)~~ shall apply to all lands within the Lake Tahoe drainage basin, except for those zoned Meyers Area Plan (MAP).
- C. **Development Review.** In addition to the standards required under the base zone, all use and development shall be subject to any additional permitting requirements, development standards, and regulations adopted by the TRPA Plan Area Statement and other TRPA regulations, as amended from time to time.
- D. **Development Standards.** The following development standards in Table 130.27.120.A (Tahoe Basin Combining Zone Development Standards) below in this Section shall supersede the development standards of the base zone for all lots within the (-T) Combining Zone. Where a dash (—) is designated, the standard shall comply with the base zone.

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Table 130.27.120.A – Tahoe Basin Combining Zone Development Standards

Development Attribute	RM	R1	R1A	RE	TPZ	CC	I
Min. Lot Width	60 ft, only	—	—	—	—	—	—
Setbacks	2 nd floor cantilevered living space can extend 4 ft into the front yard. No zero lot lines for common walls.	2 nd floor cantilevered living space can extend 4 ft into the front yard.	Residential: Front = 20ft Side = 10ft Rear = 30ft 2 nd floor cantilevered living space can extend 4 ft into the front yard.	Residential: Front = 20ft Side = 10ft Rear = 30ft	—	—	—
Parking¹		Requirements under Table 130.35.030.1 (Schedule of Off-Street Vehicle Parking Requirements) <u>in Article 3 (Site Planning and Project Design Standards) of this Title</u> may be in tandem.					
Lot Coverage	Subject to: Bailey Use Scoring System (Development prior to 7/1/87); or Individual Parcel Evaluating System (IPES)						
Max. Height	25 feet at natural grade. Additional height subject to: TRPA Code of Ordinances, Chapter 37						
NOTES:							
¹ Subject to Chapter 130.35 (Parking and Loading) <u>in Article 3 (Site Planning and Project Design Standards) of this Title</u> , except where noted.							

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CHAPTER 130.28 — PLANNED DEVELOPMENT (-PD) COMBINING ZONE

Sections:

- 130.28.010 Planned Development (-PD) Combining Zone Established
- 130.28.020 Applicability
- 130.28.030 Combination with Other Zones
- 130.28.040 Zone Change and Development Plan Requirements
- 130.28.050 Residential Development Requirements
- 130.28.060 Residential Density Bonuses for On-site Open Space
- 130.28.070 Condominium Conversions

130.28.010 Planned Development (-PD) Combining Zone Established

The Planned Development (-PD) Combining Zone implements the General Plan by providing innovative planning and development techniques that allow the use of flexible development standards; provide for a combination of different land uses which are complimentary, but may not in all aspects conform to the existing zoning regulations; allow clustering of intensive land uses to minimize impacts on various natural resources; avoid cultural resources where feasible; promote more efficient utilization of land; reflect the character, identity and scale of local communities; protect suitable land for agricultural uses; and minimize use compatibility issues and environmental impacts.

130.28.020 Applicability

The provisions of this Chapter shall apply to the following:

- A. Lands zoned or required by the General Plan to be zoned with the Planned Development (-PD) Combining Zone.
- B. All newly constructed residential and non-residential condominium projects when design standards and Condominium Plans are not available, in compliance with Section 130.28.070 (Condominium Conversions) below in this Chapter.

130.28.030 Combination with Other Zones

- A. The (-PD) Combining Zone may only be added to a base zone through a zone change application in compliance with Chapter 130.63 (Amendments and Zone Changes) in Article 6 (Zoning Ordinance Administration) of this Title.
- B. Residential development density shall be that allowed in the base zone, except as provided in Section 130.28.060 (Residential Density Bonuses for On-site Open Space) below in this Chapter and Chapter 130.31 (Affordable Housing Requirements and Incentives) in Article 3 (Site Planning and Project Design Standards) of this Title.

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Where the base zone is designated as open space, the density shall be calculated based on the maximum density allowed under the General Plan land use designation.

- C. Allowed uses of a Development Plan shall only be those allowed in the base zone, as provided in Chapters 130.21 (Agricultural, Rural ~~Lands~~, and Resources Zones) through 130.256 (~~Special Purpose Zones, Allowed Uses, and Zoning Standards~~) above in this Article, except for common area recreational facilities and similar uses.

130.28.040 Zone Change and Development Plan Requirements

- A. A Development Plan Permit application may be submitted with a zone change application to add the ~~(-PD)~~ Combining Zone, in which case the applications shall be processed concurrently in compliance with Section 130.52.040 (Development Plan Permit) in Article 5 (Planning Permit Processing) of this Title and Chapter 130.63 (Amendments and Zone Changes) in Article 6 (Zoning Ordinance Administration) of this Title. The review authority shall consider the zone change and development plan applications on their own merits and may consider approval of the zone change without approving the development plan.
- B. No use shall be allowed on lands zoned with the ~~(-PD)~~ Combining Zone unless a Development Plan Permit is approved by the Commission or Board. All subsequent permits for building, grading, or other development approvals must be found consistent with the approved Development Plan Permit.

130.28.050 Residential Development Requirements

All residential development projects in the ~~(-PD)~~ Combining Zone shall be subject to the following:

- A. **Open Space.** Except as provided in Section 130.28.050.B (Exemptions and Alternatives to the Onsite Open Space Requirement), below in this Section, 30~~thirty~~ percent of the total site shall be set aside for open space that is commonly owned or publicly dedicated. Commonly owned open space, as defined in Article 8 (Glossary: See “Open Space: Common”) of this Title shall not include space occupied by infrastructure such as roads, parking lots, or above ground components of sewer and water treatment plants, or area set aside for the sole use of individual residents, such as private balconies and patios. Commonly owned Open Space may include land developed or set aside for:
1. Recreational purposes, such as parks, ball fields, golf courses, or picnic areas;
 2. Passive purposes, such as gathering places, community gardens and landscaped areas;
 3. Aesthetic purposes, such as naturally scenic areas;

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4. Protection of agricultural or natural resources;
5. Pedestrian circulation, in compliance with Subsection D (Pedestrian Circulation) below in this Section; or
6. Natural or man-made lakes, ponds and other water features, which are included in the calculation of open space, but excluded from the calculation of base units and bonus density.

B. Exemptions and Alternatives to the Onsite Open Space Requirement. To facilitate and encourage development of higher density housing types, including those serving moderate and lower income households, exemptions and alternatives to the 30 percent onsite open space requirement are identified below.

1. **Exempt Projects.** The following projects are exempt from the open space requirement:
 - a. Residential planned developments consisting of five or fewer lots or units;
 - b. Condominium conversions;
 - c. Projects within Community Regions or Rural Centers on existing sites three acres or less in size;
 - d. Residential Multi-Family (RM) zoned projects or the residential component of Mixed Use Developments.
2. **Alternatives for Improved Open Space.** The common open space requirement may be reduced to 15 percent of the total site for Planned Developments in the R1 and R20K zones, where:
 - a. The common open space is improved for active recreational uses, including but not limited to swimming pools, sport courts or sport fields, tot lots, clubhouse or meeting room facilities, and community gardens, or for passive recreational uses such as landscaped buffers or greenbelts; and
 - b. In addition to the common open space, additional area equal to 15 percent of the total site is devoted to open space areas reserved for the exclusive use of individual residents, such as private yards and patios.
3. **Open Space requirements for Planned Developments within Agricultural Districts.** In order to conserve and promote agricultural activities and uses within the County, planned developments within Agricultural Districts may set aside open space for agricultural uses. The resulting agricultural area reserved

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for open space may be used for any allowed agricultural use, include raising and grazing of animals, orchards, vineyards, community gardens and crop lands. The minimum size of the clustered residential lots in a planned development within an Agricultural District shall be not less than 20 acres.

- C. **Clustering.** Residential lots shall be clustered , where feasible, to promote integrated site design that considers natural features of the site, creates more area for open space and recreation, avoids cultural resources, minimizes aesthetic impacts, maintains opportunities for commercial grazing, and minimizes loss of important agricultural lands.
- D. **Pedestrian Circulation.** Pedestrian connections shall be provided to allow internal circulation for the residents of the development to access surrounding commercial, recreational, residential, and civic uses, or on-site open space areas. Said connections can be counted toward the open space requirement in Subsection A (Open Space) above [in this Section](#).

130.28.060 Residential Density Bonuses for On-site Open Space Dedication

Density bonuses may be earned where a new minimum of 30 percent of the land area within a residential development project is set aside for commonly owned or publicly dedicated open space, as defined in Article 8 (Glossary: See “Open Space: Public”) [of this Title](#).

- A. The amount of bonus units earned shall be based on the amount of developable land within the open space. For purposes of this Section, “developable land” excludes the following:
 - 1. Lakes, rivers, and perennial streams.
 - 2. Areas encumbered by road and/or public utility improvements.
- B. The number of base units for the project shall be based on the amount of gross acreage, excluding water bodies, and the maximum density provided by the existing or proposed zones. Base units may be based on proposed zoning if the proposed zoning is approved concurrently with the project. Where the existing or proposed zone is Open Space (OS), density calculation shall be based on the maximum density allowed by the General Plan land use designation.
- C. **Calculating Total Project Density with a Density Bonus.** The formula for calculating base units, bonus units, and total project density is as follows:
 - 1. Base units are calculated by subtracting the area of lakes, rivers, and perennial streams from the gross acreage and multiplying the difference by the maximum density allowed in the zone(s). Where there is more than one zone, total base units shall be the sum of each zone calculation.

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2. Bonus units are calculated by multiplying the acreage of developable land set aside as open space by 1.5 times the density allowed in its existing or proposed zone(s). Where there is more than one zone, total bonus units shall be the sum of each zone calculation. Where the existing or proposed zone is Open Space (OS), the density bonus calculation shall be based on the maximum density allowed by the General Plan land use designation.
 3. Fractions of base units and bonus units resulting from the calculations above shall be rounded down to the next whole number.
 4. Total maximum project density is the sum of the total base units and total density bonus units.
- D. **Density Bonus for Affordable Housing.** The open space density bonus provided under this Section is in addition to any bonus that may be applicable in compliance with Chapter 130.31 (Affordable Housing Density Bonus Requirements and Incentives) in Article 3 (Site Planning and Project Design Standards) of this Title.

130.28.070 Condominium Conversions

Condominium conversions shall meet the following requirements:

- A. Conformance with all applicable standards of Chapter 110.16 (Uniform Building Code) of Title 110 (Buildings and Construction) in the County Code of Ordinances;
- B. All private streets, driveways, walkways, parking areas, landscaped areas, storage areas, utilities, open space, recreational facilities, drainage facilities, and other infrastructure and improvements not dedicated to a public entity shall be maintained by the property owners and incorporated in the Covenants, Conditions & Restrictions (CC&Rs) for the project;
- C. The units shall be individually metered or provisions contained in the CC&Rs to provide for a single meter billed to the property owners' association;
- D. Applications for conversion of multi-unit residential dwellings shall be reviewed by the Public Housing Authority for a determination of the impact of the project on the availability of affordable housing stock and a recommendation on options for preserving said housing stock;
- E. Multi-unit residential dwellings shall not be converted to a condominium, stock cooperative, or timeshare until the following time periods have expired:
 1. 10 years from the date of issuance of the certificate of occupancy for the affected building that was not income restricted; or

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2. 20 years from the date of issuance of the certificate of occupancy for building(s) for which density bonuses were granted in compliance with Chapter 130.31 (Affordable Housing Requirements and Incentives), or that contain any units restricted to households earning 120 percent or less of the area median family income.
- F. Notice to the California Department of Housing and Community Development and the existing tenants shall be provided, in compliance with California Government Code Section 66427.1, at least two years prior to the conversion of any affordable residential housing units which met any of the following criteria at the time of construction:
1. The units were built with the aid of government funding;
 2. The project was granted an affordable housing density bonus in compliance with Chapter 130.31 (Affordable Housing ~~Density Bonus Requirements and Incentives~~) in Article 3 (Site Planning and Project Design Standards) of this Title; or
 3. The project received other incentives based on the inclusion of affordable housing.

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CHAPTER 130.29 — MINERAL RESOURCE (-MR) COMBINING ZONE: EXPLORATION, MINING, RECLAMATION, AND PROTECTION

Sections:

130.29.010	Mineral Resource (- MR) Combining Zone Established
130.29.020	Definitions
130.29.030	Applicability
130.29.040	Exemptions
130.29.050	General Requirements
130.29.060	Minimum Lot Size
130.29.070	Mineral Exploration
130.29.080	Measure A Initiative Ordinance
130.29.090	Mining and Reclamation
130.29.100	Standards for Reclamation
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130.29.010 Mineral Resource (-MR) Combining Zone Established

The County recognizes that the extraction of minerals is essential to the continued economic well-being of the County and to the needs of society, and that the reclamation of mined lands is necessary to prevent or minimize adverse effects on the environment and to protect the public health and safety. The County also recognizes that surface mining takes place in diverse areas where the geologic, topographic, climatic, biological, and social conditions are significantly different and that reclamation projects and their operational specifications may vary accordingly. This Chapter:

- A. Identifies those areas that are designated as Mineral Resource Zone 2 (MRZ 2xx) on the State Classification Reports, where the likely extraction of the resource through surface mining methods will be compatible with surrounding uses, in compliance with General Plan Policies 2.2.2.7 (Overlay Land Use Designations: Mineral Resource (-MR) and 7.2.2.2 (Protection of important mineral resources from incompatible development);
- B. Provides standards and regulations that promote and ensure the continued availability and development of the County's important mineral resources;
- C. Provides erosion control, groundwater protection, and otherwise protection of the environment;
- D. Regulates surface mining operations as required by the State of California to ensure that mined lands are reclaimed to a usable condition that is readily adaptable for alternative uses; and

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- E. Protects the public health, safety, and welfare from residual hazards due to surface and sub-surface mining operations.

130.29.020 Definitions

As used within this Chapter, the terms below will mean the following:

“Mined Lands” shall mean an area in which surface mining operations will be, are being, or have been conducted, including private roads appurtenant to any such area, land excavations, workings, mining waste, groundwater resources, and areas in which structures, facilities, equipment, machines, tools, or other materials or property which result from or are used in surface mining operations are located.

“Surface Mining Operations” shall mean all, or any part of, the process involved in the mining of minerals on mined lands by removing overburden and mining directly from the mineral deposits, open-pit mining of minerals naturally exposed, mining by the auger method, dredging and quarrying, or surface work incident to an underground mine.

130.29.030 Applicability

The regulations in this Chapter shall be combined with those of the base zone and shall apply to all public and private lands within the County designated as the Mineral Resource (-MR) Combining Zone on the zoning maps. All uses and development standards of the base zone shall apply in the combining zone except when they are incompatible with or modified by the uses and development standards set forth in this Chapter. Removing the (-MR) Combining Zone from the base zone shall be considered by the County only when specific studies similar in nature to State Classification Reports prove that a significant mineral deposit no longer exists (General Plan Policy 7.2.3.12: Environmental/Land Use Compatibility).

130.29.040 Exemptions

The following activities are exempt from the requirements of this Chapter:

- A. Agricultural grading permit issued by the Agriculture Department.
- B. On-site and-off site excavation and grading activities under an approved grading permit or that are exempt from the requirement for a grading permit. These exempt activities may include processing of materials generated by the grading operation, including rock crushing, stockpiling, aggregate washing, screening and drying.
- C. Operation of a plant site for mineral processing, including associated on-site structures, equipment, machines, tools, or other materials; and on-site stockpiling and recovery of mined materials, subject to all of the following conditions:

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1. The plant site is located on lands designated Industrial or Commercial in the General Plan.
 2. The plant site is located on lands zoned for industrial or commercial use, or on land subject to an active Conditional Use Permit for mineral processing.
 3. None of the minerals being processed are being extracted on-site.
 4. All reclamation work has been completed pursuant to the approved reclamation plan for any mineral extraction activities that occurred on-site after January 1, 1976.
- D. Emergency excavations or grading conducted by the State Department of Water Resources or the Reclamation Board for the purpose of averting, alleviating, repairing, or restoring damage to property due to imminent or recent floods, disasters, or other emergencies.
- E. Excavations or grading for the exclusive purpose of obtaining materials for road construction and maintenance for timber or forest operations with an approved timber harvest plan, if:
1. The land is owned by the same person or entity; and
 2. The excavation is conducted adjacent to timber or forest operation roads.

This exemption is only available if slope stability and erosion are controlled in accordance with Board regulations. Upon closure of the site, the person closing the site shall implement necessary revegetation measures and post-closure uses in consultation with the State Department of Forestry and Fire Protection. This exemption does not apply to on-site excavation or grading that occurs within 100 feet of a Class One watercourse or within 75 feet of a Class Two watercourse, or to excavations for materials that are or have been sold for commercial purposes.

- F. Excavations, grading, or other earthmoving activities in an oil or gas field that are integral to, and necessary for, ongoing operations for the extraction of oil or gas that comply with all of the following conditions:
1. The operations are consistent with the General Plan and zone requirements of the site;
 2. The operations are being conducted in accordance with the California Public Resources Code Division 3, Section 3000 et seq;
 3. The earthmoving activities are within oil or gas field properties under a common owner or operator; and
 4. No excavated materials are sold for commercial purposes.

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- G. Recreational mining or prospecting, as defined in Article 8 (Glossary: See “Mining”) of this Title.

130.29.050 General Requirements

- A. **Reclamation Plan and Financial Assurances.** All mining operations, as defined in Article 8 (Glossary: See “Mining”) of this Title, whether existing or proposed after the effective date of this ordinance, shall be subject to the provisions of this Title, along with the California Surface Mining and Reclamation Act of 1975 [California Public Resources Code Section 2710 et seq., as amended, (hereinafter referred to as "SMARA")], California Public Resources Code Section 2207 relating to annual reporting requirements, and State Mining and Geology Board regulations (hereinafter referred to as "State regulations") for surface mining and reclamation practice (California Code of Regulations, Title 14, Division 2, Section 8, Subsection 1, Section 3500 et seq.).
- B. **Statute Incorporation by Reference.** The provisions of SMARA, California Public Resources Code Section 2207, and State regulations, as may be amended from time to time, are made a part of this Chapter by reference, with the same force and effect as if the provisions therein were specifically and fully set out herein. When the provisions of this Chapter are more restrictive than correlative State provisions, this Chapter shall prevail.
- C. **Vested Rights.** No person who has established a vested right to conduct surface mining operations as a nonconforming use in conformance with State regulations prior to January 1, 1976, shall be required to secure a permit to mine, so long as the vested right continues and as long as no substantial changes have been made in the operation except in accordance with SMARA, State regulations, applicable State law, and this Chapter. Where a person with vested rights has continued surface mining in the same area subsequent to January 1, 1976, said person shall obtain County approval of a reclamation plan and financial assurances covering the mined lands disturbed by such subsequent surface mining. In those cases where an overlap exists (in the horizontal and/or vertical sense) between pre- and post-Act mining, the reclamation plan shall call for reclamation proportional to that disturbance caused by the mining after the effective date of January 1, 1976. All other requirements of State law and this Subsection shall apply to vested mining operations.

- 130.29.060 Minimum Lot Size.** *(Setbacks and relief provisions have been moved to Chapter 130.30 (Setback Requirements and Exceptions), Subsection 130.30.030.F (Special Setbacks for Mineral Resource Protection) in Article 3 (Site Planning and Project Design Standards) of this Title.*

The information required under this Section for lands within the –MR Combining Zone shall be forwarded to the State Geologist in compliance with SMARA Sections 2762-2763. The

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subdivision of lands within or adjacent to the –MR Combining Zone into lots less than 20 acres shall be prohibited, except when the following occurs:

- A. The applicant has submitted to the County an evaluation of the area in order to ascertain the significance of the mineral resources located on the subject property;
- B. The review authority finds that the proposed subdivision will not threaten the potential to extract minerals in the area; and
- C. The review authority shall specifically state the reasons for permitting the proposed subdivision, and how it will not adversely affect the ability to utilize the resource, including its effect on the regional market for the mineral resource.

130.29.070 Mineral Exploration

- A. Exploration for economic mineral or ore deposits shall be allowed in compliance with Chapter 110.14 (Grading, Erosion, and Sediment Control) of Title 110 (Buildings and Construction) in the County Code of Ordinances when applicable and the permit requirements in Table 130.29.070.1 (Mineral Exploration and Mining) below [in this Section](#), subject to the levels of disturbance in Subsection B below in this Section.

Table 130.29.070.1 – Mineral Exploration and Mining

For zone nomenclature, refer to Chapters 130.21 through 130.25.	A CUP —	Administrative Permit required (130.52.010) Conditional Use Permit required (130.52.021 0) Use not allowed in zone		
Zones	Level A	Level B	Level C	
RM, R1, R1A, R2A, R3A, CPO, CL, CM	A	—	—	
RE, RL, AE, AP, PA, AG, FR, TPZ	A	CUP	CUP	
IL, R&D, CC, CR, CG, RFL, RFH, TC, OS	A	CUP	CUP	
IH	A	A	CUP	

- B. For the purpose of this Chapter, the levels of disturbance for mineral exploration are defined as follows:
 - 1. **Level A.**
 - a. Methods of geological survey, geophysical, or geochemical prospecting are used;
 - b. Bore holes and trial pits not exceeding 100 cubic yards of overburden or other mineral disturbance may be created; and

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- c. No explosives shall be used, and no drifting, tunneling, de-watering, or water discharge shall be allowed.

2. Level B.

- a. One thousand cubic yards or less of overburden or mineral deposits are disturbed;
- b. The operation disturbs one acre or less in any one location; and
- c. No de-watering will occur and water will not be discharged from the site as a result of the operation.

3. Level C.

- a. More than 1,000 cubic yards of overburden or mineral deposits are disturbed;
- b. The operation disturbs more than one acre in any one location; or
- c. De-watering will occur or water will be discharged from the site as a result of the operation.

- C. Level C operations are considered mining under criteria (3.a) and (3.b) above, and shall be subject to the approval of a reclamation plan under the requirements of Section 130.29.090 (Mining and Reclamation) [below in this Chapter](#) and SMARA, as well as buffer requirements in compliance with Section 130.29.080 (Measure A Initiative Ordinance) [below in this Chapter](#).

130.29.080 Measure A Initiative Ordinance

- A. **Policy.** It is the policy of the County that use conflicts between rural and rural residential uses and mining uses must be minimized by the creation of adequate buffer zones between such potentially conflicting uses. Furthermore, it is essential to the County to preserve the rural residential and residential character of the County and that mining and exploration for mining be allowed to proceed only with adequate buffering between mining and residential uses. It is a further policy of the County that managing these conflicting uses will aid in deterring adverse environmental impacts, including, but not limited to, wildlife, groundwater, flora, fauna, traffic, dust, air quality, and adverse impacts on public health, safety, and welfare and will result in mutual benefit to both future mining and residential uses.
- B. **Implementation.** In addition to any other requirements set forth in any applicable zone, all projects for any kind of open pit mining or strip mining for purposes of exploration or extraction which require the removal of overburden in a total amount of more than 1,000 cubic yards on any lot shall require issuance of a Conditional Use Permit. However, prior to issuing the Conditional Use Permit, in addition to any other

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necessary findings, the review authority shall make the finding that all boundaries of the proposed project for open pit mining or strip mining shall be greater than a linear distance of 10,000 feet from any existing residential, hospital, church, or school use, including, but not limited to, nursery or day care uses or any residential, hospital, church or school use as designated in the General Plan or any community or specific plan, or as allowed by this Title. This finding shall not apply to a detached, single-unit residential dwelling located on the lot for which the Conditional Use Permit is sought.

- C. **Exception.** An exception to this Section shall be granted only under limited circumstances after a public hearing properly noticed to all land owners within 10,000 feet of the proposed project boundaries and upon findings by the review authority on the basis of substantial evidence in the record that: (1) the proposed project will not have any adverse impact on the environment or upon public health, safety, and/or welfare; and that (2) the project will not discourage residential use so designated in the General Plan or any community or specific plan or as allowed by this Title within 10,000 feet of the project boundaries.
- D. **Incorporation of These Policies into the General Plan Text and Maps.** Upon passage of the ordinance codified in this Section, the County shall amend the General Plan text and maps to incorporate and conform to the provisions of this Section.
- E. **Implementation and Consistency.** Upon passage of the ordinance codified herein, the General Plan and this Title shall be interpreted so as to give effect to the provisions of this Section. The provisions of this Section shall prevail over any revisions to the General Plan and any specific plans. Any amendments to the General Plan and this Title made subsequent to the passage of the ordinance codified in this Section shall be consistent with the provisions of this Section.
- F. **Referendum.** This Section may be amended or repealed only by a majority of the voters of El Dorado County.
- G. **Severability.** If any portion of this Section is declared invalid, the remaining portions are to be considered valid. (Adopted 11/20/84)

130.29.090 Mining and Reclamation

- A. Subsurface mining shall be allowed in any zone subject to issuance of a Conditional Use Permit, and only after impacts to the environment and affected surface uses have been adequately reviewed and found to be in compliance with [the California Environmental Quality Act \(CEQA\)](#). Of particular importance shall be the impact of the operation on surface uses, water quantity and quality, and noise and vibration impacts associated with surface access.

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- B. Surface access to subsurface mines shall only be allowed in those zones which permit Levels B and C activities under Table 130.29.070.1 (Mineral Exploration and Mining) above in this Chapter, subject to a Conditional Use Permit.
- C. Vent and escape shafts may be allowed in any zone subject to an Administrative Permit.
- D. A Conditional Use Permit for mining activities shall consider the following:
1. Natural vegetation and topography for buffering;
 2. Central location of processing equipment and equipment storage;
 3. Dust control;
 4. Circulation and construction standards for access roads;
 5. Erosion control;
 6. Revegetation and re-establishment of natural appearing features on the site following mining activities;
 7. Hours of operation;
 8. Night lighting;
 9. Security fencing;
 10. Noise impacts on adjacent and nearby lands, and control of noise pursuant to standards adopted in the General Plan;
 11. Protection of water quality, sensitive wildlife habitat, and/or sensitive plant communities;
 12. Phased reclamation that proceeds concurrently with surface mining; and
 13. Ultimate uses.
- E. Applications for a Conditional Use Permit and/or reclamation plan for surface mining or land reclamation projects shall be made on forms provided by the Department. Said applications shall be filed in accordance with Sections 130.52.021~~0~~ (Conditional Use Permit) in Article 5 (Planning Permit Processing) of this Title, and 130.29.100 (Standards for Reclamation) below in this Chapter. The forms for reclamation plan applications shall require, at a minimum, each of the elements required by SMARA (Sections 2772 and 2773) and State regulations, and any other requirements deemed necessary to facilitate an expeditious and fair evaluation of the proposed reclamation plan, as established at the discretion of the Director.

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- F. For surface mining operations that are exempt from a Conditional Use Permit in compliance with this Chapter, the reclamation plan application shall include the following:
1. All information concerning the mining operation that is required by the Director for processing the reclamation plan. All documentation for the reclamation plan shall be submitted to the County at one time.
 2. The person submitting the reclamation plan shall sign a statement accepting responsibility for reclaiming the mined lands in accordance with the reclamation plan. Said response shall be kept by the Department in the mining operation's permanent record. Upon sale or transfer of the operation, the new operator shall submit a signed and notarized statement of responsibility to the Department for placement in the permanent record.
- G. Within 30 days of accepting a Conditional Use Permit application as complete for a surface mining operation and/or a reclamation plan, the Department shall notify the State Department of Conservation of the filing of the application in compliance with SMARA Section 2774(d).
- H. The Director shall review the reclamation plan and financial assurance cost estimate (Subsection 130.29.100.B, Financial Assurances, [below in this Chapter](#)) within 60 days. Said review shall be limited to whether the reclamation plan and financial assurance cost estimate substantially meets the applicable requirements of SMARA (Sections 2772, 2773, and 2773.1), the State regulations (Sections 3500 through 3505, and Sections 3700 through 3713), and this Chapter. The operator shall have 60 days to submit the revised reclamation plan and financial assurance cost estimate addressing the identified deficiencies to the County for review and approval.
- I. Upon completion of the environmental review procedure and filing of all documents required by the Director, consideration of the Conditional Use Permit and/or reclamation plan for the proposed or existing surface mine shall be completed in compliance with State regulations at a public hearing pursuant to SMARA Section 2774. The Commission shall be the review authority of original jurisdiction for the Conditional Use Permit or reclamation plan, or when multiple applications such as a reclamation plan, Conditional Use Permit, and/or zone change are filed.
- J. The Conditional Use Permit application and/or reclamation plan shall be subject to review by State as follows:
1. In compliance with SMARA Section 2774(d), the State Department of Conservation shall be given 30 days to review and comment on the reclamation plan and 45 days to review and comment on the financial assurance. The Commission shall evaluate written comments received, if any, from the State Department of Conservation during the comment periods.

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2. Whenever mining operations are proposed in the 100-year floodplain of any stream, shown as Special Flood Hazard Areas on the Flood Insurance Rate Maps issued by the Federal Emergency Management Agency, and within one mile, upstream or downstream, of any State highway bridge, the Department shall also notify the State Department of Transportation.
 3. The Department shall prepare a written response describing the disposition of the major issues raised by the State for the Commission's approval. In particular, when the Commission's position is at variance with the recommendations and objections raised in the State's comments, the written response shall address, in detail, why specific comments and suggestions were not accepted. Copies of any written comments received and responses prepared by the Commission shall be promptly forwarded to the operator/applicant.
- K. Subsequent to the appropriate environmental review, the Department shall prepare a staff report with recommendations for consideration by the Commission. The Commission shall hold at least one public hearing on the Conditional Use Permit application and/or reclamation plan.
- L. Prior to rendering a decision to approve the Conditional Use Permit application and/or reclamation plan and in addition to making findings of consistency with the requirements and standards of this Title, including those under Subsection 130.52.020.C (Specific Findings for Conditional/Minor Use Permits) in Article 5 (Planning Permit Processing) of this Title, the Commission shall make the following findings:
1. Conditional Use Permit approvals for surface mining operations shall include a finding that the project complies with the provisions of the SMARA, as amended, and the State regulations.
 2. For reclamation plans, the following findings shall be required:
 - a. The reclamation plan complies with SMARA Sections 2772 and 2773; and the applicable requirements of the State regulations (Sections 3500 through 3505, and Sections 3700 through 3713).
 - b. The reclamation plan restores the mined lands to a usable condition that is readily adaptable to alternative uses pursuant to the plan consistent with this Chapter, the General Plan, and any applicable specific plan or community plan.
 - c. The reclamation plan is not considered detrimental to the public health, safety, and welfare.
 - d. The County's written response to the State Department of Conservation has been prepared and considered by the decision-making body. Said response adequately describes the disposition of major issues raised by

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the Department of Conservation and where the County's position is at variance with the recommendations and objections raised by the State Department of Conservation the County's response addresses, in sufficient detail, why the recommendations and objections were not accepted.

- M. Prior to final approval of a reclamation plan or any amendments to the reclamation plan, the Commission shall certify to the State Department of Conservation that the reclamation plan complies with the applicable requirements of State law, and shall submit the plan, or amendments to the State Department of Conservation for review.
1. If a Conditional Use Permit application is being processed concurrently with the reclamation plan, the Commission may also simultaneously conceptually approve the Conditional Use Permit. However, the Commission may defer action on the Conditional Use Permit until taking final action on the reclamation plan.
 2. If necessary to comply with permit processing deadlines, the Commission may conditionally approve the Conditional Use Permit so that it shall not become effective until cost estimates for financial assurances have been reviewed by the State Department of Conservation and final action has been taken on the reclamation plan and financial assurances by the County. The Commission shall then take action to approve, conditionally approve, or deny the Conditional Use Permit and/or reclamation plan pursuant to SMARA Section 2770(d).
- N. Time limits may be set on any Conditional Use Permit for mining operations based on a determination by the review authority that such a time limit is necessary to protect the public health and safety, and to protect the welfare of nearby property owners. Said time limit shall be set on a case-by-case basis, based on the reasonably expected life of the mine and potential conflicts with neighboring uses.
- O. The Department shall forward a copy of each approved Conditional Use Permit for the mining operations and/or approved reclamation plan, and a copy of the approved financial assurances to the State Department of Conservation within 30 days following the approval. By July 1 of each year, for each active or idle mining operation, the Department shall submit to the State Department of Conservation a copy of the Conditional Use Permit or reclamation plan amendments, as applicable, or a statement that there have been no changes during the previous year.
- P. Amendments to an approved reclamation plan may be submitted detailing proposed changes from the original plan. Substantial deviations from the approved reclamation plan shall not be undertaken until the amendment has been filed with, and approved by, the Commission. Minor deviations from the approved reclamation plan may be approved by the Director where a finding can be made that the minor deviation substantially conforms to the approved reclamation plan.

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- Q. Each Conditional Use Permit for a mining operation shall be reviewed periodically for compliance with the requirements of the permit. The costs of said review shall be funded by the holder of the Conditional Use Permit. The time period for said review shall be set by a condition of approval, but in no case shall it exceed five years.
- R. Recordation on property titles of the presence of important mineral resources within the (-MR) Combining Zone may be a condition of approval for any development project in the impacted area. Prior to approving a use that would otherwise be incompatible with mineral resource protection, conditions of approval may be applied to encroaching development projects to minimize potential conflicts.

130.29.100 Standards for Reclamation

A. **Compliance with Regulations.** All reclamation plans shall comply with the provisions of SMARA Sections 2772 and 2773, and State regulations (Sections 3500 through 3505). Reclamation plans approved after January 15, 1993, reclamation plans for proposed new mining operations, and any substantial deviations to previously approved reclamation plans, shall also comply with the requirements for reclamation performance standards under State regulations (Sections 3700 through 3713).

1. **Additional Standards.** The Commission may impose additional performance standards developed either in review of individual projects, as warranted, or through the formulation and adoption of cCounty-wide performance standards.
2. **Phasing.** Reclamation activities shall be initiated at the earliest possible time on those portions of the mined lands that will not be subject to further disturbance. Interim reclamation may also be required for mined lands that have been disturbed and that may be disturbed again in future operations. Reclamation may be done on an annual basis, in stages compatible with continuing operations, or on completion of all excavation, removal, or fill, as approved by the County. Each phase of reclamation shall be specifically described in the reclamation plan and shall include:
 - a. The beginning and expected ending dates for each phase;
 - b. All reclamation activities required;
 - c. Criteria for measuring completion of specific reclamation activities; and
 - d. Estimated costs for completion of each phase of reclamation.

B. **Financial Assurances.** To ensure that reclamation will proceed in accordance with the approved reclamation plan, the County shall require security, as a condition of approval, which shall be released upon satisfactory performance. The applicant may post security in the form of a surety bond, a trust fund, cash deposits, escrowed negotiable securities, or an irrevocable letter of credit from an accredited financial

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institution in a form and manner acceptable to the County and the State Mining and Geology Board as specified in State regulations. In reviewing the method of security, the County shall make a reasonable determination of its adequacy to perform reclamation in accordance with the surface mining operation's approved reclamation plan. Financial assurances shall be made payable to the County and the State Department of Conservation.

1. **Compliance Required.** Financial assurances will be required to ensure compliance with all elements of the approved reclamation plan, including, but not limited to, revegetation and landscaping requirements, restoration of aquatic or wildlife habitat, restoration of water bodies and water quality, slope stability and erosion and drainage control, disposal of hazardous materials, removal of structures and equipment, and other measures if necessary.
2. **Cost Estimates.** Cost estimates for the financial assurance shall be submitted to the Department for review and approval prior to the operator securing financial assurances. The Director shall forward a copy of the cost estimates, together with any documentation received supporting the amount of the cost estimates, to the State Department of Conservation for review. If the State Department of Conservation does not comment within 45 days of receipt of these estimates, it shall be assumed that the cost estimates are adequate, unless the County has reason to determine that additional costs may be incurred. The Director shall have the discretion to approve the financial assurance if it meets the requirements of this Chapter, SMARA, and State regulations.
3. **Basis For Assurance Amount.** The amount of the financial assurance shall be based upon the estimated costs of reclamation for the years or phases stipulated in the approved reclamation plan, including any maintenance of reclaimed areas as may be required, subject to adjustment for the actual amount required to reclaim lands disturbed by surface mining activities since January 1, 1976, and new lands to be disturbed by surface mining activities in the upcoming year.
 - a. Cost estimates should be prepared by a California licensed professional engineer and/or other similarly licensed and qualified professional retained by the operator and approved by the Director.
 - b. The estimated amount of the financial assurance shall be based on an analysis of physical activities necessary to implement the approved reclamation plan, the unit costs for each of these activities, the number of units of each of these activities, and the actual administrative costs.
 - c. Financial assurances to ensure compliance with revegetation, restoration of water bodies, restoration of aquatic or wildlife habitat, and any other applicable element of the approved reclamation plan shall be based upon cost estimates that include but may not be limited to labor, equipment, materials, mobilization of equipment, administration, reasonable profit by a commercial operator other than the permittee, and inspections and

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administration by the County and/or persons under contract by the County.

- d. A contingency factor of 10 percent shall be added to the cost of financial assurances.
 4. **Abandonment of Operations.** In projecting the costs of financial assurances, it shall be assumed without prejudice or insinuation that the surface mining operation could be abandoned by the operator and, as a consequence, the County or State Department of Conservation may need to contract with a third party commercial company for reclamation of the site.
 5. **Effective Period.** The financial assurances shall remain in effect for the duration of the surface mining operation and any additional period until reclamation is completed, including any maintenance required.
 6. **Annual Adjustment.** The amount of financial assurances required of a surface mining operation for any one year shall be adjusted annually to account for new lands disturbed by surface mining operations, inflation, and reclamation of lands accomplished in accordance with the approved reclamation plan. The financial assurances shall include estimates to cover reclamation for existing conditions and anticipated activities during the upcoming year, excepting that the operator may not claim credit for reclamation scheduled for completion during the coming year.
 7. **Revisions.** Revisions to financial assurances shall be submitted to the Director each year prior to the anniversary date for approval of the financial assurances. Said revisions shall be forwarded to the State Department of Conservation for review in accordance with this Chapter. The financial assurance shall cover the cost of existing disturbance and anticipated activities for the next calendar year, including any required interim reclamation. If revisions to the financial assurances are not required, the operator shall explain in written detail why revisions are not required.
- C. **Public Records.** Reclamation plans, reports, applications, and other documents submitted in compliance with this Chapter are public record, unless it can be demonstrated to the satisfaction of the lead agency that the release of the information, or part thereof, would reveal production, reserves, or rate of depletion, and title to protection as proprietary information. The review authority shall identify such proprietary information as a separate part of the application. Proprietary information shall be made available only to the State Department of Conservation and to persons authorized in writing by the operator.
- D. **Documents Furnished to State.** A copy of all reclamation plans, reports, applications, and other documents submitted in compliance with this Chapter shall be furnished to the State Department of Conservation by the review authority upon request.

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- E. **Succession of Interest.** Whenever one operator succeeds to the interest of another in any uncompleted surface mining operation by sale, assignment, transfer, conveyance, exchange, or other means, the successor shall be bound by the provisions of the approved Conditional Use Permit and/or reclamation plan and the provisions of this Chapter.
- F. **Appeals.** Any person shall have the right to appeal to the Board an act or determination of the Department or the Commission in the exercise of the authority granted in this Section, in compliance with Section 130.52.090 (Appeals) in Article 5 (Planning Permit Processing) of this Title.
- G. **Violations and Penalties.** If the Director determines, based upon an annual inspection or otherwise confirmed by an inspection of the mining operation, that a surface mining operation is not in compliance with this Chapter, an approved Conditional Use Permit, and/or approved reclamation plan, the County shall follow the procedures set forth in SMARA Sections 2774.1 and 2774.2 concerning violations and penalties, such as administrative fines, as well as procedures for revocation of the Conditional Use Permit (Section 130.54.090, Revocation or County Mandated Modification of a Permit) in Article 5 (Planning Permit Processing) of this Title, which is not preempted by SMARA.

130.29.110 Interim Management Plans

- A. Within 90 days of a surface mining operation becoming idle, the operator shall submit to the Department a proposed Interim Management Plan (IMP). The proposed IMP shall fully comply with the requirements of SMARA including, but not limited to, all Conditional Use Permit approval conditions and measures the operator will implement to maintain the site in a stable condition for public health and safety. The proposed IMP shall be submitted on forms provided by the Department, and shall be processed as an amendment to the reclamation plan. IMPs shall not be considered a project pursuant to CEQA.
- B. Financial assurances for idle operations shall be maintained as though the operation were active.
- C. Upon receipt of a complete proposed IMP, the Department shall forward the IMP to the State Department of Conservation for review. The IMP shall be submitted to the State Department of Conservation at least 30 days prior to approval by the Director.
- D. Within 60 days of receipt of the proposed IMP, or a longer period mutually agreed upon by the Director and the operator, the Director shall review and approve or deny the IMP in accordance with this Section. The operator shall have 30 days, or a longer period mutually agreed upon by the operator and the Director, to submit a revised IMP. The Director shall approve or deny the revised IMP within 60 days of receipt.

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- E. The IMP may remain in effect for a period not to exceed five years, at which time the Director may renew the IMP for another period not to exceed five years, or require the surface mining operator to commence reclamation in accordance with its approved reclamation plan.
- F. The approved Conditional Use Permit shall be considered active and not subject to Subsection 130.54.060.C (Permit Expiration) in Article 5 (Planning Permit Processing) of this Title on operations for which an IMP has been approved by the Director or submitted to the Director for review.

130.29.120 Annual Report Requirements

- A. Surface mining operators shall forward an annual surface mining report to the State Department of Conservation and to the Department on a date established by the State Department of Conservation, upon forms furnished by the State Mining and Geology Board. New mining operations shall file an initial surface mining report and any applicable filing fees with the State Department of Conservation within 30 days of permit approval, or before commencement of operations, whichever is sooner. Any applicable fees, together with a copy of the annual inspection report, shall be forwarded to the State Department of Conservation at the time of filing the annual surface mining report.
- B. The Department shall arrange for an inspection of a surface mining operation within six months of receipt of the annual report to determine whether the surface mining operation is in compliance with the approved Conditional Use Permit conditions and/or reclamation plan, approved financial assurances, and State regulations. In no event shall less than one inspection be conducted in any calendar year. Said inspections may be made by a State-registered geologist, State-registered civil engineer, State-licensed landscape architect, or State-registered forester, who is experienced in land reclamation and who has not been employed by the mining operation in any capacity during the previous 12 months, or by other qualified specialists, as selected by the Director. All inspections shall be conducted using a form approved and provided by the State Mining and Geology Board.
 - 1. The Department shall notify the State Department of Conservation within 30 days of completion of the inspection that said inspection has been conducted and shall forward a copy of said inspection notice and any supporting documentation to the mining operator.
 - 2. The operator shall be solely responsible for the reasonable cost of such inspection, including the cost of persons under contract to the County to perform such inspections.
 - 3. Failure by the operator to allow such required inspections by the Department or other responsible County agency shall constitute grounds for revocation of the Conditional Use Permit or termination of the vested mining activity.