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CHAPTER 17.20 – DEVELOPMENT AND LAND USE APPROVAL REQUIREMENTS

Sections:

- 17.20.010 Purpose
- 17.20.020 General Requirements for Development and New Land Uses
- 17.20.030 Allowable Land Uses and Planning Permit Requirements
- 17.20.040 Exemptions from Planning Permit Requirements
- 17.20.050 Temporary Uses

17.20.010 Purpose

This Chapter describes the County’s requirements for the approval of proposed development and new land uses. The permit requirements established by this Ordinance for specific land uses are in Chapters 17.21 through 17.26.

17.20.020 General Requirements for Development and New Land Uses

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

- A. Allowable Use.** Only a land 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 17.20.030 (Allowable Land Uses and Planning Permit Requirements).
- B. Permit and Approval Requirements.** Any planning permit or other approval required by Section 17.20.030 (Allowable Land Uses and Planning Permit Requirements) 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 17.20.040 (Exemptions from Planning Permit Requirements).
- C. Development Standards, Conditions of Approval.** Each land use and structure shall comply with the development standards of this Chapter, applicable standards and requirements in Articles 3 (Site Planning and Project Design Standards) and 4 (Specific Use Regulations), and any applicable conditions imposed by a previously granted planning permit.
- D. Legal Lot.** The site of a proposed development or new land use shall be on a lot that was legally created in compliance with the Subdivision Map Act and the County Subdivision Ordinance, or that has been certified as legal by a Certificate of Compliance issued by the County in compliance with Chapter 16.76.

17.20.030 Allowable Land Uses and Planning Permit Requirements

A. Allowable Land Uses. The uses allowed by this Ordinance in each zone are listed in Chapters 17.21 through 17.25, together with the type of planning permit required for each use. Each land use listed in the tables is defined in Article 8 (Glossary). Chapter 17.26 regarding the Meyers Community Plan has different use type provisions and relies on the TRPA Code of Regulations for definitions.

1. Establishment of an Allowable Use.

- a. Any land use(s) identified by Chapters 17.21 through 17.26 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 below, and compliance with all applicable requirements of this Ordinance.
- b. Where a single lot is proposed for concurrent development of two or more land uses listed in the tables, the overall project shall be subject to

the highest permit level required by Subsection B, for any individual use.

2. Use Not Listed.

- a. A land use that is not listed in Chapters 17.21 through 17.26, and is determined by the Director to not be included in Article 8 (Glossary) under the definition of a listed land use, is not allowed within the County, except as otherwise provided in Subsection A.3 below, or Section 17.20.040 (Exemptions from Planning Permit Requirements).
- b. A land use that is not listed in the tables within a particular zone is not allowed within that zone, except as otherwise provided Subsection A.3 below, or Section 17.20.040.

3. Similar and Compatible Use May Be Allowed. The Director may determine that a proposed use not listed in this Article is allowable as follows:

- a. **Required Findings.** The Director may determine that a proposed use is similar to and compatible with a listed use and may be allowed after making all of the following findings with the determination:
 - (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;
 - (4) The use will be compatible with the other uses allowed in the zone; and
 - (5) The use is not listed as allowable in another zone.

A determination that a use qualifies as a similar and compatible use and the findings supporting the determination shall be in writing.

- 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 17.52.100 (Appeals).

- B. Permit Requirements.** Chapters 17.21 through 17.25 provide for land uses that are:
 - 1. Permitted subject to compliance with all applicable provisions of this Ordinance. These are shown as "P" uses in the tables; or where applicable, with an "A" for Administrative Permit, or "T" for Temporary Use Permit.
 - 2. Allowed subject to the approval of a Use Permit (Section 17.52.020), and shown as "CUP" or "MUP" in the tables;
 - 3. Where additional provisions are contained in Article 4 (Specific Use Regulations), the table is cross referenced to the applicable section.
 - 4. Not allowed in particular zones, and shown as "—" in the tables.

- C. Meyers Community Plan Requirements.** Chapter 17.26 provides for land uses within the Meyers Community Plan and follows the unique permit requirements of 17.26.030 instead of 17.20.030.B.

- D. Multiple Permits May Be Required.** A land 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) required by the County Code.

17.20.040 Exemptions from Planning Permit Requirements

- A. General Requirements for Exemption.** The land uses, structures, and activities identified by Subsection B below are exempt from the planning permit requirements of this Ordinance only 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 (Zones, Allowed Land Uses and Zoning Standards), and Articles 3 (Site Planning and Project Design Standards), 4 (Standards for Specific Land Uses) and, where applicable, Chapter 17.61 (Nonconforming Uses, Structures, and Lots); and
 - 2. Any permit or approval required by regulations other than this Ordinance is obtained (for example, a Building Permit).

- B. Exempt Activities and Land Uses.** The following are exempt from the planning permit requirements of this Ordinance when in compliance with Subsection A above.
 - 1. **Decks, Paths and Driveways.** Decks, platforms, on-site paths, and driveways that are not required to have a building permit or grading permit.
 - 2. **Fences and Walls.** See Section 17.30.050 (Fences, Walls, and Retaining Walls).

3. **Interior Remodeling.** Interior alterations that do not increase the gross floor area of the structure, or change the permitted use of the structure.
4. **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 land use of the site or structure; or add to, enlarge, or expand the land use and/or structure; and
 - (2) Any exterior repairs employ the same materials and design as the original construction.
5. **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 and the building code. Additional structures may be approved in compliance with Section 17.40.030 (Accessory Structures and Uses), where allowed by the applicable zone.
6. **Solar Collectors.** The addition of solar collectors to the roof or side of a building provided that the collectors comply with applicable height limit requirements.
7. **Spas, Hot Tubs, and Fish Ponds.** Portable spas, hot tubs, and constructed fish ponds, and similar equipment and structures that:
 - a. Do not 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.
8. **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 permitted in any zone. These include: water; gas; electric; supply or 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 structures. Satellite and wireless communications antennas are not exempt, and are instead subject to Chapter 17.40.130 (Communication Facilities).

17.20.050 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 17.52.070 (Temporary Use Permit).

CHAPTER 17.21 – AGRICULTURAL AND RESOURCE ZONES

Sections:

- 17.21.010 Purpose and Intent
- 17.21.020 Matrix of Permitted Uses
- 17.21.030 Development Standards

17.21.010 Purpose and Intent

- A. The purpose of the agricultural and resource zones is to achieve the following:
 - 1. To identify, conserve and protect important agricultural lands and those lands having suitable space and natural conditions for horticulture, animal husbandry, and other agricultural uses, as well as those lands containing timber and other natural resources.
 - 2. To promote and encourage agriculture and timber harvesting uses, and to increase their economic viability by providing opportunities for sale, packaging, processing, and other related activities.
 - 3. To protect agriculture, grazing, timber harvesting, or other resource based uses from the encroachment of unrelated and incompatible uses in order to provide a healthy, stable, and competitive environment necessary to sustain them.
- B. This Chapter lists the uses that may be allowed within an agricultural and a resource zone established by Section 17.02.10 (Zoning Map and Zones), determines the type of planning permit/approval required for each use, and provides basic standards for site layout and building size.
- C. The purpose of the individual agricultural and resource zones and the manner in which they are applied is as follows:
 - 1. **Exclusive Agricultural (AE).** The AE, Exclusive Agricultural Zone, is intended to identify and regulate those lands subject to a farmland conservation contract as defined in Article 8. Upon establishment of a farmland conservation contract in compliance with Section 17.40.050 (Agricultural Preserves and Zones: Contracts, Criteria, and Regulations), the AE zone allows a full range of agricultural production, processing, and marketing uses, including ranch marketing and wineries. The AE zone designation will remain in effect even after the property has rolled out of its contract, unless a zone change is processed and approved in compliance with Chapter 17.63 (Amendments and Zone Changes).
 - 2. **Agricultural Preserve (AP).** The AP, Agricultural Preserve Zone, is intended to identify and regulate those lands subject to a farmland conservation contract

in compliance with Section 17.40.050 (Agricultural Preserves and Zones: Contracts, Criteria, and Regulations). The AP zone is distinguished from the AE zone in that it provides limited opportunities for ranch marketing and commercial winery uses. The AP zone will remain in effect even after the property has rolled out of its contract, unless a zone change is processed and approved in compliance with 17.63 (Amendments and Zone Changes).

3. **Planned Agricultural (PA).** The PA, Planned Agricultural, Zone is intended to regulate and promote the development of agricultural enterprises and land uses on lands not encumbered by a farmland conservation contract. This zone shall be utilized to identify those lands most capable of supporting commercial horticulture, aquaculture, ranching, and grazing activities based on existing land use, soil type, water availability, topography, and other factors affecting the ability to engage in these pursuits in compliance with Section 17.40.050.G (Agricultural Zones not under Williamson Act Contract). Agricultural activities are intended to be the primary use of these lands, but other compatible uses may also be permitted 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 land use pattern, 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.
4. **Agricultural Grazing (AG).** The AG, Agricultural Grazing Zone, is intended to identify and protect lands suitable for grazing that are not encumbered by a farmland conservation contract, and that have been historically used for grazing and that have the potential for commercially viable grazing operations in compliance with Section 17.40.050.G (Agricultural Zones not under Williamson Act Contract). Grazing and other agricultural activities are intended to be the primary use of these lands, but other compatible uses may also be permitted in compliance with the provisions of this Chapter. Minimum lot size designators shall be applied to this zone based on land use designation and other appropriate factors. The minimum lot size designator shall be in the following increments: 40 and 160 acres.
5. **Timber Production (TPZ).** The TPZ, Timber Production Zone, is intended 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 17.40.340 (Timber Production Zone: Criteria, Regulations, and Zone Change Requirements).
6. **Forest Resource (FR).** The FR, Forest Resource Zone, is intended to identify and protect lands containing valuable timber or having the potential for timber production, but that are not subject to TPZ zoning requirements in compliance with Section 17.40.350.H (Forest Resource Zone Criteria). The purpose of this zone is to encourage timber production and associated activities, and to limit noncompatible uses from restricting such activities.

7. **Rural Lands (RL).** The RL, Rural Lands Zone, is intended to identify those lands that are unsuitable for significant residential development based on topographical constraints, lack of access or other infrastructural requirements, lack of groundwater or septic capability and the potential for future water project development, or by their proximity to timber, agricultural, or mineral resources while being unsuitable for development of those resources themselves. While residential uses are permitted on such lands, this zone is intended to recognize that other resource extractive activities in the vicinity may take precedence over residential uses. 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 land use pattern, and other appropriate factors. The designator shall represent the minimum number of acres and shall be in the following increments: 20, 40, 80, and 160.

17.21.020 Matrix of Permitted Uses

Uses are permitted in the following zones subject to the requirements of this Title as designated in Table 17.21.020 below:

Table 17.21.020 Agricultural and Resource Zone Districts Use Matrix

AE: Exclusive Agricultural AP: Agricultural Preserve PA: Planned Agricultural AG: Agricultural Grazing RL: Rural Lands FR: Forest Resource TPZ: Timber Production Zone	P Permitted use (Article 4) A Administrative permit required (17.52.010) T Temporary use permit required (17.52.070) CUP/ Conditional Use Permit required/ MUP Minor use permit required (17.52.020) TMA Temporary mobile home permit (17.52.060) — Use not allowed in zone							
USE TYPE	AE	AP	PA	AG	RL	FR	TPZ	Specific Use Reg.
Agricultural								
Agricultural Employee Housing	P/A/ CUP	P/A/ CUP	P/A/ CUP	P/A/ CUP	P/A/ CUP	P/A/ CUP	—	17.40.120
Animal Keeping	P	P	P	P	P	P	P	17.40.070
Barns, Stables, Storage structures	P	P	P	P	P	P	—	17.40.030
Cropland	P	P	P	P	P	P	—	17.40.050
Grazing	P	P	P	P	P	P	P	17.40.050
Livestock Feedlots	CUP	CUP	CUP	CUP	—	—	—	
Nursery, wholesale plant	P	P	P	—	P	A/CUP ¹	A/CUP ¹	
Orchards and Vineyards	P	P	P	P	P	P	—	17.40.050
Outdoor Retail Sales, temporary	A	A	A	A	A	—	—	17.40.220

AE: Exclusive Agricultural AP: Agricultural Preserve PA: Planned Agricultural AG: Agricultural Grazing RL: Rural Lands FR: Forest Resource TPZ: Timber Production Zone	P Permitted use (Article 4) A Administrative permit required (17.52.010) T Temporary use permit required (17.52.070) CUP/ Conditional Use Permit required/ MUP Minor use permit required (17.52.020) TMA Temporary mobile home permit (17.52.060) — Use not allowed in zone							
USE TYPE	AE	AP	PA	AG	RL	FR	TPZ	Specific Use Reg.
Packing: On-site product	P	P	P	P	P	P	CUP	
Packing: Off-site product	P/ CUP	P/ CUP	P/ CUP	P/ CUP	CUP	CUP	—	
Processing (nature of product is changed)	P	P	P	P	CUP	CUP	CUP	
Produce Sales	P	P	P	P	P	P	—	17.40.240
Timber	P	P	P	P	P	P	P	17.40.050, 17.40.350
Residential								
Child Day Care Home: Small family day care home	P	P	P	P	P	P	—	17.40.110
Large family day care home	CUP	CUP	A	A	A	A	—	
Community Care Facility: Six or Fewer Residents	—	—	—	—	P	—	—	
Seven or More Residents	—	—	—	—	CUP	—	—	
Dwelling: Single, detached	P	P	P	P	P	P	CUP	17.40.350
Dwelling: Temporary during construction	P	P	P	P	P	P	—	17.40.190
Guest House	—	—	P	P	P	P	—	17.40.160
Hardship Mobile Home	—	—	TMA	TMA	TMA	TMA	—	17.40.190
Kennels, Private	CUP	CUP	CUP	CUP	CUP	CUP	—	17.40.070
Room Rental: One bedroom, only	P	P	P	P	P	P	—	
Second Dwelling Unit	A	A	P	P	P	P	—	17.40.050, 17.40.300
Commercial								
Agricultural Support Services	CUP	CUP	CUP	CUP	CUP	CUP	—	17.40.060
Animal Sales and Service: Veterinary Clinics	—	—	CUP	CUP	CUP	CUP	—	17.40.060
Home Occupations	P/ MUP	P/ MUP	P/ MUP	P/ MUP	P/ MUP	P/ MUP	—	17.40.170
Horse Boarding	P	P	P	P	P	P	—	17.40.170
Lodging Facilities: B&B, Ranch Style	CUP	CUP	CUP	CUP	CUP	CUP	—	17.40.090

AE: Exclusive Agricultural AP: Agricultural Preserve PA: Planned Agricultural AG: Agricultural Grazing RL: Rural Lands FR: Forest Resource TPZ: Timber Production Zone	P Permitted use (Article 4) A Administrative permit required (17.52.010) T Temporary use permit required (17.52.070) CUP/ Conditional Use Permit required/ MUP Minor use permit required (17.52.020) TMA Temporary mobile home permit (17.52.060) — Use not allowed in zone							
USE TYPE	AE	AP	PA	AG	RL	FR	TPZ	Specific Use Reg.
Ranch Marketing	P/CUP	CUP	P/CUP	P/CUP	CUP	CUP	—	17.40.260
Wineries	P/CUP	CUP	P/CUP	CUP	CUP	—	—	17.40.400
Industrial								
Mineral Exploration	CUP	CUP	CUP	CUP	CUP	CUP	CUP	Chapter 17.29
Mineral Production	—	—	CUP	—	—	—	A/ CUP	
Mining	—	—	CUP	CUP	CUP	CUP	A/ CUP	
Slaughterhouse	—	—	CUP	—	—	—	—	
Storage Yard: Equipment and Materials Permanent	—	—	—	—	—	—	P/ CUP	17.40.320
Temporary	T	T	T	T	T	T	T	
Recreation and Open Space								
Campground	CUP	CUP	CUP	CUP	CUP	CUP	—	17.40.100
Camping, Temporary	—	—	—	—	—	—	P	
Golf Course	—	—	—	—	CUP	—	—	17.40.210
Hiking and Equestrian Trails	P	P	P	P	P	P	P	
Hunting Club, Farm, or Facility	CUP	CUP	CUP	CUP	CUP	CUP	CUP	
Marina: Non-motorized Craft	—	—	CUP	CUP	CUP	CUP	—	17.40.210
Off-Road Vehicle Recreation Area	—	—	—	—	—	CUP	—	
Picnic Area	P	CUP	P	P	CUP	P	P	
Resource Protection and Restoration	P	P	P	P	P	P	P	
Riding Stables	—	—	—	CUP	CUP	CUP	—	17.40.210
Ski Area	—	—	—	—	CUP	CUP	—	
Snow Play Area	—	—	—	—	CUP	CUP	—	17.40.210
Special Events, Temporary	T	T	T	T	T	T	—	
Trail Head Parking and Staging Area	—	—	—	CUP	CUP	CUP	—	17.40.210

AE: Exclusive Agricultural AP: Agricultural Preserve PA: Planned Agricultural AG: Agricultural Grazing RL: Rural Lands FR: Forest Resource TPZ: Timber Production Zone	P Permitted use (Article 4) A Administrative permit required (17.52.010) T Temporary use permit required (17.52.070) CUP/ Conditional Use Permit required/ MUP Minor use permit required (17.52.020) TMA Temporary mobile home permit (17.52.060) — Use not allowed in zone							
USE TYPE	AE	AP	PA	AG	RL	FR	TPZ	Specific Use Reg.
Civic Uses								
Cemeteries	—	—	—	CUP	CUP	CUP	—	
Churches and Community Assembly	—	—	—	—	CUP	CUP	—	
Community Services	—	—	—	—	CUP	—	—	
Intensive Public Facilities	—	—	—	—	CUP	CUP	—	
Parks, Day Use	—	—	—	—	CUP	CUP	—	17.40.210
Transportation								
Airports, Airstrips and Heliports	CUP	CUP	CUP	CUP	CUP	CUP	CUP	17.40.060
Utility and Communication								
Communication Facilities	A/ CUP	A/ CUP	A/ CUP	A/ CUP	A/ CUP	A/ CUP	CUP	17.40.130
Public Utility Structures and Services: Intensive	—	—	CUP	CUP	CUP	CUP	CUP	17.40.250
Public Utility Structures and Services: Minor	P	P	P	P	P	P	<u>P</u>	
Wind Energy Conversion System	See Table 17.40.390.1 (WECS Use Matrix)							17.40.390
NOTES: ¹ Administrative permit when plant material grown for restocking purposes; all other purposes require Conditional Use Permit.								

17.21.030 Development Standards

Permitted uses and associated structures shall comply with the following development standards in addition to any other applicable requirements of this Title:

Table 17.21.030.1 Agricultural and Resource Zones Development Standards

	AE/AP	PA	AG	TPZ	FR	RL
Minimum Lot Size	20 acres (10 acres) ¹	10 acres or as designated	40 acres or as designated	160 acres	40 acres below 3,000 ft. elev. 160 acres 3,000 ft. and higher	20 acres or as designated
Setbacks: Agricultural (ag) structure, Front, sides, rear	50 ft.	50 ft.	50 ft.	50 ft.	50 ft.	50 ft.
Non-ag structure, Front, sides, rear	30 ft.	30 ft.	30 ft.	30 ft.	30 ft.	30 ft.
Building Height: Ag structure	50 ft.	50 ft.	50 ft.	50 ft.	50 ft.	50 ft.
Non-ag structure	45 ft.	45 ft.	45 ft.	45 ft.	45 ft.	45 ft.
Lot Frontage	200 ft.	150 ft.	200 ft.	200 ft.	200 ft.	150 ft.
Signs ² : Area	2 @ 32 sq. ft. each	32 sq. ft.	32 sq. ft.	32 sq. ft.	32 sq. ft.	16 sq. ft.
Height	12 ft.	12 ft.	12 ft.	12 ft.	12 ft.	12 ft.
Notes:						
¹ An agricultural preserve may consist of a lot or contiguous lots of between 10 and 20 acres in compliance with Section 17.40.050 (Agricultural Preserves and Zones, etc.)						
² All signs in agricultural and resource zones shall be non-illuminated in compliance with 17.37 (Signs).						

CHAPTER 17.22 – COMMERCIAL ZONES**Sections:**

- 17.22.010 Purpose and Intent
- 17.22.020 Matrix of Permitted Uses
- 17.22.030 Commercial Zone Development Standards

17.22.010 Purpose and Intent

- A. The purpose of the commercial zones is to achieve the following:
 - 1. Provide a full range of retail, office, and service uses for the residents, businesses and visitors of the County.
 - 2. Provide lands suitable for commercial development to enhance economic growth, expand the local tax base, and provide employment opportunities in the County.
 - 3. Provide a clear and concise set of procedures and requirements for commercial development.
 - 4. Maintain and improve the character of existing commercial centers and core areas while providing for the expansion and full utilization of underdeveloped and undeveloped properties within those areas.
 - 5. Ensure that adequate infrastructure and services are available to serve the commercial needs of business owners and customers.
- B. This Chapter lists the land uses that may be allowed within the Commercial zones established by Section 17.12.020 (Zoning Map and Zones), determines the types of planning permit/approval required for each use and provides basic standards for site layout and building size.
- C. The purposes of the individual Commercial zones and the manner in which they are applied are as follows.
 - 1. **Professional Office Commercial (CPO).** The CPO, Professional Office Commercial Zone is intended to promote and 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 adjacent residential uses while providing adequate economic incentive for development of such office space. Retail sales shall be incidental to the primary office uses in this zone.

2. **Commercial (C).** The C, Commercial Zone is intended to promote and regulate the development of retail and service enterprises, providing the entire community with a full range of retail and service opportunities that are primarily conducted indoors, with secondary outdoor uses such as temporary sales displays and outdoor seating for food service. Automobile services would be carefully regulated for compatibility with surrounding uses. A low to moderate intensity of residential development would be allowed in a mixed use development.

3. **General Commercial (CG).** The CG, General Commercial Zone is intended to provide a mix of commercial enterprises, wholesale activity, and limited, light manufacturing; where start-up businesses may locate, outdoor storage or activity is the norm, and certain residential, civic, and educational uses are limited to avoid conflicts. Automobile related services such as fueling, sales, and repair would be encouraged. Residential mixed use development would generally be inappropriate, unless designed to be compatible with existing and potential surrounding uses.

17.22.020 Matrix of Permitted Uses

Uses are permitted in commercial zones subject to the requirements of this Title as designated in Table 17.22.020 below:

Table 17.22.020 Allowed Land Uses and Permit Requirements for the Commercial Zones

CPO: Planned Office Commercial C: Commercial CG: General Commercial	P	Permitted use (Article 4)		
	A	Administrative permit required (17.52.010)		
	T	Temporary use permit required (17.52.070)		
	CUP/	Conditional Use Permit required/		
	MUP	Minor use permit required (17.52.020)		
	PD	Development Plan Permit required (17.52.040)		
	TMA	Temporary mobile home permit (17.52.060)		
—	Use not allowed in zone			
Land Use	PERMIT REQUIRED BY ZONE			Specific Use Regulation
	CPO	C	CG	
Commercial				
Agricultural Support Services	—	P	P	17.40.060
Animal Sales and Service: Grooming and Pet Stores	—	P	P	
Kennels, Commercial	—	P	P	

CPO: Planned Office Commercial C: Commercial CG: General Commercial	P	Permitted use (Article 4)		
	A	Administrative permit required (17.52.010)		
	T	Temporary use permit required (17.52.070)		
	CUP/	Conditional Use Permit required/		
	MUP	Minor use permit required (17.52.020)		
	PD	Development Plan Permit required (17.52.040)		
	TMA	Temporary mobile home permit (17.52.060)		
	—	Use not allowed in zone		
Land Use	PERMIT REQUIRED BY ZONE			Specific Use Regulation
	CPO	C	CG	
Veterinary Clinic	CUP	P	P	
Automotive and Equipment: Fuel Sales	—	P	P	
Paint and Body Shop	—	CUP	P	
Repair	—	CUP	P	
Sales and Rental	—	CUP	P	
Vehicle Storage	—	CUP	P	
Banks and Financial Services	CUP	P	P	
Bars and Drinking Establishments	—	P	P	
Breweries	—	P	P	
Broadcasting and Recording Studio	P	P	P	
Building Supply Stores	—	P	P	
Business Support Services	—	P	P	
Child Day Care Center	A	P	CUP	17.40.110
Commercial Recreation: Arcade	—	P	P	
Indoor Entertainment	—	P	P	
Indoor Sports and Recreation	—	P	P	
Large Amusement Complex	—	CUP	CUP	
Outdoor Entertainment	—	CUP	CUP	
Outdoor Sports and Recreation	—	CUP	CUP	17.40.210
Employer-sponsored Child Day Care Center	A	A	A	17.40.110
Food and Beverage Retail Sale	—	P	P	
Free Food Distribution Center	—	CUP	CUP	

CPO: Planned Office Commercial C: Commercial CG: General Commercial	P	Permitted use (Article 4)			
	A	Administrative permit required (17.52.010)			
	T	Temporary use permit required (17.52.070)			
	CUP/	Conditional Use Permit required/			
	MUP	Minor use permit required (17.52.020)			
	PD	Development Plan Permit required (17.52.040)			
	TMA	Temporary mobile home permit (17.52.060)			
	—	Use not allowed in zone			
Land Use	PERMIT REQUIRED BY ZONE			Specific Use Regulation	
	CPO	C	CG		
Funeral and Internment Services	—	P	P		
Itinerant Sales	A/T	A/T	A/T	17.40.220	
Lodging Facilities: Bed and Breakfast Inn	CUP	P	CUP	17.40.090	
Hotel and Motel	—	P	CUP		
Maintenance and Repair (Exclusive of Automotive and Equipment)	—	P	P		
Medical Services: Hospital and Clinic	—	P	P		
Long-Term Care Facility	—	P	CUP		
Medical Offices	P	P	P		
Mobile/Manufactured Home Sales Lots	—	CUP	A		
Neighborhood Service	P	P	—		
Nursery, wholesale plant	—	—	P		
Offices, Professional	P	P	P		
Ranch Marketing	—	P	P	17.40.260	
Recycling Facilities	—	P/A	P/A	17.40.280	
Restaurant: With Drive-through	—	P	P	17.40.150	
Without Drive-through	—	P	P		
Retail Sales and Service: Indoor	—	P	P		
Permanent Outdoor	—	P	P	17.40.220	
Temporary Outdoor	T	T	T		
Personal Services	—	P	P		
Specialized Education and Training	P	P	CUP	17.40.230	

CPO: Planned Office Commercial C: Commercial CG: General Commercial	P Permitted use (Article 4)			
	A Administrative permit required (17.52.010)			
	T Temporary use permit required (17.52.070)			
	CUP/ Conditional Use Permit required/			
	MUP Minor use permit required (17.52.020)			
	PD Development Plan Permit required (17.52.040)			
	TMA Temporary mobile home permit (17.52.060)			
	— Use not allowed in zone			
Land Use	PERMIT REQUIRED BY ZONE			Specific Use Regulation
	CPO	C	CG	
Storage, Self	—	CUP	P	17.40.320
Winery: Production and Full-service Facilities ¹	—	P	P	
Industrial				
Laundries, Commercial	—	CUP	P	
Light Manufacturing	—	CUP	P	
Mineral Exploration	A/CUP	A/CUP	A/CUP	Chapter 17.29
Mining: Subsurface	—	CUP	CUP	
Surface	—	CUP	CUP	
Printing and Publishing	—	CUP	P	
Storage Yard, Equipment and Materials: Permanent	—	CUP	P	17.40.320
Temporary	T	T	T	
Wholesale Distribution	—	CUP	P	
Residential				
Caretaker Unit: Permanent	A	A	A	17.40.120
Temporary	TMA	TMA	TMA	
Community Care Facility: Small (serving 6 or fewer); and Large (serving 7 or more)	CUP	A	—	
Construction Trailer/Contractor’s Office: On-site	P	P	P	17.40.190
Off-site	A	A	A	
Dwelling (as part of a Mixed Use Development)	PD	PD	PD	17.40.180
Dwelling, Detached Single-unit ²	—	CUP	CUP	
Emergency Shelter	CUP	P	—	

CPO: Planned Office Commercial C: Commercial CG: General Commercial	P	Permitted use (Article 4)		
	A	Administrative permit required (17.52.010)		
	T	Temporary use permit required (17.52.070)		
	CUP/ MUP	Conditional Use Permit required/ Minor use permit required (17.52.020)		
	PD	Development Plan Permit required (17.52.040)		
TMA	Temporary mobile home permit (17.52.060)			
—	Use not allowed in zone			
Land Use	PERMIT REQUIRED BY ZONE			Specific Use Regulation
	CPO	C	CG	
Employee Housing: Off-site Construction	—	—	P	17.40.190
Home Occupations	P	P	P	17.40.170
Large Family Day Care Home	—	A	—	17.40.110
Lodging: Vacation Home Rental	—	P	CUP	17.40.370
Transitional Housing: Small and Large	—	CUP	CUP	17.40.360
Recreation and Open Space				
Campground	—	CUP	CUP	17.40.100
Golf Course	—	CUP	CUP	17.40.210
Marina: Motorized Craft	—	CUP	CUP	
Non-Motorized Craft	—	P	P	
Recreational Vehicle Park	—	CUP	P	17.40.100
Ski Area	—	CUP	CUP	17.40.210
Snowplay Area	—	CUP	CUP	
Special Events, Temporary	T	T	T	
Swimming Pool	—	CUP	CUP	
Tennis Courts	—	CUP	CUP	17.40.210
Trail Head Parking and Staging Area	—	CUP	CUP	
Civic				
Cemeteries, Public	—	CUP	CUP	17.40.210
Churches and Community Assembly	P	P	P	
Community Services	P	P	P	
Parks: Day Use	P	P	P	17.40.210

CPO: Planned Office Commercial C: Commercial CG: General Commercial	P	Permitted use (Article 4)		
	A	Administrative permit required (17.52.010)		
	T	Temporary use permit required (17.52.070)		
	CUP/	Conditional Use Permit required/		
	MUP	Minor use permit required (17.52.020)		
	PD	Development Plan Permit required (17.52.040)		
	TMA	Temporary mobile home permit (17.52.060)		
	—	Use not allowed in zone		
Land Use	PERMIT REQUIRED BY ZONE			Specific Use Regulation
	CPO	C	CG	
Nighttime Use	CUP	CUP	CUP	
Schools, Private: College and University	CUP	P	CUP	17.40.230
Elementary and Secondary	P	P	CUP	
Transportation				
Airports, Airstrips and Heliports	—	CUP	CUP	
Intermodal Facility	CUP	CUP	P	
Parking Lot	P	P	P	
Utility and Communication Use Type				
Communication Facilities	A/CUP	A/CUP	A/CUP	17.40.130
Public Utility Structures and Services: Intensive	CUP	CUP	CUP	17.40.250
Minor	P	P	P	
Wind Energy Conversion System	See Table 17.40.390.1 (WECS Use Matrix)			17.40.390
NOTES: ¹ As defined in Article 8 (Glossary). Not subject to Winery Ordinance (Section 17.40.400). ² As a nonconforming use where lack of infrastructure precludes commercial development.				

17.22.030 Commercial Zone Development Standards

Permitted uses and associated structures shall comply with the following development standards, in addition to any other applicable requirements of this Title:

Table 17.22.030 Commercial Zone Development Standards

Development Attribute	CPO	C	CG
Minimum Lot Size ¹	6000 sq. ft.	10,000 sq. ft.	10,000 sq. ft.
Minimum Lot Width	60 ft.	70 ft.	70 ft.
Residential Density Range for Mixed Use	See Section 17.40.180 (Mixed Use)		
Setbacks: Front ²	10 ft.	10 ft.	10 ft.
Sides and Rear ³	0 or 5 ft.	0 or 5 ft.	0 or 5 ft.
Sides and Rear (Abutting Residentially Zoned Land) ⁴	10 or 30ft.		
Maximum Height	50 ft.	50 ft.	50 ft.
Floor Area Ratio⁵	.85	.85	.85
Notes: ¹ Mixed use development and commercial condominiums subject to Development Plan Permit (17.52.040). ² Subject to 17.17.500.E.1.a (Landscaping Ordinance). ³ Zero lot line with fireproof wall and no openings, meeting building and fire code requirements, otherwise the 5 ft setback applies. ⁴ Subject to 17.17.500.E(1.b) (Landscaping Ordinance). ⁵ Ratio of allowable floor area to lot area.			

CHAPTER 17.23 – INDUSTRIAL AND RESEARCH AND DEVELOPMENT ZONES

Sections:

- 17.23.010 Purpose and Intent
- 17.23.020 Matrix of Permitted Uses
- 17.23.030 Development Standards
- 17.23.040 Design Standards

17.23.010 Purpose and Intent

- A. The purpose of this Chapter is to achieve the following:
 - 1. Provide a full range of zones that will encourage high technology, manufacturing and other industrial development within the county in order to enhance economic growth, expand the local tax base, and provide employment opportunities for its residents;
 - 2. Provide lands suitable for industrial development while protecting the labor force on adjacent property by restricting activities which have the potential to produce objectionable influences, such as odor, gas fumes, dust, smoke, noise, vibrations, glare, heat, electrical interference, and radioactive or other waste material beyond the confines of the industrially zoned site;
 - 3. Protect residential, agricultural and other nonindustrial uses by separating them from industrial activities, and by prohibiting the use of such industrially zoned land for residential or other related nonindustrial activities;
 - 4. Provide a clear and concise set of procedures, standards and requirements for industrial development.
 - 5. Provide lands suitable for research and development facilities such as high technology, non polluting manufacturing plants and related uses, while ensuring a high quality, aesthetic environment through design standards, procedures and requirements.
- B. This Chapter further provides regulations applicable to each industrial zone established in Section 17.12.020 (*Zoning Maps and Zones*). The industrial zones are as follows:
 - 1. **Industrial (I).** The I, Industrial zone is intended to provide areas 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.

Lands zoned Industrial within the Rural Regions shall be zoned I-PL. Said lands shall be subject to the requirements under Section 17.27.100 (-PL Combining Zone) as well as the permitted uses and development standards under Tables 17.23.020 and 17.23.030, respectively.

2. **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, and related facilities in a campus-like setting.

17.23.020 Matrix of Permitted Uses

Uses are permitted in the following zones subject to the requirements of this Title as designated in Table 17.23.020 below:

Table 17.23.020 Industrial/R&D Zones Use Matrix

I: Industrial R&D: Research & Development I-PL: Industrial - Platted Land	P Permitted use (Article 4) A Administrative permit required (17.52.010) T Temporary use permit required (17.52.070) CUP/ Conditional use Permit required/ MUP Minor use permit required (17.52.020) TMA Temporary mobile home permit (17.52.060) — Use not allowed in zone			
USE TYPE	I	R&D	I-PL	Specific Use Reg.
Industrial				
Automotive and Equipment: Salvage and Dismantling Yard	CUP	—	—	
Hazardous Materials Handling	CUP	CUP	CUP	
Industrial, General	P/CUP	CUP	CUP	
Laundries, Commercial	P	—	—	
Light Manufacturing	P	P	—	
Mineral Exploration	A/CUP	A/CUP	CUP	Chapter 17.29
Mineral / Oil Production	CUP	—	CUP	
Mining	CUP	—	CUP	
Printing and Publishing	P	P	—	
Research and Laboratory Services	P	P	—	
Slaughterhouse	CUP	—	CUP	

I: Industrial R&D: Research & Development I-PL: Industrial - Platted Land	P Permitted use (Article 4) A Administrative permit required (17.52.010) T Temporary use permit required (17.52.070) CUP/ Conditional use Permit required/ MUP Minor use permit required (17.52.020) TMA Temporary mobile home permit (17.52.060) — Use not allowed in zone			
USE TYPE	I	R&D	I-PL	Specific Use Reg.
Specialized Industrial	CUP	—	CUP	
Storage Yard, Equipment and Materials:				
Permanent	P	P	P	17.40.320
Temporary	T	T	T	
Wholesale Distribution	P	P	—	
Commercial				
Adult Business Establishments	A	—	—	17.40.040
Animal Sales and Service:				
Kennels, Commercial	CUP	—	—	
Veterinary Clinics	CUP	P	—	
Automotive and Equipment:				
Paint and Body Shop	P	—	—	
Repair Shop	P	—	—	
Vehicle Storage	P	—	—	
Banks and Financial Services	—	P	—	
Bars and Taverns	CUP	—	—	
Brewery	P	—	—	
Building Supply Store	P	—	—	
Business Support Services	CUP	P	—	
Commercial Recreation:				
Indoor Entertainment	CUP	A/CUP	—	
Indoor Sports and Recreation	CUP	P	—	
Outdoor Entertainment	CUP	CUP	—	
Outdoor Sports and Recreation	CUP	P	—	17.40.210
Employer-sponsored Child Care Center	A	A	—	17.40.110
Mobile/Manufactured Home Sales Lots	A	—	—	
Offices, Professional and Medical	—	P	—	

<p>I: Industrial R&D: Research & Development I-PL: Industrial - Platted Land</p>	<p>P Permitted use (Article 4) A Administrative permit required (17.52.010) T Temporary use permit required (17.52.070) CUP/ Conditional use Permit required/ MUP Minor use permit required (17.52.020) TMA Temporary mobile home permit (17.52.060) — Use not allowed in zone</p>			
USE TYPE	I	R&D	I-PL	Specific Use Reg.
Printing and Publishing	P	P	—	
Recycling Facilities	P/A	—	—	17.40.280
Restaurant w/Drive Through	CUP	—	—	17.40.150
Restaurant w/o Drive-Through	CUP	P	—	
Retail Sales and Service: Indoor	A	P	—	
Outdoor	A	A/CUP	CUP	17.40.220
Temporary Outdoor	A/T	A/T	A/T	
Personal Services	CUP	P	—	
Storage, Self	CUP	—	—	17.40.320
Specialized Education and Training	—	P	—	
Trade Schools	P	—	—	
Residential				
Caretaker Unit: Permanent	A	A	CUP	17.40120
Temporary	TMA	TMA	—	
Construction trailer/Contractor's Office: On-site	P	P	—	17.40.190
Off-site	A	A	—	
Employee Housing: Off-site construction	P	P	—	
Civic				
Cemeteries	CUP	—	—	
Churches and Community Assembly	—	CUP	—	
Community Services	P	P	—	
Intensive Public Facilities	CUP	CUP	—	
				17.40.230

<p>I: Industrial R&D: Research & Development I-PL: Industrial - Platted Land</p>	<p>P Permitted use (Article 4) A Administrative permit required (17.52.010) T Temporary use permit required (17.52.070) CUP/ Conditional use Permit required/ MUP Minor use permit required (17.52.020) TMA Temporary mobile home permit (17.52.060) — Use not allowed in zone</p>			
USE TYPE	I	R&D	I-PL	Specific Use Reg.
Schools, Private: Colleges and Universities	—	CUP	—	
Elementary and Secondary	—	CUP	—	
Transportation				
Airports, Airstrips and Heliports	CUP	CUP	—	
Intermodal Facility	P	P	—	
Parking Lot, Public	P	P	—	
Utility and Communication				
Communication Facilities	A/P	A/P	CUP	17.40.130
Public Utility, Structures and Services: Intensive	CUP	CUP	CUP	17.40.250
Minor	P	P	CUP	
Wind Energy Conversion System	See Table 17.40.390.1 (WECS Use Matrix)			17.40.390
Recreation and Open Space				
Off-road Vehicle Recreation Area	CUP	—	—	17.40.210
Agricultural				
Agricultural Employee Housing	CUP	—	CUP	17.40.120
Agricultural Support Services	—	—	P	17.40.060
Cropland	—	—	P	
Grazing	—	—	P	
High Density Livestock	CUP	—	CUP	
Nursery, wholesale Plant	P	—	P	
Orchards, Vineyards	—	—	P	
Packing: On-site Products	—	—	P	

<p>I: Industrial R&D: Research & Development I-PL: Industrial - Platted Land</p>	<p>P Permitted use (Article 4) A Administrative permit required (17.52.010) T Temporary use permit required (17.52.070) CUP/ Conditional use Permit required/ MUP Minor use permit required (17.52.020) TMA Temporary mobile home permit (17.52.060) — Use not allowed in zone</p>			
USE TYPE	I	R&D	I-PL	Specific Use Reg.
Off-site Products	P	—	P	
Produce Sales	—	—	CUP	
Timber Production	—	—	P	
Wineries: Production Facilities	P	—	P	17. 40.400
Full-service Facilities	P	—	CUP	
NOTES:				

17.23.030 Development Standards

Permitted uses and associated structures shall comply with the following development standards, in addition to those under Section 17.23.040, and any other applicable requirements of this Title:

Table 17.23.030 Industrial/R& D Zones Development Standards

Development Attribute	I	R&D	I-PL
Minimum Lot Size	20,000 sq. ft.	10,000 sq. ft.	20,000 sq.ft. ¹
Minimum Lot Width	100 ft.	100 ft.	100 ft.
Setbacks: Front ²	10 ft.	20 ft.	30 ft.
Sides	0 ³ or 5 ft.	0 ³ or 5 ft.	30 ft.
Rear	10 ft.	10 ft.	30 ft.
Sides and Rear (Abutting residentially zoned land) ⁴	10 or 30 ft.		50 ft.
Maximum Building Height	50 ft.	50 ft.	50 ft.
Floor Area Ratio (FAR) ⁵	0.85	0.50	0.25
<p>Notes: ¹ Subject to Paragraph 17.27.100.E.3 (-PL Combining Zone). ² Subject to Paragraph 17.30.050.A.1 (Landscaping Ordinance). ³ Zero lot line with fireproof wall and no openings meeting building and fire code requirements, otherwise the 5 ft setback applies. ⁴ Subject to Paragraph 17.30.050.A.2 (Landscaping Ordinance). ⁵ Ratio of allowable floor area to site area.</p>			

17.23.040 Design Standards

A. Research and Development Zones:

1. **Sign Setback Requirements.** Signs, except entry monument signs, shall be set back from the road right-of-way at least 10 feet. When located on corner or double frontage lots involving a major collector, thoroughfare, or arterial, signs shall not be oriented to front upon such major collector, thoroughfare, or arterial. Entry monument signs shall be set back at least 20 feet from the road right-of-way.
2. **Architectural Design.** Architectural treatment shall be applied to all elevations of a building facing public areas, to include roads, parking lots, pedestrian walkways, open space, and adjacent residential developments. To eliminate design review discretion while ensuring continuity among buildings, the architecture of any structure allowed in the Research and Development zone shall be deemed in compliance with acceptable community design criteria when:
 - a. Any of the following building materials are used:

1. Glass curtain-wall;
 2. Poured-in-place concrete and precast concrete siding;
 3. Brick or stone masonry;
 4. Tile;
 5. Wood;
 6. Plaster or stucco finishes; and
 7. Pre-finished metal paneling not to exceed twenty-five percent of the exterior wall surface.
- b. The following architectural standards are applied:
1. Two exterior wall materials plus one accent material listed under Paragraph 2.a is required. Window framing, doors, and door framing shall not be counted as part of this requirement.
 2. Two exterior building colors plus one accent color is required. Primary colors are not allowed. Glass curtain-wall(s) will count as a basic color, however, tinted window glass will not.
3. **Landscaped Buffers and Shade Requirements.** All setback and parking areas shall be landscaped and shaded as set forth in Section 17.33.050.
4. **Other Screening and Buffering Standards.** The following requirements shall apply to all development in the Research and Development zone:
- a. **Loading.** All loading and unloading of goods shall be conducted within a building or an area fenced for outdoor storage. Loading bays and roll-up doors shall not be located on any building elevation facing a street frontage. Additionally, if proposed loading areas are visible from the street, they shall be screened from view by using any combination of decorative fence, wall, or landscaped earth berms.
 - b. **Trash Collection Areas.** All refuse collection areas shall be visually screened with a solid six-foot-high enclosure of masonry, and shall be compatible in appearance with the buildings on site. Gated trash enclosures shall remain closed when not in use.
 - c. **Rooftop Equipment.** Rooftop mechanical equipment shall be screened from view by using screens or parapets as high as the mechanical equipment. Screens must be architecturally consistent with the building in design, material(s) and color(s). Vents and ducts are encouraged to be screened; however, those not screened shall be painted to match the building or roof, in whichever color results in the least visual impact.
 - d. **Other Storage.** Any article, goods, material, machine, equipment, vehicle, or similar items to be stored other than in an enclosed building shall be screened from view by any combination of decorative fence, wall, or landscaping so it is not visible from the public areas included under Subsection A.2 above.

5. Development, design, and architectural standards under an approved development plan may supersede the requirements of this Section where applicable.

CHAPTER 17.24 – RESIDENTIAL ZONES

Sections:

- 17.24.010 Purpose and Intent
- 17.24.020 Matrix of Permitted Uses
- 17.24.030 Residential Zone Development Standards

17.24.010 Purpose and Intent

- A. The purpose of this Chapter is to achieve the following:
 - 1. Provide a set of residential zones that will distribute residential growth and development in a manner that utilizes infrastructure in an efficient, cost-effective manner, and furthers the implementation of the General Plan’s Community Region, Rural Center, and Rural Region concept areas (GP Objective 2.2.1)
 - 2. Identify neighborhood areas suitable for residential living and residential population ranges consistent with the General Plan (Policy 2.2.1.3).
 - 3. Provide development standards that maintain and enhance the existing community identity and the scale and character of rural and suburban communities, by emphasizing both the natural setting and built design elements which contribute to the quality of life, economic health, and community pride of County residents. (GP Goal 2.4)
 - 4. Identify and meet County standards for public health, safety, welfare, and aesthetics by ensuring minimum standards for light, air, privacy, and open space for each dwelling are met, and by protecting residential neighborhoods from excessive noise, illumination, unsightliness, odor, smoke, and other nuisances.
 - 5. Provide lands to accommodate housing to meet the diverse economic and social needs of all County residents and to meet the housing needs of targeted income levels as identified in the Housing Element of the General Plan.
 - 6. Provide lands for the development of neighborhood service centers that provide direct benefits to the residential neighborhood while reducing vehicular traffic, thereby contributing to more vibrant communities.
- B. This Chapter lists the land uses that may be allowed within the residential zones established by Section 17.12.020 (Zoning Map and Zones), determines the type of planning permit/approval required for each use, and provides basic standards for site layout and building size.
- C. The purposes of the single-unit and multi-unit residential zones and the manner in which they are applied are as follows:

1. **Multi-unit Residential (RM).** The RM, Multi-unit Residential Zone is intended to identify 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 further intended to regulate and promote the development of multi-unit dwellings, including apartments, condominiums, and townhouses, while ensuring compatibility with adjacent lower density residential neighborhoods. Detached residential dwellings are also considered an appropriate type of development under an approved development plan providing the minimum density standards of this Chapter are met. It is further intended that this zone be 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 permitted within this zone (see GP Policy 2.2.1.2).
2. **Single-unit Residential (R).** The Single-unit Residential Zone is intended to protect the residential characteristics of an area and to promote a suitable environment for residential living. It is further intended 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 land use compatibility, and physical and infrastructural constraints. Said designations represent the minimum lot size in 6,000 and 20,000 square foot units, respectively.
3. **One-acre Residential (R1A).** The R1A, One-acre Residential Zone, is intended to create a more dispersed residential character to an area and to minimize required services by providing for and regulating medium density residential development at the highest range of one dwelling unit per acre. Accessory structures and uses and limited agricultural pursuits are considered compatible with this zone.
4. **Two-acre Residential (R2A).** The R2A, Two-acre Residential Zone, is intended to create a more dispersed residential character to an area and to minimize required services 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 limited agricultural pursuits are considered compatible with this zone.
5. **Three-acre Residential (R3A).** The R3A, Three-acre Residential Zone, is intended to create a more dispersed residential character to an area and to minimize required services by providing for and regulating the development of medium density residential development at the lowest range of one dwelling unit per three acres. Accessory structures and uses and limited agricultural pursuits are considered compatible with this zone.

- 6. **Residential Estate (RE).** The RE, Residential Estate Zone is intended to preserve the rural character of an area and to minimize required services 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 land use compatibility, physical and infrastructural constraints, and General Plan land use designation. Said designations represent the minimum number of acres permitted for each lot. Accessory structures and uses and agricultural pursuits are considered compatible with this zone.

- 7. **Neighborhood Service (NS).** The NS, Neighborhood Service Zone is intended to provide areas of direct benefit for specified civic and limited service and commercial uses within residential neighborhoods and residentially-designated land use areas of the General Plan. Permitted uses, such as child or adult day care centers, educational facilities, worship and community centers, parks and recreational facilities, community gardens, and fire stations, libraries, or other public facilities, are intended to be complimentary to and enhance the residential character of an area, provide service primarily to nearby residents, reduce vehicle trips, and promote pedestrian circulation within community areas. Where existing commercial zones adjoin residential development, the NS zone shall allow for transitional professional office and small-scale, neighborhood-serving commercial uses to act as buffers in order to maintain the residential character of the surrounding area and protect the public health, safety, and welfare.

17.24.020 Matrix of Permitted Uses

Uses are permitted in the following zones subject to the requirements of this Title as designated in Table 17.24.020 below:

Table 17.24.020 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 Permitted use A Administrative Permit required (17.52.010) CUP/ Conditional Use Permit / MUP Minor use Permit required (17.52.020) TMA Temporary Mobile Home Permit required (17.52.050) T Temporary use permit required (17.52.060) — Use not allowed in zone							
LAND USE	PERMIT REQUIRED BY ZONE							Specific Use Regulation
	RM	R1, R20K	R1A	R2A	R3A	RE	NS	
Residential								
Caretaker Unit, Permanent: Church Property Only	—	CUP	CUP	CUP	CUP	CUP	CUP	17.40.120

RM: Multi-unit Residential	P	Permitted use							
R1, R20K: Single-unit Residential	A	Administrative Permit required (17.52.010)							
R1A: One-acre Residential	CUP/	Conditional Use Permit /							
R2A: Two-acre Residential	MUP	Minor use Permit required (17.52.020)							
R3A: Three-acre Residential	TMA	Temporary Mobile Home Permit required (17.52.050)							
RE: Residential Estate	T	Temporary use permit required (17.52.060)							
NS: Neighborhood Service	—	Use not allowed in zone							
LAND USE	PERMIT REQUIRED BY ZONE							Specific Use Regulation	
	RM	R1, R20K	R1A	R2A	R3A	RE	NS		
Child Day Care Home: Small Family Day Care Home	P	P	P	P	P	P	—	17.40.110	
Large Family Day Care Home	CUP	A	A	A	A	A	—		
Construction Trailer, Contractor’s Office: On-site	P	P	P	P	P	P	P	17.40.190	
Community Care Facility: Small (serving 6 or fewer)	—	P	P	P	P	P	—		
Large (serving 7 or more)	—	CUP	CUP	CUP	CUP	CUP	—		
Dwelling: Multi-unit	P	—	—	—	—	—	—		
Single-residential, Attached	P	P	—	—	—	—	—		
Single-residential, Detached	P ¹	P	P	P	P	P	—		
Temporary During Construction	—	P	P	P	P	P	—	17.40.190	
Guest House	—	P	P	P	P	P	—	17.40.160	
Hardship Mobile Home	—	TMA	TMA	TMA	TMA	TMA	—	17.40.190	
Kennel, Private	—	—	—	—	—	CUP	—		
Mobile/Manufactured Home Park	CUP	CUP	CUP	CUP	CUP	CUP	—		
Rooming House	P	—	—	—	—	—	—		
Room Rental: One Bedroom Only	—	P	P	P	P	P	—		
Secondary Dwelling	—	P	P	P	P	P	—	17.40.300	
Transitional Housing: Small (serving 6 or fewer)	P	P	P	P	P	P	—	17.40.360	
Large (serving 7 or more)	CUP	CUP	CUP	CUP	CUP	CUP	—		
Vacation Home Rental	A	A	A	A	A	A	—	17.40.370	
Agricultural									
Animal Keeping	—	CUP	P	P	P	P	—	17.40.070	
Barns, Stables	—	—	P	P	P	P	—	17.40.030	
Cropland	—	—	—	—	P	P	—		
Grazing	—	—	—	—	P	P	—		

RM: Multi-unit Residential	P Permitted use							
R1, R20K: Single-unit Residential	A Administrative Permit required (17.52.010)							
R1A: One-acre Residential	CUP/ Conditional Use Permit /							
R2A: Two-acre Residential	MUP Minor use Permit required (17.52.020)							
R3A: Three-acre Residential	TMA Temporary Mobile Home Permit required (17.52.050)							
RE: Residential Estate	T Temporary use permit required (17.52.060)							
NS: Neighborhood Service	— Use not allowed in zone							
LAND USE	PERMIT REQUIRED BY ZONE							Specific Use Regulation
	RM	R1, R20K	R1A	R2A	R3A	RE	NS	
Nursery, Wholesale	—	—	—	—	—	CUP	—	
Orchards and Vineyards	—	—	—	—	P	P	—	
Packing, On-site	—	—	—	—	—	P	—	
Processing On-site Produce	—	—	—	—	—	CUP	—	
Produce Sales	—	—	TUP	TUP	T/ MUP	A/ MUP	—	17.40.240
Ranch Marketing	—	—	—	—	—	CUP	—	17.40.260
Wineries	—	—	—	—	—	CUP	—	17.40.400
Commercial								
Child Day Care Center	—	—	—	—	—	—	P	17.40.110
Employer-sponsored Child Day Care Center	—	—	—	—	—	—	A	
Garage Sales	P	P	P	P	P	P	—	17.40.220
Home Occupations	P	P	P	P	P	P	—	17.40.170
Lodging Facilities: Bed and Breakfast Inn	—	CUP	CUP	CUP	CUP	CUP	—	17.40.090
Temporary Real Estate Sales Office	A	A	A	A	A	A	—	17.40.330
Neighborhood Commercial	—	—	—	—	—	—	P	
Retail Sales and Service: Personal Services	—	—	—	—	—	—	A	
Temporary Outdoor	—	—	—	—	—	—	A	17.40.220
Seasonal Sales	—	—	—	—	—	A	A	17.40.220
Winery	—	—	—	—	—	CUP	—	17.40.400
Industrial								
Equipment and Material Storage Yard: Temporary	T	T	T	T	T	T	T	
Mineral Exploration	A/ CUP	A/ CUP	A/ CUP	A/ CUP	A/ CUP	A/ CUP	A/ CUP	Chapter 17.29
Mining	CUP	CUP	CUP	CUP	CUP	CUP	CUP	
Recreation and Open Space								

RM: Multi-unit Residential								P	Permitted use
R1, R20K: Single-unit Residential								A	Administrative Permit required (17.52.010)
R1A: One-acre Residential								CUP/	Conditional Use Permit /
R2A: Two-acre Residential								MUP	Minor use Permit required (17.52.020)
R3A: Three-acre Residential								TMA	Temporary Mobile Home Permit required (17.52.050)
RE: Residential Estate								T	Temporary use permit required (17.52.060)
NS: Neighborhood Service								—	Use not allowed in zone
LAND USE	PERMIT REQUIRED BY ZONE							Specific Use Regulation	
	RM	R1, R20K	R1A	R2A	R3A	RE	NS		
Golf Course	CUP	CUP	CUP	CUP	CUP	CUP	—	17.40.210	
Hiking and Equestrian Trail	P	P	P	P	P	P	P		
Marina, Non-Motorized Craft	—	—	—	—	—	CUP	—		
Picnic Area	CUP	CUP	CUP	CUP	CUP	CUP	—		
Private Recreation Area	CUP	CUP	CUP	CUP	CUP	CUP	CUP		
Resource Protection and Restoration	P	P	P	P	P	P	—		
Swimming Pool, Public	CUP	CUP	CUP	CUP	CUP	CUP	CUP	17.40.210	
Tennis Courts, Public	CUP	CUP	CUP	CUP	CUP	CUP	CUP		
Trail Head Parking and Staging Area	—	CUP	CUP	CUP	CUP	CUP	CUP		
Civic									
Cemeteries	CUP	CUP	CUP	CUP	CUP	CUP	CUP		
Churches and Community Assembly	CUP	CUP	CUP	CUP	CUP	CUP	P		
Community Services	CUP	CUP	CUP	CUP	CUP	CUP	P		
Intensive Public Facilities	—	—	—	—	—	CUP	CUP		
Parks: Day Use	P	P	P	P	P	P	P	17.40.210	
Nighttime Use	CUP	CUP	CUP	CUP	CUP	CUP	CUP		
Private Schools: Elementary and Secondary	CUP	CUP	CUP	CUP	CUP	CUP	CUP		
Utility									
Communication Facility	A/ CUP	A/ CUP	A/ CUP	A/ CUP	A/ CUP	A/ CUP	A/ CUP	17.40.130	
Public Utility Structures and Services: Intensive	CUP	CUP	CUP	CUP	CUP	CUP	CUP	17.40.250	
Public Utility Structures and Services: Minor Utility Structure	P	P	P	P	P	P	P		
Wind Energy Conversion System	See Table 17.40.390.1 (WECS Use Matrix)							17.40.390	
NOTES: ¹ By Development Plan Permit, only									

17.24.030 Residential Zone Development Standards

Permitted uses and associated structures shall comply with the following development standards in Table 17.24.030 below, in addition to any other applicable requirements of this Title:

Table 17.24.030 Residential Zones Development Standards

Development Attribute	RM	R1	R20K	R1A	R2A	R3A	RE	NS
Minimum Lot Size for Interior Lot	6,000 sq ft	6,000 sq ft	20,000 sq ft	1 acre	2 acre	3 acre	5 acre or as designated	10,000 sq. ft
Minimum Lot Size for Corner Lot	7,500 sq ft	7,500 sq ft	20,000 sq ft	1 acre	2 acre	3 acre	5 acres or as designated	12,000 sq. ft.
Minimum Lot Width for Interior Lot	60 ft	60 ft	100 ft	100 ft	150 ft	200 ft	250 ft	80 ft
Minimum Lot Width for Corner Lot	75 ft	75 ft	100 ft	100 ft	150 ft	200 ft	250 ft	150 ft
Residential Density Range	5 to 24 dwelling units per acre	1 primary plus 2 nd dwelling unit per lot						—
Setbacks ¹ : Front	20 ft	20 ft	30 ft	30 ft	30 ft	30 ft	30 ft	20 ft
Side	5 ft	5 ft	10 ft	15 ft	20 ft	30 ft	30 ft	10 ft
Rear	15 ft	15 ft	30 ft	30 ft	30 ft	30 ft	30 ft	20 ft
Agricultural Structure	—	—	—	50 ft	50 ft	50 ft	50 ft	—
Maximum Height	45 ft	40 ft	40 ft	45 ft	45 ft	45 ft	45 ft	40 ft
Maximum Coverage	50%	35%	35%	25%	25%	20%	20%	75%
NOTES: ¹ May be subject to agricultural setbacks under Section 17.30.030 if adjoining agricultural zones.								

CHAPTER 17.25 – SPECIAL PURPOSE ZONES

Sections:

- 17.25.010 Purpose and Intent
- 17.25.020 Matrix of Permitted Uses
- 17.25.030 Special Purpose Zone Development Standards

17.25.010 Purpose and Intent

- A. The purpose of special purpose zones is to achieve the following:
 - 1. Identify areas suitable for public and private recreational opportunities and facilities on a regional basis, consistent with the General Plan.
 - 2. Encourage economic development by providing opportunities for tourism and recreation-based businesses to expand and develop in appropriate areas of the County, while minimizing conflicts with adjacent land uses.
 - 3. Establish development standards for public and private recreational development to protect the public health, safety, and welfare as well as the privacy and quiet of surrounding property owners.
 - 4. Protect and preserve the established and proposed transportation corridors within the County.
 - 5. Provide areas for transportation-related facilities and services that do not create a conflict between the existing and future transportation needs of the County.
 - 6. Identify, protect, and regulate lands set aside as open space, public lands, areas not suitable for development, natural resources, scenic viewsheds, outdoor passive recreation areas, important watersheds, riparian areas and aquifers, and rare, threatened, and endangered species and their habitats.
- B. This Chapter lists the land uses that may be allowed within the special purpose zones established by Section 17.12.020 (Zoning Map and Zones), determines the type of planning permit/approval required for each use, and provides basic standards for site layout and building size.
- C. The purpose of the Special Purpose zones and the manner in which they are applied is as follows:
 - 1. **Low-Intensity Recreational Facilities (RFL).** The RFL, Low-Intensity Recreational Facilities Zone is intended 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 development. Uses include but are not limited to camping, picnicking, equestrian staging, and river put-in and take-out.

2. **High-Intensity Recreational Facilities (RFH).** The RFH, High-Intensity Recreational Facilities Zone is intended 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. This zone also includes that land set aside for active recreational purposes as part of a subdivision, development plan, specific plan, or other discretionary process.
3. **Transportation Corridor (TC).** The TC, Transportation Corridor 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, Open Space Zone, is intended to identify and protect land set aside for passive 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; 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 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.

17.25.020 Matrix of Permitted Uses

Uses are permitted in Special Purpose zones subject to the requirements of this Title as designated in Table 17.25.020 below:

Table 17.25.020 Special Purpose Zones Use Matrix

<p>RFL: Recreation Facility-Low RFH: Recreation Facility-High TC: Transportation Corridor OS: Open Space</p>	<p>P Permitted use (Article 4) A Administrative permit required (17.52.010) T Temporary use permit required (17.52.070) CUP/ Conditional Use Permit / MUP Minor use permit required (17.52.020) TMA Temporary mobile home permit (17.52.060) — Use not allowed in zone</p>				
USE TYPE <i>(Use Types described in Article 8 Glossary)</i>	RFL	RFH	TC	OS	Specific Use Regulation
Agricultural					
Cropland	—	—	—	P	
Grazing	P	—	—	P	
Orchards and Vineyards	—	—	—	P	
Timber Production	—	—	—	CUP	
Recreation and Open Space					
Campground	CUP	CUP	—	—	17.40.100
Golf Course	CUP ¹	CUP	—	—	17.40.210
Hiking and Equestrian Trail	P	P	P	P	
Hunting Club, Farm, or Facility	CUP	CUP	—	CUP	
Marina, Motorized Craft	CUP	CUP	—	—	17.40.210
Marina, Non-Motorized Craft	A	A	—	CUP	
Off-road Vehicle Recreation Area	CUP	CUP	—	—	
Picnic Area	P	P	P	P	
Private Recreation Area	CUP	CUP	—	—	
Recreational Vehicle Park	—	CUP	—	—	17.40.100
Resource Protection and Restoration	P	P	P	P	
Riding Stables	A	A	—	—	17.40.210
River Put-in and Take-out	CUP	CUP	—	CUP	
Ski Area	CUP	CUP	—	—	
Snow Play Area	A	A	—	CUP	17.40.210
Special Events, Temporary	T	T	—	T	
Swimming Pools	CUP ¹	CUP	—	—	17.40.210

RFL: Recreation Facility-Low RFH: Recreation Facility-High TC: Transportation Corridor OS: Open Space	P Permitted use (Article 4) A Administrative permit required (17.52.010) T Temporary use permit required (17.52.070) CUP/ Conditional Use Permit / MUP Minor use permit required (17.52.020) TMA Temporary mobile home permit (17.52.060) — Use not allowed in zone				
USE TYPE <i>(Use Types described in Article 8 Glossary)</i>	RFL	RFH	TC	OS	Specific Use Regulation
Tennis Courts	CUP ¹	CUP	—	—	
Trail Head Parking and Staging Area	CUP	CUP	A	CUP	
Residential					
Caretaker Unit: Permanent	—	A	—	—	17.40.120
Temporary	—	TMA	—	—	
Construction Trailer, Contractor’s Office: On-site	—	P	—	—	17.40.190
Off-site	—	A	—	—	
Commercial					
Automotive and Equipment: Fuel Sales	—	CUP	—	—	
Commercial Recreation: Arcade	—	P	—	—	
Indoor Entertainment	CUP ¹	P	—	—	
Large Amusement Complex	—	CUP ²	—	—	
Outdoor Entertainment	CUP ¹	CUP	—	—	
Outdoor Sports and Recreation	CUP ¹	CUP	—	—	
Lodging Facilities: Hotel and Motel	—	CUP ²	—	—	
Restaurant, Without Drive-through	—	CUP	—	—	
Seasonal Sales	—	A	A	A	17.40.220
Specialized Education and Training	—	CUP	—	—	
Industrial					
Equipment and Materials Storage Yard Permanent	—	—	A	—	17.40.320
Temporary	—	T	T	—	
Mineral Exploration	CUP	CUP	—	—	Chapter 17.29
Mining, Subsurface	CUP	CUP	—	—	

RFL: Recreation Facility-Low RFH: Recreation Facility-High TC: Transportation Corridor OS: Open Space	P Permitted use (Article 4) A Administrative permit required (17.52.010) T Temporary use permit required (17.52.070) CUP/ Conditional Use Permit / MUP Minor use permit required (17.52.020) TMA Temporary mobile home permit (17.52.060) — Use not allowed in zone				
USE TYPE <i>(Use Types described in Article 8 Glossary)</i>	RFL	RFH	TC	OS	Specific Use Regulation
Civic					
Community Services	CUP ¹	CUP	—	—	
Parks: Day Use	P	P	—	CUP	17.40.210
Nighttime Use	CUP ¹	CUP	—	—	
Transportation					
Intermodal Facility	—	CUP	P	—	
Parking Lot, Public	—	—	P	—	
Utility and Communication					
Antenna and Communication Facility	A/CUP	A/CUP	CUP	CUP	17.40.130
Public Utility Structure and Service: Intensive	CUP	CUP	CUP	CUP	17.40.250
Minor	P	P	CUP	CUP	
Wind Energy Conversion System	See Table 17.40.390.1 (WECS Use Matrix)				17.40.390
Notes: ¹ In Rural Centers, only. ² In Community Regions, only.					

17.25.030 Special Purpose Zone Development Standards

Permitted uses and associated structures shall comply with the following development standards, in addition to any other applicable requirements of this Title:

Table 17.25.030 Special Purpose Zone Development Standards

	RFL	RFH	TC	OS
Minimum Lot Size	5 acres	5 acres	None	None
Setbacks: Front	50 feet	50 feet	30 feet	50 feet
Sides	50 feet	50 feet	30 feet	50 feet
Rear	50 feet	50 feet	30 feet	50 feet
Maximum Height	35 feet	35 feet	35 feet	25 feet

CHAPTER 17.26– MEYERS COMMUNITY PLAN (MCP) ZONE

Sections:

- 17.26.010 Purpose
- 17.26.020 Applicability
- 17.26.030 Zone Designations
- 17.26.040 Uses Permitted by Right or by Conditional Use Permit
- 17.26.050 Matrix of Permitted Uses
- 17.26.060 Development Standards

17.26.010 Purpose

It is the purpose of the MCP Zone to implement the policies of the Meyers Community 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 permitted uses and development standards may vary for each designated area as a means of implementing the policies of the adopted Meyers Community Plan.

17.26.020 Applicability

The regulations set forth in this Chapter shall apply to the Meyers Community Plan (MCP) Zone. Where applicable, the standards of Title 17 of the County Code of Ordinances shall apply. Additionally, the provisions of the Tahoe Regional Planning Agency (TRPA) Code of Ordinances shall apply to all projects within the MCP Zone. Where there is a conflict with the TRPA Ordinances and this Ordinance, the most restrictive standard shall apply.

17.26.030 Zone Designations

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

- A. MCP-1 Yanks Station Land Use District
- B. MCP-2 Lake Valley Land Use District
- C. MCP-3 West Meyers Land Use District
- D. MCP-4 Industrial Tract Land Use District
- E. MCP-5 Upper Truckee River Land Use District

17.26.040 Uses Permitted by Right or by Conditional Use Permit

- A. The resource management uses of timber, wildlife/fisheries, vegetation protection and watershed improvements are permitted uses in any of the MCP zones as long as such practices are consistent with the Meyers Community Plan.
- B. Tahoe Regional Planning Agency Code of Ordinances, Chapter 18, Section 18.4, *Definition of Uses*, is adopted by reference for the uses listed under Table 17.26.050.

17.26.050 Matrix of Permitted Uses

Uses are permitted in the following zones subject to the requirements of this Title as designated in Table 17.26.050 below:

Table 17.26.050 Permitted, Conditional Uses, and Prohibited Uses

Only those uses listed on the following table and otherwise noted in this Section shall be permitted by right or by conditional use permit within the zones specified. The table has the following designations:

- “P” Permitted use;
- “CUP” Use permitted subject to issuance of a conditional use permit;

Use types not listed, or designated by a dash (–) are not permitted in that district.

LAND USE	MCP-1	MCP-2	MCP-3	MCP-4	MCP-5
<i>Residential</i>					
Employee Housing	CUP	CUP	CUP	–	–
Multiple Unit Dwelling	CUP	–	CUP	–	–
Multiple Person Dwelling (i.e., dormitories, etc.)	CUP	–	–	–	–
Nursing and Personal Care	P	–	–	–	–
Single Family Dwelling	–	CUP	CUP	–	P
<i>Tourist Accommodation</i>					
Time-share units	CUP	–	–	–	–
Bed and Breakfast Facilities	CUP	P	CUP	–	CUP
Hotels/Motels	CUP	–	–	–	–
<i>Commercial (Retail)</i>					
Auto/Mobile Homes/Vehicle Dealers	–	–	–	CUP	–
Building Materials/Hardware	P	–	CUP	P	–
Eating and Drinking Places	P	–	P	P	–
Food and Beverage Sales	P	–	P	CUP	–
Furniture/Home Furnishings/Equipment	P	–	P	CUP	–

LAND USE	MCP-1	MCP-2	MCP-3	MCP-4	MCP-5
General Merchandise Stores	P	–	P	CUP	–
Mail Order and Vending	CUP	–	CUP	P	–
Nursery	P	–	CUP	P	–
Outdoor Retail Sales	CUP	CUP	–	CUP	–
Service Stations	CUP	–	CUP	–	–
Commercial (Entertainment)					
Amusements and Recreation Services	P	CUP	P	–	–
Privately Owned Assembly and Entertainment	CUP	CUP	CUP	–	–
Outdoor Amusements	CUP	CUP	CUP	–	–
Commercial (Services)					
Animal Husbandry Services	P	–	CUP	P	–
Broadcasting Studios	P	–	P	P	–
Business Support Services	P	–	P	P	–
Contract Construction Services	CUP	–	–	P	–
Financial Services	P	–	P	CUP	–
Health Care Services	P	–	P	CUP	–
Personal Services	P	P	P	CUP	–
Professional Offices	P	–	P	CUP	–
Repair Services	CUP	–	CUP	P	–
Schools-Business and Vocational	CUP	–	CUP	–	–
Sales Lots	–	–	–	CUP	–
Secondary Storage	CUP ⁽¹⁾	–	–	CUP	–
Auto Repair and Service	CUP	–	–	CUP	–
Laundries and Dry Cleaning	–	–	CUP	CUP	–
Commercial (Light Industrial)					
Food and Kindred Products	CUP	–	CUP	P	–
Fuel and Ice Dealers	–	–	–	P	–
Industrial Services	–	–	–	CUP	–
Printing and Publishing	CUP	–	CUP	P	–
Commercial (Wholesale/Storage)					
Recycling and Scrap	–	–	–	CUP	–
Small Scale Manufacturing	CUP	–	–	CUP	–
Storage Yards	–	–	–	CUP	–

LAND USE	MCP-1	MCP-2	MCP-3	MCP-4	MCP-5
Vehicle/Freight Terminals	-	-	-	CUP	-
Vehicle Storage and Parking	CUP	-	CUP	P	-
Warehousing	CUP ⁽¹⁾	-	CUP	P	-
Wholesale and Distribution	CUP	-	CUP	P	-
Public Services (General)					
Churches	CUP	CUP	CUP	-	-
Collections Stations	CUP	-	CUP	P	-
Child Day Care Facilities and Preschools	P	P	P	CUP	CUP
Government Offices	P	P	P	CUP	-
Hospitals	CUP	CUP	-	-	-
Local Assembly and Entertainment	CUP	P	CUP	CUP	-
Local Post Office	CUP	CUP	P	-	-
Local Public Health and Safety Facilities	CUP	CUP	CUP	P	CUP
Membership Organizations	P	P	P	-	-
Publicly Owned Assembly and Entertainment	CUP	CUP	CUP	-	-
Public Utility Centers	CUP	CUP	CUP	CUP	-
Regional Public Health and Safety Facilities	CUP	CUP	CUP	CUP	-
Social Service Organizations	P	P	CUP	-	-
Schools (K-12)	CUP	-	-	-	-
Cultural Facilities	CUP	P	P	CUP	CUP
Schools/Colleges	CUP	-	-	-	-
Public Service (Linear Facilities)					
Pipelines and Power Transmission	CUP	CUP	CUP	CUP	CUP
Transit Stations and Terminals	CUP	CUP ⁽²⁾	P	P	CUP
Transportation Routes	CUP	CUP	CUP	CUP	CUP
Transmission and Receiving Facilities	CUP	CUP	CUP	CUP	CUP
Recreation					
Cross Country Ski Courses	P	P	P	P	CUP
Day Use Areas	P	P	P	-	CUP
Golf Courses	-	-	-	-	-
Group Facilities	-	-	-	-	-
Outdoor Recreation Concessions	CUP	P	P	CUP	-
Participant Sport Facilities	CUP	CUP	P	CUP	-

LAND USE	MCP-1	MCP-2	MCP-3	MCP-4	MCP-5
Recreation Centers	CUP	P	P	–	–
Riding and Hiking Trails	P	P	P	P	CUP
Rural Sports	–	–	–	CUP	–
Snowmobile Courses	–	–	–	–	–
Sport Assembly	CUP	–	–	–	–
Visitor Information Center	CUP	CUP	P	–	CUP
Developed Campgrounds	–	–	–	–	–
⁽¹⁾ Applies only to parcels on Santa Fe Road.					
⁽²⁾ Maintenance facilities not allowed within any new transit facilities.					

17.26.060 Development Standards

A. The following provisions shall apply in all MCP zones unless a variance is obtained in compliance with Section 17.52.070 (Variance), or a modification is approved by the Advisory Committee for the front yard setback as further described herein.

The following table sets forth the applicable lot area, lot width and setback requirements for each MCP zone. Land coverage, building height, development density, and sign standards are further regulated under the TRPA Code of Ordinances and Appendix B of the Meyers Community Plan.

Table 17.26.060 Meyers Community Plan Development Standards

Commercial/Industrial	MCP-1	MCP-2	MCP-3	MCP-4	MCP-5
Lot Area (Sq. Ft.)	5,000	5,000	5,000	10,000	5,000
Lot Frontage (Ft.)	50	50	50	100	50
Setbacks:					
Front (Ft.)	20 ¹	20 ¹	20 ¹	20 ¹	20 ¹
Side (Ft.)	0	0	0	0	0
Rear (Ft.)	0	0	0	10	0
Adjacent to residential	25	25	25	25	25
Residential					
Lot Area (Sq. Ft.)	6,000	6,000	6,000	NA	6,000
Lot Frontage (Ft.)	0	60	60	NA	60
Setbacks:					

Front (Ft.)	20 ²	20 ²	20 ²	NA	20 ²
Side (Ft.)	5	5	5	NA	5
Rear (Ft.)	15	15	15	NA	15

Notes:

¹ The front setback may be reduced upon review by the Advisory committee as part of the design review application when such reduction supports the policies of the Meyers Community Area Plan.

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

- 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 17.52.030.

CHAPTER 17.27 – COMBINING ZONES

Sections:

- 17.27.010 Purpose, Intent, and Applicability
- 17.27.020 Airport Safety (-AA)
- 17.27.030 Avalanche Hazard (-AV)
- 17.27.040 Community Design Review (-DC)
- 17.27.050 Dam Failure Inundation (-DFI)
- 17.27.060 Ecological Preserve (-EP)
- 17.27.070 Historic Design Review (-DH)
- 17.27.080 Manufactured/Mobile Home Park (-MP)
- 17.27.090 Noise Contour (-NC)
- 17.27.100 Platted Lands (-PL)
- 17.27.110 Scenic Corridor Design Review (-DS)
- 17.27.120 Tahoe Basin (-T)

17.27.010 Purpose, Intent, and Applicability

A. Purpose and Intent. The purpose and intent of this Chapter is to:

1. Identify areas of the County with specific land uses, opportunities or restrictions, and to provide additional regulations and incentives to further implement the General Plan, protect the identified resource or land use, and ensure appropriate development within those areas.
2. Identify those lands which pose a potential threat to the general welfare of the residents of the county and to provide regulations limiting the type and intensity of development within those identified areas in order to protect the public health, safety and welfare of the community. It is the intent of the County to permit economic use of the properties identified as having a public safety constraint while limiting the exposure of persons and property to unnecessary hazards.
3. Establish a review process which will protect and enhance the visual character, design layout, and economic resources of lands, buildings and communities. It is the intent of this Chapter to protect historic buildings and areas, enhance tourism and the economy of the county by preserving the scenic resources along specified routes, and to facilitate the development of design review standards that define and maintain a sense of community identity.

B. Applicability. The provisions of this Chapter apply to development and land uses in addition to all other applicable requirements of this Title. Any conflict between the provisions of this Chapter and any other provision of this Title shall be resolved in compliance with the stricter of the provisions.

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 17.64 (*Amendments and Rezoning*) and to any specific rezoning requirements of the applicable combining zone.
2. **Allowed Land Uses, Permit Requirements, Development Standards.** Except as may be otherwise provided by this Chapter for a specific combining zone:
 - a. Any land 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 land uses within a combining zone shall obtain the development permits required by this Chapter for the base zone and the combining zone, as applicable; and
 - c. Development and land 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.

17.27.020 Airport Safety (-AA) Combining Zone

- A. **Purpose and Intent.** The purpose of this Section is to implement General Plan Policies 6.5.2.2 and 6.8.1.2 through the establishment of regulations intended to:
 1. Minimize public exposure to airport-related hazards;
 2. Assure that the creation or establishment of structures or placement and growth of trees will not constitute hazards to air navigation;
 3. Assure the compatibility of permitted development with anticipated airport noise levels; and
 4. Support the economic development of airports within the County.
- B. **Applicability.** The regulations set forth in this Section shall be combined with existing base zones and shall apply to areas designated Airport Safety (-AA), on the zoning maps. The -AA Combining Zone shall be applied to all lots that encroach into the airport imaginary surfaces, airport safety zones, or within airport areas with a noise exposure level equal to or in excess of 55dB/CNEL as identified in the airport comprehensive land use plan in compliance with General Plan Policy 6.5.2.1. All land uses and development standards of the base zone shall apply in the combining zone except when they are inconsistent with or modified by the land uses and development standards set forth in this Section.
- C. **Compatibility with Comprehensive Land Use Plan (CLUP).** 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 CLUP. The following matrix summarizes specific regulations within each CLUP. The dash (-) symbol indicates where the individual CLUP is silent on that particular regulation. Where questions arise, final determinations should be made based upon thorough review of the applicable CLUP. Where a development standard or requirement of the CLUP conflicts with the standards or requirements of this Section or the remaining Ordinance, the more stringent of the provisions shall prevail.

Table 17.27.020.A

REGULATIONS:	CLUPS			
	Cameron Park	Placerville	Georgetown	Lake Tahoe
Safety Zone 1:				
Land Uses	No permanent structures, residential use, or any other temporary or permanent use resulting in an assemblage >10 people/acre (**See Exceptions 17.27.020.E).			
Safety Zone 2:				
Land Uses	No shopping centers, restaurants, schools, factories, hospitals, office complexes, stadiums, ball fields, etc.			
Secondary Dwelling Units (du)	Prohibited	Allowed (subject to §65852.2.(c) CA Gov. Code), + caretaker’s unit. [**See County requirements under 17.27.020.(D.3)]		-
Maximum Occupancy	In C, CPO, CG, and I zones: 25people/acre/day, not to exceed 50 at any one time			
Maximum Density	6 du/acre and 4 du/bldg	1 du/5 acres		2 du/acre + no PD density bonus. Employee housing/ motels/hotels w/kitchens in 10% or more of units = 15du/acre, in <10% of units = 40du/acre
Alterations/additions	Allowed, along w/ development of single-residential lots created prior to CLUP	Limited to 200sf max addition		Allowed, along w/ development of single-residential lots created prior to CLUP
Safety Zone 3				
Land Uses	No schools (subject to the Dept. of Education) or stadiums;	+ no arenas, spectator sports facilities, auditoriums, concert halls, outdoor amphitheaters, concert shells or theaters.		

REGULATIONS:	CLUPS			
	Cameron Park	Placerville	Georgetown	Lake Tahoe
Community Care Facility	No more than 6 persons under care.			
55–60dB CNEL	Noise insulation standards applied to new construction.			
60–65db CNEL	Subdivision/parcel maps/new construction:		Residential development, only:	
	Noise insulation, buyer notification program, possible Avig&Noise easement.			
65db CNEL	Residential development: Buyer notification program + possible Avig&Noise easement; Subdivision/parcel maps prohibited			
Split Safety Zones	Uses and densities to conform to each separate zone.			
Nonconforming uses (NCU)	Must conform to CLUP if substantial damage is >50% + use cannot be expanded or changed to another NCU use.			
Compatibility review by Airport Land Use Commission (ALUC)	All Safety Zones: Discretionary approvals and permits +:			
	65CNEL: all construction permits.	–	60CNEL: rezones, CUPs, variances and all construction permits except detached single-residential du's.	

D. 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 –AA Combining Zones, as identified in each airport CLUP as follows:

1. Within and below the designated periphery of safety zones 1, 2, and 3:
 - a. Any distracting lights or glare, including any non-airport light that may be mistaken for airport lights or any source of glare including sunlight reflection directed towards an operating aircraft engaged in an initial straight climb following takeoff or in a straight final landing approach ;
 - b. Any significant source of smoke, whether from a permanent or temporary use;
 - c. Any hazardous installations such as above-ground oil, gas or chemical storage facilities, excluding facilities for non-commercial, private residential or agricultural use;

- d. Any source of electrical and electronic interference that disrupts radio communications or navigational signals; and
 - e. Any land use that attracts concentrations of birds to levels that would increase the risk of collision.
- 2. Within safety zone 1, any use, whether temporary or permanent, resulting in an assemblage of more than 10 persons per acre at any time.
 - 3. Within safety zones 1 and 2, secondary dwellings as provided in Section 17.40.300 (Secondary Dwellings).
- E. Exceptions.** The land use compatibilities under Subsection 17.27.020.C and the provisions of Subsection 17.27.020.D shall not apply to the following:
- 1. **Maximum Densities.** Notwithstanding the restrictions on the location of a single dwelling unit within an approach or departure zone, the construction of any new residential development on lots created lawfully prior to the adoption of a CLUP that would result in a building density greater than that allowed under the applicable CLUP may be permitted in accordance with height restrictions of Subsection 17.27.020.F and noise attenuation requirements of Subsection 17.27.020.G.
 - 2. **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.
 - 3. **Site Specific Exceptions.** Notwithstanding the requirements of the Cameron Airpark Airport CLUP or the land use compatibility guidelines for safety, a single-unit residential dwelling located within safety zone 1 may be constructed, maintained, altered, or reconstructed on lots 63 and 64 of Subdivision Book C page 85 (Cameron Park North Unit 1); and lot 98 of Subdivision Book D page 80 (Cameron Park North Unit 6). These residential uses shall not be considered nonconforming uses subject to Chapter 17.61 (Nonconforming Uses, Structures, and Lots).
 - 4. **Hardship.** Following a public hearing, any use or structure for which the Planning Commission finds that a hardship exists that clearly outweighs the public health, safety, and welfare objectives of the airport CLUP.
 - a. Prior to approval of a hardship variance, the Commission must make the following findings:
 - (1) There are unique circumstances that apply to the subject lot that do not otherwise apply to similar lots within the same safety zone;
 - (2) The granting of the hardship variance will not create a safety hazard to air traffic or persons on the ground; and

(3) The granting of the hardship variance does not nullify the purpose and intent of the applicable airport CLUP.

- b. 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, the finding of hardship must also be approved by a four-fifths vote of the voting members of the Board, following a public hearing.
- c. Prior to the review authority's action, the matter shall be referred to the County Airport Land Use Commission (ALUC) for review and comment. The Commission shall consider the comments, if any, of the ALUC in their review and decision.
- d. A request for hardship findings shall be filed with the Department on a form provided and shall be subject to applicable fees as set forth by resolution of the Board.

F. Height Restrictions. No structure or vegetation shall be located or extended such that the height of the structure or natural growth of the vegetation will encroach upon or rise above any of the imaginary surfaces of the airport.

- 1. Where there is a question as to whether either would penetrate an imaginary surface, the Director may require certification of ground elevations for the location of the proposed structure or landscape material. Such certification shall be determined by interpolation of the elevation contours, to the nearest foot, from elevation datum as deemed appropriate by a licensed surveyor.
- 2. An exception to the height restrictions may be granted subject to all of the following:
 - a. Based on factual evidence, the Director determines that the object would be substantially shielded by existing permanent structures or terrain in such a manner that it clearly would not affect the safety of air navigation;
 - b. The Federal Aviation Administration (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 the FAA regarding the possible effects of potential construction upon the navigable airspace; and
 - c. The California Department of Transportation Division of Aeronautics has issued a permit allowing construction of the proposed structure.
- 3. Any height exception granted by this Subsection 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 alert pilots to the presence of an airport obstacle.

- G. Noise Attenuation.** All residential structures located within the 55dB CNEL or larger contours shall comply with Title 25 of the California Administrative Code to attenuate exterior noise such that interior noise levels shall not exceed 45dB CNEL in any habitable room. Enlargements and additions to a dwelling unit in existence on the effective date of these regulations shall only be subject to the noise attenuation standards of this Subsection for that portion of the structure that is to be enlarged or added to the existing structure.
- H. Supplemental Application Information.** An application for a building or development permit or other use entitlement shall include the following information, along with any maps, drawings, or other information required by the Director to determine compliance with these regulations:
- 1. CNEL Contours.** Community noise equivalent level (CNEL) contours of 55dB CNEL or larger, as provided in the applicable airport CLUP, shall be superimposed on a topographic map of the development site to show present and, if applicable, future aircraft-generated sound levels projected for the property. All maps should be drawn at a scale designated by the Director.
 - 2. 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 be accompanied by building elevations.
 - 3. Specification of Uses.** Identification of the use(s) to occur within each structure or activity area shall be designated on the site/contour map.
 - 4. Noise Mitigation Measures.** An acoustical analysis report prepared by a professional experienced in the field of acoustical engineering describing noise attenuation measures to be applied in the development, together with an analysis of the effectiveness of the proposed noise insulation, in order to determine if the prescribed interior noise level requirements are met. If allowable interior noise levels are met by requiring that windows be inoperable or closed, the design for the structure must also specify the means that will be employed to provide ventilation and cooling to ensure a habitable interior environment, as well as to meet fire safe regulations.
 - 5. 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 24 hour period, such as, but not limited to, retail store customers.
- I. Airport Land Use Commission Review.** No discretionary permit, or ministerial permit for a new or expanded structure or the replacement of a nonconforming

structure, as defined in the CLUP, shall be approved for development or use under this Section until the following has occurred:

1. The County has forwarded the application to the agency responsible for the administration of the CLUP for review as to consistency with the plan; and
2. The County has received any recommended conditions or restrictions including, but not limited to the requirement for an appropriate aviation and/or noise easement, in order to ensure the public health, safety, and general welfare.

17.27.030 Avalanche Hazard (-AV) Combining Zone

A. Purpose. The purpose of this Section is to implement General Plan policies 6.3.2.2 through 6.3.2.5 with the establishment of regulations that:

1. Require the careful review of new development by the County, so as to ensure that such development is located and designed to avoid being at risk from avalanche hazards;
2. Minimize public exposure to avalanche-related hazards and subsequent emergency response requiring extraordinary public expenditures; and
3. Minimize the disruption of transportation and commerce.

B. Intent. The intent of this combining zone is to advise the public about areas subject to avalanche hazard and to reduce the risk to development or human activities in these areas. Nothing in these regulations is intended to prohibit the development of any lot, with the exception of any future subdivision in the area around Fallen Leaf Lake (Policy 6.3.2.2), provided proper design and construction practices are undertaken to safeguard against potential avalanches.

C. Applicability. These regulations shall be combined with existing base zones and shall apply to areas designated on the zoning maps as -AV, Avalanche Hazard, signifying lands that have an avalanche potential as identified in compliance with Subsection E.

D. Exemptions. The following activities shall be exempt from the requirements of this section:

1. Any agricultural use that does not involve a building.
2. Alterations, additions or improvements to an existing structure that do not meet the definition of a “substantial improvement”.

E. Avalanche Hazard Areas Identified. The Board shall designate, upon recommendation by the Planning Commission, those lands identified as having an avalanche potential based on approved studies that designate a minimum probability of occurrence greater than 1 in 100 (one percent) per year, or where avalanche damage is

documented. Those lands shall be identified on an Avalanche Hazard Map based on hazard severity, as follows:

1. **High Hazard (Red) Zones.** Avalanches in the red zone are designated by “R” on the Avalanche Hazard Map.
2. **Moderate Hazard (Blue) Zones.** Avalanches in the blue zone are designated by “B” on the Avalanche Hazard Map.

F. Development in Avalanche Hazard Zones.

1. Red Zone Development Requirements.

- a. Residential development shall not be permitted by right, but will require a Conditional Use Permit because avalanche pressure potentials are beyond the practical design limits of most residential structures, avalanche frequency is high, and detached structural protection is difficult or impossible to build within this zone.
- b. Any development that concentrates human activity, (such as ski-lift terminals, ticket areas, parking lots, trail heads, skating ponds, and public buildings) shall require a Conditional Use Permit because even though structural protection of some facilities might be feasible, people standing or working outside of these facilities could be exposed to avalanches.
- c. Private road construction will require a Conditional Use Permit subject to the requirements under Subsection H. Roadways through some red zones might be acceptable based on the frequency of avalanches in the specific area of proposed development.
- d. Utilities shall be placed underground when feasible.

2. Blue Zone Development Requirements.

- a. Construction of private buildings may be allowed by right, but only if reinforced or protected for design avalanche loads.
- b. Construction of public buildings shall require a Conditional Use Permit because of the potential for a greater concentration of people in and around them.
- c. Other public facilities such as parking lots and ski-lift terminals shall be located near the outer limits of the blue zone, and the area must be posted as potentially hazardous.
- d. Road construction is allowed by right.

- e. Utilities shall be placed underground when feasible.

G. Construction Standards Within Avalanche Hazard Zones. The requirements of this Subsection shall apply to any building permit for new construction, reconstruction, or other improvements that meet the definition of a “substantial improvement” when located within the Avalanche Hazard combining zone.

1. Prior to issuance of a building permit, the plans shall be certified by an architect or civil engineer who is licensed in the state of California, that the structure is designed to withstand the avalanche forces that it will be subjected to.
2. A Conditional Use Permit is required for structural avalanche control in the blue zone when the design avalanche cannot be completely avoided. Structural avalanche control can take the form of direct-protection structures, deflecting structures, retarding mounds, catching dams, or other forms that meet the certification requirements in Paragraph G.1, above.

H. Discretionary Permit Requirements.

1. Prior to the approval of any discretionary permit, the applicant shall submit a study prepared by a certified engineering geologist, licensed civil engineer (as to soils engineering), or recognized avalanche expert approved by the Director as appropriate, that identifies at a minimum the location, potential frequency, impact pressure, and return period of a potential avalanche.
2. No new lots or increase in General Plan land use or zoning density or intensity may be permitted within the red zone.
3. Subdivision lots may be created immediately adjoining both the red and blue zones, including the clustering of lots, except that no density bonuses allowed under Chapter 17.28 [Planned Development (-PD) Combining Zone] shall be granted for land set aside for avalanche hazard protection.
4. Land within the red and blue zones may be utilized for density transfers, as part of development plans that are located in more urbanized areas outside of and not adjoining the avalanche hazard zones.

I. Notice Requirements. Each owner of real property containing any structure or building within the Avalanche Hazard Combining Zone shall post the following notice at a prominent location within the main winter entry area of such structure or building. Such notice may be augmented by the owner to include whether the property is in a red (high) or blue (moderate) hazard zone, as long as this information is consistent with the official records retained by the County.

NOTICE TO OCCUPANT

1. *This building is located within a Potential Avalanche Hazard Area.*
2. *Avalanche control work is carried out in some areas. Explosives are commonly used for this purpose. You may receive special advisories or instructions from avalanche control personnel during periods when such control work is being performed.*
3. *During times of severe snow storms or other weather conditions which may produce high avalanche hazards, authorities may attempt to contact property owners to advise them of current conditions in avalanche zones. You must stay informed of weather conditions and rely ultimately on your own judgment.*
4. *Tune to local radio stations on your home or car radio for information.*
5. *For location information concerning avalanche control or local road closures, you may call:*

*Office of Emergency Services;
Local Fire Department;
Sheriff's Office*

J. Notice to Tenants and Purchasers. All persons who sell, rent, lease, or sublet any structure or building within an Avalanche Hazard Combining Zone, either as an owner, agent of such owner, or real estate salesperson or broker representing such owner, shall provide:

1. A copy of the notice specified by Subsection I to each tenant prior to occupancy.
2. Full disclosure of the information contained in the notice specified by Subsection I to any prospective buyer prior to sale of the property.

K. Violations – Penalty. In addition to the regulations under Section 17.67.050 (Code Enforcement: Penalty for Violation), penalties for violations of the provisions of this Section may include:

1. Making null, void, and unenforceable any agreement by an owner to sell, rent, lease, or sublet any structure within an avalanche hazard area; and/or
2. Assuming liability for damages in the manner provided by law.

L. Disclaimer. Because avalanches occur naturally and unpredictably, the location of the Avalanche Hazard Combining Zone is based on limited scientific evidence and is not definitive. There is no intent to imply that compliance with the requirements of this Section will fully protect property from avalanche danger, nor is it implied that property located outside of the Avalanche Hazard Combining Zone boundaries are free from avalanche danger.

17.27.040 Community Design Review (-DC) Combining Zone

A. Purpose. The purpose of this Section is to:

1. Provide for individual communities to develop design review standards for the protection, enhancement, and use of places, sites, buildings, and structures in order to insure a sense of community identity;
2. Provide project review procedures for property which by its character or location requires special site design to minimize aesthetic impacts on adjacent properties;
3. Provide special project review procedures in order to protect and enhance the aesthetic character of lands and buildings within view from a public highway;
4. Enhance tourism through the protection of lands and buildings having unique aesthetic characteristics.

B. Applicability. This Section shall apply to all areas designated Community Design Review Combining Zone (-DC) that are either adjacent and visible from State highways, located within the Missouri Flat Road Corridor, or located within community design review areas established by the Board. The following list identifies the current designated community design review areas:

1. Cameron Park
2. El Dorado Hills
3. Pollock Pines
4. Meyers Community Plan

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 17.52.030.

1. The requirements for a permit as set forth by this Subsection are meant to be in addition to, and not a substitute for, the requirements pertaining to building permits.
2. 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.

D. Exemptions. With the exception of the Meyers Community Plan Design Review Area (see 17.27.040.E), 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 where no external changes or alterations are proposed;
5. Minor additions to existing structures wherein the total floor area increase is 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; and
8. Structures accessory to temporary uses in compliance with Section 17.52.070 (Temporary Use Permit).

E. Meyers Community 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 Community Plan, shall be processed as a Design Review Permit. All design review applications shall be subject to applicable zone provisions and to the Meyers Community Plan Design Guidelines as noted within Appendix A of the Meyers Community 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 Chapters 4 and 26 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 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 Appendix A of the Meyers Community Plan, and shall be reviewed and approved, conditionally approved, or denied by the Department based on those provisions:
- 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 Community 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 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 restrictions 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, and those guidelines and standards that shall delineate the 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:
 - a. The local authority within the design review area, 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.
 - 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 their application 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 17.60.070 (Community Design Review Advisory Committees).
4. Until such time as new design guidelines and standards are adopted in compliance with Paragraph 3 above, design review of projects located in the Cameron Park and El Dorado Hills community design review areas shall utilize the guidelines set forth in the Community or Historic Design Guides where applicable, adopted by the Board of Supervisors on April 13, 1982. Projects located in the Pollock Pines design review area shall utilize the guidelines set

forth in the Sierra Design Guide, adopted by the Board of Supervisors on October 26, 1982.

17.27.050 Dam Failure Inundation (-DFI) Combining Zone

- A. Purpose and Intent.** The purpose of this Section is to implement General Plan Policy 6.4.2.1 in order to advise people of the potential hazard in the event of dam failure. The intent of this Section is to protect public health, safety, and welfare by establishing regulations that minimize public exposure to hazards created as a result of dam failure, disruption of commerce, and public and private losses resulting in extraordinary public expenditures. Nothing in this Section is intended to preclude the development of any lot.
- B. Applicability.** The regulations in this Section shall be combined with existing base zones and shall be designated as Dam Failure Inundation Combining Zones (-DFI) 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 under the jurisdiction of the State Department of Water Resources Division of Dam Safety and any federally-controlled dams not under state jurisdiction.
- C. Dam Failure Inundation Zones Identified.** The Board shall designate, upon recommendation of the Commission, any area of potential inundation in the event of dam failure, subject to the provisions of this Section.
- D. Uses Prohibited.** No new critical or high occupancy structures shall be located within a dam failure inundation zone to include, but not be limited to:
1. Schools.
 2. Churches and other places of assembly.
 3. Child day care facilities.
 4. Multi-unit residential dwellings.
 5. Mobile home parks.
 6. Community care facilities.
 7. Rooming houses.
 8. Hospitals.

17.27.060 Ecological Preserve (-EP) Combining Zone

- A. Purpose.** The purpose of this Section is to implement the *Ecological Preserve Mitigation and In-Lieu Fee Ordinance and Fee Resolution* (Ord. 4500) establishing an integrated method of protecting federally and state listed plant species as required by the General Plan, the California Environmental Quality Act, the Federal Endangered Species Act, and the California Endangered Species Act. Further, this Section is intended to identify and provide standards for lands for which fee title or conservation easements are acquired by the County to implement the Oak Woodland Management Plan and the Integrated Natural Resources Management Plan.
- B. Applicability.** The provisions of this Section shall apply to all areas designated Ecological Preserve (-EP) on the official Zoning Map. All base zone land uses and development standards shall apply in the –EP combining zone, except as set forth in this Section.

C. Definitions

Mitigation Area 0. Lands within an Ecological Preserve, as officially shown on maps on file in the Department.

Rare Plant Off Site Mitigation Program. Acquiring and restoring rare plant habitat through the purchase of fee interests or conservation easements of land within a designated Ecological Preserve. Acquisition and Restoration of rare plant habitat must be equal to 1.5 times the number of acres developed. Off site mitigation must be conducted according to guidelines established by the county and will be subject to review by representatives of the U.S. Fish and Wildlife Service (USFWS) and State Department of Fish and Game (DFG). The land or development rights purchased must be dedicated to a specified resource protection agency such as the Bureau of Land Management (BLM), DFG, or a designee of the agency.

- D. On-site Mitigation in Mitigation Area 0.** Development within Mitigation Area 0 will continue to address mitigation of impacts to rare plants on an individual basis. Within Mitigation Area 0, on site mitigation is strongly encouraged. Developments within Mitigation Area 0 shall mitigate impacts by exercising one of the following three options:
1. Set aside a part of the property and dedicate a perpetual conservation easement for habitat protection;
 2. Cluster development in the least environmentally sensitive portion of the property according to the Implementation Strategy adopted by the County in March 1993 and receive in appropriate cases a density bonus in return for dedication of a perpetual conservation easement over the remainder of the property; or
 3. Provide an independent mitigation plan that meets CEQA requirements, such as the purpose of long term protection of an amount of habitat in the same

Ecological Preserve and as close to the development site as feasible, equal to at least 1.5 times the acreage developed.

Option D.2, above, shall apply only to properties greater than five acres in area.

17.27.080 – Mobile/Manufactured Home Parks (-MP) Combining Zone

- A. Purpose.** The purpose of the Mobile/Manufactured Home Park (-MP) Combining Zone is to provide consistent standards for mobile/manufactured home parks, hereinafter referred to as “mobile home park(s)”, in order to provide affordable housing opportunities, protect environmental and natural resources, and locate such communities in specific residential areas in order to be compatible with the surrounding land uses.
- B. Applicability.** The following standards shall apply to new mobile home parks or proposed revisions to an existing mobile home park, where permitted 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.** As a part of the permit review, sufficient data shall be provided to the County to ensure compliance with the following standards:
- 1. Minimum Size.** Ten acres.
 - 2. Density.** Maximum overall density shall be consistent with the General Plan land use designation and zone standards. Density bonuses can be allowed subject to the requirements provided under Chapter 17.32 (Affordable Housing Requirements and Incentives).
 - 3. Fencing.** Where the mobile home park fronts a public road, a solid fence or wall shall be installed a minimum of 30 feet from the edge of right-of-way. The wall shall stand no less than six feet in height.
 - 4. Access.** Mobile home park access roads shall have clear and unobstructed access to a public roadway. There shall be no direct access from an individual mobile home space to a public roadway. If the number of mobile home spaces within a mobile home park exceeds 24, a minimum of two points of vehicular access to a public roadway shall be provided.

5. **Parking.** The mobile home park shall provide off street parking spaces for each mobile home unit and guest parking in accordance with Chapter 17.36 (Parking and Loading).
6. **Signs.** Mobile home park entrance signs, identifying name and address only, shall be limited to one monument sign at each access from a public roadway, to a maximum of two signs. Double-sided signs shall count as one sign. Additional requirements shall conform to the following:
 - a. **Size.** Each entrance monument sign shall stand no higher than five feet from underlying finish grade including the base platform or pedestal. Each sign area shall not exceed 32 square feet per display face, defined as the single area of the surface that encloses all letter and symbols.
 - b. **Location.** Signs may be located in the 30 foot front setback, providing they do not constitute a hazard to pedestrians or vehicular traffic, do not conceal from view any public sign or traffic signal, do not block the required cross visibility area at any access road or intersection for safe vehicular movement, and are not located on nor extend onto or project over public right of way without having first obtained an encroachment permit from the Department of Transportation.
 - c. **Aesthetics.** Each sign shall be designed to be compatible with the overall park theme, and shall be constructed of material that conforms and is complementary to the surrounding landscape and physical environment.
 - d. **Lighting.** Signs may be internally illuminated providing the background is darker than the text and numbers. Backlit, top-mounted or ground lighting may be allowed subject to compliance with Section 17.35 (Outdoor Lighting).
7. **Drainage.** A drainage plan shall be required demonstrating how surface runoff will be controlled. Said plan shall be prepared by an appropriately licensed professional and shall show all on-site and off-site improvements or facilities that will be necessary to control runoff, with necessary calculations of flow, velocity, or other data as may be required by the County for review of the plan.
8. **Water Supply and Sewage Disposal.** If public sewer and/or water supply are proposed, a will-serve letter or similar document from the water or sewer purveyor shall be provided indicating that sufficient supply and/or treatment capacity, and adequate lines are available or will be made available to serve the project. If wells and/or septic systems are proposed, sufficient well data, percolation tests, and other data as required by the County Environmental Health Division shall be provided to determine that adequate water supply and/or septic capability is available to serve the project.

9. **Commercial Use.** The construction of a structure within the mobile home park that is under the ownership or control of the park and can provide commercial use to the public shall be reviewed by the County for potential impacts on local services under a Conditional Use Permit. Examples of this type of use would include but not be limited to a dining room or bingo hall that is open to the public.

17.27.100 Platted Lands (-PL) Combining Zone

- A. **Purpose and Intent.** The purpose of the Platted Lands (-PL) Combining Zone is to identify isolated areas in the Rural Regions of existing, contiguous, smaller lots, and commercial or industrial sites where the existing residential density level of the lots or the commercial and industrial use of the land would not otherwise conform to the land use designations that are consistent with the Rural Region Planning Concept Area because of capability constraints and/or the existence of important natural resources. (General Plan Policies 2.2.1.1 and 2.2.2.3)

The intent of this Section is to permit continued use and enjoyment of said lands, but to limit their expansion into the areas in which they are located. The –PL Combining Zone within the Rural Regions is intended to provide areas for resource-based industrial uses located in close proximity to the resource itself, such as agriculture, timber resource production, mineral extraction, or other resource utilization.

- B. **Applicability.**

1. **Residential.** The –PL designation shall be combined with a residential zone which is indicative of the typical lot size located within the Platted Lands boundaries.
2. **Commercial.** The –PL designation may be applied to lands either historically zoned or developed for commercial use, and that are designated Commercial under the General Plan.
3. **Industrial.** The –PL designation shall be combined with those lands currently zoned Industrial.

- C. **Regulations.**

1. The existence of the –PL Combining Zone cannot be used as a criteria or precedent to expand or establish new incompatible land uses.
2. The –PL Combining Zone boundaries shall not be modified or expanded to include additional lots.
3. Subdivision of lots within the –PL Combining Zone shall be prohibited.

- D. **Permitted Uses.** The following uses are allowed subject to the following regulations:

1. **Residential.** Uses permitted in the base zone.
 2. **Commercial.** Uses permitted in the base zone, except that all uses are subject to a Conditional Use Permit. Residential uses, as a component of mixed use development, shall be prohibited in compliance with 17.40.180.B (Mixed Use Development: Applicability).
 3. **Industrial.** Uses permitted under I-PL in Table 17.23.020 (Industrial/R&D Zones Use Matrix).
- E. Development Standards.** Permitted uses and associated structures shall comply with the applicable development standards under the base zone and as set forth in Table 17.23.030 (Industrial/R&D Development Standards) for lands zoned I-PL.

17.27.120 – Tahoe Basin (-T) Combining Zone

- A. Purpose and Intent.** The purpose of the Tahoe Basin (-T) Combining Zone is to identify those lands under the jurisdiction of both the County and the Tahoe Regional Planning Agency (TRPA), and to coordinate planning and permitting activities between both agencies.
- B. Applicability.** The Tahoe Basin Combining Zone (-T) shall apply to all lands within the Lake Tahoe drainage basin, except for those zoned Meyers Community Plan (MCP).
- C. Development Review.** In addition to the standards required under the base zone, all land 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 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.

Table 17.27.120.A Tahoe Basin Combining Zone Development Standards

Development Attribute	RM	R1	R1A	RE	A	AE	TPZ	C	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 17.35.040.1 may be in tandem.							
Lot Coverage	Subject to: Bailey Land 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 22								
NOTES: ¹ Subject to Chapter 17.35 (Parking and Loading), except where noted.									

CHAPTER 17.28 – PLANNED DEVELOPMENT (-PD) COMBINING ZONE

Sections:

- 17.28.010 Purpose
- 17.28.020 Applicability
- 17.28.030 Combination with Other Zones
- 17.28.040 Zone Change and Development Plan Requirements
- 17.28.050 Residential Development Requirements
- 17.28.060 Residential Density Bonuses for Open Space Dedication
- 17.28.070 Condominium Conversions

17.28.010 Purpose

- A. The purpose of the Planned Development (-PD) Combining Zone is to:
 - 1. Provide for innovative planning and development techniques that encourage balanced growth while reflecting the character, identity, and scale of the local communities;
 - 2. Allow for flexibility of development through density bonuses and flexible development standards in order to create a wider range of housing options for all income levels to better meet the County’s objectives in providing affordable housing;
 - 3. Cluster intensive land uses to conserve natural, cultural, and scenic resources while providing dedicated open space to promote more efficient utilization of land;
 - 4. Regulate condominium development and condominium conversions;
 - 5. Provide a method to regulate development to minimize potential land use compatibility issues and environmental impacts.

17.28.020 Applicability

The provisions of this Chapter shall apply to the following:

- A. Lands zoned or required to be zoned with the Planned Development (-PD) Combining Zone;
- B. Subdivision applications proposing to create 50 or more residential lots, unless the following is true:
 - 1. The project has an overall density of two units per acre or less; and

- 2. The existing land use designation of the project site is High-Density Residential (HDR) under the General Plan.
- C. All residential and non-residential condominium projects, whether newly constructed or a conversion of existing development, in compliance with Section 17.28.070.
- D. Mixed Use Development in compliance with Section 17.40.180.

17.28.030 Combination with Other Zones

- A. The –PD Combining Zone shall be added to a base zone through a zone change application in compliance with Chapter 17.63 (Amendments and Zone Changes).
- B. Development density shall be that allowed in the base zone, except as provided in Section 17.28.050 (Density Bonuses for Dedication of Open Space in Residential Development) and Chapter 17.32 (Affordable Housing Requirements and Incentives).
- C. Permitted uses of a development plan shall only be those permitted in the base zone, as provided in Chapters 17.21 through 17.26 (Zones, Allowed Land Uses, and Zoning Standards), except for common area recreational facilities and similar uses. The uses may be restricted or limited by the review authority at the time of approval of the Development Plan Permit.

17.28.040 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 17.52.040 (Development Plan Permit) and Chapter 17.63 (Amendments and Zone Changes). 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 permitted 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.

17.28.050 Residential Development Requirements

All residential development projects in the –PD Combining Zone shall be subject to the following:

- A. **Open Space.** Thirty percent of the total site shall be dedicated to open space that provides either a common or public benefit, as defined in Subsection 17.28.060. Commonly owned open space shall not include space occupied by infrastructure such

as roads, parking lots, or sewer and water treatment plants, but can be land developed or set aside for:

1. Recreational purposes, such as parks, ball fields, or picnic areas;
2. Passive purposes, such as gathering places and garden areas;
3. Aesthetic purposes, such as naturally scenic areas;
4. Protection of natural resources; or
5. Pedestrian circulation, in compliance with Subsection C below.

B. Clustering. Residential units or lots shall be clustered to conform to the natural topography, minimize impacts on natural resources, avoid cultural resources, minimize aesthetic impacts, maintain opportunities for commercial grazing, and minimize loss of agricultural lands.

C. Pedestrian Circulation. Pedestrian connections shall be provided to allow internal circulation for the residents of the development to access adjacent commercial, recreational, residential, and civic land uses, or on-site open space areas. Said connections can be counted toward the open space requirement in Subsection A, above. Required circulation improvements that cannot be counted toward the open space requirement are those that provide access between parking lot(s) and dwelling units, between individual dwelling units or multi-unit buildings.

17.28.060 Residential Density Bonuses for Open Space Dedication

Density bonuses may be earned where land within a residential development project is set aside and dedicated for public benefit. As used in this Chapter, “public benefit” means open space for either public use, such as parks and trail easements, or for the public good and not necessarily for public use, such as natural resource conservation areas and wildlife habitat areas.

A. The amount of bonus units earned shall be based on the amount of developable land within the open space that is to be dedicated for public benefit. For purposes of this Section, “developable land” excludes the following:

1. Lakes, rivers, and perennial streams.
2. Wetlands that meet the Army Corps of Engineers definition of jurisdictional wetlands.
3. Areas with 30 percent or steeper slopes.
4. Areas encumbered by road and/or public utility easements.

5. Other land that cannot be developed because of regulatory limitations that would preclude structures or infrastructure
- 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.
- 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 permitted in the zone(s). Where there is more than one zone, total base units shall be the sum of each zone calculation.
 2. Bonus units are calculated by multiplying the acreage of developable land set aside as public benefit open space by 1.5 times the density permitted 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.
 3. Fractions of base units and bonus units resulting from the calculations above shall be rounded down to the next whole number.
 4. Total project density is the sum of the total base units and total density bonus units.

See Appendix C for examples of density bonus calculations.

- 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 17.31 (Affordable Housing Requirements and Incentives).

17.28.070 Condominium Conversions

Condominium conversions shall meet the following requirements:

- A. Conformance with applicable building code standards;
- 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 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
 - 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 17.32 (Affordable Housing Requirements and Incentives), or that contain any units restricted to households earning 120 percent or less of the area median family income; and
- F. Notice to the California Department of Housing and Community Development and the existing tenants shall be provided, in compliance with 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 17.32; or
 - 3. The project received other incentives based on the inclusion of affordable housing.

**CHAPTER 17.29 – MINERAL RESOURCE COMBINING ZONE (-MR):
EXPLORATION, MINING, RECLAMATION, AND PROTECTION****Sections:**

17.29.010	Purpose and Intent
17.20.020	Definitions
17.29.030	Applicability
17.29.040	Exemptions
17.29.050	General Requirements
17.29.060	Development Standards
17.29.070	Mineral Exploration
17.29.080	Measure A Initiative Ordinance
17.29.090	Mining and Reclamation
17.29.100	Standards for Reclamation
17.29.110	Interim Management Plans
17.29.120	Annual Report Requirements

17.29.010 Purpose and Intent

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. The purpose and intent of this Chapter is to:

- A. Identify 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 adjacent land uses, in compliance with General Plan Policies 2.2.2.7 and 7.2.2.2;
- B. Provide standards and regulations that promote and ensure the continued availability and development of the County's important mineral resources;
- C. Provide erosion control, groundwater protection, and otherwise protection of the environment;
- D. Regulate 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 land uses; and
- E. Protect the public health, safety, and welfare from residual hazards due to surface and sub-surface mining operations.

17.29.020 Definitions

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

“Incompatible Uses” shall mean land uses inherently incompatible with mining and/or that require public or private investment in structures, land improvements, and landscaping and that may prevent mining because of the greater economic value of the land and its improvements. Examples of such uses may include, but not be limited to high density residential, low density residential with high unit value, public facilities, geographically limited but impact intensive industrial, and commercial.

“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.

17.29.030 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 land uses and development standards of the base zone shall apply in the combining zone except when they are incompatible with or modified by the land 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 (Policy 7.2.3.12).

17.29.040 Exemptions

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

- A. Agricultural grading permitted by the Agriculture Department.
- B. On site excavation and grading activities that are an integral part of a construction project and necessary to prepare a site for development of structures, landscaping, or other land improvements, subject to all of the following conditions:
 - 1. The approved construction project is consistent with the General Plan and zone requirements of the site;

2. All required permits for the construction, landscaping, or related land improvements have been reviewed under CEQA, if applicable, and approved by the County; and
 3. Surplus materials shall not be exported from the site unless and until actual construction work has commenced and shall cease if it is determined that construction activities have terminated, have been indefinitely suspended, or are no longer being actively pursued.
- 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:
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.
- G. Recreational mining or prospecting.

17.29.050 General Requirements

- A. **Reclamation Plan and Financial Assurances.** All mining operations, as defined in Article 8 (see “Mining”), 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.

17.29.060 Development Standards

Mineral resource areas designated with the –MR Combining Zone, as well as existing surface mining operations that remain in compliance with the provisions of this Chapter, shall be protected from intrusion by incompatible land uses that may impede or preclude mineral extraction or processing to the extent possible. It is County policy that land use conflicts between non-mining uses and mining operations must be minimized by the creation of adequate buffer zones between such potentially conflicting land uses, as follows:

- A. Special Setbacks for Mining Operations.** For those mining operations not subject to the setback requirements under Section 17.29.080 (Measure A Initiative Ordinance) and where no disturbance of existing terrain shall occur, the setbacks shall be a minimum of 30 feet from the edge of road rights-of-way or easements and all property lines. Mining operations on adjoining lots under the same ownership shall require a Lot Line Merge in compliance with Chapter 16.53 of the County Code.
- B. Special Setbacks for Non-mining Uses on Adjoining Land.**
 - 1. Unless otherwise required under Section 17.29.080 (Measure A Initiative Ordinance), where uses incompatible with mining adjoin lands located in an –MR Combining Zone, the following setbacks shall apply:

Table 17.29.060.1 Setbacks

Lot Size	< 10 acres	10 acres or more
Setback	150 feet	250 feet

- C. Administrative Relief.** The required setback in Table 17.29.060.1 may be administratively reduced by not more than 50 percent where the property owner affected by the setback has demonstrated to the Director that the mineral resource is at least 250 feet from the property line, and mining activities are not likely to be carried on within 250 feet of the property line.
- D. Minimum Parcel Size for the Subdivision of Mineral Resource Lands.** The subdivision of lands within or adjoining the –MR Combining Zone into lots less than 20 acres shall be prohibited, except when the following occurs:
 - 1. 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;
 - 2. The review authority finds that the proposed subdivision will not threaten the potential to extract minerals in the area;

- 3. 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.
- E. The information required under Paragraphs D.1 through 3 for lands within the –MR Combining Zone, only, shall be forwarded to the State Geologist in compliance with SMARA Sections 2762-2763.

17.29.070 Mineral Exploration

- A. Exploration for economic mineral or ore deposits shall be allowed in compliance with Chapter 15.14 (Grading, Erosion, and Sediment Control Ordinance) when applicable and the permit requirements in Table 17.29.070.1 below, subject to the levels of disturbance in Subsection B.

Table 17.29.070.1 Mineral Exploration

For zone nomenclature, refer to Chapters 17.21 through 17.25.	A Administrative Permit required (17.52.010) CUP Conditional Use Permit required (17.52.020) — Use not allowed in zone		
	Level A	Level B	Level C
Zones			
RM, R1, R1A, R2A, R3A, NS,	A	—	—
RE, RL, AE, AP, PA, AG, FR, TPZ	A	CUP	CUP
I, R&D, C, CG, RFL, RFH, TC, OS	A	CUP	CUP
I-PL	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
 - 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 17.29.090 (Mining and Reclamation) and SMARA, as well as buffer requirements in compliance with Section 17.29.080 (Measure A Initiative Ordinance).

17.29.080 Measure A Initiative Ordinance

- A. Policy.** It is the policy of the County that land 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 land 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 land 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 land 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 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 permitted 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 permitted 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)

17.29.090 Mining and Reclamation

- A. Subsurface mining shall be permitted in any zone subject to issuance of a Conditional Use Permit, and only after impacts to the environment and affected surface land uses have been adequately reviewed and found to be in compliance with CEQA. Of particular importance shall be the impact of the operation on surface land uses, water quantity and quality, and noise and vibration impacts associated with surface access.
- B. Surface access to subsurface mines shall only be permitted in those zones which permit Levels B and C activities under Table 17.29.070.1, subject to a Conditional Use Permit.
- C. Vent and escape shafts may be permitted 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 land 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 17.52.020 (Conditional Use Permit) and 17.29.100 (Standards for Reclamation). 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.

- 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 17.29.100.B) 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.
 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 17.52.020.C (Specific Findings for Conditional/Minor Use Permits), 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 land 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 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 land 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.
- 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.

17.29.100 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 County-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 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 administration by the County and/or persons under contract by the County.
 - d. A contingency factor of ten 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.
- 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 17.52.090 (Appeals).
- 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 17.54.090), which is not preempted by SMARA.

17.29.110 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.
- 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 17.54.060.E (Article 5: Permit Expiration) on operations for which an IMP has been approved by the Director or submitted to the Director for review.

17.29.120 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.