

TITLE 17 – ZONING ORDINANCE Last Revised: 2/7/12

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ARTICLE 1 – ZONING ORDINANCE APPLICABILITY

CHAPTER 17.10 – ENACTMENT AND APPLICABILITY OF THE ZONING ORDINANCE

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17.10.10 Title (Prior Code Section 17.06.010)

This Title shall be known as, and may be cited and referred to as, the El Dorado County Zoning Ordinance or “Ordinance”. The Zoning Ordinance constitutes a portion of the County Ordinance Code.

Purposes of Zoning Ordinance (Prior Code Section 17.06.040)

The purpose of this Title is to protect and promote the public health, safety, peace, comfort, and general welfare of the County, and more particularly to:

- A. Implement the goals and objectives of the El Dorado County General Plan by guiding and managing the future growth of the County in accordance with adopted General Plan goals, objectives, policies and implementation measures.
- B. Direct land use in a manner that will assure the orderly development and beneficial use of the unincorporated areas of El Dorado County for residential, commercial, industrial, agricultural, forestry, recreation, open space, and other purposes.
- C. Manage the distribution of population in accordance with the availability of natural resources, public services, and infrastructure necessary to support the population.
- D. Encourage growth that reflects the character and scale of the location in which it occurs and recognize that planned developments are an effective planning tool to maximize community identity and minimize impacts on surrounding properties.
- E. Encourage economic activities that create employment opportunities that are commensurate with housing costs, maximize the economic potential of the County’s natural resources, reduce out-of-county retail purchase and employment travel, and provide housing and job opportunities for all levels of the County’s population.
- F. Maintain and protect the County’s natural beauty and environmental quality, vegetation, air and water quality, natural landscape features, cultural resource values,

and maintain the rural character and lifestyle while ensuring the economic viability critical to promoting and sustaining community identity. (Source: GP Vision Statement, item 1)

- G. Provide for the housing needs of present and future residents of the County and allow for the construction of housing affordable to all segments of the population.
- H. Reduce hazards to the public resulting from the inappropriate location, use, or design of buildings, structures, and land uses in relation to natural and built hazards and the County highway system.

17.10.020 Authority, Relationship to General Plan

- A. This Title is adopted based on the authority vested in El Dorado County by the State of California, including but not limited to the *State Constitution, Section 65800 et seq. of the California Government Code, the California Environmental Quality Act, the Subdivision Map Act, Housing Act, Surface Mining and Reclamation Act, and applicable provisions of the Health and Safety Code.*
- B. This Title is hereby adopted and shall be maintained so as to be consistent with the El Dorado County General Plan. Any land use or development approved according to the requirements of this Title shall be consistent with the General Plan and any applicable specific plan.
- C. Within the Lake Tahoe Basin, as delineated on Figure LU-1 (Land Use Diagram) of the General Plan, all land use and development approvals shall also be subject to requirements of the Lake Tahoe Regional Plan and the El Dorado County Ordinance Codes.
- D. Where an inconsistency exists between the General Plan and the zoning designation for a lot, the General Plan designation shall govern. (Reference GP Policy 2.2.5.20)

17.10.030 Responsibility for Administration

- A. **Responsible Bodies and Individuals.** This Title shall be administered by:
 - 1. The El Dorado County Board of Supervisors, hereafter referred to as the Board;
 - 2. The Planning Commission, hereafter referred to as the Commission;
 - 3. The County Zoning Administrator, hereafter referred to as the Zoning Administrator;
 - 4. The Advisory Committees appointed by the Board for distinct communities in the county to review design review applications, hereafter referred to as Design Review Committees, including the following:
 - a. Cameron Park Design Review Committee

- b. El Dorado Hills Design Review Committee
 - c. Pollock Pines Design Review Committee
 5. The Director of the Development Services Department or designee, hereafter referred to as the Director; and
 6. The Development Services Department hereafter referred to as the Department.
- B. Responsibility and Authority of the Director.** Whenever this Title refers to the Department, it is expressly understood that the Department staff are acting under the direction and control of the Director, and that they report directly to the Director rather than the Commission or the Board.
- C. Rules of Application.** This Title shall be applied in the following manner:
1. **Minimum Requirements.** The provisions of this Title shall be deemed to be the minimum standards required for the protection of the public health, safety, and welfare.
 2. **Conflicting Provisions.** If conflicts occur between different requirements of this Title, or between provisions of this Title and requirements imposed by other provisions of the El Dorado County Ordinance Code or other laws, rules, and regulations, the more stringent development requirement or greater restriction on the use of land or buildings shall apply.
 3. **Single Lot in Multiple Zones.** In the event that a single lot is covered by two or more zones, the uses of that lot shall be consistent with the zone as shown for the portion of the lot on which the use is proposed to be placed.
 4. **Map Boundaries.** Where the boundaries of any zone shown on the zoning maps are uncertain, the following rules shall apply to resolve the uncertainty:
 - a. Where a zone boundary approximately follows a lot line, or road or street, such lot line or the centerline of the road or street shall be construed to be the boundary.
 - b. Where a zone boundary approximately follows a stream or river, ridge line or other distinct geographic or topographic feature, such stream or geographic feature shall be construed to be the boundary.
 - c. If a zone divides a lot, and the boundary line location is not otherwise designated, the location of the boundary shall be determined by the use of the scale appearing on the zoning map.
 5. **Map Corrections.** Where a zone boundary appears to be in error, the Director may make the correction based on historical data, prior zoning maps, and other

available information. Where the record is unclear, the zoning shall be reviewed by the Commission to determine if the map is in error. If, after review of the record, the Commission finds that the map is in error, they shall direct the Director to correct said error by revising the official maps accordingly within 30 days of the Commission's review.

17.10.040 Applicability of Zoning Ordinance (No prior code)

- A. Area of Applicability.** The provisions of this Title shall apply to all lands within the unincorporated area of the County of El Dorado except as provided in Subsection B.
- B. Exemptions from Zone Ordinance Requirements.** The provisions of this Title do not apply to the following activities, land uses, and structures, except where provisions of a memorandum of understanding between the County and another governmental agency provide for County land use regulatory authority:
1. Activities of the Federal Government on federally owned or leased land.
 2. Activities of the State of California or any agency of the state on state owned or leased land.
 3. Activities of a local agency, as defined in California Government Code Section 53090, as provided in Section 53091 et seq.
 4. The location and construction of facilities for water and electrical energy as provided in Government Code Section 53091.
 5. Existing and future preemptions of local land use authority resulting from State Law.
- C. Effect of Zoning Ordinance Changes on Projects in Progress.** The enactment of this Title or amendments hereto may have the effect of imposing different standards on development or new land uses from that which previously applied. Following the effective date of this Title the following provisions shall apply:
1. **Pending Applications.** Applications which have been determined by the Department to be complete in compliance with Government Code Section 65943 before the effective date of this Title, or any amendment hereto, shall comply with the provisions of this Title in effect on the date that the application is deemed complete.
 2. **Approved Applications.** Applications approved prior to the effective date of this Title, or any amendment hereto, may be constructed or used in accordance with the conditions of approval therefore; provided, however, approval of any extension shall be governed by the provisions of Subsection C.3 below.
 3. **Time Extensions.** An approval of an extension of time for a pending application may be conditioned to comply with the provisions of this Title in

effect when the application for time extension is deemed complete in compliance with Government Code Section 65943.

- 4. **Subdivisions.** Except as provided in Chapter 16.68 (Vesting Tentative Maps) of the County Ordinance Code and Government Code Section 66498.1, the provisions of this Subsection shall apply only to the creation of lots authorized by an approved tentative map or tentative parcel map deemed complete prior to the effective date of this Title. Subsequent development of lots shall meet the provisions of this Title in effect at the time that such subsequent development occurs unless provisions of a planned development or other application under paragraphs C.1 and C.2 apply.

- D. **Exception for Area Covered by Specific Plan.** Where a specific plan has been adopted for an area in compliance with Chapter 17.56 and Government Code Section 65450 et seq., the zones, development standards, and other provisions of the specific plan and any implementing ordinance adopted in compliance with that plan shall supersede the provisions of this Title. In the event that a specific plan implementing ordinance does not address an issue, the provisions of this Title shall apply.

17.10.050 Rules of Interpretations

The Director shall have the authority to issue administrative interpretation of the provision of this Title to resolve ambiguities.

- A. **Record of Interpretations.** Whenever the Director determines that the applicability or that the meaning of any of the provisions of the Title is ambiguous, the Director may issue an official interpretation. Official interpretations shall be in writing, and cite the provision being interpreted, together with an explanation of its meaning or application in the particular or general circumstances that caused the need for interpretation. Where the Director finds that no clear interpretation can be made, the matter may be referred to the Commission. The Commission shall hold a public hearing prior to making an interpretation. Notice of such hearing shall be provided by listing the matter on the Commission agenda and posting notice at least 72 hours prior to the hearing. A record of all official interpretations shall be maintained and available for public review, indexed by the section number of this Title that is the subject of the interpretation. Interpretations shall be incorporated into the official text of the Ordinance within 12 months of the Director or Planning Commission determination through the County text amendment process.
- B. **Appeal of Interpretations.** Interpretations by the Director may be appealed to the Commission in compliance with Section 17.52.090.

17.10.060 Severability

If any provision of this Title is for any reason held to be invalid, unconstitutional, or unenforceable by a court of competent jurisdiction, the decision shall not affect the validity of the remaining portions of this Title. The Board hereby declares that it would have adopted this

Title and each provision thereof, irrespective of the fact that any one or more portions of this Title may be declared invalid, unconstitutional, or unenforceable.

17.10.070 Indemnification and Hold Harmless Agreement

- A. Applicant’s Agreement to Indemnify and Hold Harmless.** As a condition of approval of a land use application, the applicant shall agree to defend, indemnify, and hold harmless the County or its agents, officers, and employees from any claim, action, or proceeding against the County or its agents, officers, or employees to attack, set aside, void, or annul an approval of the County, an advisory agency, appeal board or legislative body concerning the map or permit or any other action relating to or arising out of County approval.

- B. County’s Duty to Notify Applicant and Cooperate in Defense.** Any condition of approval imposed in compliance with this Title shall include a requirement that the County act reasonably to promptly notify the applicant of any claim, action, or proceeding and that the County cooperate fully in the defense.

CHAPTER 17.12 – ZONING MAPS

Sections:

- 17.12.010 Purpose
- 17.12.020 Zoning Map and Zones

17.12.010 Purpose

The purpose of this Section is to identify the official zones that are established and shown on the zoning maps created in compliance with Section 17.12.020 (Zoning Maps and Zones).

A. Official Zones.

1. Residential

- Residential, Multi-unit (RM)
- Residential, Single-unit (R)
- Residential, One-acre (R1A)
- Residential, Two-acre (R2A)
- Residential, Three-acre (R3A)
- Residential, Estate (RE)

2. Agricultural and Resource

- Limited Agricultural (LA)
- Planned Agricultural (PA)
- Agricultural Grazing (AG)
- Timber Production (TPZ)
- Forest Resource (FR)
- Rural Lands (RL)

3. Commercial

- Commercial, Professional Office (CPO)
- Commercial, Limited (CL)
- Commercial, Main Street (CM)
- Commercial, Community (CC)
- Commercial, Regional (CR)
- Commercial, General (CG)

4. Industrial

- Industrial (I)
- Research and Development (R&D)

5. Special Purpose

Recreational Facilities, Low-Intensity (RF-L)
Recreational Facilities, High-Intensity (RF-H)
Open Space (OS)
Transportation Corridor (TC)

6. Codified Community Plan

Meyers Community Plan (MCP)

B. Minimum Lot Size Designation. A designator indicating the minimum lot size shall be applied to all R, RE, PA, LA, RL, FR, and AG zones.

1. For R zones the numeric additive shall represent minimum lot sizes of 6,000 and 20,000 square feet, expressed as “R1” for 6,000 square feet and “R20K” for 20,000 square feet.
2. For RE zones the numeric additive shall represent the minimum lot size expressed in acres. The designator shall be one of the following: -5 and -10.
3. For PA and LA zones the numeric additive shall represent the minimum lot size expressed in acres. The designator shall be one of the following: -10, -20, -40, -80, and -160.
4. For RL and FR zones the numeric additive shall represent the minimum lot size expressed in acres. The designator shall be one of the following: -20, -40, -80, and -160.
5. For AG zones the numeric designator shall represent the minimum lot size expressed in acres. The designator shall be one of the following: -40, -80, and -160.

C. Meyers Community Plan Zones. To implement the Meyers Community Plan, each of the five subareas shall be designated on the official zoning map as MCP-1, MCP-2, MCP-3, MCP-4, and MCP-5 to reflect the subareas and the variables that each area represents in compliance with Chapter 17.26 (TRPA Lands Uses for Meyers Community Plan Districts).**D. Combining Zones.** In addition to the primary zones established by Subsection A above, the following combining zones are established:

1. Airport Safety (-AA)
2. Avalanche (-AV)
3. Dam Failure Inundation (-DFI)
4. Design Review-Community (-DC)
5. Design Review-Historic (-DH)

6. Design Review-Scenic Corridor (-DS)
7. Ecological Preserve (-EP)
8. Manufactured/Mobile Home Park (-MP)
9. Mineral Resource (-MR)
10. Noise Contour (-NC)
11. Planned Development (-PD)
12. Platted Lands (-PL)
13. Tahoe Basin (-T)

17.12.20 Zoning Map and Zones

The boundaries of the zones established by this Section shall be shown on the maps designated the “County of El Dorado Zoning Maps,” hereinafter referred to as Zoning Maps. The Zoning Maps shall be adopted by the Board in compliance with applicable law, and are hereby incorporated into this Title by reference as though they were fully set forth herein. Any changes to the Zoning Maps shall be accomplished as set forth in Chapter 17.63 (Amendments and Zone Changes.)

ARTICLE 2 – ZONES, ALLOWED LAND USES, AND ZONING STANDARDS

CHAPTER 17.20 – DEVELOPMENT AND LAND USE APPROVAL REQUIREMENTS

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

CHAPTER 17.21 – AGRICULTURAL AND RESOURCES ZONES

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

CHAPTER 17.22 – COMMERCIAL ZONES

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

CHAPTER 17.23 – INDUSTRIAL AND RESEARCH AND DEVELOPMENT ZONES

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

CHAPTER 17.24 – RESIDENTIAL ZONES

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

CHAPTER 17.25 – SPECIAL PURPOSE ZONES

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

CHAPTER 17.26 – MEYERS COMMUNITY PLAN (MCP) ZONE

- 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

CHAPTER 17.27 – COMBINING ZONES

- 17.27.010 Purpose, Intent, and Applicability
- 17.27.020 Airport Safety (-AA)

- 17.27.030 Avalanche Hazard (-AV)
- 17.27.040 Dam Failure Inundation (-DFI)
- 17.27.050 Design Review-Community (-DC)
- 17.27.060 Design Review-Historic (-DH)
- 17.27.070 Design Review-Scenic Corridor (-DS)
- 17.27.080 Ecological Preserve (-EP)
- 17.27.090 Mobile/Manufactured Home Parks (-MP)
- 17.27.100 Noise Contour (-NC)
- 17.27.110 Platted Lands (-PL)
- 17.27.120 Tahoe Basin (-T)

CHAPTER 17.28 – PLANNED DEVELOPMENT (-PD) COMBINING ZONE

- 17.28.010 Purpose and Intent
- 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 On Site Open Space Dedication
- 17.28.070 Condominium Conversions

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

- 17.29.010 Purpose and Intent
- 17.29.020 General Requirements
- 17.29.030 Mineral Exploration
- 17.29.040 Mining and Reclamation
- 17.29.050 Standards for Reclamation
- 17.29.080 Development Standards
- 17.29.090 Other Requirements

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 permit level required for each individual use under Subsection B. Consolidation of multiple permits into the one permit application may be allowed, subject to Director approval.

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 17.52.090 (Appeals).

B. Permit Requirements. Chapters 17.21 through 17.25 provide for land uses that are:

- 1. Permitted by right subject to compliance with all applicable provisions of this Ordinance. These are shown as "P" in the matrices;
- 2. Permitted subject to approval of an Administrative Permit (Section 17.52.010), shown as "A" in the matrices;
- 3. Permitted subject to approval of a Temporary Use Permit (Section 17.52.060), shown as "T" in the matrices;
- 2. Permitted subject to the approval of a Use Permit (Section 17.52.020), and shown as "CUP" or "MUP" in the matrices;
- 3. Not allowed in particular zones, shown as "—" in the matrices.
- 4. Where additional provisions are contained in Article 4 (Specific Use Regulations) that address the "by right" or permit requirements, the matrix will cross reference the applicable section.

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.** Subject to 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 17.52.060 (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. **Planned Agricultural (PA).** The PA, Planned Agricultural Zone, is intended to regulate and promote the development of agricultural enterprises and land uses whether encumbered by a farmland conservation contract or not. This zone shall be utilized to identify those lands most capable of supporting horticulture, aquaculture, ranching, and grazing, based on existing land use, soil type, water availability, topography, and similar factors. Agricultural enterprise is intended to be the primary use of these lands, but compatible commercial uses, as listed in Table 17.21.020 below, 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.

2. **Limited Agricultural (LA).** The LA, Limited Agricultural Zone, is intended to identify, regulate, and promote the development of agricultural enterprises and land uses, whether encumbered by a farmland conservation contract or not. This zone shall be utilized to identify those lands most capable of supporting horticulture, aquaculture, ranching, and grazing, based on existing land use, soil type, water availability, topography, and similar factors. The LA zone is distinguished from the PA zone in that it provides limited opportunities for ranch marketing and commercial winery uses. 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.
3. **Agricultural Grazing (AG).** The AG, Agricultural Grazing Zone, is intended to identify and protect lands suitable for grazing whether encumbered by a farmland conservation contract or not. This zone shall be utilized to identify those lands that are being used for grazing and/or that have the potential for commercially viable grazing operations, based on existing land use, soil type, water availability, topography, and similar factors. Grazing and other agricultural activities are intended to be the primary use of these lands, but other compatible commercial uses may also be 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.
4. **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 17.40.350 (Timber Production Zone: Criteria, Regulations, and Zone Change Requirements).
5. **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. Minimum lot size designators shall be applied to this zone based on elevation and other appropriate factors. The minimum lot size designator shall be in the following increments: 40, 80, and 160 acres.
6. **Rural Lands (RL).** The RL, Rural Lands Zone, is intended to identify those lands that are suitable for limited residential development based on topography, access, groundwater or septic capability, and other infrastructural requirements. This zone is intended to recognize that resource-based industries in the vicinity may impact residential uses. Commercial support activities that are compatible

with the available infrastructure may be allowed within this zone to serve the surrounding rural and agricultural communities. 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

LA: Limited Agricultural 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	LA	PA	AG	RL	FR	TPZ	Specific Use Reg.
Agricultural							
Animal Keeping	P	P	P	P	P	P	17.40.080
Barn; Stable, private; Storage structure	P	P	P	P	P	—	17.40.030
Cropland	P	P	P	P	P	—	
Grazing	P	P	P	P	P	P	
Livestock, high density	CUP	CUP	CUP	—	—	—	
Nursery, plants: Wholesale	P	P	P	P	A/CUP ¹	A/CUP ¹	
Orchards and Vineyards	P	P	P	P	P	—	
Packing: On site products	P	P	P	P	P	CUP	
Off site products	P/ CUP	P/ CUP	P/ CUP	CUP	CUP	—	
Processing, on site products	P	P	P	CUP	CUP	CUP	
Produce Sales	P/MUP	P/MUP	P/MUP	P/MUP	P/MUP	—	17.40.240
Timber	P	P	P	P	P	P	17.40.350
Residential							

LA: Limited Agricultural 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						Specific Use Reg.
USE TYPE	LA	PA	AG	RL	FR	TPZ	Specific Use Reg.
Child Day Care Home: Small family day care home	P	P	P	P	P	—	17.40.110
Large family day care home	CUP	A	A	A	A	—	
Community Care Facility: Small (serving 6 or fewer)	—	—	—	P	—	—	
Large (serving 7 or more)	—	—	—	CUP	—	—	
Dwelling: Single-unit, detached	P	P	P	P	P	CUP	17.40.350
Temporary during construction	P	P	P	P	P	—	17.40.190
Employee Housing: Agricultural	P/A/ CUP	P/A/ CUP	P/A/ CUP	P/A/ CUP	P/A/ CUP	—	17.40.120
Construction	—	—	A	A	A	—	17.40.190
Seasonal Worker	—	—	P/A/CUP	P/A/CUP	P/A/CUP	—	17.40.120
Guest House	P	P	P	P	P	—	17.40.150
Hardship Mobile Home	TMA	TMA	TMA	TMA	TMA	—	17.40.190
Kennel, private ²	P/CUP	P/CUP	P/CUP	P/CUP	P/CUP	—	17.40.080
Room Rental: One bedroom, only	P	P	P	P	P	—	17.40.060, 17.40.300
Secondary Dwelling	P	P	P	P	P	—	
Commercial							
Agricultural Support Services	CUP	CUP	CUP	CUP	CUP	—	17.40.070
Animal Sales and Service: Veterinary Clinic	—	CUP	CUP	CUP	CUP	—	
Contractor’s Office: Off site	—	—	—	TUP	TUP	—	17.40.190
Home Occupation	P/A/ M/CUP	P/A/ M/CUP	P/A/ M/CUP	P/A/ M/CUP	P/A/ M/CUP	—	17.40.160
Kennel, commercial	—	—	CUP	CUP	CUP	—	17.40.070
Lodging Facilities: Agricultural Homestay	A/CUP	A/CUP	A/CUP	A/CUP	—	—	17.40.170
Bed and Breakfast Inn	CUP	CUP	CUP	CUP	CUP	—	
Dude Ranch	CUP	CUP	CUP	CUP	CUP	—	
Health Resort and Retreat Center	—	CUP	CUP	CUP	CUP	—	

LA: Limited Agricultural 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	LA	PA	AG	RL	FR	TPZ	Specific Use Reg.
Vacation Home Rental	A	A	A	A	A	—	17.40.370
Nursery, plants: Retail	—	—	—	CUP	—	—	
Outdoor Retail Sales: Garage Sales	P	P	P	P	P	—	17.40.220
Temporary Outdoor	A/T	A/T	A/T	A/T	—	—	
Ranch Marketing	CUP	P/A/ CUP	P/A/CUP	CUP	CUP	—	17.40.260
Wineries	CUP	P/CUP	P/CUP	CUP	—	—	17.40.400
Industrial							
Mineral Exploration	A/CUP	A/CUP	A/CUP	A/CUP	A/CUP	A/CUP	Chapter 17.29
Mineral Production	—	—	—	CUP	—	A/ CUP	
Mining	CUP	CUP	CUP	CUP	CUP	A/ CUP	
Slaughterhouse	—	CUP	CUP	—	—	—	
Storage Yard: Equipment and Material Permanent	—	—	—	—	—	P/ CUP	17.40.320
Temporary	T	T	T	T	T	T	
Recreation and Open Space							
Campground	CUP	CUP	CUP	CUP	CUP	—	17.40.100
Camping, Temporary	—	—	—	—	—	P	
Golf Course	—	—	—	CUP	—	—	
Hiking and Equestrian Trail	P	P	P	P	P	P	
Hunting/Fishing Club, Farm, or Facility	CUP	CUP	CUP	CUP	CUP	CUP	
Marina: Non-motorized Craft	—	CUP	CUP	CUP	CUP	—	
Off-Highway Vehicle Recreation Area	—	—	—	—	CUP	—	
Park, day use	—	—	—	CUP	CUP		17.40.210
Picnic Area	CUP	P	P	P	P	P	
Resource Protection and Restoration	P	P	P	P	P	P	

LA: Limited Agricultural 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	LA	PA	AG	RL	FR	TPZ	Specific Use Reg.
Ski Area	—	—	—	CUP	CUP	—	17.40.210
Snow Play Area	—	—	—	CUP	CUP	—	
Special Events, temporary	T	T	T	T	T	—	
Stable, commercial	—	—	CUP	CUP	CUP	—	17.40.210
Trail Head Parking or Staging Area	—	—	CUP	CUP	CUP	—	
Civic Uses							
Cemetery	—	—	CUP	CUP	CUP	—	
Churches and Community Assembly	—	—	—	CUP	CUP	—	
Community Services: Cultural centers, living history facilities	—	—	—	CUP	—	—	
Intensive	—	—	—	CUP	CUP	—	
Schools: College and University	—	—	—	CUP	—	—	17.40.230
Elementary and Secondary, Private	—	—	—	CUP	—	—	
Transportation							
Airports, Airstrips, and Heliports	CUP	CUP	CUP	CUP	CUP	CUP	17.40.070
Utility and Communication							
Communication Facilities	A/ CUP	A/ CUP	A/ CUP	A/ CUP	A/ CUP	CUP	17.40.130
Public Utility Service Facilities: Intensive	—	CUP	CUP	CUP	CUP	CUP	17.40.250
Minor	P	P	P	P	P	P	
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. ² Dogs used for herding or guardian purposes in ranching or browsing operations are allowed by right subject to licensing requirements of Animal Control in compliance with Title 6.							

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 Agricultural and Resource Zones Development Standards

	LA	PA	AG	TPZ	FR	RL
Minimum Lot Size ¹	10 acres or as designated	10 acres or as designated	40 acres or as designated	160 acres	40 acres below 3,000 ft. elev. or as designated; 160 acres 3,000 ft. and higher	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.
<p>Notes: ¹ An agricultural preserve may consist of a lot or contiguous lots of between 10 and 20 acres in compliance with Section 17.40.060 (Agricultural Preserves and Zones, etc.)</p>						

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.
 - 6. Promote stable and attractive commercial development which will be compatible with the neighboring residential uses.
- 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 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. **Limited Commercial (CL).** The CL, Limited Commercial Zone is intended to designate areas suitable for low-intensity retail and office uses oriented to serving the adjacent residential area while minimizing conflicts with adjacent residential uses and outside traffic into the area. Mixed use development compatible with surrounding land uses would also be appropriate.
3. **Main Street Commercial (CM).** The CM, Main Street Commercial Zone, is intended to allow for a wide range of pedestrian-oriented retail, office, and service uses, and a mix of commercial and residential uses. Development standards shall promote pedestrian circulation.
4. **Community Commercial (CC).** The CC, Community Commercial Zone, is intended to provide for the retail sales, office, and service needs of the residents residing within the surrounding community and to accommodate the commercial and service needs of visitors to the County. Mixed use development compatible with General Plan densities would be appropriate.
5. **Regional Commercial (CR).** The CR, Regional Commercial Zone, is intended to provide large-scale retail services for a regional trade area. The CR zone applies to regional shopping centers that serve a market beyond the community and are located along arterials and at major intersections that provide convenient automobile access. To maximize retail sales and employment opportunities residential uses would generally be inappropriate in the CR zone.
6. **General Commercial (CG).** The CG, General Commercial Zone is intended to provide a mix of more intensive commercial uses, such as light manufacturing, automobile repair, and wholesale activity; where outdoor storage or activity commonly occurs; and where residential, civic, and educational uses are limited to avoid conflicts with permitted 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

Land Use	PERMIT REQUIRED BY ZONE						Specific Use Regulation	
	CPO	CL	CM	CC	CR	CG		
	CPO: Professional Office Commercial CL: Limited Commercial CM: Main Street Commercial CC: Community Commercial CR: Regional 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						
Commercial								
Agricultural Support Services	—	—	—	P	—	P	17.40.070	
Animal Sales and Service: Grooming and Pet Stores	—	P	P	P	P	P		
Kennel, commercial	—	—	—	P	P	P		
Veterinary Clinic	—	P	P	P	P	—		
Automotive and Equipment: Fuel Sales	—	—	CUP	P	P	P		
Paint and Body Shops	—	—	—	—	—	P		
Repair	—	—	—	CUP	CUP	P		
Sales and Rental	—	—	—	CUP	CUP	P		
Vehicle Storage	—	—	—	—	—	P	17.40.320	
Banks and Financial Services	P ¹	P	P	P	P	P		
Bars and Drinking Establishments	—	—	P	P	P	P		
Brewery	—	—	CUP	P	P	P		
Broadcasting and Recording Studio	P	—	P	P	P	P		
Building Supply Store	—	—	—	P	P	P	17.40.220	
Business Support Services	—	—	P	P	P	P		
Child Day Care Center	A	A	A	A	A	CUP	17.40.110	
Commercial Recreation: Arcade	—	—	P	P	P	P		
Indoor Entertainment	—	—	P	P	P	—		
Indoor Sports and Recreation	—	—	—	P	P	P		

Land Use	PERMIT REQUIRED BY ZONE						Specific Use Regulation		
	CPO	CL	CM	CC	CR	CG			
CPO: Professional Office Commercial CL: Limited Commercial CM: Main Street Commercial CC: Community Commercial CR: Regional Commercial CG: General Commercial	P	A	T	CUP/	MUP	PD	TMA	—	Permitted use (Article 4) Administrative permit required (17.52.010) Temporary use permit required (17.52.070) Conditional Use Permit required/ Minor use permit required (17.52.020) Development Plan Permit required (17.52.040) Temporary mobile home permit (17.52.060) Use not allowed in zone
Large Amusement Complex	—	—	—	CUP	CUP	—			
Outdoor Entertainment	—	—	—	CUP	CUP	—			
Outdoor Sports and Recreation	—	—	—	—	CUP	—	17.40.210		
Contractor’s Office: On site	A	A	A	A	A	A	17.40.190		
Off site	TUP	—	TUP	TUP	TUP	TUP			
Employer-sponsored Child Day Care Center	A	—	—	A	A	A	17.40.110		
Food and Beverage Retail Sale	—	P	P	P	P	P			
Free Food Distribution Center	—	—	—	—	—	CUP			
Funeral and Internment Services	—	—	P	P	—	—			
Lodging Facilities: Bed and Breakfast Inn	—	CUP	P	P	—	—	17.40.170		
Health Resort and Retreat Center	—	—	—	P	—	—			
Hotel and Motel	—	—	P	P	P	—			
Maintenance and Repair	—	—	P	P	P	P			
Medical Services: Hospital	—	—	—	P	CUP	—			
Clinic	—	—	P	P	P	—			
Long-Term Care Facility	—	CUP	P	P	—	—			
Mobile/Manufactured Home Sales Lots	—	—	—	A	—	A	17.40.220		
Offices: Professional	P	P	P	P	—	—			
Medical	P	—	P	P	—	—			
Recycling Facilities	—	—	—	P/A	—	P/A	17.40.280		
Restaurant	—	P	P	P	P	—	17.35.050.H		

CPO: Professional Office Commercial CL: Limited Commercial CM: Main Street Commercial CC: Community Commercial CR: Regional 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	CL	CM	CC	CR	CG		
Retail Sales and Service: Indoor Sales	—	P	P	P	P	P	17.40.220	
Permanent Outdoor Sales	—	—	—	P	P	P		
Temporary Outdoor Sales	A/T	T ²	T ²	A/T	A/T	A/T		
Personal Services	—	P	P	P	P	P		
Property Services	—	—	—	P	—	P		
Specialized Education and Training	P	P	P	P	—	CUP	17.40.230	
Storage, Self	—	—	—	CUP	—	P	17.40.320	
Trade School: Indoor	—	—	—	—	—	P		
Outdoor	—	—	—	—	—	CUP		
Winery: Production	—	—	—	—	—	P		
Full-service Facility	—	—	P	P	—	—		
Industrial								
Laundries, Commercial	—	—	—	CUP	—	P		
Light Manufacturing	—	—	CUP ³	CUP	—	P	Chapter 17.29	
Ceramic products from compounded clay	—	—	—	CUP	—	P/CUP ⁴		
Lightweight nonferrous metal casting foundry	—	—	—	CUP	—	P/CUP ⁴		
Mineral Exploration	A	A	A	A/CUP	A/ CUP	A/ CUP		
Mining: Subsurface	—	—	—	CUP	—	CUP		
Surface	—	—	CUP	CUP	—	CUP		
Printing and Publishing	—	—	—	CUP	—	P		
Research and Laboratory Services	P	—	—	P	—	P		

CPO: Professional Office Commercial CL: Limited Commercial CM: Main Street Commercial CC: Community Commercial CR: Regional 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	CL	CM	CC	CR	CG		
Storage Yard, Equipment and Material: Permanent	—	—	—	—	—	P	17.40.320	
Temporary	T	—	—	T	T	T		
Wholesale Distribution	—	—	—	CUP	—	P		
Agricultural								
Nursery, wholesale plant	—	—	—	CUP	—	P		
Packing: off site products	—	—	—	—	—	P		
Residential								
Caretaker Unit: Permanent	A	A	A	A	A	A	17.40.120	
Temporary	TMA	TMA	TMA	TMA	TMA	TMA		
Child Day Care Home ^{5,6} Small family day care home	—	P	—	P	—	—	17.40.110	
Large family day care home	—	A	—	A	—	—		
Community Care Facility: Small or Large	CUP	P	P	P	—	—		
Dwelling (as part of a Mixed Use Development)	PD	PD	PD	PD	—	—	17.40.180	
Dwelling: Single-unit Detached ⁶	—	CUP	CUP	CUP	—	CUP		
Emergency Shelter	—	—	—	—	—	P		
Employee Housing: Commercial Caretaker, permanent	A	A	A	A	A	A	17.40.120	
Commercial Caretaker, temporary	TMA	TMA	TMA	TMA	TMA	TMA		
Construction	—	—	—	—	—	A	17.40.190	
Lodging: Vacation Home Rental ⁶	—	P	P	P	—	—	17.40.370	

CPO: Professional Office Commercial CL: Limited Commercial CM: Main Street Commercial CC: Community Commercial CR: Regional 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	CL	CM	CC	CR	CG	
Transitional Housing: Large, only	—	—	—	CUP	—	A	17.40.360
Recreation and Open Space							
Golf Course	—	—	—	CUP	—	—	17.40.210
Marina: Motorized Craft	—	—	—	CUP	—	CUP	
Non-Motorized Craft	—	—	—	P	—	—	
Parks: Day Use	P	P	P	P	P	—	
Nighttime Use	CUP	CUP	CUP	CUP	CUP	—	
Snowplay Area	—	—	—	CUP	—	CUP	17.40.210
Special Events, Temporary	T	T	T	T	T	T	
Swimming Pool	—	CUP	—	CUP	—	—	
Tennis Courts	—	CUP	—	CUP	—	—	17.40.210
Trail Head Parking and Staging Area	—	—	—	CUP	—	CUP	
Civic							
Cemeteries	—	—	—	CUP	—	CUP	17.40.230
Churches and Community Assembly	P	CUP	P	P	—	CUP	
Community Services: Intensive	—	—	—	CUP	CUP	CUP	17.40.230
Minor	P	P	P	P	P	—	
Schools: College and University	P	—	CUP	P	CUP	—	17.40.230
Elementary and Secondary, private	CUP	—	CUP	CUP	—	—	
Transportation							

<p>CPO: Professional Office Commercial CL: Limited Commercial CM: Main Street Commercial CC: Community Commercial CR: Regional Commercial CG: General Commercial</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) PD Development Plan Permit required (17.52.040) TMA Temporary mobile home permit (17.52.060) — Use not allowed in zone</p>						
Land Use	PERMIT REQUIRED BY ZONE						Specific Use Regulation
	CPO	CL	CM	CC	CR	CG	
Airports, Airstrips and Heliports	—	—	—	CUP	—	CUP	
Intermodal Facility	CUP	CUP	CUP	CUP	CUP	P	
Parking Lot	P	P	P	P	P	P	
Utility and Communications							
Communication Facilities	A/CUP	A/CUP	A/CUP	A/CUP	A/CUP	A/CUP	17.40.130
Public Utility Service Facilities: Intensive	CUP	—	—	CUP	CUP	CUP	17.40.250
Minor	P	P	P	P	P	P	
Wind Energy Conversion System	See Table 17.40.390.1 (WECS Use Matrix)						17.40.390
<p>NOTES: ¹ Without outdoor ATM or drive-through facilities ² Excluding Subsections 17.40.220.E and H: Garage Sales and Itinerant Sales, respectively). ³ Limited to small-scale, artisanal production of goods (See Article 8: Light Manufacturing) ⁴ CUP for larger scale, ‘general industrial’ use. ⁵ As part of the residential component of a mixed use development. ⁶ As a nonconforming use where lack of infrastructure precludes commercial development.</p>							

17.22.030 Commercial Zones 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 17.22.030.1 Commercial Zones Development Standards

Development Attribute	CPO	CL	CM	CC	CR	CG
Minimum Lot Size ¹ (in square feet)	6,000	4,000	None	4,000	100,000.	10,000
Minimum Lot Width (in feet)	60	60	20	60	70	70.
Residential Density Range for Mixed Use	See Section 17.40.180 (Mixed Use)					
Setbacks (in feet): Front ²	10	10	Min. 0 Max. 10	10	20	10
Sides and Rear ³	0 or 5	0 or 5	0 or 5	0 or 5	0 or 5	0 or 5.
Sides and Rear (Abutting R, R1A, R2A, R3A, and RE Zoned Land) ⁴	10 or 30					
Maximum Building Height (in feet)	50	50	50	50	50	50
Floor Area Ratio ⁵	.85	.85	2.0	.85	.85	.85
Notes:						
¹ Mixed use development and commercial condominiums subject to Development Plan Permit (17.52.040).						
² Subject to 17.33.050.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 17.33.050.A.2 (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.

2. **Industrial – Platted Lands (I-PL).** 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.

3. **Research and Development (R&D).** The R&D, Research and Development zone is intended to provide areas for the location of high technology, non-polluting manufacturing plants, 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 Wrecking Yard	CUP	—	—	
Hazardous Material Handling	CUP	CUP	CUP	
Industrial: General	P/CUP	CUP	P/CUP	
Specialized	CUP	—	CUP	
Laundries, Commercial	P	—	—	
Light Manufacturing	P	P	—	
Ceramic products from compounded clay	P	P/CUP ¹	—	
Lightweight nonferrous metal casting foundry				
Mineral Exploration	A/CUP	A/CUP	A/CUP	Chapter

<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.
Mineral / Oil Production	CUP	—	CUP	17.29
Mining: Surface and subsurface	CUP	—	CUP	
Printing and Publishing	P	P	—	
Research and Laboratory Services	P	P	—	
Slaughterhouse	CUP	—	CUP	
Storage Yard: Equipment and Material Permanent	P	P	P	17.40.320
Temporary	T	T	T	
Wholesale Distribution	P	P	—	
Commercial				
Adult Business Establishment	A	—	—	17.40.040
Agricultural Support Services	—	—	P	17.40.070
Animal Sales and Service: Veterinary Clinics	—	P	—	
Automotive and Equipment: Paint and Body Shops	P	—	—	
Repair Shop	P	—	—	
Vehicle Storage	P	—	—	17.40.320
Banks and Financial Services	—	P	—	
Bars and Drinking Establishments	CUP	—	—	
Brewery	P	—	—	
Building Supply Store	P	—	—	17.40.220
Business Support Services	—	P	—	
Distillery	P	—	—	
Commercial Recreation: Indoor Entertainment	—	A/CUP	—	

<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.
Indoor Sports and Recreation	CUP	P	—	
Outdoor Entertainment	—	CUP	—	
Outdoor Sports and Recreation	—	P	—	17.40.210
Employer-sponsored Child Care Center	A	A	—	17.40.110
Mobile/Manufactured Home Sales Lot	A	—	—	17.40.220
Offices: Professional and Medical	—	P	—	
Printing and Publishing	P	P	—	
Recycling Facilities	P/A	—	—	17.40.280
Restaurant	P ²	P	—	17.35.050.H
Retail Sales and Service: Indoor Sales	CUP	P	—	
Permanent Outdoor Sales	A	A/CUP	CUP	17.40.220
Temporary Outdoor Sales	A/T	A/T	A/T	
Personal Services	—	P	—	
Property Services	P	P	—	
Specialized Education and Training	—	P	—	
Trade School, indoor or outdoor	P	—	—	
Wineries ³ Production Facilities	P	—	P	17.40.400
Residential				
Contractor's Office: On site	A	A	A	17.40.190
Off site	TUP	TUP	TUP	
Employee Housing: Commercial Caretaker, permanent	A	A	CUP	17.40.120
Commercial Caretaker, temporary	TMA	TMA	—	
Construction	A	—	A	17.40.190
Civic				

<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.
Cemetery	CUP	—	—	
Churches and Community Assembly	—	CUP	—	
Community Services: Intensive	P	P	—	
Schools: College and University	—	CUP	—	17.40.230
Elementary and Secondary, private	—	CUP	—	
Transportation				
Airports, Airstrips, and Heliports	CUP	CUP	—	
Intermodal Facility	P	P	—	
Parking Lot, Public	P	P	—	
Utility and Communication				
Communication Facilities	P/A	P/A	CUP	17.40.130
Public Utility Service Facilities: Intensive	CUP	—	CUP	17.40.250
Minor	P	P	—	
Wind Energy Conversion System	See Table 17.40.390.1 (WECS Use Matrix)			17.40.390
Recreation and Open Space				
Special Events, temporary	T	T	—	
Agricultural				
Cropland	—	—	P	
Grazing	—	—	P	
Livestock, High Density	CUP	—	CUP	
Nursery, plants: Wholesale	P	—	P	
Orchards and Vineyards	—	—	P	
Packing:	—	—	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.
On site products				
Off site products	P	—	P	
Produce Sales	—	—	CUP	
Timber	—	—	P	
<p>NOTES: ¹ CUP for larger, general industrial-scale use. ² On site for employee use, only. ³ Not subject to Winery Ordinance (Section 17.40.400).</p>				

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:</p> <p>¹ Subject to Paragraph 17.27.100.E.3 (-PL Combining Zone).</p> <p>² Subject to Paragraph 17.30.050.A.1 (Landscaping Ordinance).</p> <p>³ Zero lot line with fireproof wall and no openings meeting building and fire code requirements, otherwise the 5 ft setback applies.</p> <p>⁴ Subject to Paragraph 17.30.050.A.2 (Landscaping Ordinance).</p> <p>⁵ Ratio of allowable floor area to site area.</p>			

17.23.040 Design Standards

A. Research and Development Zones:

1. **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 1.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.
2. **Landscaped Buffers and Shade Requirements.** All setback and parking areas shall be landscaped and shaded as set forth in Section 17.33.050.

3. **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.1 above.
4. 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. Agricultural structures and uses are considered compatible with this zone, as accessory to the residential use of the property.

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	
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	A	A	A	A	A	
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-unit, attached	P	P	—	—	—	—	
Single-unit, detached	P ¹	P	P	P	P	P	
Temporary During Construction	—	P	P	P	P	P	17.40.190
Employee Housing: Seasonal Worker	—	—	—	—	—	A/ CUP	17.40.120
Guest House	—	P	P	P	P	P	17.40.150

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		
Hardship Mobile Home	—	TMA	TMA	TMA	TMA	TMA	17.40.190	
Kennel, private	—	—	—	—	—	CUP	17.40.080	
Mobile/Manufactured Home Park	CUP	CUP	CUP	CUP	CUP	CUP		
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		
Agricultural								
Animal Keeping	—	—	P	P	P	P	17.40.080	
Barn/Stable, private; Storage structure ²	—	—	P	P	P	P	17.40.030	
Cropland	—	—	—	—	P	P		
Grazing	—	—	—	—	P	P		
Nursery, plants: Wholesale	—	—	—	—	—	CUP		
Orchards and Vineyards	—	—	—	—	P	P		
Packing, on site products	—	—	—	—	—	P		
Processing, on site products	—	—	—	—	—	CUP		
Produce Sales	—	—	TUP	TUP	TUP/ MUP	A/ MUP	17.40.240	
Commercial								
Child Day Care Center	—	—	—	—	—	—	17.40.110	
Contractor’s Office: On site	A	A	A	A	A	A	17.40.190	
Home Occupation	P/A/ M/CUP	P/A/ M/CUP	P/A/ M/CUP	P/A/ M/CUP	P/A/ M/CUP	P/A/ M/CUP	17.40.160	
Lodging Facilities: Bed and Breakfast Inn	—	CUP	CUP	CUP	CUP	CUP	17.40.170	
Rooming House	P	—	—	—	—	—		
Vacation Home Rental	A	A	A	A	A	A	17.40.370	

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	
Outdoor Retail Sales: Garage Sales	P	P	P	P	P	P	17.40.220
Seasonal Sales	—	—	—	—	—	A	
Ranch Marketing	—	—	—	—	—	CUP	17.40.260
Temporary Real Estate Sales Office	A	A	A	A	A	A	17.40.330
Wineries	—	—	—	—	—	CUP ³	17.40.400
Industrial							
Mineral Exploration	A	A	A	A	A	A/ CUP	Chapter 17.29
Mining	CUP	CUP	CUP	CUP	CUP	CUP	
Storage Yard: Equipment and Material Temporary	T	T	T	T	T	T	
Recreation and Open Space							
Golf Course	CUP	CUP	CUP	CUP	CUP	CUP	17.40.210
Hiking and Equestrian Trail	P	P	P	P	P	P	
Marina, Non-motorized Craft	—	—	—	—	—	CUP	
Parks: Day Use	P	P	P	P	P	P	
Nighttime Use	CUP	CUP	CUP	CUP	CUP	CUP	
Picnic Area	CUP	CUP	CUP	CUP	CUP	CUP	
Private Recreation Area	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	17.40.210
Tennis Court, public	CUP	CUP	CUP	CUP	CUP	CUP	
Trail Head Parking or Staging Area	—	CUP	CUP	CUP	CUP	CUP	
Civic							
Cemetery	CUP	CUP	CUP	CUP	CUP	CUP	
Churches and Community Assembly	CUP	CUP	CUP	CUP	CUP	CUP	

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	
Community Services: Minor	CUP	CUP	CUP	CUP	CUP	CUP	
Schools: Elementary and Secondary, private	CUP	CUP	CUP	CUP	CUP	CUP	17.40.230
Utility							
Communication Facilities	A/ CUP	A/ CUP	A/ CUP	A/ CUP	A/ CUP	A/ CUP	17.40.130
Public Utility Service Facilities: Intensive	CUP	CUP	CUP	CUP	CUP	CUP	17.40.250
Minor	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							
² As an accessory use to a primary residence.							
³ RE-10, 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
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
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
Minimum Lot Width for Interior Lot	60 ft	60 ft	100 ft	100 ft	150 ft	200 ft	250 ft
Minimum Lot Width for Corner Lot	75 ft	75 ft	100 ft	100 ft	150 ft	200 ft	250 ft

Development Attribute	RM	R1	R20K	R1A	R2A	R3A	RE
Residential Density Range	See G.P. Policy 2.2.1.2 (MFR)	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
Side	5 ft	5 ft	10 ft	15 ft	20 ft	30 ft	30 ft
Rear	15 ft	15 ft	30 ft	30 ft	30 ft	30 ft	30 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
Maximum Coverage ²	50%	35%	35%	25%	25%	20%	20%
<p>NOTES: ¹ May be subject to agricultural setbacks under Section 17.30.030 if adjoining agricultural zones or fire safe setbacks if over one acre in lot size. ² All area coverage calculations shall be of structures measured from the outside walls at ground level and shall not include roof eaves. Uncovered paved areas are not included in coverage calculations.</p>							

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. **Recreational Facilities, Low-Intensity (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. **Recreational Facilities, High-Intensity (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

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	RFL	RFH	TC	OS	Specific Use Regulation
Agricultural					
Grazing	P	—	—	P	
Timber	P	—	—	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/Fishing Club, Farm, or Facility	A	—	—	CUP	
Marina, motorized craft	CUP	CUP	—	—	
Marina, non-motorized craft	A	A	—	CUP	
Off-road Vehicle Recreation Area	CUP	CUP	—	—	
Parks: Day Use	P	P	—	CUP	
Nighttime Use	A ²	A	—	—	
Picnic Area	P	P	P	P	
Private Recreation Area	p ²	p ²	—	—	
Recreational Vehicle Park	—	CUP	—	—	17.40.100
Resource Protection and Restoration	P	P	P	P	
River Put-in and Take-out	A	CUP	—	CUP	17.40.210
Ski Area	CUP	CUP	—	—	
Snow Play Area	A	A	—	CUP	
Special Events, Temporary	T	T	—	T	
Stable, commercial	A	A	—	—	17.40.210
Swimming Pool, public	A ³	A	—	—	

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	RFL	RFH	TC	OS	Specific Use Regulation
Tennis Court, public	A ³	A	—	—	
Trail Head Parking or Staging Area	A/CUP	A	A	A/CUP	
Residential					
Employee Housing: Commercial Caretaker Permanent	—	A	—	—	17.40.120
Temporary	—	TMA	—	—	
Commercial					
Automotive and Equipment: Fuel Sales	CUP ⁴	CUP ⁴	—	—	
Commercial Recreation: Arcade	—	P	—	—	
Indoor Entertainment	A ²	P	—	—	
Large Amusement Complex	—	CUP ³	—	—	
Outdoor Entertainment	CUP ²	A	—	—	
Outdoor Sports and Recreation	A/CUP ²	A	—	—	17.40.210
Contractor's Office: On site	A	A	—	—	17.40.190
Off site	TUP	TUP	—	—	
Lodging Facilities: Dude Ranch	A	—	—	—	17.40.170
Health Resort and Retreat Center	A	A	—	—	
Hotels and Motels	—	CUP ³	—	—	
Retail Sales and Service: Itinerant Sales	A/T	A/T			17.40.220
Seasonal Sales	—	A	A	A	
Specialized Education and Training	—	CUP	—	—	17.40.230
Industrial					
Storage Yard: Equipment and Material Permanent	—	—	A	—	17.40.320

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	RFL	RFH	TC	OS	Specific Use Regulation
Temporary	—	T	T	—	
Mineral Exploration	A/CUP	A/CUP	—	—	Chapter 17.29
Mining, Subsurface	CUP	CUP	—	—	
Civic					
Community Services: Minor	CUP ²	CUP	—	—	
Transportation					
Intermodal Facility	—	CUP	P	—	
Parking Lot, Public	—	—	P	—	
Utility and Communication					
Communication Facilities	A/CUP	A/CUP	CUP	CUP	17.40.130
Public Utility Service Facilities: Intensive	—	—	CUP	CUP	17.40.250
Minor	P ²	P	CUP	CUP	
Wind Energy Conversion System	See Table 17.40.390.1 (WECS Use Matrix)				17.40.390
Notes: ¹ As part of an approved development plan or subdivision. ² In Rural Centers, only. ³ In Community Regions, only. ⁴ Accessory to motorized vehicle recreational uses.					

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	20,000 sq. ft.	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 this Title 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” Conditional Use Permit required (17.52.020);
- (—) Use not allowed in zone.

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 Dam Failure Inundation (-DFI)
- 17.27.050 Design Review - Community (-DC)
- 17.27.060 Design Review - Historic (-DH)
- 17.27.070 Design Review - Scenic Corridor (-DS)
- 17.27.080 Ecological Preserve (-EP)
- 17.27.090 Manufactured/Mobile Home Park (-MP)
- 17.27.100 Noise Contour (-NC)
- 17.27.110 Platted Lands (-PL)
- 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 Airport 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 table is a summary of CLUP provisions. The dash (—) symbol indicates where the individual CLUP is silent on that particular regulation. Where questions arise, final determinations shall be made based upon provisions in the applicable CLUP, as amended from time to time.

Table 17.27.020.A Summary of CLUP Provisions

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	+ no arenas, spectator sports facilities, auditoriums, concert halls, outdoor amphitheaters, concert shells or theaters.		

REGULATIONS:	CLUPS			
	Cameron Park	Placerville	Georgetown	Lake Tahoe
	Dept. of Education) or stadiums;			
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	Must conform to CLUP if substantial damage is >50%. Nonconforming uses shall be consistent with Chapter 17.61 (Nonconforming Uses, Structures, and Lots)			
Compatibility review by Airport Land Use Commission (ALUC)	All Safety Zones: Discretionary approvals and permits + the following:			
	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

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.** Areas in which an avalanche can produce impact pressures of 600 lbs/ft² or more on flat, rigid surfaces normal to the avalanche flow, or that have return periods of less than ten years, or a combination of both. Avalanches in the red zone are designated by “R” on the Avalanche Hazard Map.
 2. **Moderate Hazard (Blue) Zones.** Areas in which an avalanche can produce impact pressures of less than 600 lbs/ft² or more on flat, rigid surfaces normal to

the avalanche flow and have return periods between ten and 100 years. Both of the above conditions must be satisfied or the area is classified as a red zone. 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 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 Combining 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.** The following critical or high occupancy uses or structures shall not be located within a Dam Failure Inundation Combining Zone:

 - 1. Schools.
 - 2. Churches and other places of assembly.
 - 3. Child day care facilities.
 - 4. Mobile home parks.
 - 5. Community care facilities.
 - 6. Hospitals.
- E. Development Standards for New Lots.** Prior to final building permit approval of the first habitable structure on a lot within the -DFI, the following must be constructed and established:

 - 1. An access road that allows the occupants to move to higher ground, subject to review and approval by the Department of Transportation and the Office of Emergency Services;
 - 2. A telephone communication system that will allow for reverse emergency (911) calls to be received by the resident, subject to review and approval by the Office of Emergency Services; and

- 3, A disclosure statement acknowledging the location of the lot within a dam failure inundation area signed and notarized by the applicant.

17.27.050 Design Review - Community (-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 Design Review-Community 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 (Subsection 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 17.52.060 (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 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 on October 26, 1982.

17.27.060 Design Review - Historic (-DH) Combining Zone

- A. Purpose and Intent.** The purpose of this Section is to identify and protect historic structures, sites, and districts; preserve the historic character of existing communities in order to establish a sense of permanence; provide instructional opportunities and aesthetic connections to the past; and enhance economic benefits through increased property values and tourism-related attractions and industries.

The intent of this Section to establish procedures and regulations for the review of projects that may affect important historical resources in the County in order to protect and preserve such sites for future generations.

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

1. Following consideration by the Planning Commission, the Board may establish a -DH Combining Zone upon making any one of the following findings:
 - a. The area contains a concentration of architecturally and/or historically important buildings;
 - b. The area exemplifies or reflects valued elements of the County's cultural, agricultural, social, economic, political, aesthetic, religious, ethnic, architectural, engineering, archaeological, or geological history;
 - c. The area embodies distinguishing characteristics of an architectural style, type, period, or method of construction, or is a valuable example of the use of indigenous materials or craftsmanship;
 - d. The area represents an important natural feature or design element that provides a visual point of reference to members of the community; or
 - e. The area is the site of an important historic event or is associated with events that have made a meaningful contribution to the nation, state, or community.
2. The boundaries of each -DH zone shall be specifically identified at the time of its creation. Said boundaries may be amended by a zone change in compliance with Chapter 17.63 (Amendments and Zone Changes).

C. Development Requirements within -DH Combining Zones.

1. Development on multi-unit residential, commercial, or industrial zoned property within the -DH Combining Zone shall be reviewed for consistency with standards adopted under Subsection D by Design Review Permit (17.52.030). If the development requires another discretionary permit, such as a Conditional Use or Development Plan Permit, said discretionary permit will satisfy the Design Review Permit requirement. For discretionary projects requiring public hearing, staff shall make a recommendation to the review authority based on the determination of consistency.

2. Prior to issuance of a building permit for single-unit residential development, consistency with design and development standards under Subsection D shall be determined by Administrative Permit (17.52.010) subject to the guidelines and standards adopted for the specific –DH Combining Zone in which the development is located.

D. Adoption of Historic Design Guidelines. The Board shall adopt, by resolution, guidelines and standards that shall delineate the requirements for design review within each historic district. Until such time as design guidelines and standards are adopted, the Historic Design Guides adopted by the Board on April 13, 1982 shall be applied.

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

17.27.080 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) (See Chapter 17.71: Ecological Preserve Fee) 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, or other regulation or program that provides conservation of the County's natural resources, as may be adopted by the Board and amended from time to time.
- 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

Gabbro Soils Rare Plant Ecological Preserve. Lands within an Ecological Preserve established for the purpose of protecting gabbro soils, as shown on maps on file in the Department, adopted by Ordinance 4500. This may also be referred to as the Gabbro Soils Preserve.

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. Gabbro Soils Preserve.** Development within a Gabbro Soils Preserve will address mitigation of impacts to rare plants on an individual, on site basis. Within a Gabbro Soils Preserve, on site mitigation is strongly encouraged. Developments within a Gabbro Soils Preserve 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. On properties greater than five acres in area, 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.

17.27.090 — 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 **Noise Contour (-NC) Reserved**

17.27.110 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 in Table 17.27.120.A 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	TPZ	CC	I
Min. Lot Width	60 ft, only	—	—	—	—	—	—
Setbacks	2 nd floor cantilevered living space can extend 4 ft into the front yard. No zero lot lines for common walls.	2 nd floor cantilevered living space can extend 4 ft into the front yard.	Residential: Front = 20ft Side = 10ft Rear = 30ft 2 nd floor cantilevered living space can extend 4 ft into the front yard.	Residential: Front = 20ft Side = 10ft Rear = 30ft	—	—	—
Parking¹		Requirements under Table 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:

¹Subject 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 On Site 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. All residential and non-residential condominium projects, whether newly constructed or a conversion of existing development, in compliance with Section 17.28.070.
- C. 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, as defined in Article 8 (Open Space: Common) shall not include space occupied by infrastructure such as roads, parking lots, or above ground components of sewer and water treatment plants, landscaped areas required under 17.33.050.A and .C (Landscape Buffers and Parking Lot Landscaping, respectively), or area set aside for the sole use of individual residents, such as private balconies and patios, but can be land developed or set aside for:
 - 1. Recreational purposes, such as parks, ball fields, golf courses, or picnic areas;
 - 2. Passive purposes, such as gathering places and garden areas;
 - 3. Aesthetic purposes, such as naturally scenic areas;

4. Protection of natural resources; or
5. Pedestrian circulation, in compliance with Subsection D below.

B. Alternatives to the On Site Open Space Requirement. The review authority may approve one or a combination of the following in lieu of dedicating open space land on site. The total benefit shall meet or exceed the 30 percent open space project requirement calculated in acres or fractions thereof, including any portion to be dedicated on site. Procedures and examples for Paragraphs 2 through 4 can be found in Appendix E.

1. Expansion or improvement of off site recreation or park land that is located within a quarter mile radius from the project boundaries that will either:
 - a. Equal the area of the 30 percent requirement if an expansion; or
 - b. Improve the land to a level that is acceptable to the CSD or other community organization that maintains the use and condition of said land.

Either option must be reviewed and accepted by said organization prior to approval of the development plan by the review authority. This option shall be in addition to any parkland expansion or improvements to existing parkland allowed under Paragraph 16.12.090.A.3 (Dedication – Park and Recreational Uses) as a credit against Quimby Act requirements for the project development.

2. Dedication of off site conservation easements or in lieu fee payments for oak woodland canopy or other biological and natural resources, in compliance with the Oak Woodland Conservation Ordinance (Chapter 17.38), the Integrated Natural Resource Management Plan (INRMP), or other regulation or program that provides conservation of the County's natural resources, as may be adopted by the Board and amended from time to time.
 - a. For oak woodland, the easements and/or in lieu fees shall be calculated at four times the required easement dedication or base in lieu fee payment for the 30 percent open space project requirement. This option shall be in addition to any mitigation already required under Chapter 17.38 for the project development.
3. Payment of parkland dedication in lieu fees required under the Quimby Act, calculated by multiplying the 30 percent open space project requirement times the Assessor's land valuation for the project. This option shall be in addition to any Quimby fees already required for the project development.
4. Payment of ecological preserve in lieu fees for a project located in either Mitigation Areas 1 or 2 of the Gabbro Soils Study Area, calculated by determining the number of units that could be developed in the 30 percent open space based on the maximum density of the proposed project and multiplying this conceptual amount by two times the Mitigation Area 1 fee for the applicable dwelling unit type (i.e., single- or multi-

unit residential). Said number of units shall be rounded up, if a fraction, and be no less than one. This option shall be in addition to the actual Mitigation Area fee already required for on site project development.

5. Exceptions to the on site 30 percent open space requirement, such as any in lieu fee payment, or recreation/park land or conservation easement dedication, shall be paid or recorded, respectively, either prior to issuance of the first building or grading permit under the approved development plan, prior to recordation of the parcel or final map, or as further determined by the review authority prior to approval of the development plan.

C. 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.

D. 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, and between multi-unit residential buildings.

17.28.060 Residential Density Bonuses for On Site Open Space Dedication

Density bonuses may be earned where land within a residential development project is set aside and dedicated for “public benefit”, as defined in Article 8 (“Open Space: Public”).

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 D 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	Minimum Lot Size
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:

“**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, as defined in Article 8 (See “Mining”).

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 Minimum Lot Size. *(Setbacks and relief provisions have been moved to 17.30.030.G)*

The information required under this Section for lands within the –MR Combining Zone shall be forwarded to the State Geologist in compliance with SMARA Sections 2762-2763. The subdivision of lands within or adjoining the –MR Combining Zone into lots less than 20 acres shall be prohibited, except when the following occurs:

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

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
RM, R1, R1A, R2A, R3A, CPO, CL, CM	A	—	—
RE, RL, AE, AP, PA, AG, FR, TPZ	A	CUP	CUP
I, R&D, CC, CR, 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.

ARTICLE 3 – SITE PLANNING AND PROJECT DESIGN STANDARDS

CHAPTER 17.30 – GENERAL DEVELOPMENT STANDARDS

- 17.30.010 Purpose, Intent, and Applicability
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CHAPTER 17.30 – GENERAL DEVELOPMENT STANDARDS**Sections:**

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- 17.30.020 Minimum Size and Width of Lots
- 17.30.030 Setback Requirements and Exceptions
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17.30.010 Purpose, Intent, and Applicability

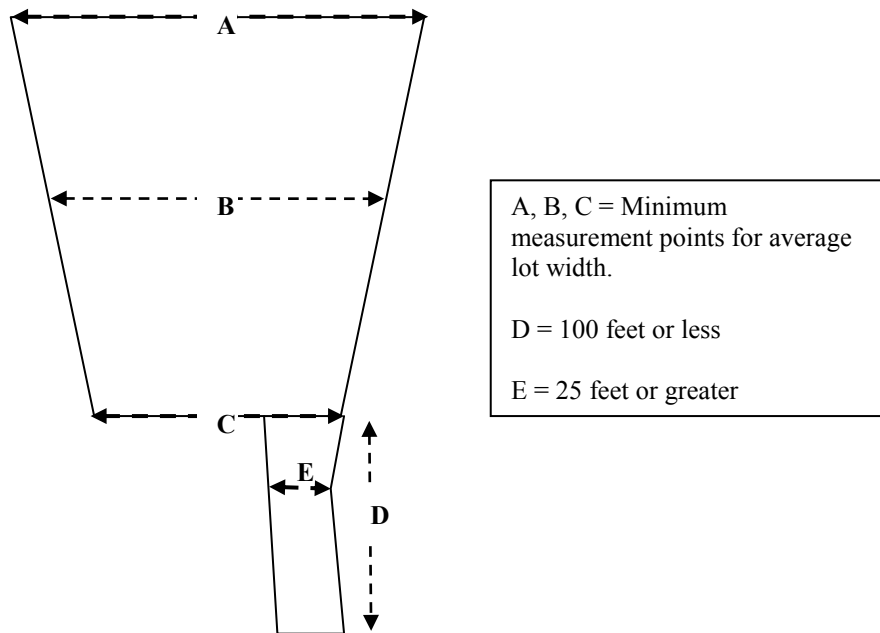
The purpose of this Chapter is to identify development standards that apply to all zones in order to provide uniform development throughout the County and consistent interpretation of development standards for public benefit. The intent of this Chapter is to encourage aesthetically pleasing development, and to create a stable, safe, and healthy environment for the residents and commercial interests of the County.

17.30.020 Minimum Size and Width of Lots

- A. Compliance with Zone Standards Required.** All lots created by parcel map, subdivision map, or lot line adjustment shall conform to the minimum lot size and width for the zone in which the lot is located, except as provided in Subsections D and E, and where approved under a Development Plan Permit or lot line adjustment in compliance with Sections 17.52.040 and 16.53.070, respectively.
- B. Measurement of Minimum Lot Size.** For compliance with minimum lot size, measurements shall be calculated as follows:
 - 1. For Lots Less Than Two Acres in Size.** Net acreage of the lot, as defined in Article 8.
 - 2. For Lots Two Acres or Larger in Size.** Gross acreage of the lot.
 - 3. For All Flag-shaped Lots.** Net acreage of the lot minus the area of the access strip.
- C. Measurement of Lot Width.** Except as provided under Subsection A above:
 - 1. Minimum frontage must be equal to or greater than the minimum lot width required for the zone. Where a lot is located at the end of a cul-de-sac or on the outside curve of a road, the lot frontage shall be measured at the minimum front setback line as established by the development standards of the zone.

2. Average width of the lot as measured, at a minimum, across the frontage, approximate midsection, and rear boundary of the lot, must be equal to or greater than the minimum lot width required for the zone.
3. For a flag lot, the measurement requirements under Paragraph 2 above shall be taken across that portion of the lot not containing the access strip as shown in Figure 17.30.020.A below. In addition, the flag lot must meet the following standards for it to be in compliance with minimum width requirements of the applicable zone:
 - a. The access strip does not exceed 100 feet in length; and
 - b. The access strip has a minimum width of 25 feet.

Figure 17.30.020.A Example: Flag Lot Measurements



- D. Lot Size Exceptions.** The following exceptions to the minimum lot size requirements shall apply to lots created in conformance with Title 16, including those as a result of a lot line adjustment, providing the exception would not conflict with General Plan policies or provisions within this Title that require buffers to adjacent lots:
1. In the RE, RL, PA, AG, and FR zones, and in the AE and AP zones where the property is not under a Williamson Act Contract, an existing lot may be subdivided in such a way that one new lot of less size than is required in the applicable zone is created within each subdivision, if one of the following exists:
 - a. Either the lot is shown on the County tax roll or the recorded deed as a separate lot, is described as a fractional division of a section, and a

subsequent survey of the lot shows it to be no more than ten percent less than the acreage indicated on that tax roll;

- b. The lot is shown on the 1979 County tax roll as a separate lot and the tax roll shows it to be no more than ten percent less than the acreage required to make even divisions into the minimum lot size to which it is zoned; or
- c. The lot is shown on the 1979 County tax roll as a separate lot and a survey shows it to be no more than ten percent less than the acreage required to make even divisions into the minimum lot size to which it is zoned, and both of the following exist:
 - (1) The smallest lot proposed to be created is no less than 75 percent of the minimum size required by the applicable zone but, in no case shall a lot be created less than 4.5 acres when groundwater dependant; and
 - (2) All other lots proposed to be created conform to the minimum required by the applicable zone or do not exceed the minimum by more than one-tenth of an acre.

2. Lots Conveyed to Government Agency, Public Entity or Public Utility. The minimum lot size set forth in each of the zones shall not apply to lots created for the sole purpose of conveyance, dedication or transfer to a government agency, public entity, or public utility for such uses by the agency, entity, or utility as may be authorized by law, subject to the following provisions:

- a. The remainder of the lot from which the lot conveyed to the government agency originated shall comply with the minimum lot size for the zone;
- b. The County may require a notice of restriction be recorded against the lot stating that at such time as the government agency, public entity or utility determines that it no longer intends to use the lot for the purpose for which it was obtained, it shall revert back and be merged with the parent lot if the lot is substandard due to size.
- c. A certificate of compliance, in compliance with Section 16.76.090.E of the County Code, shall be required if a lot created in compliance with this paragraph is subsequently conveyed to a person or entity other than a governmental agency, public entity or utility.

E. Lot Size Averaging. Where a lot or lots are proposed to be subdivided, the minimum lot size may be reduced by not more than ten percent for one or more lots in order to take advantage of topographic, geographic, or other features of the land by averaging the lot sizes in the subdivision. Except as provided in Subsection D above, the average lot size shall not be less than the minimum lot size required by the applicable zone.

17.30.030 Setback Requirements and Exceptions

All structures and buildings (Article 8: see “Structure”) shall be located on a lot so as to conform to the setback requirements established for the zone in which the lot is located, as set forth in Chapters 17.21 through 17.26 inclusive, except as provided in this Chapter unless and until a Variance is granted in compliance with Section 17.52.080.

A. Measurement of Setbacks. Setbacks shall be measured from the closest of either a property line, the edge of a road easement, or the edge of a right-of-way line to the nearest point of the foundation or support of a building or structure, on a line perpendicular to the property line, road easement, or right-of-way line.

1. Roads established through prescriptive right or undefined road easements shall be assumed to have the following right-of-way for the purpose of establishing the minimum front setback from the existing centerline of the roadway:
 - a. **Non-county Maintained Roadways.** Minimum 50 foot right-of-way.
 - b. **County Maintained Roadways.** Minimum 60 foot right-of-way.
2. Where the Board has adopted a future roadway alignment, the minimum setback shall be measured from the edge of the future right-of-way line.
3. Roads listed in Table 17.30.030.1 below have specific right-of-way widths to be used in establishing the minimum front setback from the existing centerline of the road. (Adopted 2004 General Plan)

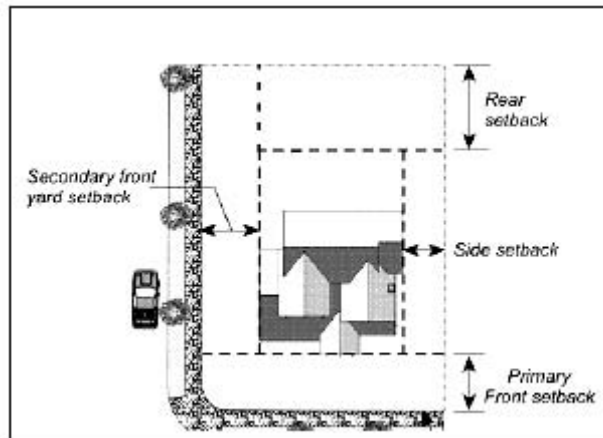
Table 17.30.030.1 Selected Right-of-Ways (ROW)

ROAD	SEGMENT	ROW WIDTH (in feet)
Bass Lake Road	US 50 to Silver Springs Pkwy	80
Cameron Park Drive	1. Durock Rod to Coach Ln	80
	2. Coach Ln to Oxford Rd	100
El Dorado Hills Blvd	1. US 50 to Lassen Ln	120
	2. Lassen Ln to Francisco Dr	100
Francisco Drive	EDH Blvd to Green Valley Rd	100
Green Valley Road	County Line to Deer Valley Rd (W)	100
Latrobe Road	1. Investment Blvd to Golden Foothill Pkwy (south end Entrance 3)	100
	2. Golden Foothill Pkwy (south end Entrance 3) to US 50	120
Missouri Flat Road	1. Headington Rd to China Garden Rd	100
	2. China Garden Rd to SR 49	80

Mother Lode Drive	S. Shingle Rd to French Creek Rd	80
Pleasant Valley Road/SR 49	El Dorado Rd to Big Cut Rd	80
Saratoga Way	County Line to EDH Blvd	100
Silva Valley Parkway	US 50 to Green Valley Rd	100
Sophia Parkway	County Line to Green Valley Rd	100
White Rock Road	1. County Line to Latrobe Rd	100
	2. Latrobe Rd to Silva Valley Pkwy	120

- 4. **Corner Lots.** A corner lot shall have a front yard (Article 8: See “Yards”) setback requirement along each property line adjoining a street, subject to the following exceptions.
 - a. **Double Frontage Corner Lots.** The frontage containing the driveway access shall be the primary front yard while the remaining frontage shall be considered the secondary front yard, as shown in Figure 17.30.030.A below:

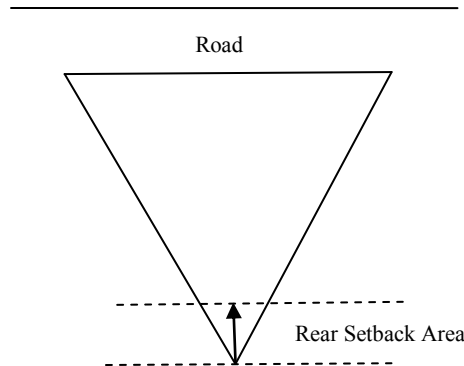
Figure 17.30.030.A Example: Corner Lot Setbacks



- b. **Triple Frontage Corner Lots.** The frontage opposite the primary front yard containing the driveway encroachment shall be considered a rear yard for setback purposes, providing vehicular access is restricted.
- c. **Side and Rear Yards.** The remaining non-frontage lot lines of a corner lot shall be considered side yards where they abut side yards of the adjoining lot(s), and a rear yard where they abut a rear yard of the adjoining lot(s). If the corner lot abuts two rear yards or two side yards, the shorter lot line of the two shall be considered the rear yard and the longer shall be considered the side yard for setback purposes, as shown in Figure 17.30.030.A.

- d. **Rear Setback on Triangular Lot.** Where a triangular lot has no rear lot line because its side lot lines converge to a point, an assumed line placed at the point, or vertex, of the angle and running perpendicular to a line bisecting the angle shall be considered the rear lot line for the purpose of measuring the required rear setback, as shown in Figure 17.30.030.B below:

Figure 17.30.030.B Example: Rear Setbacks, Triangular Lots



- 5. **Through Lots.** Through lots, or double frontage non-corner lots, shall maintain front yard setbacks for the primary frontage containing the driveway encroachment, and rear yard setbacks for the opposite frontage, providing vehicular access is restricted. Where vehicular access is allowed, front yard setbacks shall apply.
 - 6. **Agricultural Structures.** For purposes of determining development standards as to setbacks, the use of any portion of a structure for any of the agricultural purposes defined in Article 8 (“Structure: Agriculture”) causes the entire structure to be treated as an agricultural structure.
- B. Exceptions to Setback Requirements.** The following exceptions to the setback requirements shall be permitted when the qualifying conditions have been documented by a licensed civil engineer or surveyor. All reductions in front yard setbacks shall be subject to CVA requirements under Subsection 17.30.060.B.4.
- 1. **Front Setback Reduction for Slope.** Where the elevation of a lot measured at the required front setback line averages six feet or more for a lot less than one acre, or eight feet or more for a lot one acre or greater, above or below the elevation at the edge of road pavement adjoining said lot, the required front setback for a single-story structure may be reduced by 50 percent, except:
 - a. Where a lot has more than one frontage, the elevation criteria set forth under this Paragraph must be satisfied for all frontages.
 - b. Any parking structure permitted by this Paragraph at a reduced front setback shall provide at least 20 feet of parking area between the edge of road pavement and the structure.

2. **Administrative Relief.** Setback reductions for a multi-story structure, or where all frontages of a lot do not meet the elevation criteria set forth in Paragraph 1 above, may be approved under administrative relief subject to Chapter 17.62, provided the requirement under Subparagraph 1.b is met.

C. Projections into Required Setbacks.

1. Cornices, window canopies, eaves, bay windows, or similar architectural features, which do not qualify as habitable area under the building code; attached heating and air conditioning equipment; and uncovered and unenclosed decks of 30 inches in height or less, excluding handrails, may extend into any required setback by not more than 50 percent provided that no such feature shall be permitted within three feet of any side lot line.
 - a. For uncovered and unenclosed decks, setbacks shall be measured from the closest portion of the deck, such as flooring, footing, or foundation, to the property line.
 - b. When located within a required setback as allowed by this Subsection, accessory mechanical equipment that generates noise (such as air conditioning equipment) shall be enclosed as necessary to reduce noise levels at the property line consistent with noise standards under Chapter 17.39.
2. Front yards may have the following additional encroachments:
 - a. Fences and walls, subject to 17.30.050;
 - b. Bear resistant garbage can containers, subject to Paragraph 3.g, below.
 - c. Signs, subject to Chapter 17.37.
3. The following encroachments or reduced setbacks into the required yards are permitted for the following specific uses, provided there is no encroachment into any public utility or drainage easement:
 - a. **Swimming pools** measured to the back edge (non-water side) of the bond beam and their accessory water features, such as manmade waterfalls, if 30 inches in height or less:
 - (1) Front. Setback required by zone;
 - (2) Side and Rear. 5 feet minimum;
 - (3) Pool Equipment. All setbacks required by zone.
 - b. **Propane Tanks** shall meet the applicable standards of the fire codes or the following, whichever is greater:
 - (1) Front.
 - (a) Setback required by zone; or

- (b) 10 feet, if less than 40 inches in height and fully screened by fencing or landscaping subject to Section 17.30.050 and 17.17.500.E.3, respectively.
 - (2) Side and Rear. 10 feet;
 - (3) Underground Tanks. No setback requirements.
- c. **Portable Sheds** (non-habitable, less than 120 square feet of projected roof area, containing no utilities):
 - (1) Front. Setback required by zone;
 - (2) Side and Rear. 5 feet minimum, subject to fire-safe regulations under Subsection D, below.
- d. **Chimneys** (at ground level):
 - (1) Front and Rear. 3 feet into setbacks;
 - (2) Side. 3 feet into setback, but in no instance shall the remainder of the side yard be less than 3 feet;
 - (3) Chimneys that protrude above ground level, such as cantilevered chimney chases on the second story of a residence, shall not be subject to setback requirements.
- e. **Retaining Walls** greater than 36 inches in height:
 - (1) Front. Setback may be reduced by 50 percent where the slope gradient for the front half of the lot exceeds 25 percent, providing:
 - (a) Exposed height shall not exceed seven feet;
 - (b) Any fence erected within five feet of the top of a retaining wall shall meet the requirements under Subsection 17.30.050.B, for height, construction, and cross visibility area (CVA) purposes.
 - (2) Retaining walls that exceed the standards in Paragraph (1.a) above shall be subject to a Minor Use Permit (Section 17.52.020);
 - (3) Retaining walls necessary to provide site access, or that do not exceed 36 inches in exposed height, shall not be subject to setback requirements. In addition, such walls may be permitted within public utility easements, but shall not be permitted within drainage easements.
- f. **Solar Collectors** that are ground mounted shall comply with the required side and rear setbacks for the zone, subject to the height requirements and maximum reduction in setbacks allowed under state Public Resource Code Section 25981.
- g. **Bear Resistant Garbage Can Containers.** A bear resistant garbage can enclosure in compliance with the approved list maintained by the Environmental Management Department shall be subject to the following minimum setbacks:

- (1) Ten feet from the road as measured from the edge of the curb-face or pavement if no curbing exists. In no event shall a container be placed within the road right-of-way or easement;
- (2) On corner lots, containers shall not be located within the CVA at the intersection, as shown in Figure 17.30.050.B (Example #2), except in this instance the CVA shall be determined by measuring 25 feet along the lot lines extending from the lot corner instead of 35 feet.

h. Trellises and Arbors.

- (1) A trellis shall be considered similar to a fence for setback purposes and be subject to the requirements for fences under Section 17.30.050 and Subparagraph 3.e.(2), above;
- (2) An arbor shall be considered a structure and be subject to development standards, including setback requirements, for the zone.

D. Fire Safe Setbacks. Lots which are one acre or larger in size shall have 30 foot setbacks on all sides unless the applicable fire protection agency has given written approval, conditional or otherwise, for a reduction of the side and/or rear setback requirement from 30 feet to either the standard setback for the zone or as allowed under a Development Plan Permit.

E. Special Setbacks for Agricultural and Timber Resource Protection. Notwithstanding any other provision of this Title, where incompatible uses, as defined in Article 8 (Incompatible Uses: Agricultural), adjoin the agricultural zones of LA, PA, and AG, or the Timber Production Zone (TPZ), the following setbacks shall apply on those lots containing the incompatible use:

1. Setback Standards on Lots Adjoining Agricultural Zones:

- a. Adjoining agricultural zone is located within a General Plan designated Agricultural District: 200 feet
- b. Adjoining agricultural zone is located outside of a General Plan designated Agricultural District, where:
 - (1) Lot with proposed incompatible use is 10 acres or larger: 200 feet;
 - (2) Lot with proposed incompatible use is less than 10 acres: No special agricultural setback is required.

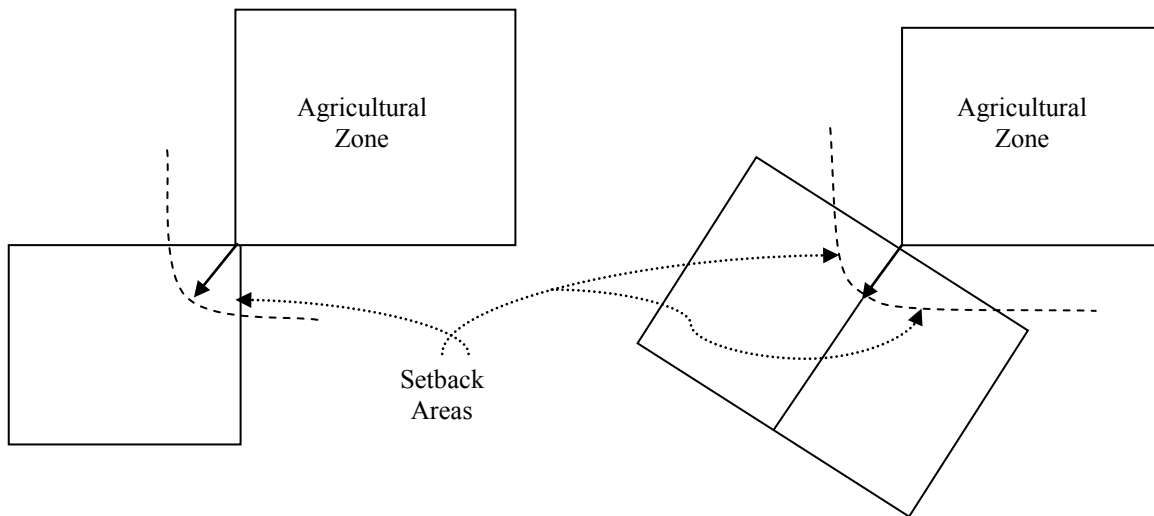
2. Setback Standards on Lots Adjoining the Timber Production Zone:

- a. Adjoining Timber Production Zone is within a General Plan designated Community Region or Rural Center: 50 feet.

b. Adjoining Timber Production Zone is within the General Plan designated Rural Region: 200 feet.

3. **Setbacks and Buffers for Adjoining Tangent Lots.** Where an agricultural or timber production zoned lot abuts an adjoining lot at a tangent or single point and where an agricultural or timber production zone setback will apply to the adjoining lot, the setback will be measured as a radius the length of the required setback, from the point of tangent into the adjoining lot, as shown in Figure 17.30.030.C below:

Figure 17.30.030.C Examples: Tangential Setbacks



4. **Administrative Relief.** Administrative relief from the setback requirements established in Paragraphs 1 – 3 above may be granted by the County Agricultural Commission or the Director under an Administrative Permit (Section 17.52.010) in compliance with criteria set forth by resolution of the Board, as amended from time to time.

F. **Cemeteries.** Setbacks of 30 feet shall be maintained from all property lines adjoining an existing cemetery; or from the delineated boundaries of a cemetery when it lies within an adjoining lot but does not abut the property line.

1. Where cemetery boundaries are not delineated, or where cemetery boundaries are delineated but graves are suspected of lying outside of said boundaries, an investigative survey shall be performed at the direction of the County’s Cemetery Director for the purpose of establishing setback lines. Investigative survey methods shall be subject to the discretion of said Director. Cemetery boundaries established under this method shall be recorded prior to permit issuance.

2. Administrative relief of up to 50 percent of the required setback can be granted by the Development Services Director, subject to the review and approval of the Cemetery Director, under an Administrative Permit (Section 17.52.010).

G. Special Setbacks for Mineral Resource Protection.

1. Notwithstanding any other provision of this Title, where incompatible uses, as defined in Article 8 (Incompatible Uses: Mining), adjoin lands located in the –MR Combining Zone, the following setbacks shall apply on those lots containing the incompatible use:
 - a. 250 feet on lots 10 acres or greater.
 - b. 150 feet on lots less than 10 acres in size.
2. The required setbacks in Paragraph G.1 may be administratively reduced under an Administrative Permit (Section 17.52.010) by not more than 50 percent when 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.

H. Riparian Setbacks.

1. **Purpose.** The purpose of this Subsection is to:
 - a. Protect natural and man-made wetlands, vernal pools, wet meadows, and riparian areas from impacts related to development, for their importance to wildlife habitat, water purification, erosion control, scenic values, and unique and sensitive plant life, and to allow for natural changes that may occur within the riparian corridor.
 - b. Protect riparian resources to enhance tourism.
 - c. Implement General Plan Policies 7.3.3.4 and 7.4.2.5 by developing buffers and special setbacks for the protection of riparian areas, lakes, and wetlands, while providing a process for the County to consider and authorize exceptions in order to allow reasonable use of property.
 - d. Provide standards to assist the review authority and Department in their evaluation of reasonable use of property containing natural and man-made wetlands, vernal pools, wet meadows, lakes and riparian areas.
2. **Applicability.**
 - a. Ministerial and discretionary development shall comply with the provisions of this Subsection subject to the exemptions under Paragraph 3 and the exceptions under Paragraph 4 below.
 - b. Setbacks shall be required from all riparian features that are shown on the latest 7.5 minute, 1:24,000 scale United States Geological Survey

(USGS) Quadrangle maps. Riparian features include all ditches, wetlands, streams (perennial and intermittent), ponds, and lakes shown on the maps.

- c. Setbacks from wetland areas identified in a wetland delineation report conducted using the U.S. Army Corps of Engineers (USACE) Wetland Delineation Manual shall also be applied to discretionary development.
- d. Setbacks are not required from wetlands filled under authorization of the County and the USACE.

3. Exemptions. Ministerial and discretionary development shall be exempt from the provisions of this Subsection when:

- a. The project is within the joint jurisdiction of the County and the Tahoe Regional Planning Agency (TRPA), in which case, the TRPA setbacks will apply.
- b. Wetlands are allowed to be filled under authorization of the County and the USACE.

4. Exceptions to Setbacks. The following encroachments into riparian setbacks shall be permitted:

- a. Replacement, repair, alteration, or maintenance of structures that lawfully exist within a riparian setback, in compliance with Section 17.61.030 (Nonconforming Uses, Structures, and Lots).
- b. Grading necessary for the construction of access to a building site where no reasonable access outside of the setback area exists.
- c. Boat ramps, docks, piers, and related features used for private purposes, subject to applicable local, state, or Federal regulations.

5. Measurement of Riparian Setbacks. Riparian setbacks shall be measured from the “top of bank”. For lakes and ponds, the top of bank is equivalent to the ordinary high water mark (OHWM), as defined in Article 8, or maximum spillway elevation, if controlled by a dam.

6. Site Plan Requirements. The location of the riparian setback, as determined in Paragraph 5, shall be shown on all project site plans and grading plans that require County approval. The location is subject to confirmation by the Director, based on observation of actual conditions and, as needed, the conclusions of qualified professionals with expertise in hydrology, biology, or geology.

7. Setback Requirements. The following minimum setbacks shall be applied

except where required in Subparagraph c, below:

- a. **Riparian and Wetland Setbacks.** Setbacks shall be 30 feet for all lots equal to or less than one acre in size and 50 feet for all lots over one acre in size.
 - b. **Ministerial Setback Relief.** Riparian and wetland setbacks required under Paragraph a, above, may be reduced subject to a biological study being performed by a qualified professional in compliance with the requirements in Subsection 9.a, below. Any recommended reduction in setbacks shall not be reduced to less than 15 feet for all lots equal to or less than one acre in size and 30 feet for all lots over one acre in size.
 - c. **Specific Riparian Setbacks.** The following setbacks shall be provided, unless a discretionary approval by the County provides a larger or smaller setback:
 - (1) The setback from the following lakes and reservoirs shall be 200 feet:
 - Bass Lake
 - Folsom Lake
 - Jenkinson Lake (Sly Park)
 - Slab Creek Reservoir
 - Stumpy Meadows Reservoir
 - (2) The setback along the following rivers shall be 100 feet:
 - American River - Middle and South Forks
 - Cosumnes River - North, Middle, and South Forks
 - Rubicon River
 - (3) The setback along the following streams shall be 50 feet:
 - Big Canyon Creek
 - Deer Creek (south of U.S. Highway 50 only)
 - Camp Creek
 - Clear Creek
 - Martinez Creek
 - Pilot Creek
 - Weber Creek (including North Fork and South Fork tributaries)
 - (4) The setback from all water ditches shown on the USGS maps shall be either ten feet when not identified in an easement, or at edge of easement where applicable.
- 8. Items Prohibited Within Setbacks.** The following shall be prohibited within a riparian setback, except as provided in Paragraph 4:
- a. Structures.
 - b. Paving or other impervious surfaces.
 - c. Areas used for storing or working on vehicles, equipment, or materials.

d. Grading.

9. Discretionary Applications and Setback Waivers. Public notice for a project involving a riparian setback waiver, regardless of application type, shall comply with the requirements under Article 5 (Planning Permit Procedures) for the specific application type or, if applicable, Section 17.54.070 (Revisions to an Approved Project), and the following:

- a. In addition to any other information required for a project application, a request for setback relief shall include:
 - (1) A biological survey prepared by a qualified professional, to provide the basis for making the finding under Subparagraph b.(1) below, unless waived by the Director upon determining that no biological resources could be affected by granting the waiver;
 - (2) A description of the feature or features subject to the waiver and the extent of the setback relief being proposed;
 - (3) A description of potential design changes for the project that would eliminate or reduce the need for the waiver;
 - (4) A statement why the waiver is deemed necessary by the applicant; and
 - (5) Mitigation proposed to offset any harmful effects of the waiver.

- b. Each discretionary waiver shall be subject to the following findings, regardless of the type of project application under which the request is considered:
 - (1) The location and extent of the requested relief will minimize impacts to scenic resources, water quality, and riparian habitat, including opportunities for wildlife habitation, rest, and movement;
 - (2) The waiver will not limit the County’s design options for providing flood control measures;
 - (3) The waiver will not prevent the implementation of other County adopted plans, nor increase the adverse environmental effects of implementing such plans;
 - (4) There are circumstances applying to the site, such as size, shape, or topography, that do not apply generally to land in the vicinity with the same zone, that would deprive the property owner of privileges enjoyed by other property owners in the vicinity with the same zone; and
 - (5) The waiver is necessary to allow “reasonable use” of the property.

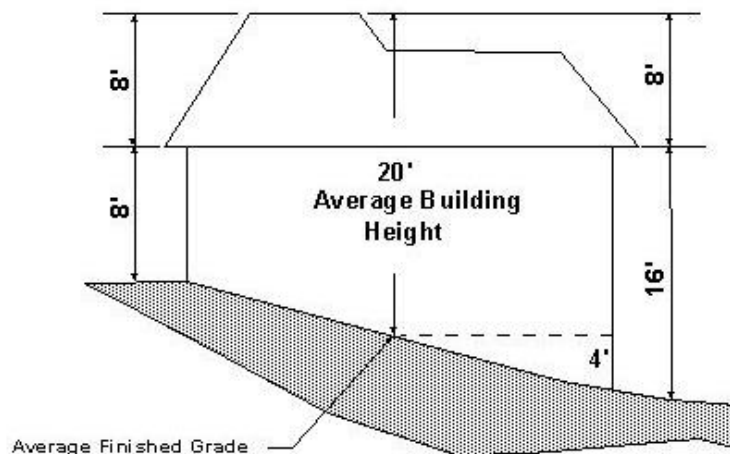
17.30.040 Height Limits and Exceptions

All structures and buildings shall conform to the maximum height requirements established for the zone in which the lot is located as set forth in Chapters 17.21 through 17.26 inclusive, subject to the exceptions under Subsection C, unless a Development Plan or Conditional Use Permit is approved allowing additional height, in compliance with Sections 17.52.060 or 17.52.070, respectively.

- A. Measurement of Building Height.** The height of a building is determined by calculating the average finished grade of each building wall, and measuring the height between this average finished grade and the highest point of the building, as shown in Figure 17.30.040.A below. Where a retaining wall supporting a drop in grade is within a five foot horizontal distance from the exterior wall, the height of the retaining wall shall be included in the building height. If each building wall has a different height, then an average of all four walls is calculated to determine the actual building height, as shown in Figure 17.30.040.A.

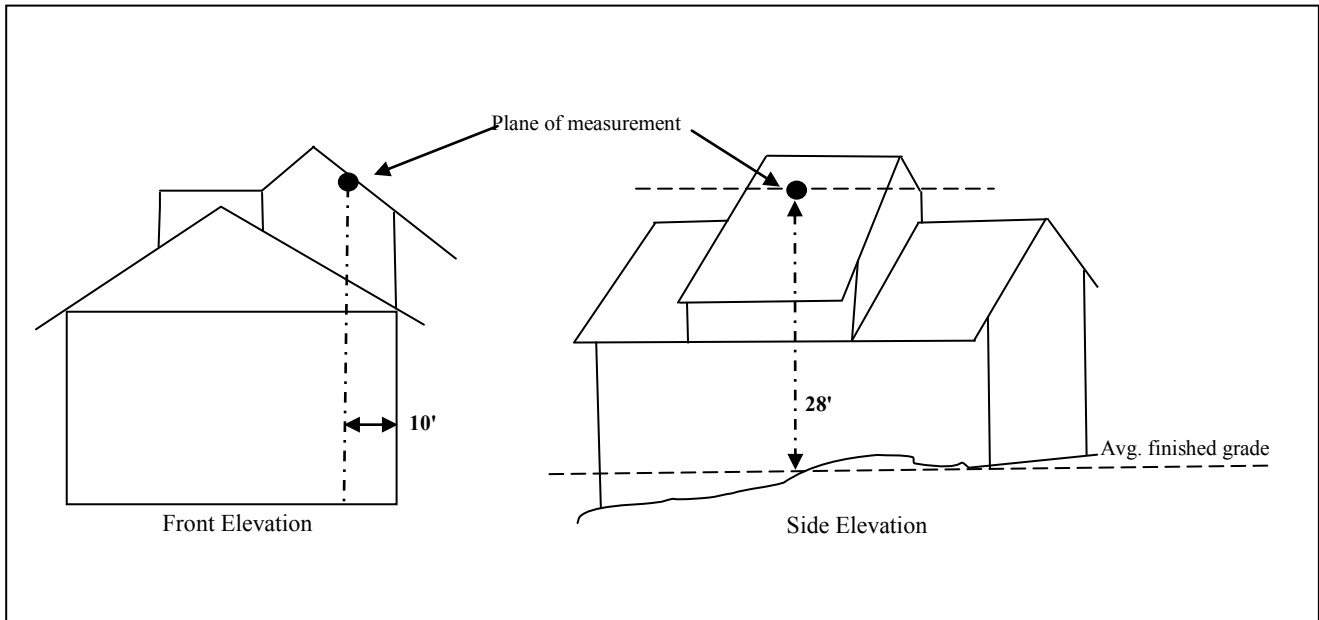
Figure 17.30.040.A

EXAMPLE: BUILDING HEIGHT CALCULATION



- B. Building Height Calculation for Determination of Side Yard Setback in Residential Zones.** This Subsection shall apply in all zones that require setbacks of less than 30 feet. To calculate side yard setbacks based on building height, the wall facing the side yard shall be measured in compliance with Subsection A above for average grade, but in this case the highest point of the building shall be that highest point within ten feet from the surface of the wall being measured, as shown in Figure 17.30.040.B below:

Figure 17.30.040.B Example: Building Height Determination for Side Yard Setbacks



For purposes of calculating the side yard setback, every foot or fraction thereof over a 25 foot height, as measured according to this Subsection, shall increase the setback by one foot. As demonstrated in Figure 17.30.040.B, the highest point measured, at 28 feet, shall increase the side yard setback by three feet.

C. Exceptions to Building Height Requirements.

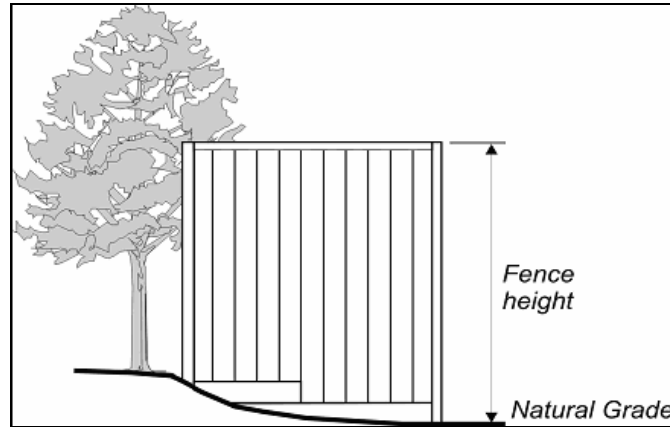
Chimneys; church spires; elevator, mechanical and stair housings; flag poles; towers; vents; and other similar structures which are not used for human activity may be up to 20 percent higher than the maximum height requirements in all zones where the excess height is not prohibited by Sections 17.27.020 (Airport Safety Combining Zone) or 17.27.110 (Design Review-Scenic Corridor Combining Zone). The use of towers or similar structures to provide higher ceiling heights for habitable space shall be deemed a use intended for human activity. No such structure shall be employed for any commercial or advertising use unless specifically allowed by the applicable zone, except that antennas and associated equipment may be located within such structures.

17.30.050 Fences, Walls, and Retaining Walls

A. Measurement of Fence Height. Fence height shall be measured as the vertical

distance between the natural grade at the base of the lowest side of the fence, and the top edge of the fence material, as shown in figure 17.30.050.A below:

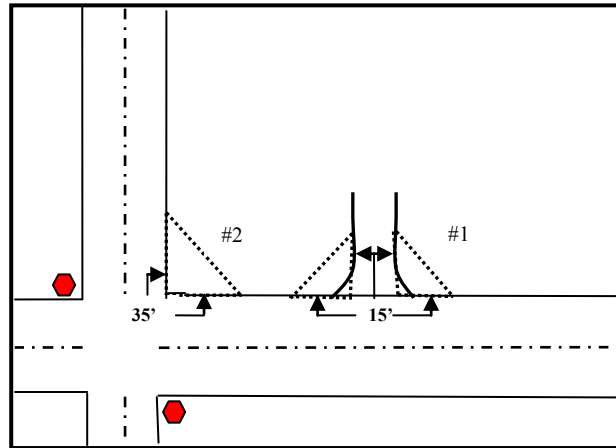
Figure 17.30.050.A Example: Fence Measurement



B. Front Yards. In all zones and for non-agricultural uses, the following fence and wall requirements shall apply within required front yard setback areas:

1. Fences or walls at least 50 percent open shall be permitted up to a height of seven feet in both primary and secondary front yard setbacks, as determined in Subparagraph 17.30.030.A.4.a.
2. Fences or walls which are less than 50 percent open shall not exceed 40 inches in height in the primary front yard setback.
3. Fences or walls less than 50 percent open may be permitted up to a height of seven feet in the secondary front yard setback, but not less than 10 feet from the property line, right-of-way, or road easement where the property line is the center line of the road, subject to the cross-visibility area (CVA) restrictions in Paragraphs 4 and 5 below.
4. At a corner formed by any encroachment onto a road, no fence or wall shall be placed within the CVA consisting of a triangle having two sides 15 feet long, running along the driveway/encroachment edge and the road edge-of-pavement, said length beginning at their intersection, and the third side formed by a line connecting the two ends, as shown in Figure 17.30.050.B below (See #1).
5. On corner lots, no fence or wall shall be placed within the CVA consisting of a triangle having two sides 35 feet long, running along each right of way or road easement, said length beginning at their intersection, and the third side formed by a line connecting the two ends, as shown in Figure 17.30.050.B below (See #2):

Figure 17.30.050.B Cross Visibility Areas (CVA)



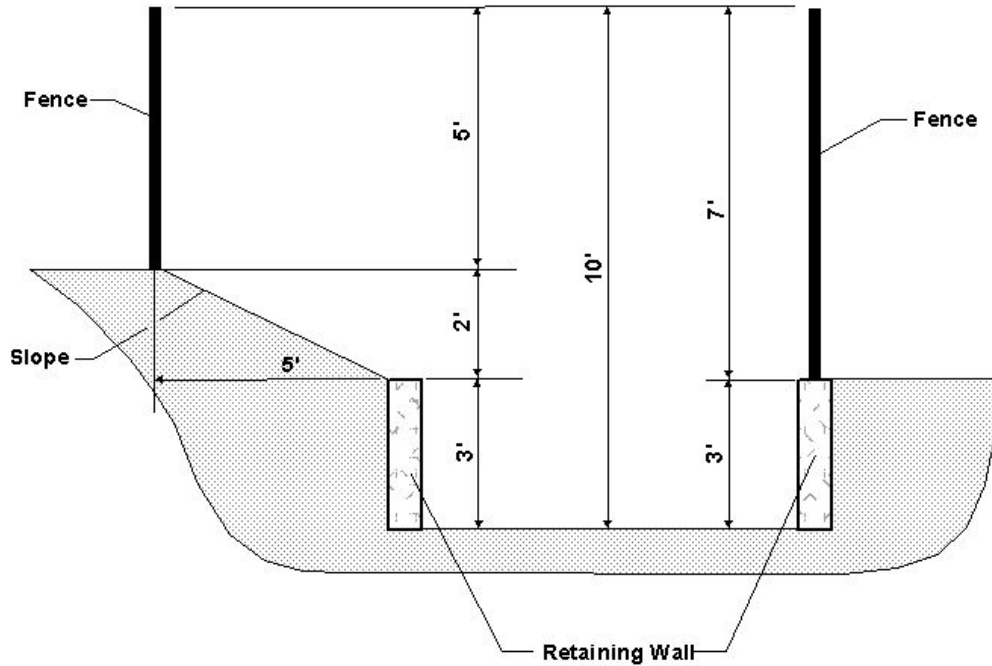
C. **Side and Rear Yards.** In all zones, fences, walls, cut retaining walls, or fences and walls that are erected within five feet of a retaining wall shall be permitted within required side and rear yard setbacks to a maximum cumulative height of seven feet. Fences, walls, or fences and walls that are erected within five feet of a retaining wall that are over seven feet, but do not exceed ten feet in cumulative height, may be permitted subject to the following:

1. A signed and notarized statement from adjoining property owners that the proposed fence or wall, as described or shown in an attached exhibit, will not impact their view nor will it restrict light or movement of air and, therefore, they have no objection to the construction of the fence or wall;
2. Director review of the notarized statement(s) to determine if it adequately represents adjoining affected property. If such determination is made by the Director, the proposed fence or wall shall be approved through the Administrative Permit process (17.52.010). The Director may require additional notarized statements from neighboring properties if, in his/her opinion, they may be impacted by the fence or wall; and
3. Issuance of a building permit

D. **Agricultural Uses.** On lots that are located in the R1A, R2A, R3A, RE, RL, AG, PA, LA, FR, and TPZ zones, agricultural fencing, as defined in Article 8, shall be permitted in any setback area provided it does not exceed 14 feet in height.

E. **Retaining Walls.** For the purposes of calculating fence or wall height, the height of a retaining wall is included in the calculation if the fence or wall is located on top of or within five feet of the retaining wall. A sloped area, if it exists between the retaining wall and the fence or wall shall be included in the height calculations as noted in Figure 17.30.050.C below:

Figure 17.30.050.C Example: Retaining Wall/Fence Measurements



F. Fences shall not be permitted within a road easement or County maintained right-of-way except as provided below:

1. Gates and decorative entryways to a non-county maintained road system subject to the requirements under Section 17.30.070;
2. In RE, RL, AG, PA, LA, FR, and TPZ zones, agricultural fencing as defined in Article 8, may be located within a County-maintained right-of-way or non-county maintained road easement, provided that the fence is located a minimum of five feet outside of all improved areas, including roadside drainage features and cut or fill slopes. When located within a county-maintained right-of-way or non-county maintained road easement, the property owner shall be required to remove or relocate said fence at the time any work or improvements are being made within the right-of way or at the County’s discretion when necessary to ensure the public health, safety, and welfare.

G. Concertina wire, serpentine wire, barbed wire, razor wire, and other similar fencing materials capable of inflicting significant physical injury shall be prohibited. A Minor Use Permit will be required to allow these materials if it can be demonstrated that the proposed fencing is reasonably necessary to protect persons or property and will not constitute a safety hazard to members of the public conducting themselves in a lawful manner. In no event shall these fencing materials protrude into or over the public right-of-way. These regulations shall not apply to fencing required by court order, or when being used for animal husbandry and/or grazing operations.

H. Fences and walls not located within any of the required setback or cross-visibility areas

are limited in height only by the building height limitations of the zone in which they are located.

- I. A building permit shall be required, in compliance with Chapter 15.16, for any fence over six feet in height, or as otherwise required by Title 15.
- J. Fences or walls shall not exceed the requirements of this Section unless and until a Minor Use Permit is granted in compliance with Section 17.52.020.

17.30.060 Ridgeline Development and 30 Percent Slopes *Reserved*

17.30.070 Gates

The placement of gates across county-maintained rights-of-way shall be prohibited. The following regulations establish a supplemental review and approval procedure for placing gates across non-county maintained roads or private driveways entering residential and nonresidential development. The regulations established under this Section shall not supersede the provisions of Section 17.30.030 (Setback Requirements).

- A. Single- and Multi-unit Residential Development.** Single- and multi-unit residential dwellings located on one lot are permitted to construct gates across driveways providing the gates are located a minimum of 20 feet from the edge of right-of-way or pavement, will not swing into a County right-of-way or non-county maintained road or alley, are constructed consistent with fire and building codes, and are in compliance with Subsections D.2 to D.5, inclusive, and D.9 below.
- B. Nonresidential Development.** An Administrative Permit (Section 17.52.010) is required to establish gates at nonresidential driveway entrances that will prohibit free access/egress to and from the site by either remaining closed during business hours, such as with manned or automatic toll booths, or when being used to prevent public access after close of business. In addition to requirements under Section 17.52.010, the permit shall be in compliance with Subsections D.1 to D.5, inclusive, and D.9 below.
- C. Residential Subdivisions.** An Administrative Permit shall be required to establish gates across non-county maintained road(s) within a residential subdivision consisting of two or more lots, including condominium developments. An Administrative Permit to establish gates shall not be approved unless the Director finds all of the following:
 - 1. The gate will not impede public access to a public resource, such as a public park, or interfere with existing or planned traffic circulation patterns; and
 - 2. The project conforms to the standards of Subsection D below.
- D. Design Standards.** The following standards shall be required in the design of gated developments. Deviation from these standards shall require a Conditional Use Permit in compliance with Section 17.52.020.

1. All Administrative Permits shall be subject to the review and approval of the Department of Transportation and the local fire district.
2. Design and location of gates shall be consistent with Title 12 (Streets, Sidewalks, and Public Places) of the County Code.
3. Road widths and gate openings shall conform to the minimum requirements of the fire code.
4. Unobstructed vertical clearance shall be a minimum of 14 feet.
5. Gates shall be equipped with an emergency access lock system (approved by the fire department) that shall consist of a padlock in series on manual gates or a key switch on automatic gates. Automatic gates shall also be equipped with a receiver to allow remote activation by emergency vehicles to the satisfaction of the Sheriff's Department and the applicable fire department. Automatic gates shall be equipped with a mechanical release and a loop system to keep the gate open as long as traffic is passing through, and shall be designed to remain in the unlocked position during a power failure.
6. Gated entrances shall be designed in compliance with the El Dorado County Standard Plans Manual as to approach distance between the gate and the road in order to accommodate vehicular stacking, and between the gated entrance and the gate controller to allow vehicles to turn around within the driveway without backing onto the adjacent road.
7. Where entrance gates will create a dead-end road in excess of 150 feet in length, an area shall be provided along said road to allow fire trucks and equipment to turn around. The gradient of the road shall be level enough to allow for safe parking of the emergency vehicle when it is necessary to exit the vehicle for manual gate activation.
8. One pedestrian access gate shall be provided at each gated entrance.
9. "Anti-directional" devices at gated entrances and exits, such as metal spikes that can cause tire damage, are prohibited.
10. A maintenance agreement shall be established and recorded for the gated development. The agreement shall identify, and at all times keep in effect, a legal entity responsible for maintaining the gates and associated features.

17.30.080 Maintenance Agreements

- A. Purpose and Intent.** The purpose of the Maintenance Agreement is to ensure proper maintenance provisions are in place where various land or property improvements are held in a form of common ownership.

B. Applicability. A maintenance agreement is required for various developments including:

1. Multi-unit residential dwellings, such as apartments, condominiums, and town homes.
2. Planned development projects where common improvements and lands are owned or required to be maintained by the home owners.
3. Commercial or industrial developments as part of a landscaping plan or where parking, lighting, and other common facility maintenance is shared.
4. Other development projects as may be deemed appropriate by the Director.

C. Maintenance Agreement Provisions. When required by the County, the following provisions shall apply for the establishment and operation of a maintenance agreement:

1. **Draft agreement review.** The applicant shall submit a copy of the proposed maintenance agreement to the Department for review and approval.
2. **Agreement contents.** The items that shall be included in the maintenance agreement are as follows:
 - a. Purpose of the agreement, to include but not be limited to protection of property values.
 - b. Legal description of the property.
 - c. The scope of the agreement with estimated maintenance, repair, and replacement costs.
 - d. Provisions for insurance coverage with reference to the common area and the common improvements. The insured amount must be sufficient to cover the replacement value of the common area and the common improvements.
 - e. Allocation of costs per unit on a monthly, semiannual, or annual basis.
 - f. Method for owner and tenant notification and the process for levying assessments and liens.
 - g. Lien foreclosure plan.
 - h. Mortgage protection clause.
 - i. Stipulation stating that no alterations to the exterior of a building can be

made without approval of all owners and the County, if required by an approved Development Plan Permit.

- j. Method for dispute settlement in the event of a disagreement by the owners with reference to assessments, maintenance, or other provision of the agreement.
- k. Provision that no changes to the maintenance agreement can be made without County review and approval.

3. Recording agreement. The approved maintenance agreement shall be recorded prior to issuance of the first certificate of occupancy for any building or unit within the development. The conditions, covenants, and restrictions of the agreement shall stay with the real property and be binding upon all parties having right, title, or interest in the property, and will run with the land in perpetuity.

D. Non-compliance. Where open space or common area improvements are not maintained in a condition consistent with an approved maintenance agreement, the County may, at its discretion, cause such maintenance to be performed and assess the cost to the affected property owners or responsible homeowners' association, or cause a lien to be placed on the affected property.

CHAPTER 17.31 – AFFORDABLE HOUSING DENSITY BONUS**Sections:**

- 17.31.010 Purpose
- 17.31.020 Definitions
- 17.31.030 Eligibility for Bonus, Incentives, and/or Concessions
- 17.31.040 Bonuses, Incentives, and Concessions Allowed
- 17.31.050 Processing of Requests
- 17.31.060 Continued Availability
- 17.31.070 Location of Bonus Units
- 17.31.080 Time of Construction and Occupancy
- 17.31.090 Design

17.31.010 Purpose

As required by California Government Code Section 65915, the purpose of this Chapter is to offer a density bonus or other incentives or concessions to developers for the production of housing units affordable to very low, lower, and moderate income households and to senior citizens and/or citizens with disabilities. In offering these incentives, it is the intent of this Chapter to carry out the requirements of California Government Code Sections 65915, 65916, and 65917. The regulations set out in this Chapter shall apply to unincorporated areas of the county that are not within the Tahoe Regional Planning Agency's jurisdictional area. (Ord. 4816, 2009)

17.31.020 Definitions

As used in this Chapter, the following words and terms shall have the meanings set forth below:

- A. “Affordable housing” means housing affordable to very low, lower, or moderate income households.
 - 1. “Very low income household” means a household that earns less than 50 percent of the area median income for El Dorado County, adjusted for family size and updated annually. This term includes extremely low income households earning less than 30 percent of the area median income for the county, adjusted for family size and updated annually. [See Health and Safety Code (HSC) Section 50105].
 - 2. “Lower income household” means a household that earns between 50 and 80 percent of the area median income for the county, adjusted for family size and updated annually. (See HSC Section 50079.5).
 - 3. “Moderate income household” means a household that earns between 80 and 120 percent of area median income for the county, adjusted for family size and updated annually. (See HSC Section 50093).

- B. “Density Bonus” means a density increase over the otherwise allowable maximum residential density under the applicable General Plan designation and Zone District.
- C. “Incentive” or “concession” represents any of the following:
1. Reduction in site development standards **or a** modification of zoning code requirements or architectural design requirements that exceed the minimum standards of the Building Code, including, but not limited to, a reduction in the setback and square footage requirements and in the ratio of vehicular parking spaces that would otherwise be required that results in identifiable, financially sufficient and actual cost reductions;
 2. Other concessions or incentives of a regulatory nature identified in the County’s Incentive Based Affordable Housing policy (Note: policy is in development and not yet adopted by the Board), or proposed by the applicant or the County that result in identifiable, financially sufficient and actual cost reductions;
- D. “Qualifying housing development” means a single project for five or more residential units constructed within the unincorporated area of the county. For the purpose of calculating a density bonus, the residential units must be on contiguous sites that are the subject of one development application.
- E. “Senior citizen” means a person 62 years of age or older, or 55 years of age or older in a senior citizen housing development. (See Civil Code Section 51.3).

17.31.030 Eligibility for Bonus, Incentives, and/or Concessions

- A. In order to be eligible for a density bonus or other incentive or concession as provided by this Chapter, a proposed qualifying housing development shall consist of five or more residential units, either for rent or for sale and where at least one unit is affordable to very low, lower, or moderate income households.
- B. A developer shall be granted a density bonus, incentives and/or concessions described in Section 17.31.040 when he or she agrees to provide at least any one of the following:
1. At least five percent of the total number of proposed units for very low income households;
 2. At least 10 percent of the total number of proposed units for lower income households;
 3. A senior citizen housing development; and/or
 4. At least 10 percent of the total number of proposed units in a condominium project, for persons and families of moderate income.

5. The donation of land sufficient in size to permit development of at least 40 affordable housing units consistent with Government Code Section 65915(h) and Paragraph 17.31.040.A.4 of this Chapter.
 6. The payment of a fee in lieu of providing affordable housing units as established in this Section and Paragraph 17.31.040.A.5 of this Chapter.
- C. In order to be eligible for a bonus, incentive, and/or concession, the applicant shall ensure that all provisions of this Chapter are met.
- D. All eligible developments shall comply with the Fair Housing Act that protects all citizens from discrimination on the basis of race, color, national origin, religion, sex, handicap, or familial status, such as families with children under the age of 18 living with parents or legal guardians, pregnant women, and people trying to get custody of children under 18 years of age.
- E. “Total units” does not include units added by a density bonus in compliance with this Chapter or by any other local policy granting a greater density bonus. (Ord. 4816, 2009)

17.31.040 Bonuses, Incentives, and Concessions Allowed

Qualifying housing development projects that satisfy all applicable provisions of this Chapter shall be entitled to a density bonus and additional incentives or concessions as follows:

- A. Density Bonus for Reservation of Affordable Units.** The density bonus allowed by this Chapter shall consist of an increase in the number of dwelling units over the otherwise maximum allowable residential density under the applicable General Plan designation and zone. The amount of density bonus to which an applicant is entitled shall vary according to the amount by which the percentage of affordable housing units exceeds the percentages established in Subsection 17.31.030.B. The applicant who requests a density bonus in compliance with this Subsection shall elect which bonus shall be awarded. The density bonus shall be awarded pursuant to the calculations and limitations provided in California Government Code Section 16915(g) for very low, lower, and moderate income units.
- B. Density Bonus for the Dedication of Land.** When an applicant for a subdivision, parcel map, or other residential development project donates land to the County for the development of affordable housing, the applicant shall be entitled to a density bonus consistent with and subject to the provisions of Government Code Section 65915(h).
- C. Incentives for Provisions of Child Day Care Centers.** When an applicant proposes to construct a housing development that conforms to Subsection 17.31.030.B and includes a child day care center that will be located on the premises of, either as part of or adjacent to, the project, the County shall grant a density bonus or other incentive consistent with Government Code Section 65915(i).

- D. Affordable Housing In-Lieu Fee.** At such time that the Board adopts a fee in lieu of providing the affordable housing units established by Section 17.31.030, an applicant may choose to pay said fee in lieu of providing affordable housing.
1. The amount and calculation of the affordable housing in lieu fee and the Affordable Housing Trust Fund Guidelines shall be established by resolution of the Board.
 2. The in lieu fee shall be calculated at the time of building permit application. The fee shall be paid at the time of issuance of the building permit, unless proof is provided that the required affordable housing units will be constructed on site or that an alternative equivalent action was previously approved in accordance with this Chapter.
- E. Conversion of Market Rate Housing.** When an applicant for a qualifying housing development acquires existing market rate dwelling units and enforces price restrictions on the rental or sale of the existing market rate dwelling units in compliance with this Chapter, he/she shall be entitled to a 15 percent increase above the otherwise maximum allowable density under the applicable General Plan designation and zone. The project must be reviewed as to the appropriateness of the conversion from market rate to income restricted units to minimize neighborhood impacts. It may require design upgrades subject to a Design Review Permit (Section 17.52.030), for compliance with current standards and regulations.

17.31.50 Processing of Requests

- A. Requests for density bonuses, incentives, and/or concessions shall be made and evaluated through the County's existing land use permit processes where required, in compliance with Chapter 17.63 (Amendments and Zone Changes), and Chapter 17.52 (Permit Requirements, Procedures, etc.). Where no discretionary permits are otherwise required for a project, consideration of density bonuses, incentives, and/or concessions shall be made through an Administrative Permit (Section 17.52.010).
- B. All requests for density bonuses, incentives, and/or concessions shall be subject to the following:
1. **Supporting Information.** If regulatory concessions are sought, the developer shall include information with the application, based on building industry standards, to substantiate that any requested waiver or modification of zoning or subdivision standards is necessary to make housing units affordable to very low, lower, or moderate income households.
 2. **Initial Review.** Bonus, incentive, and/or concession requests shall be included as part of the land use permit application and shall be reviewed by the Director. The Director shall notify the applicant within 30 days of the acceptance of the project permit application as complete, whether the project qualifies for the requested additional density, incentive, and/or concession.

3. **Criteria to be Considered.** The requested bonus, incentive, and/or concession shall be reviewed for consistency with the General Plan and other applicable County regulations. Particular attention shall be given to application of Housing Element policies and policies addressing the source and distribution of potable water, the type and scale of available wastewater disposal and treatment, and roadway capacity.
4. **Findings for Approval.**
 - a. In addition to the findings required for approval of the proposed project, support of a density bonus by the appropriate review authority shall also require the following special findings:
 - (1) There are sufficient provisions to guarantee that units will remain affordable in the future, consistent with the requirements of Section 17.31.060 (Continued Availability of Affordability) and the California Government Code Sections 65915(c) and 65915(h)(4).
 - (2) Adequate evidence exists to indicate that development of the subject property in compliance with a valid land use permit or entitlement will result in the provision of housing affordable to very low, lower, and moderate income households in a manner consistent with the purpose and intent of this Chapter.
 - (3) The number of dwelling units approved by the land use permit or entitlement can be accommodated by existing and/or planned infrastructure, consistent with General Plan requirements for concurrency for such services.
 - b. The County shall grant the requested bonus, concession(s), and/or incentive(s) requested by the applicant unless the County makes a written finding, based upon substantial evidence, of either of the following:
 - (1) The concession or incentive is not required in order to provide for affordable housing costs, as defined in California Health and Safety Code Section 50052.5, or for rents for the targeted units to be set as specified in California Government Code Section 65915(c); or
 - (2) The concession or incentive would have a specific adverse impact, as defined in paragraph (2) of subdivision (d) of California Government Code Section 65589.5, upon health, safety, the physical environment, or any real property that is listed in the California Register of Historical Resources and for which there is no feasible method to satisfactorily mitigate or avoid the specific adverse impact without rendering the development economically infeasible to very-low, lower, and moderate income households. (Ord. 4816, 2009)

17.31.060 Continued Availability of Affordability

- A. Affordability shall be based on the following:
1. Affordable Rental Housing is a rental dwelling for which the total monthly expense of rent plus the standard County Housing Authority utility allowance, does not exceed 30 percent of the maximum monthly income limit for very low and low income households in the County as established and updated yearly by the state Department of Housing and Community Development. (California Government Code Section 65915(c)(1))
 2. An Affordable Purchase Price is the sales price at which the affordable unit will be offered to prospective eligible buyers. The monthly housing cost factors required to be included in the calculation of the Affordable Housing Price shall be provided by the County based on the average total monthly housing expenses during the first calendar year of a household's occupancy, including but not limited to property taxes, homeowner's insurance, homeowner's association dues, if any, mortgage loan principal and interest, mortgage insurance, and Mello Roos or other applicable assessments, which are equal to or less than one-twelfth) of 35 percent of no greater than 120 percent of Median Family Income, adjusted for Household Size based on an occupancy standard of one-person per bedroom, plus one additional person (for example, a three-bedroom home will be priced based on the income of a four-person family).
- B. The land use permit application for the development project shall include the procedures proposed by the developer to maintain the continued affordability of all very low, lower, and senior citizen units, as follows:
1. Maintain affordability for at least 30 years for units that were built with the assistance of County funding, including assistance in the forms of contributions to the cost of infrastructure, write-down of land costs, or construction cost subsidization.
 2. Maintain affordability as required by the construction or mortgage financing assistance program, mortgage insurance program, or rental subsidy program, typically for a minimum of 30 years.
- C. Moderate income condominium or planned development units approved and/or constructed in compliance with this Chapter shall remain affordable for at least 20 years.
1. If such units are sold within the 20 year affordability time frame, the seller of the unit shall retain the value of any improvements, the down payment, and the seller's proportionate share of appreciation.
 2. The County shall recapture its proportionate share of appreciation, which shall then be used within three years for any of the purposes promoting home ownership, as described in Health and Safety Code Section 33334.2(e).
- D. The developer shall be required to enter into an Affordable Housing Agreement with the County. The Agreement shall delineate those concessions to be made by all parties

to ensure that affordable housing can be and is constructed and remains available to the residents for a period of time consistent with Subsection 17.31.060.B and C above. The developer or his/her successor in interest shall not sell, rent, lease, sublet, assign, or otherwise transfer any interests for same without written approval of the County Housing Authority, confirming that the cost of the units will remain consistent with the limits established for the affected density bonus. The Agreement shall also establish specific compliance standards and remedies available to the County upon failure by the developer to make the target units available to intended households. (Ord. 4816, 2009)

17.31.070 Location of Bonus Units

Units affordable to very low, lower, or moderate income households constructed in compliance with this Chapter shall be approved under a single development application and be built within one-quarter mile of the boundary of the proposed housing development, unless the County and developer agree to an alternative site for development in the Affordable Housing Agreement. (Ord. 4816, 2009)

17.31.080 Time of Construction and Occupancy

Units affordable to very low, lower, or moderate income households must be constructed concurrently with nonrestricted units and shall be made available for occupancy not later than the time at which the first nonrestricted dwelling unit is available for occupancy, unless the County and developer agree within the Affordable Housing Agreement to an alternative schedule for development and occupancy. (Ord. 4816, 2009)

17.31.090 Design

Except as provided for in Paragraphs 17.31.040.A.4 and 5 (Bonuses, Incentives, and Concessions Allowed), units affordable to very low, lower, or moderate income households shall be built on site and be dispersed throughout the housing development wherever feasible. In addition, the number of bedrooms of the units affordable to very low, lower, or moderate income households shall be equivalent to the bedroom mix of the nonrestricted units of the housing development unless the County and developer agree within the Affordable Housing Agreement to an alternative mix. The developer may include a higher proportion of units affordable to very low, lower, or moderate income households with more bedrooms. The design and appearance of the units affordable to very low, lower, or moderate income households shall be compatible with the design of the total housing development. (Ord. 4816, 2009)

CHAPTER 17.32 – FLOOD DAMAGE PREVENTION

Sections:

- 17.32.010 Statutory Authorization, Findings of Fact, Purpose, Intent and Methods
- 17.32.020 Definitions
- 17.32.030 General Provisions
- 17.32.040 Administration
- 17.32.050 Provisions for Flood Hazard Reduction
- 17.32.060 Variance Procedures

17.32.010 Statutory Authorization, Findings of Fact, Purpose, Intent and Methods

A. Statutory Authorization. The legislature of the state has in Government Code, Sections 65302, 65560, and 65800, conferred upon local governments the authority to adopt regulations designed to promote the public, health, safety, and general welfare of its citizenry. Therefore, the Board of Supervisors of El Dorado County does hereby adopt the following floodplain management regulations.

B. Findings of Fact.

1. The flood hazard areas of the County are subject to periodic inundation, which could result in loss of life and property, health and safety hazards, disruption of commerce and governmental services, extraordinary public expenditures for flood protection and relief, and impairment of the tax base, all of which adversely affect the public health, safety and general welfare.
2. These flood losses are caused by uses that are inadequately floodproofed, elevated or otherwise protected from flood damage. The cumulative effect of obstructions in areas of special flood hazards that increase flood heights and velocities also contribute to flood losses.

C. Purpose and Intent. It is the purpose of this Ordinance to implement General Plan Policy 6.4.1.1 requiring continued participation in the National Flood Insurance Program in order to promote the public health, safety, and general welfare, and to minimize public and private losses due to flood conditions in specific areas. This Ordinance serves to provide legally enforceable regulations applied uniformly throughout the community to all publicly and privately owned land within flood prone areas. These regulations are designed to:

1. Protect human life and health;
2. Minimize expenditure of public money for costly flood-control projects;
3. Minimize the need for rescue and relief efforts associated with flooding and generally undertaken at the expense of the general public;

4. Minimize prolonged business interruptions;
5. Minimize damage to public facilities and utilities such as water and gas mains; electric, telephone and sewer lines; and streets and bridges located in areas of special flood hazard;
6. Help maintain a stable tax base by providing for the sound use and development of special flood hazard areas so as to minimize future blighted areas caused by flood damage;
7. Ensure that potential buyers are notified that property is in a special flood hazard area;
8. Ensure that those who occupy the special flood hazard areas assume responsibility for their actions.

D. Methods of Reducing Flood Losses. In order to accomplish its purposes, this chapter includes regulations to:

1. Restrict or prohibit uses which are dangerous to health, safety, and property due to water or erosion hazards, or which result in damaging increases in erosion, or in flood heights or velocities;
2. Require that uses vulnerable to floods, including facilities that serve such uses, be protected against flood damage at the time of initial construction;
3. Control the alteration of natural floodplains, stream channels, and natural protective barriers, which help accommodate or channel floodwaters;
4. Control the filling, grading, dredging, and other development which may increase flood damage; and
5. Prevent or regulate the construction of flood barriers which will unnaturally divert floodwaters or which may increase flood hazards in other areas.

These regulations take precedence over any less restrictive or conflicting laws, ordinances or codes.

17.32.020 Definitions

Unless specifically defined below, words or phrases used in this Chapter shall be interpreted so as to give them the meaning they have in common usage and to give this Ordinance its most reasonable application.

“A zone” – Area of 100-year flood where base flood elevations and flood hazard factors have not been determined.

“A1-A30 zones” – Area of 100-year flood where base flood elevations and flood hazard factors have been determined.

“Accessory structure” means a subordinate building or structure detached from the principal building or structure on the same lot and incidental to the principal building.

“Accessory use” means a use which is incidental and subordinate to the principal use of the parcel of land on which it is located.

“Appeal” means a request for a review of the Floodplain Administrator’s interpretation of any provision of this Ordinance.

“B zone” means areas between limits of the 100-year flood and 500-year flood; or certain areas subject to 100-year flooding with average depths less than one foot or where the contributing drainage area is less than one square mile.

“Base flood” means a flood having a one percent chance of being equaled or exceeded in any given year (also called a "100-year flood"). Base flood is the term used throughout this Ordinance.

“Base flood elevation” (BFE) means the elevation shown on the Flood Insurance Rate Map for Zones A1-30, that indicates the water surface elevation resulting from a flood that has a one percent or greater chance of being equaled or exceeded in any given year.

“Basement” means any area of the building having its floor subgrade (i.e., below ground level) on all sides.

“Building” – see “structure”.

“Development” means any man-made change to improved or unimproved real estate, including, but not limited to buildings or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations, or storage of equipment or materials.

“Encroachment” means the advance or infringement of uses, plant growth, fill, excavation, buildings, permanent structures, or other development into a floodplain that may impede or alter the flow capacity of the floodplain.

“Existing manufactured home park or subdivision” means a manufactured home park or subdivision for which the construction of facilities for serving the lots on which the manufactured home is to be affixed (including, at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed before the effective date of the Ordinance codified in this Chapter.

“Expansion to an existing manufactured home park or subdivision” means the preparation of additional sites by the construction of facilities for serving the lots on which the manufactured homes are to be affixed (including the installation of utilities, the construction of streets, and either final site grading or pouring of concrete pads).

“Flood, flooding, or floodwater” means a general and temporary condition of partial or complete inundation of normally dry land areas from:

1. The overflow of inland or tidal waters; or
2. The unusual and rapid accumulation of runoff of surface waters from any source;

“Flood boundary and floodway map (FBFM)” means the official map on which the Federal Emergency Management Agency or Federal Insurance Administration has delineated both the special flood hazards areas and the floodway.

“Flood insurance rate map (FIRM)” means the official map on which the Federal Emergency Management Agency or Federal Insurance Administration has delineated both the special flood hazards areas and the risk premium zones applicable to the community.

“Flood insurance study (FIS)” means the official report provided by the Federal Insurance Administration that includes flood profiles, the Flood Insurance Rate Map, the Flood Boundary and Floodway Map, and the water surface elevation of the base flood. The flood insurance study, FIRMs and FBFMs are on file at the Development Services Department, 2850 Fairlane Court, Placerville, California 95667.

“Floodplain or flood-prone area” means an area susceptible to floodwater. Also see “Flood, flooding, or floodwater”.

“Floodplain Administrator” is the community official designated by title to administer and enforce the floodplain management regulations. In El Dorado County, this duty falls on the Director of Development Services or his/her authorized representative.

“Floodplain management” means the operation of an overall program of corrective and preventive measures for reducing flood damage and preserving and enhancing, where possible, natural resources in the floodplain, including but not limited to emergency preparedness plans, flood control works, floodplain management regulations, and open space plans.

“Floodplain management regulations” means this Chapter, the remaining Zoning Ordinance, subdivision regulations, building codes, health regulations, special purpose ordinances (such as grading and erosion control) and other applications of police power that control development in flood-prone areas. This term describes federal, state or local regulations in any combination thereof that provide standards for preventing and reducing flood loss and damage.

“Floodproofing” means any combination of structural and nonstructural additions, changes or adjustments to structures that reduce or eliminate flood damage to real estate or improved real property, water and sanitary facilities, structures, and their contents. For guidelines on dry and wet floodproofing, see FEMA Technical Bulletins TB 1-93, TB 3-93, TB 7-93, and subsequent updates.

“Floodway” means the channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than one foot. Also referred to as “Regulatory floodway”.

“Floodway fringe” is that area of the floodplain on either side of the “Regulatory Floodway” where encroachment may be permitted.

“Functionally dependent use” means a use which cannot perform its intended purpose unless it is located or carried out in close proximity to water. The term includes only docking facilities, port facilities that are necessary for the loading and unloading of cargo or passengers, and ship building and ship repair facilities, and does not include long-term storage or related manufacturing facilities.

“Highest adjacent grade” means the highest natural elevation of the ground surface next to the proposed walls of a structure prior to construction.

“Lowest floor” means the lowest floor of the lowest enclosed area - see “Basement”. An unfinished or flood-resistant enclosure that is usable solely for parking of vehicles, building access or storage in an area other than a basement area, is not considered a building's lowest floor provided it conforms to applicable non-elevation design requirements under Section 17.32.050.

“Manufactured home” means a structure, transportable in one or more sections, which is built on a permanent chassis and is designed for use with or without a permanent foundation when connected to the required utilities. For floodplain management purposes, the term manufactured home also includes mobile homes, park trailers, and other similar vehicles placed on a site for greater than one hundred eighty consecutive days. The term “manufactured home” does not include a “recreational vehicle.”

“Manufactured home park or subdivision” means a lot (or contiguous lots) of land divided into two or more manufactured home lots for rent or sale.

“Market value” means the value of the structure shall be determined by estimating the cost to replace the structure in new condition and adjusting that cost figure by the amount of depreciation which has accrued since the structure was constructed.

1. The cost of replacement of the structure shall be based on a square foot cost factor determined by reference to a building cost estimating guide recognized by the building construction industry.
2. The amount of depreciation shall be determined by taking into account the age and physical deterioration of the structure and functional obsolescence as approved by the floodplain administrator, but shall not include economic or other forms of external obsolescence.

Use of replacement costs or accrued depreciation factors different from those contained in recognized building cost estimating guides may be considered only if such factors are included in a report prepared by an independent professional appraiser and supported by a written explanation of the differences.”

“Mean sea level” means, for purposes of the National Flood Insurance Program, the National Geodetic Vertical Datum (NGVD) of 1929, or other datum, to which base flood elevations shown on a community’s Flood Insurance Rate Map are referenced.

“Modern construction” means structures for which the “start of construction” commenced on or after April 1, 1986, the initial adoption date of the County’s Flood Damage Prevention Ordinance, and includes any subsequent improvements to such structures, pursuant to the Department of Water Resources Guidelines, for floodplain management purposes.

“Modern manufactured home park or subdivision” means a manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed, including at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads, is completed on or after April 1, 1986.

“Obstruction” includes, but is not limited to, any dam, wall, wharf, embankment, levee, dike, pile, abutment, protection, excavation, channelization, bridge, conduit, culvert, building, wire, fence, rock, gravel, refuse, fill, structure, vegetation or other material in, along, across or projecting into any watercourse which may alter, impede, retard or change the direction and/or velocity of the flow of water, or due to its location, its propensity to snare or collect debris carried by the flow of water, or its likelihood of being carried downstream.

“One-hundred-year flood” or “100-year flood” – means a flood having a one percent chance of being equaled or exceeded in any given year (also called a “base flood”).

“Public safety and nuisance” as related to Section 17.32.060 of this Ordinance, means that the granting of a variance must not result in anything which is injurious to safety or health of an entire community or neighborhood, or any considerable number of persons, or unlawfully obstructs the free passage or use, in the customary manner, of any navigable lake, or river, bay, stream, canal, or basin.

“Recreational vehicle” means a motor home, travel trailer, truck camper, or camping trailer, with or without motive power, originally designed for human habitation for recreational or emergency occupancy with a living area of 320 square feet or less and bearing the state or federal insignia of approval for recreational vehicles.

“Regulatory floodway” means the channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than one foot.

“Remedy a violation” means to bring the structure or other development into compliance with state or local floodplain management regulations, or, if this is not possible, to reduce the impacts of its noncompliance through such means as protecting the structure or other affected development from flood damages, implementing the enforcement provisions of the Ordinance or otherwise deterring future similar violations, or reducing state or federal financial exposure with regard to the structure or other development.

“Riverine” means relating to, formed by, or resembling a river (including tributaries), stream, brook, etc.

“Special flood hazard area (SFHA)” means an area in a floodplain subject to a base flood. In El Dorado County, it is shown on an FHBM or FIRM, and all subsequent amendments and/or

revisions, as Zones A, A1-A9, A14, A24, or B, which are defined under “A zone”, “A1-A30 zones” and “B zone”.

“Start of construction”, as defined in Article 8 and for purposes of this Chapter, includes substantial improvement and other proposed new development. For a substantial improvement, the actual start of construction means the first alteration of any wall, ceiling, floor, or other structural part of a building, whether or not that alteration affects the external dimensions of the building.

“Structure” means a walled and roofed building that is principally above ground; this includes a gas or liquid storage tank or a manufactured home.

“Substantial damage”. See definition in Article 8.

“Substantial improvement”. See definition in Article 8.

“Variance” means a grant of relief from the requirements of this Ordinance which permits construction in a manner that would otherwise be prohibited by this Ordinance.

“Violation” means the failure of a structure or other development to be fully compliant with this Ordinance. A structure or other development without the elevation certificate, other certifications, or other evidence of compliance required in this Ordinance is presumed to be in violation until such time as that documentation is provided.

“Water surface elevation” means the height, in relation to the National Geodetic Vertical Datum (NGVD) of 1929, North American Vertical Datum (NAVD) of 1988, or other datum, of floods of various magnitudes and frequencies in the floodplains of coastal or riverine areas.

“Watercourse” means a lake, river, creek, stream, wash, arroyo, channel, or other topographic feature on or over which waters flow at least periodically. Watercourse includes specifically designated areas in which substantial flood damage may occur.

17.32.030 General Provisions

A. Application. This Ordinance shall apply to all development in the SFHAs within the jurisdiction of the County.

B. Compliance. Violation of the following requirements (including violations of conditions and safeguards) shall constitute a misdemeanor. Nothing herein shall prevent the County from taking such lawful action as is necessary to prevent or remedy any violation.

1. No structure shall hereafter be located, constructed, extended, converted, nor land altered without full compliance with the terms of this Chapter and other applicable regulations.

2. No new critical or high occupancy structures (such as schools and hospitals) shall be located in the 100-year floodplain of any river, stream, or other body of water pursuant to General Plan Policy 6.4.1.3.

C. Abrogation and Greater Restrictions. This Ordinance is not intended to repeal, abrogate, or impair any existing easements, covenants, or deed restriction. However, where this Ordinance and another ordinance, easement, covenant, or deed restriction conflict or overlap, whichever imposes the more stringent restrictions shall prevail.

D. Interpretation. In the interpretation and application of this Ordinance, all provisions shall be:

1. Considered as minimum requirements;
2. Liberally construed in favor of the governing body; and
3. Deemed neither to limit nor repeal any other powers granted under state statutes.

E. Warning and Disclaimer of Liability. The degree of flood protection required by this Ordinance is considered reasonable for regulatory purposes and is based on scientific and engineering considerations. Larger floods can and will occur on rare occasions. Flood heights may be increased by man-made or natural causes. This Ordinance does not imply that land outside the special flood hazard areas or uses permitted within such areas will be free from flooding or flood damages. This Ordinance shall not create liability on the part of the County, any officer or employee thereof, the State of California, or the Federal Emergency Management Agency for any flood damages that result from reliance on this Ordinance or any administrative decision lawfully made hereunder.

F. Severability. This Chapter and the various parts thereof are hereby declared to be severable. Should any section of this Chapter be declared by the courts to be unconstitutional or invalid, such decision shall not affect the validity of this Chapter as a whole, or any portion thereof other than the Section so declared to be unconstitutional or invalid.

17.32.040 Administration

A. Designation of the Floodplain Administrator. The Director of Development Services or authorized representative is appointed to administer, implement, and enforce this chapter by granting or denying development permits in accordance with its provisions.

B. Duties and Responsibilities of the Floodplain Administrator. The duties and responsibilities of the Floodplain Administrator shall include, but not be limited to the

following:

1. **Permit Review.** Review all development permits to determine that:
 - a. Permit requirements of this Chapter have been satisfied, including determination of substantial improvement and substantial damage of existing structures;
 - b. All other required state and federal permits have been obtained;
 - c. The site is reasonably safe from flooding;
 - d. The proposed development does not adversely affect the carrying capacity of areas where base flood elevations have been determined but a floodway has not been designated. This means that the cumulative effect of the proposed development when combined with all other existing and anticipated development will not increase the water surface elevation of the base flood more than one foot at any point within El Dorado County; and
 - e. All Letters of Map Revision (LOMRs) for flood control projects are approved prior to the issuance of building permits. Building permits must not be issued based on Conditional Letters of Map Revision (CLOMRs). Approved CLOMRs allow construction of the proposed flood control project and land preparation as specified in the “start of construction” definition.

2. **Review, Use and Development of Other Base Flood Data.** The Floodplain Administrator shall obtain, review, and reasonably utilize any base flood elevation and floodway data available from a federal agency, such as that provided by the Federal Emergency Management Agency (FEMA) under the Flood Insurance Study for El Dorado County, or state agency or other source, in order to administer Section 17.32.050 “Provisions for Flood Hazard Reduction”.

NOTE: A base flood elevation shall be obtained using one of two methods from the FEMA publication, FEMA 265, “Managing Floodplain Development in Approximate Zone A Areas – A Guide for Obtaining and Developing Base (100-year) Flood Elevations” dated July 1995.

3. **Notification of Other Agencies.** The Floodplain Administrator shall perform the following tasks prior to a County permit being issued if, as the result of the permit issuance, the following physical changes will occur:
 - a. Alteration or relocation of a watercourse:
 - (1) Notify adjacent communities and the California Department of Water Resources;
 - (2) Submit evidence of such notification to the Federal Insurance Administration, Federal Emergency Management Agency; and

- (3) Assure that the flood-carrying capacity within the altered or relocated portion of said watercourse is maintained.
 - b. Base Flood Elevation changes based on Subsection 17.32.050.D:
 - (1) Submit, or assure that the permit applicant submits, technical or scientific data to FEMA for a Letter of Map Revision (LOMR). Such submissions are necessary so that upon confirmation of those physical changes affecting flooding conditions, risk premium rates and floodplain management requirements are based on current data.
 - c. Changes in corporate boundaries:
 - (1) Notify FEMA in writing whenever the corporate boundaries have been modified by annexation or other means, to include a copy of a community map clearly delineating the new corporate limits.
4. **Documentation of Floodplain Development.** Obtain and maintain for public inspection and make available as needed all certifications, records and permits demonstrating compliance with the requirements of this Chapter. In addition, a record of all variance actions, including justification for their issuance, shall be maintained and submitted in the biennial report to FEMA.
5. **Map Determination.** Make interpretations where needed, as to the exact location of the boundaries of the SFHA, where there appears to be a conflict between a mapped boundary and actual field conditions. The person contesting the location of the boundary shall be given a reasonable opportunity to appeal the interpretation as provided in Subsection 17.32.040.D.
6. **Remedial Action.** Take action to remedy violations of this Ordinance as specified in Subsection 17.32.030.B.
7. **Biennial Report.** Every two years, complete and submit a Biennial Report to FEMA describing the County's progress in the previous two years in implementing floodplain management measures and on its needs for re-mapping and technical assistance. Submission of this report is required as part of the County's participation in the NFIP.
8. **Planning.** Assure the General Plan is consistent with floodplain management objectives herein.
9. **Non-conversion of Enclosed Areas Below the Lowest Floor.** To ensure that the areas below the BFE shall be used solely for parking vehicles, limited storage, or access to the building and not be finished for use as human habitation without first becoming fully compliant with the floodplain management Ordinance in effect at the time of conversion, the Floodplain Administrator shall:
 - a. Determine which applicants for new construction and/or substantial

improvements have fully enclosed areas below the lowest floor that are five feet or higher;

- b. Enter into a “NON-CONVERSION AGREEMENT FOR CONSTRUCTION WITHIN FLOOD HAZARD AREAS” or equivalent with the County. The agreement shall be recorded with the County Recorder as a deed restriction. The non-conversion agreement shall be in a form acceptable to the Floodplain Administrator and County Counsel; and
- c. Have the authority to inspect any area of a structure below the base flood elevation to ensure compliance upon prior notice of at least 72 hours.

C. Development Permit Process. All development that requires a building or grading permit within a SFHA shall comply with the following requirements:

1. In addition to the standard submittal information required under the building and/or grading permit application, the applicant shall provide the following minimum information:
 - a. Plans in duplicate, drawn to scale, showing:
 - (1) Location of the regulatory floodway when applicable;
 - (2) Base flood elevation information as specified in Subsection 17.32.040.B(2);
 - (3) Proposed elevation in relation to mean sea level of the lowest floor (including basement) of all structures; and
 - (4) Proposed elevation in relation to mean sea level to which any nonresidential structure will be floodproofed, as required in Subsection 17.32.050.A(3.b) of this Ordinance and detailed in FEMA Technical Bulletin TB 3-93.
 - b. Certification from a registered civil engineer or architect that the nonresidential floodproofed building meets all applicable floodproofing criteria under Section 17.32.050.
 - c. For a crawl-space foundation, location and total net area of foundation openings as required in Subsection 17.32.050.A(3.c) of this Ordinance and detailed in FEMA Technical Bulletins 1-93 and 7-93.
 - d. Description of the extent to which any watercourse will be altered or relocated as a result of proposed development.
 - e. All appropriate certifications, records and permits demonstrating compliance with the requirements of this Chapter.

D. Appeals. The Board of Supervisors shall hear and decide appeals when it is alleged there is an error in any requirement, decision, or determination made by the Floodplain Administrator in the enforcement or administration of this Chapter.

17.32.050 Provisions for Flood Hazard Reduction**A. Standards of Construction.** In all SFHAs, the following standards are required:

1. **Anchoring.** All new and modern construction and substantial improvement of any structure shall be adequately anchored to prevent flotation, collapse or lateral movement of the structure resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy.
2. **Construction Materials and Methods.** All new and modern construction and substantial improvement of any structure shall be constructed:
 - a. With flood-resistant materials and utility equipment resistant to flood damage for areas below the base flood elevation;
 - b. Using methods and practices that minimize flood damage; and
 - c. With electrical, heating, ventilation, plumbing and air conditioning equipment and other service facilities that are designed and/or located so as to prevent water from entering or accumulating within the components during conditions of flooding.
3. **Elevation and Floodproofing.**
 - a. **Residential Construction.** All new and modern construction and substantial improvement of any residential structure shall have the lowest floor, including basement:
 - (1) In A1-A9, A14 and A24 Zones, elevated 2 feet above the base flood elevation (BFE).
 - (2) In an A zone, without BFEs specified on the FIRM (unnumbered A zone), elevated 2 feet above the base flood elevation. The applicant shall identify the SFHA and BFE in compliance with Subsection 17.32.040.B(2);
 - (3) Manufactured/mobile homes or Temporary Mobile Home/RV with a Hardship Permit (TMA), placed or substantially improved on a site within any SFHA, shall:
 - (a) Be elevated on a permanent foundation such that the lowest floor of the dwelling unit is elevated 2 feet above the BFE, as specified on the FIRM or as determined under Subsection 17.32.040.B(2), and be securely fastened to an adequately anchored foundation system to resist flotation, collapse, and lateral movement.

Prior to the foundation or set-up inspection approval, the elevation of the lowest floor, as defined, shall be certified by a registered civil engineer or licensed land surveyor, and certified by a County building inspector to be properly elevated. Failure to submit elevation certification shall be cause to issue a stop work order for the project. As-built plans certifying the elevation of the lowest adjacent

grade is also required. Such certification and verification shall be provided to the Floodplain Administrator.

- b. Nonresidential Construction.** All new and modern construction and substantial improvement of any nonresidential structure shall either be elevated to conform to Subsection 17.32.050.A(3.a) of this paragraph or:
- (1) Be floodproofed, together with attendant utility and sanitary facilities, below the elevation recommended under Subsection 17.32.050.A(3.a), so that the structure is watertight with walls substantially impermeable to the passage of water;
 - (2) Have structural components capable of resisting hydrostatic and hydrodynamic loads and effects of buoyancy; and
 - (3) Be certified by a registered civil engineer or architect that the standards of both Subsections 17.32.050.A(3.a) or (3.b) are satisfied. Such certification shall be provided to the Floodplain Administrator.
- c. Flood Openings.** All new and modern construction and substantial improvements of any structures with fully enclosed areas below the lowest floor (excluding basements) that are usable solely for parking of vehicles, building access or storage, and which are subject to flooding, shall be designed to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of floodwater. Designs for meeting this requirement must meet the following minimum criteria:
- (1) For non-engineered openings:
 - (a) Have a minimum of two openings on different sides having a total net area of not less than one square inch for every square foot of enclosed area subject to flooding;
 - (b) The bottom of all openings shall be no higher than one foot above grade.
 - (c) Openings may be equipped with screens, louvers, valves or other coverings or devices provided that they permit the automatic entry and exit of floodwater; and
 - (d) Buildings with more than one enclosed area must have openings on exterior walls for each area to allow flood water to directly enter; or
 - (2) Be certified by a licensed civil engineer or architect.
- d. Garages and Low Cost Accessory Structures.**
- (1) **Attached Garages.**
 - (a) A garage attached to a residential structure, constructed with the garage floor slab below the BFE, must be designed to allow for the automatic entry of flood waters; see Subsection 17.32.050.A(3.c). Areas of the garage below the BFE must be constructed with flood resistant materials; see Subsection 17.32.050.A(2).
 - (b) A garage attached to a nonresidential structure must meet the above requirements or be dry floodproofed. For guidance on below grade parking areas, see FEMA

Technical Bulletin TB-6.

(2) **Detached Garages and Accessory Structures.**

- (a) “Accessory structures” used solely for parking, limited storage, or other non-habitable use, may be constructed such that its floor is below the BFE, provided the structure is designed and constructed in accordance with the following requirements:
- (i) Use of the accessory structure must be limited to non-habitable use;
 - (ii) The portions of the accessory structure located below the BFE must be built using flood-resistant materials;
 - (iii) The accessory structure must be adequately anchored to prevent flotation, collapse and lateral movement;
 - (iv) Any mechanical and utility equipment in the accessory structure must be elevated or floodproofed to or above the BFE;
 - (v) The accessory structure must comply with floodplain encroachment provisions in Subsection 17.32.050.F; and
 - (vi) The accessory structure must be designed to allow for the automatic entry of flood waters in accordance with Subsection 17.32.050.A(3.c).
- (b) Detached garages and accessory structures not meeting the above standards must be constructed in accordance with all applicable standards in Subsection 17.32.050.A.

e. **Crawlspace Construction.** This Subsection applies to buildings with crawl spaces up to two feet below grade. Below-grade crawl space construction in accordance with the requirements listed below will not be considered basements.

- (1) The building must be designed and adequately anchored to resist flotation, collapse, and lateral movement of the structure resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy. Crawl space construction is not allowed in areas with flood velocities greater than five feet per second unless the design is reviewed by a qualified design professional, such as a licensed engineer or architect;
- (2) The crawl space is an enclosed area below the BFE and, as such, must have openings that equalize hydrostatic pressures by allowing for the automatic entry and exit of floodwaters. For guidance on flood openings, see FEMA Technical Bulletin 1-93;
- (3) Portions of the building below the BFE must be constructed with materials resistant to flood damage. This includes not only the foundation walls of the crawl space used to elevate the building, but also any joists, insulation, or other materials that extend below the BFE; and

- (4) Any building utility systems within the crawl space must be elevated above BFE or designed so that floodwaters cannot enter or accumulate within the system components during flood conditions.
- (5) Requirements for all below-grade crawl space construction, in addition to the above requirements, to include the following:
 - (a) The interior grade of a crawl space below the BFE must not be more than two feet below the lowest adjacent exterior grade (LAG), shown as D in figure 3 of Technical Bulletin 11-01;
 - (b) The height of the below-grade crawl space, measured from the interior grade of the crawl space to the top of the crawl space foundation wall must not exceed four feet (shown as L in figure 2 of Technical Bulletin 11-01) at any point;
 - (c) There must be adequate drainage system that removes floodwaters from the interior area of the crawl space within a reasonable period of time after a flood event, not to exceed 72 hours; and
 - (d) The velocity of floodwaters at the site should not exceed five feet per second for any crawl space. For velocities in excess of five feet per second, other foundation types should be used.

B. Standards for Utilities.

1. All new and replacement water supply and sanitary sewage systems shall be designed to minimize or eliminate infiltration of floodwaters into the system and discharge from systems into floodwaters.
2. On-site waste disposal systems shall be located to avoid impairment to them, such as soil scouring from flood waters, or contamination from them during flooding.

C. Standards for Subdivisions and Other Proposed Development.

1. Creation of new lots which lie entirely within the SFHAs as identified on the most current version of the flood insurance rate maps provided by FEMA is prohibited in compliance with General Plan Policy 6.4.1.4.
2. New lots which are partially within the SFHAs must have sufficient land available outside the FEMA or County designated SFHAs for construction of dwelling units, accessory structures, and septic systems, while meeting all other required development standards, in compliance with General Plan Policy 6.4.1.5.
3. All new subdivision proposals and other proposed development, including proposals for manufactures home parks and subdivisions, shall:

- a. Identify the SFHAs and the BFEs.
 - b. Identify the elevations of the lowest floors of all proposed structures and pads, if applicable, on the final plans.
 - c. If the site is filled above the BFE, the following as-built information for each structure shall be certified by a registered civil engineer or licensed land surveyor and provided as part of an application for a Letter of Map Revision Based on Fill (LOMR-F) to the Floodplain Administrator:
 - (1) Lowest floor elevation.
 - (2) Pad elevation.
 - (3) Lowest adjacent grade.
4. All subdivision proposals shall be consistent with the need to minimize flood damage.
- a. All subdivision proposals and other proposed development shall have public utilities and facilities such as sewer, gas, electrical, and water systems located and constructed to minimize flood damage.
 - b. All subdivisions and other proposed development shall provide adequate drainage provided to reduce exposure to flood hazards.

D. Floodways.

Since floodways are an extremely hazardous area due to the velocity of floodwaters which carry debris, potential projectiles, and erosion potential, the following provisions apply:

1. Until a regulatory floodway is adopted, no new or modern construction, substantial improvement of any structure, or other development (including fill) shall be permitted within Zones A1-A9, A14 and A24, unless it is demonstrated that the cumulative effect of the proposed development, when combined with all other development, will not increase the BFE more than one foot at any point within the County.
2. Within an adopted regulatory floodway, the County shall prohibit encroachments, including fill, new or modern construction, substantial improvements to any structure, and other development, unless certification by a licensed civil engineer is provided demonstrating that the proposed encroachment shall not result in any increase in flood levels during the occurrence of the base flood discharge.
3. If Subsections 1 and 2 above are satisfied, all new or modern construction, substantial improvement to any structure, and other proposed new development shall comply with all other applicable flood hazard reduction provisions of this Section (17.32.050).

17.32.060 Variance Procedures

A. Nature of Variances. The issuance of a variance is for floodplain management purposes only. The variance criteria set forth in this Section of the Ordinance are based on the general principle of zoning law that variances pertain to a piece of property and are not personal in nature. Insurance premium rates are determined by statute according to actuarial risk and will not be modified by the granting of a variance.

In addition to the specific findings found under Section 17.52.070, approval of a variance for floodplain management purposes must not cause fraud on or victimization of the public. In examining this requirement, the approving authority will consider the fact that every newly constructed building adds to government responsibilities and remains a part of the community for 50 to 100 years. Buildings that are permitted to be constructed below the BFE are subject during all those years to increased risk of damage from floods, while future owners of the property and the community as a whole are subject to all the costs, inconvenience, danger, and suffering that those potential risks bring. In addition, future owners may purchase the property, unaware that it is subject to potential flood damage, and could be insured only at very high flood insurance rates.

The long term goal of preventing and reducing flood loss and damage can only be met if variances are strictly limited. Therefore, the variance guidelines provided in this Ordinance are more detailed and contain multiple provisions that must be met before a variance can be properly granted. The criteria are designed to screen out those situations in which alternatives other than a variance are more appropriate.

B. Criteria. In passing upon requests for variances, the approving authority shall consider all technical evaluations, relevant factors, standards specified in other sections of this Ordinance, as well as the:

1. Danger that materials may be swept onto other lands to the injury of others;
2. Danger to life and property due to flooding or erosion damage;
3. Susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the existing individual owner and future owners of the property;
4. Importance of the services provided by the proposed facility to the community;
5. Necessity to the facility of a waterfront location, where applicable;
6. Availability of alternative locations for the proposed use which are not subject to flooding or erosion damage;
7. Compatibility of the proposed use with existing and anticipated development;

8. Relationship of the proposed use to the comprehensive plan and floodplain management program for that area;
9. Safety of access to the property in time of flood for ordinary and emergency vehicles;
10. Expected heights, velocity, duration, rate of rise, and sediment transport of the flood waters expected at the site; and
11. Costs of providing governmental services during and after flood conditions, including maintenance and repair of public utilities and facilities such as sewer, gas, electrical, and water system, and streets and bridges.

C. Provisions.

1. Generally, variances may be issued for new or modern construction, substantial improvement of any structure, and other proposed new development on a lot of one-half acre or less in size adjoining and surrounded by lots with existing structures constructed below the BFE, providing that the procedures of Sections 17.32.040 and 17.32.050 of this Ordinance have been fully considered. As the lot size increases beyond one-half acre, the technical justification required for issuing the variance increases.
2. Variances may be issued for the repair or rehabilitation of “historic structures”, as defined in Article 8 (“Structure: Historic”), upon a determination that the proposed repair or rehabilitation will not preclude the structure’s continued designation as an historic structure and the variance is the minimum necessary to preserve the historic character and design of the structure.
3. Variances shall not be issued within any mapped regulatory floodway if any increase in flood levels during the base flood discharge would result.
4. Variances shall only be issued upon a determination that the variance is the “minimum necessary”, considering the flood hazard, to afford relief. “Minimum necessary” means to afford relief with a minimum of deviation from the requirements of this Ordinance. For example, in the case of variances to an elevation requirement, this means the approving authority need not grant permission for the applicant to build at grade, or even to whatever elevation the applicant proposes, but only to that elevation which the approving authority believes will both provide relief and preserve the integrity of the Ordinance.
5. In addition to the findings under Section 17.52.070, variances shall only be issued upon a determination that the granting of a variance will not result in increased flood heights, additional threats to public safety, or extraordinary public expense; and will not create a nuisance (Section 17.32.020), cause fraud and victimization of the public, or conflict with existing laws or ordinances.

6. Upon consideration of the factors of Subsection 17.32.060.C(1) and the purposes of this Ordinance, the Board may attach such conditions to the granting of variances as it deems necessary to further the purpose of this Ordinance.
7. Any applicant to whom a variance is granted shall be given written notice over the signature of the Director that:
 - a. The issuance of a variance to construct a structure below the BFE will result in increased premium rates for flood insurance; and
 - b. Such construction below the BFE increases risks to life and property. It is recommended that a copy of the notice shall be recorded by the Floodplain Administrator in the office of the County Recorder-Clerk and shall be recorded in a manner so that it appears in the chain of title of the affected lot of land.
8. The Floodplain Administrator will maintain a record of all variance actions, including justification for their issuance, and report such variances issued in its biennial report submitted to FEMA.

CHAPTER 17.33 – LANDSCAPING STANDARDS

Sections:

17.33.010	Purpose
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17.33.070	Irrigation Standards
17.33.080	Maintenance and Protection
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17.33.100	Water Efficient Landscape Plan
17.33.110	Water Efficient Landscape Plan Requirements

17.33.010 Purpose

The purpose of this Chapter is to create landscaping standards that enhance the appearance of development, increase property values, and protect the public health, safety, and welfare by providing buffers; parking lot shading; incentives for outdoor art and water features; a means to reduce impervious surfaces and site runoff by incorporating stormwater best management practices into landscape areas; and requirements for water conservation methods that encourage the use of native, drought tolerant species, reclaimed water and graywater systems. It is further the intent of this Chapter to comply with the Water Conservation in Landscaping Act: Model Water Efficient Landscape Ordinance (Gov. Code 65591 – 65599).

17.33.020 Applicability

All ministerial and discretionary development for industrial, research and development, commercial, multi-unit residential, civic, or utility uses shall provide landscaping for all areas of a lot that do not include footprints of buildings or structures, sidewalks, driveways, parking lots, decks, patios, gravel or stone walks, other pervious or impervious hardscapes, and other non-irrigated areas designated for non-development (e.g., open spaces and existing native vegetation).

17.33.030 Exemption

Commercial uses on agricultural and resource zoned land shall be exempt from the requirements of this Chapter; except for the following:

- A. A permanent parking lot located adjacent to a public road shall be subject to landscape buffer requirements in compliance with Paragraph 17.33.060.A.1.
- B. A permanent paved parking lot shall be subject to the shade requirements under Subsection 17.33.060.C.

17.30.040 Definitions

As used in this Chapter, the following terms shall have the meanings set forth below:

Backflow Prevention Device. A safety device used to prevent pollution or contamination of the water supply due to the reverse flow of water from the irrigation system.

Certified Landscape Irrigation Auditor. A person certified to perform landscape irrigation audits by an accredited academic institution, a professional trade organization or other program such as the US Environmental Protection Agency's WaterSense irrigation auditor certification program and Irrigation Association's Certified Landscape Irrigation Auditor program.

Check Valve or Anti-drain Valve. A valve located under a sprinkler head, or other location in the irrigation system, to hold water in the system to prevent drainage from sprinkler heads when the sprinkler is off.

Drip Irrigation or Emitter. Any non-spray low volume irrigation system utilizing emission devices with a flow rate measured in gallons per hour.

Established Landscape. The point at which plants have developed significant root growth into the soil. Typically, most plants are established after one or two years of growth.

ET Adjustment Factor (ETAF). A factor of 0.7 that, when applied to reference evapotranspiration, adjusts for plant factors and irrigation efficiency, two major influences upon the amount of water that needs to be applied to the landscape.

Evapotranspiration Rate. The quantity of water evaporated from adjacent soil and other surfaces and transpired by plants during a specified time.

Infiltration Rate. The rate of water entry into the soil expressed as a depth of water per unit of time (e.g., inches per hour).

Irrigation Efficiency (IE). The measurement of the amount of water beneficially used divided by the amount of water applied. Irrigation efficiency is derived from measurements and estimates of irrigation system characteristics and management practices. The minimum average irrigation efficiency for purposes of this Chapter is 0.71. Greater irrigation efficiency can be expected from well designed and maintained systems.

Landscape Architect. A person who holds a license to practice landscape architecture in the state of California Business and Professions Code, Section 5615.

Landscape Area. All the planting areas, turf areas, and water features in a landscape plan.

Local Water District. Any entity, including a public agency, city, county, or private water company that provides retail water service.

Low Volume Irrigation. The application of irrigation water at low pressure through a system of tubing or lateral lines and low-volume emitters such as drip, drip lines, and bubblers. Low volume irrigation systems are specifically designed to apply small volumes of water slowly at or near the root zone of plants.

Maximum Applied Water Allowance (MAWA). The maximum allowed limit of annual applied water for the established landscape area based upon its size, reference evapotranspiration, and the ET Adjustment Factor.

Mulch. Any organic material such as leaves, bark, straw, compost, or inorganic mineral materials such as rocks, gravel, and decomposed granite left loose and applied to the soil surface for the beneficial purposes of reducing evaporation, suppressing weeds, moderating soil temperature, and preventing soil erosion.

New Construction. A new building requiring landscaping or other new landscaping without an associated building, such as a park, playground, or greenbelt.

Overhead Sprinkler Irrigation Systems. Systems that deliver water through the air, such as spray heads and rotors.

Plant Factor or Plant Water Use Factor. A factor established in the Department of Water Resources: *Water Use Classification of Landscape Species* (2000) that, when multiplied by the reference evapotranspiration value (ET_o) for the County, estimates the amount of water needed by plants.

Precipitation Rate. The rate of application of water measured in inches per hour.

Reference Evapotranspiration (ET_o). A standard measurement of environmental parameters which affect the water use of plants, so that regional differences in climate can be accommodated. It is based on an estimate of the evapotranspiration of a large field of four- to seven-inch tall, cool-season grass that is well watered. The ET_o for the County is 47.3 inches per year.

Special Landscape Area (SLA). An area of the landscape dedicated solely to edible plants such as orchards and vegetable gardens, areas irrigated with recycled water, water features, and areas dedicated to active play where turf provides a playing surface, such as parks, sports fields, and golf courses.

Static Water Pressure. The pipeline or municipal water supply pressure when water is not flowing.

Station. An area served by one valve or by a set of valves that operate simultaneously.

WUCOLS. The *Water Use Classification of Landscape Species* published by the Department of Water Resources, the University of California Cooperative Extension, and the Bureau of Reclamation (2000).

17.33.050 Landscape Plan

- A. A landscape plan shall be required prior to the issuance of any building permit subject to the requirements of this Chapter. Plans shall include a site plan, grading plan, planting plan, irrigation design plan, and all other details and specifications necessary for a complete landscape plan review, on an application form provided by the Department.
- B. Where the required landscape area exceeds 1,000 square feet in the whole, said plan shall be prepared by a California licensed landscape architect, civil engineer, architect, or landscaping contractor to the extent that his or her license allows.
- C. If a Water Efficient Landscape Plan is required in compliance with Section 17.33.090, further requirements under 17.33.100 will apply.
- D. The Director or applicable review authority may approve an alternative landscape plan when unique circumstances apply to the site that makes compliance with the standards of this Chapter infeasible. Consideration shall be given to adjacent land uses, the nature of the change, existing site conditions, and the suitability of the proposed alternative. The review authority must find that the alternative provides comparable buffering and shading, and otherwise meets the intent of this Chapter.
- E. Prior to issuance of a certificate of occupancy, the applicant shall provide a Certificate of Completion by the preparer of the approved landscape plan that verifies the landscape improvements have been installed in compliance with the approved landscape plan, on a form provided by the Department.

17.33.060 Landscape Standards

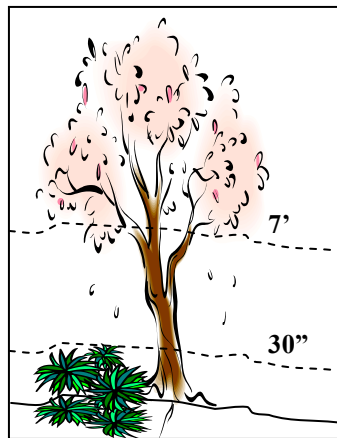
Landscaping shall conform to the standards set forth below:

- A. **Landscape Buffers.** Landscaped buffers shall be required along a road frontage, or property under a different ownership or zone, as follows:
 - 1. **Road Frontage.**
 - a. The required buffers along road frontage shall be a minimum of 10 feet in width outside of the right-of-way and exclusive of any curbs or sidewalks, unless otherwise set forth in the development standards for the zone.
 - b. Where industrial, research and development, commercial, civic, or utility uses are located across a county-maintained road from residentially zoned lots and parking is provided facing said lots, either of the following shall be required:
 - (1) An ornamental masonry wall not less than three feet in height from grade shall be installed between the parking spaces and the landscape buffer; or
 - (2) A minimum three foot high landscaped berm may be provided

within the buffer area.

- c. Landscape buffers adjacent to public rights of way or road easements shall maintain line-of-sight visibility subject to the review and approval of the Department of Transportation. No foliage or structural feature between the height of 30 inches and seven feet above grade (Figure 17.33.050.A) shall extend into the cross-visibility area (CVA) defined in Section 17.30.050.B.5 (Fences, Walls, and Retaining Walls):

Figure 17.33.060.A



2. Property Lines.

- a. The required buffer along property lines shall be a minimum of five feet in width.
- b. Where multiple lots are developed as a single project under common ownership, the landscape buffers shall only be required along the perimeter of the project.
- c. Should two or more adjoining lots under separate ownership be designed as a single project with shared uses of access and parking, the required five foot landscape buffer adjacent to the common property line shall not be required when a shared parking covenant and reciprocal easement is recorded between all concerned parties in a form approved by the County.
- d. Where industrial, research and development, commercial, civic, or utility uses adjoin residentially zoned lots, either of the following shall be required:
- (1) A 30 foot-wide landscape buffer with a minimum of eighteen trees and 72 shrubs per 100 feet of length; or
 - (2) A ten foot landscape buffer with an ornamental masonry wall not less than six feet in height installed at the property line and extending to within 15 feet of any road right-of-way or easement.

Within the buffer, a row of evergreen conifer trees shall be planted to provide continuous screening.

B. General Landscape Requirements.

1. A minimum of six trees and 24 shrubs shall be provided per each 100 linear feet of required landscape buffer along the property boundaries and public roads, with the exceptions under Paragraph A.2.d, above.
2. All shrubbery and at least 50 percent of required trees shall be evergreen.
3. Where street lights exist or are proposed to be installed, the size, location, and variety of trees shall be reviewed by the Department of Transportation and designed to minimize conflict between the lighting needs and landscaping requirements.
4. No landscaping or tree planting shall be installed or maintained in such a manner that the expected growth of the plant or tree material at 15 years will cast a shadow between the peak solar collection hours of 10 a.m. to 2 p.m. on more than ten percent of the solar absorption panels of an existing solar energy device located on site or on adjoining lots. Trees planted before the installation of affected solar panels or their replacement plantings shall be exempt from this requirement.
5. A minimum of 50 percent drought-tolerant plant species shall be used in all landscape plans required by this Section. Shade trees and drought-tolerant plant species shall be selected from the Director-approved lists in Appendices B and C. Plant species similar to those on the lists may be considered providing they conform to the intent of this Subsection for drought tolerance and adaptability to the area. Species selection shall be based on site elevation in accordance with the lists.
6. To ensure plant diversity, the following standards shall apply to any plant material required to meet the regulations of this Chapter:
 - a. Between eight and 23 trees, a minimum of three different species must be used. For 24 trees or more, a minimum of four different species must be used. Existing trees may be included in the calculations.
 - b. For 25 shrubs or more, a minimum of three different species must be used.
7. Lawn or turf grasses shall constitute no greater than 10 percent of the required landscaping and shall not be planted on slopes greater than 25 percent where the toe of the slope is adjacent to an impermeable hardscape.
8. Bark, decorative rock, and similar organic materials, when used to enhance the

required plant material, shall be replenished on a routine basis in order to maintain a neat and consistent appearance.

9. Any outdoor form of sculpture or other artwork, as well as any water feature such as a fountain, cascade, stream, or reflection pond can be substituted in place of living plant material, with the exception of the buffer and shade requirements, providing:

- a. Artwork or water feature(s) are publicly visible and accessible at the main pedestrian entrance to the building(s) or along a perimeter sidewalk or pedestrian connection;
- b. Artwork or water feature does not contain a corporate name, logo, or slogan in its form or appearance, or it will be counted as a sign;
- c. Substitution will be at a 1:1 ratio based on the square footage of the footprint of the artwork or water feature. When a water efficient landscape plan is required, the square footage of the surface area of a water feature will be included in estimated water use calculations, in compliance with Section 17.33.100 below;
- d. Water features use a recirculating water system and, when available, reclaimed water;
- e. Water features are maintained in a clean and non-contaminated condition;
- f. Water remains in motion and/or is aerated during hours of operation; and
- g. The manner and extent to which artwork or water features replace landscaping shall be reviewed and approved by the Director or appropriate review authority.

10. On-site landscaped areas designed for compliance with either the *Western El Dorado County* or *Lake Tahoe Basin Storm Water Management Plan* requirements for storm water retention and bio-filtration purposes can be used to satisfy landscaping requirements under this Chapter providing the minimum buffer, shade, and oak tree replacement requirements are met.

11. The size of plant material shall be the following pot size or equivalent container, such as tree pot, slip, or bare root packaging, as certified by the preparer of the landscape plan:

- Trees.....5 gallon minimum
- Shrubs.....1 gallon minimum

12. The use of landscape fabric shall be prohibited to allow the rejuvenation and

self-sufficiency of the underlying soil.

13. A minimum two inch layer of mulch shall be applied on all exposed soil surfaces of planting areas except in turf areas, creeping or rooting groundcovers, or direct seeding applications where mulch is contraindicated. The mulching portion of the seed/mulch slurry in hydro-seeded applications shall meet the mulching requirement. Stabilizing mulching products shall be used on slopes.
14. Landscaping within the 100-year flood plain of the South Fork of the American River shall be consistent with Element 6.5.2.1 of the *El Dorado County River Management Plan*.
15. For phased projects, or projects for which only a portion of a lot is proposed to be developed, landscaping may be deferred for areas surrounding the undeveloped phases or portions, providing temporary erosion and dust control measures are implemented as required by the County.

C. Parking Lot Landscaping.

1. Landscaping shall be provided in paved parking lots of five spaces or more and shall provide shade over 50 percent of all paved parking areas, as set forth below:
 - a. Shade calculations shall assume the sun is directly overhead;
 - b. Shade shall be calculated by using the expected diameter of the tree crown at 15 years.
 - c. The percentage of area required to be shaded shall be based on the total square footage of all aboveground and uncovered pavement.
 - d. Solar panel grids, canopies, and other structures that can be utilized as shade structures and meet the 50 percent shade requirements for the paved parking areas can be substituted for living tree material, providing they are architecturally compatible with the structure(s) on site and the minimum buffer requirements of Paragraph B.1 are met.
2. In addition to the required landscape buffers, landscaping areas within a parking facility shall have a minimum width of five feet and a minimum area of 25 square feet, exclusive of any curbs.
3. Wheel stops or similar devices shall be installed three feet from landscape areas, as measured from the far side of the wheel stop to the edge of curb, to prevent vehicle damage or encroachment onto landscape materials. In lieu of wheel stops, concrete curbing used to separate the landscape area from the parking lot may serve as the wheel stop provided that the planting area width, exclusive of curbing, is increased by a minimum of 2.5 feet for each side adjoining the vehicular encroachment. Plant material designed to grow no higher than six

inches shall be planted within the increased planting area.

4. Walkways and/or sidewalks shall be required to provide pedestrian circulation across landscaped areas where necessary to prevent pedestrian traffic from destroying plant material.

17.33.070 Irrigation Standards

Landscape areas shall be provided with a permanent automatic irrigation system(s) coordinated to meet the needs of various planting areas/hydrozones and water efficiency in compliance with the manufacturers' recommendations. The irrigation system and its related components shall be planned and designed to allow for proper installation, management, and maintenance subject to the following:

- A. An irrigation plan shall be submitted with the Landscape Plan application. The irrigation system shall be designed to prevent runoff, low head drainage, overspray, or other similar conditions where irrigation water flows onto non-targeted areas, such as adjacent property, nonirrigated areas, hardscape, roadways, or structures.
- B. When reclaimed water is available within the region containing the project lot(s), or when a reclamation master plan indicating the availability of reclaimed water in the future has been adopted by either the local water district or the County, the applicant shall incorporate the use of reclaimed water into the project design subject to public health and safety regulations.
- C. Domestic graywater systems for subsurface landscape irrigation can be utilized subject to the provisions of the Department of Water Resources *California Graywater Standards*, the *Uniform Plumbing Code* (UPC), and the building code.
- D. Temporary irrigation systems that will be utilized to establish native, drought tolerant landscaping or xeriscaping, or other alternative irrigation methods, shall be subject to the review and approval of the Director.

17.33.080 Maintenance and Protection

All landscaping shall be maintained in accordance with the approved landscape plan, as set forth below:

- A. All plant materials shall be maintained in a healthy and attractive manner and kept free from weeds, debris, and undesirable materials for fire safety as well as aesthetic purposes. Plant materials showing damage from insects, disease, or lack of maintenance shall be replaced in accordance with the approved landscape plan.
- B. Plant materials shall not be allowed to become overgrown, so as to compromise the CVA (cross-visibility area), pedestrian or vehicular circulation, or public safety.
- C. All existing plant material to be retained on site shall be subject to the protection measures set forth in the Design and Improvement Standards Manual during grading

and construction activities.

- D. The Director may cause an inspection of landscaping at any time following the installation of said landscaping to determine compliance with this Section. Any costs associated with said inspection or to insure compliance shall be paid by the property owner.
- E. If loss of landscaping occurs due to lack of water during a declared water shortage, or due to other mandatory water conservation measures, all plants shall be replaced within a reasonable time after the water shortage has ended.

17.33.090 Non-conforming Landscaping

When a change in use occurs on a site that contains landscaping that is non-conforming to the standards of this Chapter, the following shall apply:

- A. When a proposed new use requires no expansion of the parking area, the Department shall verify that the existing landscaping is maintained consistent with the requirements of the site when the previous use was established. Replacement landscaping consistent with minimum plant material, plant diversity, and shade requirements in compliance with Section 17.33.050 may be required if the landscaping has not been properly maintained.
- B. Whenever additional parking is required due to an intensification of use or expansion of a structure that does not exceed the thresholds under Section 17.33.090, the landscaping for the entire site shall be consistent with minimum plant material, plant diversity, and shade requirements in compliance with Paragraphs 17.33.050.B.1, B.4, B.6, and C.1-3.
- C. Whenever the structure(s) on a site are enlarged, modified, or redeveloped to the level of thresholds under Subsection 17.33.090.A below, the provisions of this Chapter shall apply to the entire site.

17.33.100 Water Efficient Landscape Plan

- A. A Water Efficient Landscape Plan is required for the following:
 - 1. New construction and rehabilitated landscapes requiring a permit with a landscape area equal to or greater than 2,500 square feet for industrial, research and development, commercial, civic, or utility uses, and developer-installed landscaping in single- and multi-unit residential development.
 - 2. New construction landscapes that are homeowner-provided and/or homeowner-hired in single- and multi-unit residential projects, with a total landscape area equal to or greater than 5,000 square feet and only when a building or grading permit is required for said landscaping installation.
 - 3. New and rehabilitated cemeteries limited to a Water Efficient Landscape Worksheet (Appendix A), landscape and irrigation maintenance schedule,

- irrigation audits or surveys, and irrigation water use analysis by the local water district.
4. Existing cemeteries and landscapes limited to irrigation audits or surveys and irrigation water use analysis by the local water district addressing water waste prevention.
- B. The following shall be exempt from this Section:
1. Registered local, state, or federal historical sites.
 2. Ecological restoration projects where the site is intentionally altered to establish a defined, indigenous, historic ecosystem and that do not require a permanent irrigation system.
 3. Mining reclamation projects that do not require a permanent irrigation system.
 4. Plant collections, as part of public arboretums and botanical gardens.
 5. Commercial agricultural operations.

17.33.110 Water Efficient Landscape Plan Requirements

In addition to the submittal requirements set forth in Section 17.33.040, additional information related to water use and efficient application shall be submitted as follows:

- A. Landscape Documentation Package.** A Landscape Documentation Package, as provided in Subsection B, shall be submitted to the Department for review and approval prior to permit issuance. A copy of the approved Landscape Documentation Package shall be provided to the property owner or site manager along with any other information normally forwarded to the property owner or site manager as part of the permit process.
- B. Elements of the Landscape Documentation Package.**
1. **Project Information:**
 - a. Applicant/owner names and contact information;
 - b. Site address and Assessor's Parcel Number (APN);
 - c. Total landscape area (in sq ft);
 - d. Project type, such as new, rehabilitated, public, private, cemetery, homeowner-installed;
 - e. Water type, such as potable, reclaimed, well; and
 - f. Applicant signature and date with statement, "I agree to comply with the

requirements of the water efficient landscape ordinance.”

2. **Water Efficient Landscape Worksheet.** A project applicant shall complete the Water Efficient Landscape Worksheet for the project, as follows:
 - a. A hydrozone information table (Appendix A, Section A); and
 - b. A water budget calculation (Appendix A, Section B). Water budget calculations shall adhere to the following requirements:
 - (1) For the calculation of the Maximum Applied Water Allowance (MAWA) and Estimated Total Water Use (ETWU), a project applicant shall use the Reference Evapotranspiration (ET_o) value of 47.3 inches per year for El Dorado County (CIMIS Reference Evapotranspiration Zones Map, Department of Water Resources, 1999).
 - (2) The plant factor used (Appendix A, Section B.2) shall be from the Water Use Classification of Landscape Species (WUCOLS). For purposes of this Ordinance, the plant factor shall range from 0 to 0.3 for low water use plants, from 0.4 to 0.6 for moderate water use plants, and from 0.7 to 1.0 for high water use plants.
 - (3) All surface area of water features, as defined in Article 8, shall be included in the high water use hydrozone and temporarily irrigated areas shall be included in the low water use hydrozone.
 - (4) All Special Landscape Areas (SLA), as defined in Section 17.33.030, shall be identified and included in calculating the MAWA. A statement shall be included with the landscape design plan designating recreational areas to be used for such purposes.
3. **Landscape Design Plan.** For the efficient use of water, a landscape shall be carefully designed and planned for the intended function of the project. A landscape design plan meeting the following requirements shall be submitted as part of the landscape documentation package:
 - a. **Plant Selection and Grouping.** Plant selection shall be in compliance with Section 17.33.040 (Landscape Standards) providing the recommended ETWU does not exceed the Maximum Applied Water Allowance and the plants meet the following specifications:
 - (1) Plants having similar water use shall be grouped together in distinct hydrozones with the exception of hydrozones with plants of mixed water use, in compliance with Subparagraph 4.d.(1) below.
 - (2) Plants shall be selected appropriately based upon their adaptability to the climatic, geologic, and topographical conditions of the site, as well as their horticultural attributes, such as size and invasiveness, in order to minimize damage to property or infrastructure.
 - (3) Fire-prone plant materials and highly flammable mulches shall be avoided.

- (4) Soil amendments shall be incorporated according to recommendations of the soil management report and what is appropriate for the plants selected.

b. Landscape Design Plan Requirements. The landscape design plan shall be drawn on a base project or permit site plan sheet at a scale that accurately and clearly delineates, labels, and identifies, at a minimum:

- (1) Square footage of the total landscaped area.
- (2) Existing and proposed trees, shrubs, ground cover, turf, and other vegetation. Existing vegetation shall be clearly distinguished between what is to be retained and what is to be removed. Planting symbols shall be clearly drawn and vegetation shall be labeled by botanical name, common name, container size, spacing, and quantities of each group of plant material indicated;
- (3) Each hydrozone by number, letter, or other method;
- (4) Each hydrozone as low, moderate, high, or mixed water use for calculating the water budget;
- (5) Where reclaimed water is used for plant irrigation or water features;
- (6) Special landscape areas and their type;
- (7) Type and surface area of water features;
- (8) Location and installation details of any applicable stormwater best management practices (BMPs) used for on-site retention and infiltration of stormwater. Stormwater BMPs are not subject to water budget calculations.
- (9) Hardscape areas and type (pervious and impervious);
- (10) Tree staking, plant installation, soil preparation details to include amendment types and quantity, mulch types and application depth, and any other applicable planting and installation details.
- (11) The following statement bearing the signature of a licensed landscape architect, licensed landscape contractor, or any other person authorized to design a landscape: "I have complied with the criteria of the ordinance and applied them for the efficient use of water in the landscape design plan".

4. Irrigation Plan. For the efficient use of water, an irrigation system shall meet all the requirements listed in this Section and the manufacturers' recommendations. The irrigation system and its related components shall be planned and designed to allow for proper installation, management, and maintenance.

a. Irrigation Plan Requirements. An irrigation plan shall be drawn on project or permit site plan base sheets. It shall be separate from, but shall use the same format as the landscape design plan. The scale shall be the same as that used for the landscape design plan described in Subparagraph 3.b above, and shall contain:

- (1) Location and size of separate water meter(s) for landscaping.

- (2) Separate hydrozone areas designated by number, letter, or other designation.
- (3) Location, type, and size of all components of the irrigation system, including controllers, main and lateral lines, valves, sprinkler heads, moisture sensing devices, rain switches, quick couplers, pressure regulators, and backflow prevention devices. Designation of the areas irrigated by each valve, and a number assigned to each valve. This valve number shall be used in the Hydrozone Information Table as part of the water efficient landscape worksheet. The table can also assist with the irrigation audit and programming the controller.
- (4) Static water pressure at the point of connection to the public water supply.
- (5) Flow rate (gallons per minute), application rate (inches per hour), and design operating pressure (pressure per square inch) for each station.
- (6) Reclaimed water or domestic graywater irrigation systems, if applicable.
- (7) Date and signature of a licensed landscape architect, certified irrigation designer, licensed landscape contractor, or any other person authorized to design an irrigation system after the following statement: "I have complied with the criteria of the ordinance and applied them accordingly for the efficient use of water in the irrigation design plan".

b. Design Requirements. The following design requirements shall be included in the irrigation system, as appropriate:

- (1) Automatic irrigation controllers utilizing either evapotranspiration or soil moisture sensor data for scheduling in all irrigation systems.
- (2) If the static pressure is above or below the required dynamic pressure of the irrigation system, pressure-regulating devices such as inline pressure regulators, booster pumps, or other devices installed to meet the required dynamic pressure of the irrigation system within the manufacturer's recommended pressure range for optimal performance.
- (3) Sensors (rain, freeze, wind, etc.), either integral or auxiliary, that suspend or alter irrigation operation during unfavorable weather conditions customary for the climate area.
- (4) Manual shut-off valves, such as a gate valve, ball valve, or butterfly valve, as close as possible to the point of connection of the water supply to minimize water loss in case of an emergency, such as a main line break, or for routine repair.
- (5) Backflow prevention devices to protect the water supply from contamination by the irrigation system.
- (6) Sprinkler heads and other emission devices having matched precipitation rates, unless otherwise directed by the manufacturer's recommendations.

- (7) Sprinkler spacing designed to achieve the highest possible distribution uniformity using the manufacturer's recommendations.
 - (8) Swing joints or other protection components on all risers adjacent to high traffic areas that are subject to damage.
 - (9) Check valves or anti-drain valves.
- c. **Design Standards.** The irrigation system must be designed and installed to meet or exceed the irrigation efficiency criteria used in calculating the MAWA. The following design standards shall be included in the irrigation system, as appropriate:
- (1) Narrow or irregularly shaped areas less than eight feet in width in any direction, including turf, shall be irrigated with subsurface irrigation or a low volume irrigation system.
 - (2) Overhead irrigation shall not be permitted within 24 inches of any non-permeable surface. Allowable irrigation within the setback from non-permeable surfaces may include drip, drip line, or other low flow non-spray technology. The setback area may be planted or unplanted. The surfacing of the setback may be mulch, gravel, or other porous material. These restrictions may be modified if:
 - (a) The landscape area is adjacent to permeable surfacing and no runoff of water beyond the landscape area occurs;
 - (b) The adjacent non-permeable surfaces are designed and constructed to drain entirely to landscape areas; or
 - (c) The irrigation designer specifies an alternative design or technology, as part of the Water Efficient Landscape Plan, and clearly demonstrates strict adherence to irrigation system design criteria in Subsection 17.33.060.A. Prevention of overspray delivered beyond the target area and runoff must be confirmed during the irrigation audit.
 - (3) Slopes greater than 25% shall not be irrigated with an irrigation system with a precipitation rate exceeding 0.75 inches per hour. This restriction may be modified if the landscape designer specifies an alternative design or technology, as part of the Water Efficient Landscape Plan, and clearly demonstrates no runoff or erosion will occur. Prevention of runoff and erosion must be confirmed during the irrigation audit.
 - (4) Incorporation of relevant information from the soil management plan, such as soil type and infiltration rate.
 - (5) Static water pressure, dynamic or operating pressure, and flow reading of the water supply measured at the point of connection. Pressure and flow reading measurements shall be conducted at the design stage. If the measurements are not available at the design stage, the measurements shall be conducted at installation.
 - (6) Conformance to the hydrozones of the landscape design plan.

- (7) The use of low volume irrigation in mulched planting areas to maximize water infiltration into the root zone.

d. Hydrozones.

- (1) Each valve shall irrigate a hydrozone with similar site, slope, sun exposure, soil conditions, and plant materials with similar water use subject to the following exceptions:
 - (a) Individual hydrozones that mix plants of moderate and low water use, or moderate and high water use, may be allowed if:
 - i. Plant factor calculation is based on the proportions of the respective plant water uses and their plant factor; or
 - ii. The plant factor of the higher water using plant is used for calculations.
 - (b) Individual hydrozones that mix high and low water use plants shall not be permitted.
- (2) Sprinkler heads and other emission devices shall be selected based on what is appropriate for the plant type within that hydrozone.
- (3) Where feasible, trees shall be placed on separate valves from shrubs, groundcovers, and turf.

e. Irrigation Scheduling. For implementation of the irrigation schedule, total annual applied water shall be less than or equal to MAWA. Irrigation schedules shall meet the following criteria:

- (1) Irrigation scheduling shall be regulated by automatic irrigation controllers using current reference evapotranspiration data (e.g., CIMIS) or soil moisture sensor data.
- (2) Overhead irrigation shall be scheduled between 8 p.m. and 10 a.m. unless weather conditions prevent it. If allowable hours of irrigation differ from the requirements of the local water district, the stricter of the two shall apply. Operation of the irrigation system outside the normal watering window is allowed for auditing and system maintenance.
- (3) Parameters used to set the automatic controller shall be developed and submitted for the plant establishment period, the established landscape, and any temporarily irrigated areas.
- (4) Each irrigation schedule shall consider for each station all of the following that apply:
 - (a) Irrigation interval (days between irrigation);
 - (b) Irrigation run times (hours or minutes per irrigation event to avoid runoff);
 - (c) Number of cycle starts required for each irrigation event to avoid runoff;
 - (d) Amount of applied water scheduled to be applied on a monthly basis;
 - (e) Application rate setting;

- (f) Root depth setting;
 - (g) Plant type setting;
 - (h) Soil type;
 - (i) Slope factor setting;
 - (j) Shade factor setting; and
 - (k) Irrigation uniformity or efficiency setting.
- f. Landscape and Irrigation Maintenance Schedule.** Landscapes shall be maintained to ensure water use efficiency. A regular maintenance schedule shall be submitted with the Certificate of Completion to include, but not be limited to:
- (1) Routine inspection; adjustment and repair of the irrigation system and its components; aerating and dethatching turf areas; replenishing mulch; fertilizing, pruning, and weeding in all landscape areas; and removing obstruction to emission devices.
 - (2) Repair of all irrigation equipment with the originally installed components or their equivalents.
- g. Irrigation Audit Report or Survey.** For new construction and rehabilitated landscape projects under Section 17.33.090.A, the applicant shall submit the following:
- (1) An irrigation audit report, conducted by a certified landscape irrigation auditor, to the local water district for their review and approval. The irrigation audit report may include, but not be limited to irrigation schedule, inspection report, system tune-up schedule, system test with distribution or emission uniformity, and method of reporting overspray or run off that causes overland flow.
 - (2) Where an irrigation survey is allowed in lieu of an audit report in compliance with this Section, or as determined by the local water district, it shall include, but not be limited to inspection, system test, and written recommendations to improve performance of the irrigation system.
 - (3) A filed copy of the approved irrigation audit report or survey, or other form of documentation indicating approval by the local water district, to the Department with the Certificate of Completion.
- 5. Grading Plan.** For the efficient use of water, grading of a project site shall be designed to minimize soil erosion, runoff, and water waste. As part of a grading permit, the grading plan shall be separate from, but at the same scale as the landscape design plan and shall indicate finished configurations and elevations of the landscape area and stormwater retention improvements, if applicable.

The grading plan shall contain the following statement: "I have complied with the criteria of the ordinance and applied them accordingly for the efficient use of water in the grading design plan" and shall bear the signature of a licensed professional as authorized by law.

6. **Soil Management Report.** In order to reduce runoff and encourage healthy plant growth, a soil management report shall be completed by the project applicant prior to grading, as follows:
 - a. Soil samples shall be submitted to a laboratory for analysis and recommendations in accordance with laboratory protocol, including protocols regarding adequate sampling depth for the intended plants.
 - b. The project applicant shall submit the soil management report to the Department as part of the Landscape Documentation Package.
 - c. The project applicant shall make the soil management report available to the professionals preparing the landscape design plans and irrigation plans to allow them to make any necessary adjustments to the design plans in a timely manner.
 - d. The project applicant shall submit documentation verifying implementation of the soil management report recommendations to the Department with the Certificate of Completion.

7. **Certificate of Completion.** The signer of the landscape design plan, the signer of the irrigation plan, or the licensed landscape contractor shall conduct a final field observation and provide a Certificate of Completion to the Department (see Appendix A, Section C), as follows:
 - a. The Certificate shall specifically indicate that the landscape project has been installed in compliance with the approved Landscape Documentation Package. Where there have been significant changes made in the field during construction, these “as-built” drawings shall be included with the certification.
 - b. The project applicant shall submit the signed Certificate to the Department for review.
 - c. The Department shall approve or deny the Certificate. If the Certificate is denied, the Department shall provide information to the project applicant regarding reapplication, appeal, or other assistance.
 - d. The project applicant shall ensure that copies of the approved Certificate are submitted to the local water district and property owner or his or her designee.

C. Provisions for Existing Landscapes.

1. All existing landscaped areas, one acre or more in size, to which a local water district provides water, including golf courses, green belts, common areas, multi-unit residential development, schools, businesses, parks, cemeteries, and

publicly owned landscapes, shall have a landscape irrigation audit at least once every five years. An audit shall not be required if the local water district determines, based on an irrigation water use analysis of meter readings and billing data, that the existing landscape area does not exceed the MAWA for the project site.

2. The audit shall be in accordance with the California Landscape Water Management Program, as described in the *Landscape Irrigation Auditor Handbook version 5.5* (Dept. of Water Resources: Water Conservation Office), or with criteria established through a local water district program, whichever is stricter.

CHAPTER 17.34 – OUTDOOR LIGHTING

Sections:

- 17.34.010 Purpose and Intent
- 17.34.020 Definitions
- 17.34.030 Lighting Plans Required
- 17.34.040 Outdoor Lighting Limits
- 17.34.050 Outdoor Lighting Standards
- 17.34.060 Exemptions
- 17.34.070 Effect on Existing Outdoor Lighting

17.34.010 Purpose and Intent

The purpose of this Chapter is to minimize high intensity lighting and glare by establishing standards for lighting practices and systems that will balance lighting levels, minimize light trespass, and conserve energy in concert with state and federal requirements, while maintaining night-time safety, utility, and security consistent with prudent safety practices.

17.34.020 Definitions

For the purposes of this Chapter, the following terms shall be defined as follows:

“Design Professional” means a licensed electrical engineer or contractor, or a licensed architect.

“Direct Light” means light emitted directly from the lamp, off the reflector or reflector diffuser, or through the refractor or diffuser lens of a luminaire.

“Fixture” means the assembly that holds the lamp (bulb) in a lighting system, which can include all or some of the following elements designed to give light output control: housing, mounting bracket or pole socket, lamp holder, ballast, reflector (mirror), and/or refractor (lens).

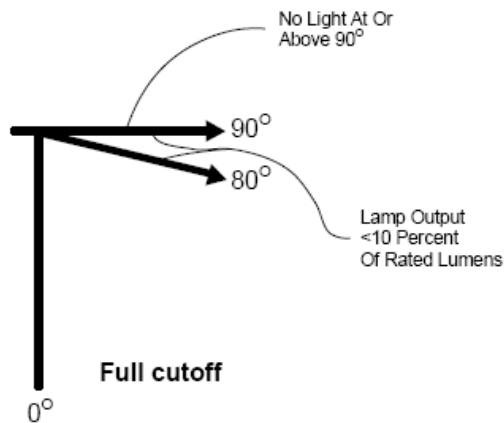
“Flood light” or “Spot light” means any light fixture or lamp that incorporates a reflector or a refractor to concentrate and intensify the light output into a directed beam.

“Footcandle (horizontal or vertical)” means the amount of light striking a vertical or a horizontal plane measured as one lumen per square foot.

“Full-cutoff (fco)” means the light distribution of a luminaire where zero units of light intensity occurs at an angle of 90 degrees and greater above nadir, which is the vertical point directly below the luminaire when it is pointed down (0 degrees), and does not exceed 10 percent of lumen output at a vertical angle of 80 degrees above nadir, as demonstrated in Figure 17.34.020.A, below. This applies to all lateral angles around the installed luminaire to include any tilt or other non-level mounting condition. [Illuminating Engineering Society of North

America (IESNA) Standards]. Full cut-off does not have the same meaning as and cannot be used interchangeably with the terms ‘cut-off’, ‘full shielding’ or ‘fully shielded’.

Figure 17.34.020.A



“Glare” means discomfort experienced by an observer with a direct line of sight to a light source, often resulting in visual impairment.

“Indirect Light” means light resulting from direct light being reflected or scattered off of other surfaces.

“Inventory of lighting” means a complete list of all exterior lamps to be utilized on site, including illuminated signage. The inventory shall include the lamp type, number and wattage of each type, lighting plan key ID letter or number, initial lumen output rating per lamp or, in the case of luminous tube lighting, the length of the lamp measured in feet. The total project area expressed in net acreage or percentage thereof shall be required. Maximum allowable and project-related lumens per acre will be calculated based on this information.

“Lamp” means the component of a luminaire that produces the actual light, commonly referred to as the ‘bulb’. Lamp types consist of light-emitting diodes (LED), high intensity discharge (HID) such as metal halide, mercury vapor, and high or low pressure sodium, and incandescent, fluorescent, and luminous tubes containing neon or argon. Certain lamps are more useful for specific uses, such as incandescent, fluorescent and metal halide where color rendition is important, or high and low pressure sodium for security lighting in such areas with little or no nighttime activity.

“Lamp efficacy or efficiency” means the total luminance emitted by a lamp divided by the power input, expressed in lumens per watt. As an example, the efficiency of various lamps can be compared in the Table 17.34.020.1, as follows:

Table 17.34.020.1

Lamp Type					
	Incandescent	Fluorescent	Metal Halide	High-Pressure Sodium	Low-Pressure Sodium
Wattage	25-150	18-95	50-400	50-400	18-180
Output (Lumens)	210-2700	1000-7500	1900-30000	3600-46000	1800-33000
Efficiency (lumens/watt)	8-18	55-79	38-75	72-115	100-183

“Light source” means the bulb and lens, diffuser, or reflective enclosure.

“Light trespass” means direct or indirect light projected onto a property from a luminaire not located on that property.

“Lumen” means the measure of brightness of the light exiting a bulb, provided by the manufacturer. For the purposes of this Chapter, the lumen-output values shall be the initial lumen output ratings of a lamp shown on the manufacturer’s specification sheet.

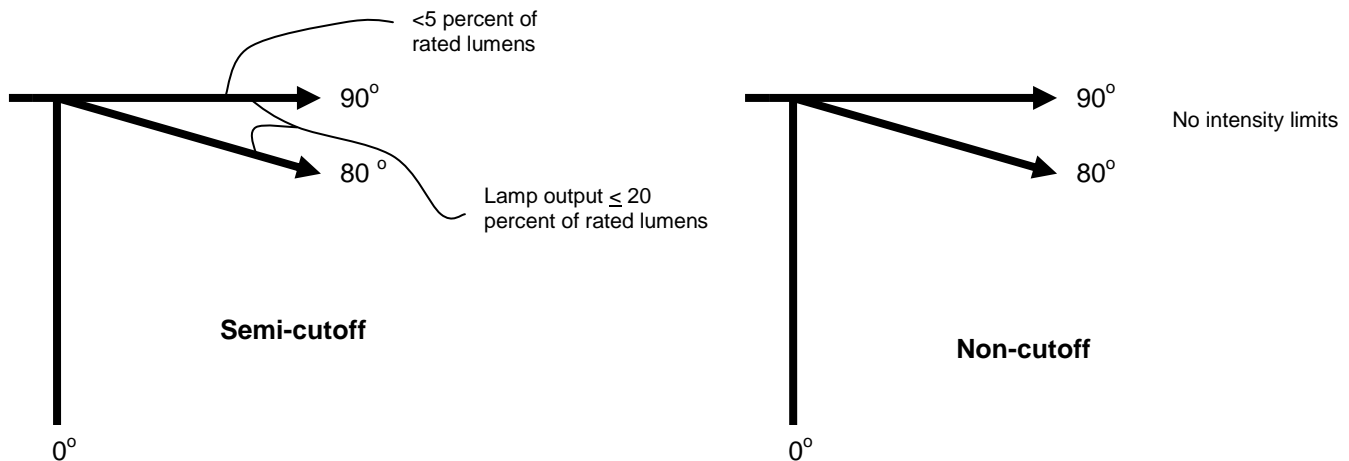
“Luminaire” means the complete lighting system to include the light source and the fixture. Luminaire types consist of bollard or post-top for walkways and ground lighting, pole mounted for roadways and parking lots, soffit and wall systems for structures, and floodlights for building facades, signage, landscaping, and sports fields.

“Net acreage” means, in addition to the definition in Article 8, lots containing those uses that are exempt from the lumens per acre caps under Paragraph 17.35.040.A.4 shall also exclude from the net acreage calculations the area devoted to the specific use, such as the vehicle sales lot, the fuel pump canopy, or the outdoor performance area.

“Outdoor Lighting” means the night-time illumination of an outside area or object, including signage, by any man-made device that produces light by any means.

“Semi-cutoff or non-cutoff” means a light fixture which does not cut off all upward transmission of light pursuant to IESNA Standards as demonstrated in Figure 17.34.020.B, below:

Figure 17.34.020.B



“Temporary outdoor lighting” means the specific illumination of an outside area or object, to include signage, by any man-made device that produces light by any means for a period of 45 days or less, with at least 180 days passing before being used again.

17.34.030 Lighting Plans Required

All public and private outdoor lighting installed in the County shall be in conformance with the requirements established by this Chapter, subject to the following:

- A. Any applicant of a commercial, industrial, multi-unit residential, civic, or utility project that proposes to install outdoor lighting shall submit plans for such lighting, to be reviewed and approved by the Director as a part of an Administrative Permit.
- B. If the project requires a Design Review, Conditional/Minor Use Permit, or Development Plan Permit, said lighting plan shall be included as a part of that application, and shall be subject to approval by the review authority.
- C. Lighting plan shall be subject to the submittal requirements provided in the application form prepared by the Department and shall include, at a minimum, lighting specifications, a site plan, photometric plan, and Lighting Inventory (Appendix D).
- D. The Lighting Inventory shall be completed and certified by the design professional prior to building permit issuance (Section B.1 and 2 of Appendix D) and by the licensed contractor prior to final occupancy (Section C of Appendix D).

17.34.040 Outdoor Lighting Limits

Lumens per acre limits shall be applied toward outdoor lighting based on the specified zone and its location within a General Plan designated Community Region, Rural Center, or Rural Region, subject to Table 17.34.040.1 below:

Table 17.34.040.1

Zones	LUMENS / ACRE		
	Community Regions (CR)	Rural Centers (RC)	Rural Regions (RR)
C, CPO, CG, I, R&D, RFH	100,000	50,000	25,000
RM, NS, RFL, OS, TC	50,000	25,000	

- A. In mixed-use zones, lighting limits shall be based on the sum of each percentage of the site dedicated for commercial and residential uses. For example, a lot in a Community Region developed as mixed-use, with 60 percent commercial and 40 percent multi-unit residential, would be calculated, as follows:

$$\begin{aligned}
 &100,000 \times 0.60 = 60,000 \text{ lumens/acre (Commercial use)} \\
 &+ \underline{50,000 \times 0.40 = 20,000 \text{ lumens/acre (Multi-unit residential use)}} \\
 &\qquad\qquad\qquad \mathbf{80,000 \text{ lumens/acre Total Site Limit}}
 \end{aligned}$$

- B. The following uses are exempt from the lighting limits of this section:

1. Automobile sales/rental lots for the outdoor vehicle display area, only;
2. Canopied fuel station dispensing areas; and
3. Performance areas in compliance with Section 17.34.050.C.

Full-cutoff fixture design, light trespass requirements, and certification from Building Services regarding energy efficiency standards shall still apply to these areas. The remaining net acreage shall be subject to applicable lumens per acre limits.

17.34.050 Outdoor Lighting Standards

- A. The following standards shall apply to all development in commercial, industrial, research and development, and multi-unit residential zones, as well as civic and utility lighting in all zones:

1. Pole mounted fixtures shall be limited to a maximum height of 20 feet, as measured from the highest point of the luminaire to the finished grade directly below it.
2. Top-mounted luminaires to illuminate parapet signs shall be limited to a maximum height of 25 feet, as measured at the highest point of the fixture to the

finished grade directly below it. Illuminated signs shall also comply with Chapter 17.37 (Signs).

3. Roof-mounted luminaires are prohibited.
4. Security lighting shall be activated by motion sensors and remain in the “on” mode for a maximum of 10 minutes.
5. Light fixtures mounted under gas station or convenience store pump area canopies shall meet full cut-off requirements. Light fixtures shall not be mounted on the roof or sides (fascias) of the canopy and the fascias of the canopy shall not be illuminated in compliance with Chapter 17.36 (Signs).
6. Lots within the Historic District (-DH) Combining Zone may be exempt from full cut-off requirements in order to maintain a certain visual character in keeping with the historic period.
7. Outdoor display lighting, such as vehicle sales and rental lots, and building material sales display areas, shall be turned down to 25 percent or less of the existing illumination level or switched to security lighting, in compliance with Paragraph 4 above, by the following curfew times or within 30 minutes after the close of business, whichever comes later:

Table 17.34.050.1

Lighting Zone		
Community Region	Rural Center	Rural Region
11:00 pm	10:00 pm	9:00 pm

Under eave or canopy soffit lighting on buildings will be allowed to remain on until dawn in Community Regions and Rural Centers.

8. Search lights, laser source, or similar high intensity lighting shall not be permitted except in emergencies by police, fire, or other emergency personnel.
 9. Mercury vapor lamps shall be prohibited.
- B. Residential lighting, including single- and multi-unit development, shall conform to the following standards:
1. Lighting installation shall be limited to those areas adjacent to buildings, walkways, driveways, or activity areas (swimming pools, spas, outdoor dining areas, barns, and other similar uses) in close proximity to the residence or activity area.
 2. An outdoor luminaire shall be full-cutoff if rated greater than 1,000 initial lumens, which is equivalent to one 60 watt incandescent lamp.

3. Security lighting shall be in compliance with Paragraph A.4, above.
 4. Mercury vapor lamps shall be prohibited.
- C. **Outdoor Sports and Performance Facilities** have unique lighting needs. Illumination levels vary, depending on the nature of the event. The regulations in this Subsection are intended to allow adequate lighting for such events while minimizing light pollution or sky glow, reducing glare and unwanted light trespass onto surrounding streets and properties, and maintaining energy efficiency. Outdoor sports and performance facility lighting shall conform to the following standards:
1. A lighting plan, prepared by a design professional, shall be submitted with the proposed lighting installation. The lighting plan shall be based on a dual system separating the performance area, such as the playing field, track, stage, or arena from the remainder area of the site, as defined in Paragraph C.2 below. The design plan shall include a discussion of the lighting requirements for the performance area and how those requirements will be met based on the following:
 - a. The performance area shall not be subject to pole height or lumens per acre limitations;
 - b. Floodlights in the performance area should not be aimed above 62 degrees from the vertical plane, and should use internal louvers and external shields to focus light on the performance area in order to eliminate light trespass in compliance with IESNA recommendations, as amended from time to time.
 2. The remainder area, including but not limited to grandstand, public seating, concession areas, pedestrian walkways, and parking lots shall be subject to lighting plan requirements under 17.34.030.
 3. The main lighting of the performance area shall be turned off no later than 30 minutes after the end of the event.
 4. The remainder of the site shall be subject to the lighting curfews under Table 17.34.050.1.

17.34.060 Exemptions

The following lighting shall be exempt from the provisions of this Section:

- A. Airport lighting that is required for the safe and efficient movement of aircraft during flight, take off, landing, and taxiing. All other outdoor lighting at airport facilities shall comply with the provisions of this Chapter.
- B. Lighting used by law enforcement or other emergency personnel.

- C. Lighting used for the illumination of the United States flag subject to the requirements for nighttime illumination of the *United States Flag Code*.
- D. Temporary outdoor lighting that is designed to eliminate glare and minimize light pollution as much as possible in compliance with the general intent of this Chapter. To qualify for this exemption a completed application form for an Administrative or Temporary Use Permit and a site plan shall be provided demonstrating location of proposed fixtures, manufacturer's specification sheets including lamp type, wattage, initial lumen output and shielding, intended use of lighting, and other information as the Director may require.
- E. Low-wattage seasonal or holiday type lighting.

17.34.070 Effect on Existing Outdoor Lighting

Luminaires lawfully in place prior to the effective date of this Chapter may remain in use except as provided below:

- A. Any nonconforming luminaire that is replaced, re-aimed, or relocated must meet the standards of this Chapter.
- B. Intensification or expansion of an existing nonconforming use, in compliance with Section 17.61.040.B (Nonconforming Uses), shall require the site to fully comply with the standards of this Chapter.
- C. Nonconforming luminaires that direct light toward streets in such a manner as to cause potentially hazardous glare to motorists or cyclists shall be either replaced or re-directed so as to meet full-cutoff requirements within three days of initial notification by the County.

CHAPTER 17.35 – PARKING AND LOADING

Sections:

- 17.35.010 Purpose and Intent
- 17.35.020 Definitions
- 17.35.030 Parking Plan Required
- 17.35.040 Off-street Parking and Loading Requirements
- 17.35.050 Special Parking Requirements and Adjustments
- 17.35.060 Material and Passenger Loading/Unloading Areas
- 17.35.070 Recreational Vehicle Parking
- 17.35.080 Parking Lot Design Standards
- 17.35.090 Parking Lot Construction and Maintenance Standards
- 17.35.100 Non-conforming Uses

17.35.010 Purpose and Intent

The purpose of this Chapter is to ensure the provision and maintenance of safe, adequate, and well-designed off-street parking facilities in conjunction with a use or development in order to protect the public health, safety, and welfare. The intent is to reduce road congestion and traffic hazards, to promote storm water quality and management practices, to provide safe and convenient access to businesses, public services, and places of public assembly, and to promote an attractive environment through design and landscape standards for parking areas.

17.35.020 Definitions

“**Active use area (AUA)**” shall mean all developed areas within a building except for storage areas, restrooms, and employee lunchroom/cafeteria(s).

“**Gross floor area (GFA)**”. See Article 8

“**Outside use area (OUA)**” shall mean the total square footage of an area enclosed by fences, gates, walls, buildings, landscaping or other features which define the perimeter of the outdoor area where uses and activities are or may be conducted, including, but not limited to recreational use, retail sales, rentals, and restaurant seating.

“**Transportation Demand Management Plan (TDM)**” shall mean a program designed by an employer to reduce the amount of traffic generated by either new nonresidential development or the expansion of existing nonresidential development, by using a combination of services and incentives to maximize the potential for alternative transportation usage and encourage efficient utilization of existing transportation facilities.

17.35.030 Parking Plan Required

- A. A parking plan showing all off-street parking spaces, parking aisles, and access to parking areas shall be required, as follows:
 - 1. At the time of submittal of an application for a building permit for construction of any building or structure that requires parking under this Chapter;

- 2. For an expansion or addition to increase the floor area, lot coverage, or seating capacity of an existing use or structure that requires additional parking under this Chapter;
 - 3. When a more intensive land use is established requiring more parking than a previous use; or
 - 4. At the time of submittal of any discretionary application.
- B. The parking improvements shown on the approved plan shall be constructed prior to occupancy of any structure, or the commencement of any approved use.
- C. Minor revisions to an approved parking plan may be approved by the Director. If the parking plan was approved as a part of a discretionary permit, the Director shall refer revisions to the review authority if the revisions have the potential to raise new issues that were not reviewed or are substantial enough to warrant further review at public hearing.

17.35.040 Off-street Parking and Loading Requirements

- A. Off-street parking shall be provided in accordance with Table 17.35.040.1 below, unless otherwise provided in this Chapter. Where a parking requirement results in a fraction of a space, the number of parking spaces required shall be rounded to the nearest whole number.

Table 17.35.040.1 Schedule of Off-Street Vehicle Parking Requirements

USE TYPE	PARKING SPACE REQUIREMENTS	PARKING LOT TURNOVER (See 17.35.050.A.3.d)	LOADING BAY INTENSITY (See 17.35.060.A)
RESIDENTIAL			
Single dwelling unit, detached	2 per unit, not in tandem.	N/A	N/A
Duplex, triplex	2 per unit, not in tandem.	N/A	N/A

USE TYPE	PARKING SPACE REQUIREMENTS	PARKING LOT TURNOVER (See 17.35.050.A.3.d)	LOADING BAY INTENSITY (See 17.35.060.A)
Multi-unit (apartments, townhouses, and condominiums): Studio/1 bedroom 2 or more bedrooms	1.5 per unit; 2 per unit (minimum 1 covered); plus Guest parking shall be provided for all multi-unit development in the amount of 1 per 4 dwelling units. ¹ Guest spaces shall be marked “Reserved for guests” or “Visitor parking”.	N/A	N/A
Mixed Use: Studio/1 bedroom 2 or more bedrooms Commercial	1 per unit. 1.5 per unit; plus Guest parking shall be provided at 1 space per 4 dwelling units. ¹ Guest spaces shall be marked “Reserved for Residential Guests”. A minimum of 75 percent of the normally required commercial parking as otherwise required in this article if residential spaces are made available to the commercial customers, subject to approval of the review authority.	High ²	Low ³
<p>NOTES:</p> <p>¹The approving authority may reduce or eliminate the required number of guest spaces if: (a) Adequate street parking is available, or (b) The site is within 500 feet of a transit/bus stop. ²For commercial portion of mixed use, only. ³Or as determined by the review authority based on type of commercial uses.</p>			
Rooming houses, fraternity/sorority housing, or clubs w/sleeping facilities	1 per bedroom; plus 1 per 8 beds.	Low	N/A
Accessory dwelling units: Secondary dwelling, Temporary mobile home	1 per bedroom, up to 2 maximum. May be in tandem with spaces required for primary residence.	N/A	N/A
Guest house	No additional spaces from that required for the primary residence.	N/A	N/A

USE TYPE	PARKING SPACE REQUIREMENTS	PARKING LOT TURNOVER (See 17.35.050.A.3.d)	LOADING BAY INTENSITY (See 17.35.060.A)
Caretaker, Employee housing	1 per unit.	N/A	N/A
Mobile home park	2 per mobile home space, may be in tandem for each space; plus 1 guest space for every 5 units.	N/A	N/A
COMMERCIAL			
Animal services: Kennel	1; plus 1 per 5 kennel spaces.	Low	Low
Veterinary clinic	1 per 250 square feet (sf.) of active use area (AUA) exclusive of kennel boarding area.	Medium	Low
Automobile: Sales and rental (For customer and employee use)	1 per 400 sf. of AUA; plus 2 per service bay; plus 1 per 3,000 sf. of outdoor sales lot .	Medium	Low
Repair and service, vehicle fuel sales	3 per service bay; plus 1 per 400 sf. of office/retail AUA.	Medium	Medium
Car wash	2 per washing stall; Drive-through stalls may utilize stacking areas with a length of 24 feet (ft.) as parking spaces.	High	N/A
Bank, financial institution	1 per 250 sf. of AUA; plus 1 per ATM.	High	Low
Barber or beauty shop	2 per chair or station.	High	N/A
Bar, drinking establishment	1 per 3 seats or equivalent occupancy; plus 1 per 100 sf. of outdoor use area (OUA); plus 1 per 2 employees on maximum shift.	High	Medium
Building supply and lumberyard;	1 per 500 sf. of gross floor area (GFA); plus 1 per 1,000 sf. of OUA.	High	High
Equipment rental	1 per 500 sf of GFA; plus 1 per 2,000 sf. of OUA.	Medium	Low

USE TYPE	PARKING SPACE REQUIREMENTS	PARKING LOT TURNOVER (See 17.35.050.A.3.d)	LOADING BAY INTENSITY (See 17.35.060.A)
Funeral home, mortuary	1 per 4 seats or equivalent occupancy; plus 1 for each vehicle maintained on the premises.	Medium	Low
Laundry facilities: Dry Cleaner / Laundry Service (small scale w/o delivery or linen supply services)	1 per 500 sf. of GFA; plus 1 per check stand.	High	Low
Laundromats (self-service)	1 per 2 washers.	High	N/A
Lodging: Bed and Breakfast	1 per guest room; plus required residential parking. (See 17.40.090 for additional requirements)	Low	N/A
Hotel, motel	1.2 per guest room; plus 50% of the parking requirements for internal, accessory uses where conference facilities, meeting rooms, restaurants, and similar uses are provided as a part of the hotel / motel complex.	Medium High - w/restaurant	Low Medium - w/restaurant
Medical services: Hospital	1 per bed based on design capacity. If more than 50 employees on the maximum work shift, 10 percent of required parking shall be designated for carpool/vanpool parking.	High	Medium
Long term care facility	1 per 4 beds based on design capacity.	Low	Low
Nursery, retail	See "Building Supply and lumberyard"	High	Low
Office: Medical, dental	1 per 200 sf. of AUA.	High	Low
General	1 per 250 sf. of AUA.	Medium	Low

USE TYPE	PARKING SPACE REQUIREMENTS	PARKING LOT TURNOVER (See 17.35.050.A.3.d)	LOADING BAY INTENSITY (See 17.35.060.A)
Restaurant: Full service	1 per 300 sf. of dining room area; plus 1 per 2 employees; plus 1 RV space for every 20 parking spaces. When outdoor seating is provided, the first 300 sf. of OUA exempt from parking requirements.	High	Medium
With drive-through	1 per 300 sf. of GFA; plus 1 RV space for every 20 parking spaces. Stacking lane shall be in compliance with Section 17.35.050.H.	High	Medium
Retail sales and service: Food and beverage	1 per 200 sf. of AUA; plus 1 per check stand; plus 1 per 600 sf. of storage area.	High	High
Furniture and appliances	1 per 500 sf. of AUA.	Medium	Medium
General, indoor	1 per 300 sf. of AUA; plus 1 per 600 sf. of storage area.	High	Medium
Shopping center: Neighborhood (less than 15K sf.)	1 per 300 sf. of GFA	High	Medium
Community (15K to 400K sf.)	1 per 400 sf. of GFA	High	Medium
Regional (>400K sf.)	1 per 500 sf. of GFA	Medium	High
CIVIC/CULTURAL			
Church	1 per 4 seats; plus 1 per Sunday school classroom.	High	N/A
Community assembly, including live theater, banquet hall, sports assembly, or other auditoriums and meeting halls	1 per 3 seats, or 1 per 50 sf. of spectator area if seats not fixed.	High	Low
Library	1 per 2 employees for average day shift staffing; plus 1 per 400 sf. of GFA.	High	Low

USE TYPE	PARKING SPACE REQUIREMENTS	PARKING LOT TURNOVER (See 17.35.050.A.3.d)	LOADING BAY INTENSITY (See 17.35.060.A)
Schools: Child daycare center, preschool, nursery school	1 per 8 children; plus 1 space per 2 employees.	Medium	Low
Elementary, middle school	3 per classroom; plus 1 per 250 sf. of office/administration area; plus 1 per 100 sf of auditorium.	Medium	Low
High school	10 th grade and below: 3 per classroom; plus 1 per 250 sf. of office / administration area; plus 1 space per 100 sf. of auditorium; plus 11 th grade and above: Additional 1 space per 3 students 16 years and older.	Medium	Low
College	8 per classroom, plus 1 per 35 sf. of auditorium area; or As determined by the review authority.	High	Low
Specialized education, trade school	1 per 75 sf. of GFA; plus 1 per staff member.	High	Low
INDUSTRIAL			
Industrial, general and specialized	1 per 500 sf. of indoor AUA; plus 1 per 1,000 sf. of indoor storage area; plus 1 per 2,000 sf. of OUA; plus 1 per 5,000 sf. of outdoor storage area.	Low	High
Light manufacturing	1 per 400 sf. of AUA.	Low	High
Research and development	1 per 250 sf. of AUA; plus 1 per 1,000 sf. of indoor storage area; plus 1 per 2,000 sf. of OUA; plus 1 per 5,000 sf. of outdoor storage area.	Low	Medium
Resource extraction	No improved parking required providing sufficient usable area is available to accommodate all employee and visitor vehicles on site.	Low	Low

USE TYPE	PARKING SPACE REQUIREMENTS	PARKING LOT TURNOVER (See 17.35.050.A.3.d)	LOADING BAY INTENSITY (See 17.35.060.A)
Storage: Self-storage: w/outdoor access to units by vehicle drive aisles	2 spaces.	Low	N/A
w/indoor access to units or no vehicle drive aisle within 20 feet of units	1 space; plus 1 per each 30 units, or fraction thereof.		Low
Wholesale Distribution	1 per 1,000 sf. for first 10,000 sf. of AUA; plus 1 per 3,000 sf. of AUA thereafter.	Low	High
RECREATIONAL			
Amusement center, arcade	1 per 200 sf. GFA.	Medium	Medium
Billiard hall	2 per table.	High	N/A
Bowling Alley	4 per lane; plus 50 percent of requirements for each indoor accessory use.	Medium	Low
Campground, RV park	1 per campsite; plus 1 per every 3 day users as determined by maximum occupancy under a Conditional Use Permit.	Low	N/A
Dance Studio	1 per 200 sf. of AUA, not including waiting room.	High	N/A
Golf course, regulation	4 per hole; plus 1 per driving range tee; plus 50 percent of requirements for each accessory use.	Medium	Low
Golf course, miniature	3 per hole; plus 50 percent of requirements for each accessory use.	High	N/A
Health/Fitness club	1 per 300 sf. of AUA; plus 50% of requirements for each accessory use. Pools and tennis/racquetball courts calculated separately.	High	Low

USE TYPE	PARKING SPACE REQUIREMENTS	PARKING LOT TURNOVER (See 17.35.050.A.3.d)	LOADING BAY INTENSITY (See 17.35.060.A)
Marina	1 per 2 boat slips. At least 20% of the spaces shall measure 9ft x 35ft to accommodate vehicles with trailers.	Medium	N/A
Movie theater (indoor)	1 per 3 fixed seats or equivalent occupancy.	High	Low
Park	1 per 1,000 sf. of OUA.	High	N/A
Picnic area	1 per table.	Medium	N/A
Riding stable	1 per 4 stalls. At least 20% of the spaces shall measure 9ft x 35ft to accommodate vehicles with horse trailers.	Medium	N/A
River put-in and take-out	1 per 3 day users; plus 1 bus parking space (10ft x 30ft) per 56 day users.	Low	N/A
Skateboard Park	1 per 1,000 sf. of OUA.	Medium	N/A
Skating/ice rink	1 per 300 sf. of AUA.	Medium	N/A
Ski area	1 per 2.5 users based on total ski lift area capacity.	Low	N/A
Snow Play Area	1 per 1,000 sf. of OUA.	Medium	N/A
Special Events: Outdoor	1 per 2.5 people in attendance.	Medium	N/A
Swimming pool (Public or membership)	1 per 200 sf. of pool area; plus 1 per 500 sf. of deck area.	High	N/A
Tennis courts/Racquetball	2 spaces per court; plus 50% of requirements for each accessory use (i.e. Retail sales area).	High	N/A
Trail Head Parking and Staging Area	As determined on a case-by-case basis at the time of development by the appropriate review authority.		N/A
AGRICULTURAL			
Christmas tree farms (U-cut), U-pick produce farms (fruit, pumpkin patch, etc.)	5 per one acre of crop.	See Produce Sales (17.40.240.C.2.c)	N/A

USE TYPE	PARKING SPACE REQUIREMENTS	PARKING LOT TURNOVER (See 17.35.050.A.3.d)	LOADING BAY INTENSITY (See 17.35.060.A)
Farm equipment and supply sales; and Nurseries, wholesale	1 per 500 sf. of GFA; plus 1 per 1,000 sf. of OUA.	Low	Low
Packing shed	1 per 1,500 sf. of GFA.	Low	Medium
Produce, seasonal sales	1 per 300 sf. of OUA, with a minimum of 3 spaces.	See Produce Sales (17.40.240.C.2.c)	N/A
Ranch marketing (see also commercial and recreational uses, above): Bake shop	1 per 250 sf. of GFA;	Low See Ranch Marketing (17.40.260.J.1)	N/A
Craft sales area	3 per each concession; plus 1 per 200 sf. of AUA.		
Winery, brewery (see also commercial and recreational uses, above): Production, laboratory, storage	1 per 2,000 sf. of AUA; plus 1 per 5,000 sf. of storage.	Low	Low
Tasting Room Bus/Limo parking (10ft x30ft).....	1 per 300 sf of AUA; plus 1 per 2.5 people attending marketing events. 1 space for first 20,000 sf. of winery/tasting room AUA; plus 1 space for each additional 20,000 sf, or fraction thereof.	See Winery Ordinance (17.40.400.G.4)	N/A

B. Uses Not Listed. Where the parking requirement for a use is not specifically listed in the parking schedule, the parking requirement for that use shall be determined by the Director based on the most similar use or activity for which parking requirements are established.

C. Combined Uses. In situations where a combination of uses or activities are developed on a single site, parking shall be calculated for each separate use according to the parking schedule, except as otherwise provided under Paragraph 17.35.050.D (Shared Parking) or for certain accessory uses that are subject to a 50 percent reduction in parking requirements, as noted in the parking schedule.

17.35.050 Special Parking Requirements and Adjustments

The following special requirements and adjustments may apply to the parking standards set forth in Section 17.35.040:

- A. Increases and Decreases in Requirements.** The required number of parking spaces may be increased or decreased by the Director or review authority, as part of a discretionary permit, as follows:
1. The number of parking spaces required by this Chapter may be increased when it is determined that the proposed use would have a parking demand in excess of the requirements of this Chapter.
 2. The number of parking spaces required for commercial and industrial uses may be decreased from the requirements of this Chapter where the review authority finds all of the following:
 - a. The intent of the parking ordinance is preserved;
 - b. The parking provided is sufficient to serve the use for which it is intended; and
 - c. The modification will not be detrimental to the public health, safety, or welfare.
 3. In considering requests for an increase or decrease in the number of parking spaces, the review authority shall consider:
 - a. Size and type of use or activity;
 - b. Composition and number of tenants;
 - c. Peak traffic and parking loads;
 - d. Rate of turnover based on the following criteria, as applied in Table 17.35.040.1:
 - (1) High intensity areas are those having rapid turnover of less than two hours;
 - (2) Medium intensity areas are those where vehicles are parked from two to four hours;
 - (3) Low intensity areas have minimum turnover and few repeat users, such as long-term and employee parking lots.
 - e. Availability of public transportation including carpools or employer-provided transportation.
 - f. Payment of in-lieu fees authorized by the County Transit Authority for public transportation facilities, if available, or other options that support mass transportation alternatives.

- g. The extent and effectiveness of a proposed TDM program including its monitoring plan.

B. Reduction Methods. The following reductions in required parking can be applied separately or in concert with each other, providing findings under Paragraph A.2 above can be made.

1. **Reduction for On-street Parking.** Where on-street parking is available on public streets fronting the subject property, the required off-street parking may be reduced by one space for each available on-street space adjoining the property. Determination of availability of on-street parking shall be made by the review authority after consultation with the Department of Transportation and the local fire district.
2. **Reduction for Rear-lot Parking.** The required off-street parking for commercial and civic uses located in a community region or rural center may be reduced by 10 percent when the project locates the parking area behind the structure(s) so that the parking area is not visible from the road frontage, sidewalks or other pedestrian accessways are available, and a transit stop is within 300 feet of the site.
3. **Shared Parking.** Shared parking shall be permitted as follows:
 - a. Where two or more nonresidential uses on a single site or adjacent sites are developed, a parking analysis shall be required demonstrating parking demand based on distinct and differing hours of use and peak traffic periods. Table 17.35.050.1 below shall be the default method of calculation, however, variations may be allowed subject to Director review and approval.

Table 17.35.050.1 Calculating Shared Parking by Use Types (in percents)

Use Type	Weekday		Weekend		Nighttime
	Daytime 8 am - 6 pm	Evening 6:01 pm – 12am	Daytime 8 am - 6 pm	Evening 6:01 pm – 12am	12:01am – 7:59am
Office/Industrial	100%	10%	10%	5%	5%
Retail/Service	60	90	100	70	5
Lodging	75	100	75	100	75
Restaurant	50	100	100	100	10
Recreation/Entertain	40	100	80	100	10

ment					
Churches/Assembly	40	80	100	100	5
Schools	100	75	40	40	5

- b. Shared parking shall be calculated as follows:
- (1) Parking shall be determined for each use as though it were a separate use, based on Table 17.35.040.1;
 - (2) Each amount of required parking shall be multiplied by the corresponding percentage for each time period;
 - (3) The parking requirement shall be totaled for each column; and
 - (4) The column with the highest value shall be the total parking space requirement.

Example: Calculating Shared Parking Requirement

For a development of office, retail, and restaurant uses that require the following number of spaces for each separate use:

Office 50
 Retail 75
Restaurant 60

185 Total required spaces

Under shared parking requirements using Table 17.35.050.1:

Use Type / Space Requirements	Weekday		Weekend		Nighttime 12:01am – 7:59am
	Daytime 8 am - 6 pm	Evening 6:01 pm – 12am	Daytime 8 am - 6 pm	Evening 6:01 pm – 12am	
Office / 50	(50 x 100% =) 50	(50 x 10% =) 5	(50 x 10% =) 5	(50 x 5% =) 3	(50 x 5% =) 3
Retail / 75	(75 x 60% =) 45	(75 x 90% =) 68	(75 x 100% =) 75	(75 x 70% =) 53	(75 x 5% =) 4
Restaurant / 60	(60 x 50% =) 30	(60 x 100% =) 60	(60 x 100% =) 60	(60 x 100% =) 60	(60 x 10% =) 6
Total	125	133	140	116	13

The “weekend daytime” is the highest use period and the hypothetical mixed use project would require 140 parking spaces, thereby reducing the parking requirement by 45 spaces.

- c. The following restrictions shall apply to shared parking provisions:
 - (1) Reserved parking spaces shall be prohibited.
 - (2) Where shared parking occurs on adjoining lots, a maintenance agreement, in a form acceptable to the County. Said agreement shall provide for common maintenance of the parking area and shall state that any change in occupancy shall be subject to proof that sufficient parking is available.

4. Off Site Parking. Required parking for commercial or industrial uses may be located off site when all of the following requirements are met:

- a. Off-site parking is located on a site where parking is otherwise allowed and is located within 500 feet of the site which it is intended to serve.
- b. Parking requirements shall be met for both on site and off site uses either in total or as allowed by any of the reduction methods under this Subsection.
- c. There shall be no hazardous traffic safety conditions for pedestrians utilizing an off site parking facility.
- d. An off site parking easement is granted ensuring the continued availability of the off-site parking facilities for the life of the use that it is intended to serve, in compliance with Chapter 17.65 (Covenant of Easement).

C. Handicap Parking. Parking for the physically handicapped shall be provided as required in the building code, in compliance with the Americans with Disabilities Act (ADA).

D. Compact Car Spaces. Where 10 or more parking spaces are required for commercial, industrial, recreational, or civic uses, compact spaces may be incorporated for up to ten percent of the required spaces. Multi-unit residential developments containing ten or more units may incorporate compact spaces for up to 20 percent of the required visitor parking. All compact parking spaces shall be clearly marked by surface paint or signage reserving each parking space for compact car use, only. Compact spaces shall be evenly distributed throughout the parking lot.

E. Carpool/Vanpool. Voluntary installation of carpool/vanpool parking may be allowed in return for a reduction in total parking requirements as part of a Transportation Demand Management Plan approved by the review authority.

F. Motorcycle Parking. Parking areas accommodating 100 cars or more shall designate

five percent of their required parking space for motorcycle use, rounded to the nearest whole number. General space requirements shall measure four feet wide by eight feet long per motorcycle, with adequate maneuvering space around the motorcycle. Two such spaces shall count as one car space.

G. Bicycle Parking. Bicycle racks shall be designed to enable a bicycle to be locked to the rack and shall be installed in a manner that allows adequate access to the bicycle. General space allowances shall measure two feet wide by six feet long per bicycle, with a five foot maneuvering space behind the bicycle. Surfacing shall be consistent with adjacent sidewalk or parking areas. Bicycle parking shall be required for the following development:

1. **Office and Retail Commercial.** One bicycle space per every five required vehicle parking spaces up to the first 25 vehicle spaces. An additional bicycle space is required for every ten additional vehicle spaces or portion thereof. The maximum number of bicycle spaces required is 20, unless more are deemed necessary by the Director for major employment and commercial facilities.
2. **Community Services - Minor and Public Recreation Facilities.** Thirty percent of the required number of vehicle spaces, to a maximum of 25 bicycle spaces, unless more are deemed necessary by the Director.
3. **Elementary, Middle and High Schools.** One bicycle space per student at 25 percent of peak enrollment.

H. Drive-through Facilities. Sites containing these facilities shall be in compliance with the following circulation and traffic control standards:

1. A drive-through facility shall be located at the rear or side of a commercial structure and not within any front setback area.
2. Ingress to and egress from a drive-through facility shall be prohibited from driveway(s) directly facing a residential zone.
3. A drive-through facility, including stacking areas for vehicles awaiting service, shall be a minimum of 50 feet from the nearest property line of any residentially zoned lot.
4. Stacking lane(s) shall be physically separated from other traffic circulation on the site by concrete or asphalt curbing. The stacking lane(s) shall accommodate a minimum of four cars per drive-through window in addition to the car receiving service. The lanes shall be a minimum width of ten feet.
5. Signage shall be provided to indicate the entrance, exit, and one-way path of drive-through lanes in compliance with Chapter 17.37 (Signs).
6. Stacking areas shall not block access to any parking area or space required of a business. Lane striping to separate drive-through traffic from parking areas

shall be provided from the nearest point of site access, as feasible, to the stacking lane(s).

7. Where a facility exceeds the standards of Paragraphs 1 through 6 above, and is not located within a development that is subject to a discretionary permit, such as a Conditional Use, Design Review, or Development Plan Permit, a Conditional Use Permit shall be required.
8. When a drive-through facility requires a Conditional Use Permit or is within a development that is subject to a discretionary permit, the review authority may impose a greater setback than is required under Paragraph 3 above, when it is determined necessary to mitigate impacts from noise, air pollution, lights, or other land use conflicts. The review authority may deny any application for a drive-through facility if it finds that the facility will add to the cumulative air quality impacts for a specified pollutant and the County is found to be in non-attainment status of either federal or state air quality standards for that pollutant.

I. Historic Structures. The following exemptions and reductions in parking standards shall apply to all historic structures, as designated by the County:

1. When a change or increase in intensity of use occurs in a historic structure no additional parking spaces shall be required.
2. When expansions or additions to an historic structure increase its square footage by more than 25 percent, additional parking shall be required. The revised parking requirement shall be calculated on the resultant total square footage of the structure, whether such total increase occurs at one time or in successive stages, such as with a phased project.

17.35.060 Material and Passenger Loading/Unloading Areas

A. Materials. All uses which require the receipt or distribution of materials or merchandise by vehicle shall provide off-street loading spaces in the amount specified under Table 17.35.060.1, based on the projected demand intensity for the use as provided by the applicant, subject to approval by the review authority:

Table 17.35.060.1 Loading Bay Requirements

Use Area (in square feet)	NUMBER PER LOADING BAY DEMAND		
	High	Medium	Low
Less than 10,000	1	0	0
10,000 to 30,000	2	1	0
30,001 to 60,000	3	2	1
60,001 to 100,000	4	3	2
100,001 to 150,000	5	4	3
Each additional 50,000	1	0.5	0.25

1. Area(s) provided for passenger loading and unloading required under Subsection B below, may be utilized for material loading/unloading at the discretion of the review authority based on the type of use and material, expected demand for loading/unloading the material, time of material delivery, and other relevant factors.
2. Industrial sites shall be self-contained and capable of handling all truck loading, maneuvering, and docking on site. The use of public roads for staging and/or maneuvering is prohibited.
3. The review authority may modify the loading zone requirements in special circumstances based on the specific nature of the use or combination of uses, the design characteristics of the project and site dimensions, the impacts to surrounding properties, and public safety.

B. Passengers. Vehicle turn-out lanes for passenger loading and unloading shall be provided outside of the normal circulation lane for the following uses:

1. Apartments/condominiums containing 50 units or more.
2. Retail sales and service uses containing 30,000 square feet or more of building area.
3. Hotels/motels containing 50 units or more.
4. Schools and child day care facilities with 50 or more students.
5. Public buildings open for general use by the public.
6. Public transportation facilities.
7. River recreational use areas.
8. Ski areas.

C. All loading/unloading areas shall conform to the dimensions under Table 17.35.060.2:

Table 17.35.060.2

Use Type	Width	Length	Vertical Clearance
Commercial Office, Recreational, and Civic	12 ft.	25 ft.	14 ft.
Other Commercial and Industrial	12 ft.	40 ft.	14 ft.

D. All loading and unloading areas shall be marked appropriately with curb painting and/or signs that prohibit parking.

17.35.070 Recreational Vehicle Parking

- A. Recreational vehicle (RV) parking spaces shall be required as set forth in Table 17.35.040.1.
- B. In residential zones, RV parking or storage shall be limited to one such vehicle per lot. RV parking or storage shall not encroach into any required setback area and shall be screened from public view.
- C. Where RV parking and storage areas are provided in association with a mobile/manufactured home park, townhouse, apartment, or other multi-unit residential development, such parking shall be screened with fencing or landscaping.

17.35.080 Parking Lot Design Standards

The following standards shall apply to all parking lots required under this Chapter.

- A. **Parking Lot Dimensions.** Parking lot dimensions shall conform to requirements under the El Dorado County Standard Plans Manual, Standard Plan RS-90.
- B. **Controlled Access.** Every parking and loading stall shall be accessible from the drive aisle without displacement of other vehicles.
- C. **Public Road Access.** Except for single-unit residential dwellings, as defined in Article 8, parking stalls shall be designed so as to prohibit the backing of vehicles directly into any public road right-of-way or easement in order to exit the site.
- D. **Vertical Clearance.** Every parking stall and drive aisle shall have a minimum of eight feet vertical clearance.

- E. **Snow Removal Storage.** Parking areas located at the 4,000 foot elevation or higher shall provide snow removal storage areas. Such storage areas shall be equivalent to 10 percent of the surface used for parking and access and shall not utilize any required parking spaces. Landscaping areas may be utilized for this purpose in compliance with Section 17.34.060 (Maintenance and Protection).
- F. **Parking Area Gradient.** All parking areas shall be graded to provide adequate drainage of all surface areas into an on-site drainage improvement or stormwater drainage system, in compliance with the gradient standards in the Land Development Manual (LDM).
- G. **Landscaping Required.** Landscaping shall be required for all parking lots consistent with the requirements set forth in Chapter 17.33 (Landscaping Standards).

17.35.090 Parking Lot Construction Standards

Based on parking lot turnover set forth in Table 17.35.040.1, all required parking and loading areas shall conform to the following surfacing requirements, as provided in the LDM, unless otherwise allowed under Article 4 for a specific use:

Table 17.35.090.1 Parking and Loading Area Surfacing Requirements

	PARKING LOT TURNOVER		
Location	High	Medium	Low
Community Region	Asphalt / Concrete	Asphalt / Concrete	Asphalt / Concrete
Rural Center	Asphalt / Concrete	Asphalt / Concrete	Chip Seal
Rural Region	Asphalt / Concrete	Chip Seal	Gravel

- A. Pervious surfacing material may be substituted for concrete or asphalt paving, such as pervious asphalt, unmortared brick, or other masonry paving units that serve to reduce stormwater runoff and increase groundwater recharge, subject to approval by the review authority.
- B. **Striping.** Parking spaces in paved parking areas shall be clearly delineated with white or yellow painted striping, a minimum of four inches in width. Parking spaces in graveled lots may be identified by wheel stop barriers.
- C. **Wheel Stops.**
 1. All parking spaces adjacent to sidewalks or landscaping, other than for single-unit residential dwellings, shall provide concrete wheel stops a minimum of three feet between the farthest edge of the wheel stop and the nearest edge of the sidewalk or landscaped area.
 2. Wheel stops may be eliminated adjacent to landscape areas in compliance with Paragraph 17.33.050.C.3 (Landscape Standards).

3. Wheel stops shall be anchored securely to the asphalt.

D. Directional Arrows and Signage. Aisles, approach lanes, pedestrian crossings, and loading/unloading areas shall be clearly marked with directional lines, arrows and/or signs to facilitate traffic movement and ensure pedestrian safety.

E. Maintenance. All parking and loading areas, drive aisles, and access drives shall be maintained in good condition and kept free of outside storage and debris.

17.35.100 Non-conforming Parking

No additional parking spaces shall be required for those existing uses made noncompliant with parking standards on the effective date of this Chapter, subject to the following:

A. Whenever the existing use is enlarged, expanded, or intensified, additional parking spaces shall be provided only for the enlargement, expansion, or intensification subject to the standards in this Chapter.

B. Whenever the existing use is changed to a new use where the parking requirement becomes 50 percent higher, parking for the entire site shall be consistent with the requirements and standards of this Chapter.

CHAPTER 17.36 – SIGNS

Sections:

- 17.36.010 Exception—Official Public Signs
- 17.36.020 Exception—Identification Sign
- 17.36.030 Exception—Wall Signs
- 17.36.040 Face Used to Determine Area
- 17.36.050 Location
- 17.36.060 Resemblance to Traffic Signs Prohibited
- 17.36.070 Lighting
- 17.36.080 Moving Signs Prohibited
- 17.36.090 Three-dimensional Signs
- 17.36.100 Number Permitted
- 17.36.110 Special Use in One District Nontransferable
- 17.36.120 Off Site Signs
- 17.36.130 Sign Matrix

17.36.010 Exception—Official Public Signs

Sign provisions shall not apply to official public signs located within the public rights-of-way.

17.36.020 Exception—Identification Sign

Sign area provisions shall not apply to signs expressing by letter, figures or symbols, direction or identification such as address, name, access or parking, and not exceeding four square feet each.

17.36.030 Exception—Wall Signs

Sign area provisions shall not apply to signs using the wall or window of a building as the surface or attached to the wall of a building, providing the signs do not project more than twelve inches beyond the exterior face of the wall, providing the wall is a non-projecting, integral part of the building and providing the aggregate area of the wall and/or window sign does not exceed twenty percent of the total area of the building face; and further provided that the signs shall advertise only such general product, or products, and/or service, or services, as is or are actually sold, dispensed or rendered on the premises.

17.36.040 Face Used to Determine Area

Sign area provisions shall apply to the overall display surface of the single largest face of the sign and not to the aggregate of display faces.

17.36.050 Location

Where permitted, subject to the sign matrix below (Table 17.36.050), signs may be located on the required yards or setbacks, providing they do not constitute a hazard to pedestrians or

vehicular traffic, do not conceal from view any public sign or traffic signal and are not located on nor extend onto or project over public right-of-way without having first obtained a written revocable permit from the director of the Department of Transportation to do so. Signs must comply with zoning requirements and shall be allowed only where the county road right-of-way is one hundred feet or more in width and where the traveled way and shoulders do not cover the entire right-of-way. Fees for the permit shall be established, paid and expended as provided in Section 12.08.160. The Board may appoint one or more local committees to advise and make recommendations to the director of the Department of Transportation and the Board regarding the issuance of the permits. When any such committee has been appointed by the Board, the director of the Department of Transportation shall refer pertinent requests for the permits to the appropriate committee for recommendation prior to issuance of the permit.

17.36.060 Resemblance to Traffic Signs Prohibited

Signs shall not resemble any official traffic or identification signs or signals, or use terms such as "stop" or "danger" in a manner which might create public confusion.

17.36.070 Lighting

Lighted signs shall not be blinking and shall be controlled so that visibility of vehicular traffic is not impaired, and objectionable glare is shielded from adjoining residential zones in compliance with Table 17.36.130 (Sign Matrix).

17.36.080 Moving Signs Prohibited

Moving signs or parts of signs shall not be allowed.

17.36.090 Three-dimensional Signs

Three-dimensional signs shall be allowed, providing they are nonrepresentational.

17.36.100 Number Permitted

It shall not be construed that, as a matter of right, the use of more than two signs shall be allowed subject to the exceptions contained in Section 17.36.010 and 17.36.020.

17.36.110 Conditional Use Permit in One District Nontransferable

It shall not be construed that an allowable sign by Conditional Use Permit in one or more zone(s) shall be deemed allowable as a matter of right in any other zone(s) not expressly providing for the use.

17.36.120 Off Site Signs

- A. Off site signs, not otherwise regulated by this Title, may be established by Conditional Use Permit subject to Section 17.51.020.

B. Prior to the issuance of a Conditional Use Permit for off site signs, the Zoning Administrator shall consider the location, size and display of the sign for compliance with the policies of the General Plan land use element.

17.36.130 Sign Matrix

Industry association signs approved by the Board, such as for the Farm Bureau, Farm Trails, Apple Hill, Fairplay Winery Association, and El Dorado Winery Association, that do not exceed four square feet each, shall be exempt from the provisions of this matrix.

SIGN MATRIX					
Zones	Maximum Area (in sq ft)	Number	Maximum Height (in ft)	Illumination	Special Use Regulation / Purpose / Conditions
C, CG, I,	50 or 80	2 @ 50 sf or 1 @ 80 sf	35	Internal, external, or top-mounted in compliance with 17.34.050.A.2 ^{1,2}	¹ Full cutoff in compliance with Chapter 17.34. Dark background when internally illuminated. ² 17.40.040.F
CPO	Office complex: 50 or 80 ³	2 @ 50 sf or 1 @ 80 sf	Wall height of building or complex, not to exceed 35	Internal/external ¹	³ Freestanding and wall signs shall not cumulatively exceed maximum area. Signs shall not face adjoining residential zones.
	Individual offices: 3 if exterior, 1 if interior ⁴	1 per office	6, wall or door mounted	None	⁴ Signifying the name and/or specialty of the occupant.
NS	32	1	6	External or top-mounted in compliance with 17.34.050.A.2 ¹	
R&D ⁵	Freestanding: 50. Wall signs: 80, cumulative.	Freestanding: 1 Wall signs per building: 2	Freestanding: 12 Wall sign: building wall height	Internal/external ¹	⁵ Standards subject to compliance with approved sign package for entire development, when applicable.
I-PL	16	2	12	None	
RFH	50 or 80	2 @ 50 sf or 1 @ 80 sf	35	Internal/external/top-mounted in compliance with 17.34.050.A.2 ¹	—
RFL	16	1	12	None	
RM, -MP	32	1 per road frontage	6	External: ground or top mounted ¹	
RM, R1, R20K	—	—	—	None	Home Occupations: Table 17.40.170
	16 ⁵ , 2 ⁶	1 ⁵ , multiple ⁶	6 ⁵ , 2 ⁶	External: ground or top mounted ¹	Model Homes: ⁵ For model home subdivision ID sign.

SIGN MATRIX					
Zones	Maximum Area (in sq ft)	Number	Maximum Height (in ft)	Illumination	Special Use Regulation / Purpose / Conditions
					⁶ For individual model home nameplates and for water efficient landscape ID sign.
R1A, R2A, R3A,	—	—	—	None	Home Occupations: Table 17.40.170
RE,	—	—	—	None	
PA, LA, AG, RL, FR,	32	1 ⁷	6	None	⁷ Two, if part of a ranch marketing or winery operation. 17.40.090.C.4 (B&B Ord) 17.40.400.H.2.d (Winery Ord) Table 17.40.170 (Home Occupation Ord)
RL, PA, LA, AG, FR, TPZ, OS	2 ⁸	Multiple ⁹	6	None	⁸ Warning signs against hunting, trespassing, or shooting, only. ⁹ Not to be located closer than 660 ft from a similar sign
– MR	32	1	12	None	Accessory to mining operation.

CHAPTER 17.37 – NOISE STANDARDS

Sections:

- 17.37.010 Purpose and Intent
- 17.37.020 Exemptions
- 17.37.030 Applicability
- 17.37.040 Definitions
- 17.37.050 Acoustic Analysis Requirements
- 17.37.060 Noise Standards
- 17.37.070 Noise Reduction Measures
- 17.37.080 Noise Level Measurements

17.37.010 Purpose and Intent

The purpose of this Chapter is to support and supplement County Code Chapter 9.16 (Noise) by establishing maximum noise levels and standards to protect the public health, safety, and welfare. The intent is to provide standards for use in evaluating potential noise impacts to protect persons from excessive noise levels that can interfere with sleep, communication, relaxation, and full enjoyment of one’s property; can contribute to physiological stress and hearing impairment; and can adversely affect the value of real property.

17.37.020 Exemptions

The following noise sources shall be exempt from the standards of this Chapter:

- A. Activities conducted in public parks, public playgrounds, and public or private school grounds, including but not limited to school athletic and school entertainment events, providing an amplified sound system is not required or used.
- B. The use of any mechanical device, apparatus, or equipment related to or connected with emergency activities or emergency work to protect life or property.
- C. Safety signals, warning devices, and emergency pressure relief valves.
- D. Noise sources associated with property maintenance, such as lawn mowers, trimmers, snow blowers, and power tools in good working order, provided that the activities take place between the hours of eight a.m. and nine p.m. on weekdays and nine a.m. to nine p.m. on weekends and federal holidays.
- E. Noise sources associated with agricultural land uses listed in Section 17.21.020 (Agricultural Zones: Matrix of Permitted Uses) that are performed consistent with the standards and practices of the agricultural industry.
- F. Noise sources associated with work performed by public or private utilities in the maintenance or modification of its facilities.
- G. Bells, chimes, carillons, and similar devices being used for religious purposes or in

conjunction with religious services, or for organized public celebrations of public holidays or other publicly celebrated occasions.

- H. Traffic on public roadways, railroad line operations, aircraft in flight, and any other activity where regulation thereof has been preempted by state or federal law.

17.37.030 Applicability

Subject to the exemptions in Section 17.37.020 above, noise standards established in this Chapter shall apply to all noise generating uses requiring discretionary review or ministerial permits, with the exception of existing and new single-unit residential dwellings on legal lots of record that are not within areas governed by an Airport Comprehensive Land Use Plan. (General Plan Policy 6.5.1.4)

17.37.040 Definitions

The following definitions shall apply to this Chapter:

“Acoustic Specialist” means a person trained in acoustic sampling that is qualified to measure sound levels consistent with criteria contained within this article.

“Ambient Sound Level” means the composite of normal or existing sound from all sources, measured at a given location for a specified time of the day or night.

“A-weighting” means the scale for measuring sound that de-emphasizes low and high frequencies in order to simulate human hearing; indicated as dBA.

“Community Noise Equivalent Level (CNEL)” means a weighted average hourly noise level over a 24 hour day used specifically for airport and aircraft noise assessment.

“Day-Night Average Sound Level (Ldn)” means the dBA for a given area during a 24-hour day with a 10dB weighting applied to nighttime sound levels.

“Decibel” means a unit of relative loudness on a logarithmic scale that runs from zero for the least perceptible sound to 140 for sound that causes pain.

“Equivalent Noise Level (Leq)” means the average energy noise level determined by averaging the cumulative noise event levels during a specific period of time and expressing it in A-weighted decibels, or dBA.

“Fixed Sound Source” means a device or machine which creates sounds while fixed or stationary, including but not limited to residential, agricultural, industrial, and commercial machinery and equipment, pumps, fans, compressors, air conditioners and refrigeration equipment, and motor vehicles operated on private property.

“Maximum Sound Level (Lmax)” means the maximum noise level measured on a sound level meter.

“Sensitive Receptor” means a land use in which there is a reasonable degree of sensitivity to

noise. Such uses include single- and multi-unit residential dwellings including frequently inhabited outbuildings, schools, hospitals, churches, rest homes, cemeteries, public libraries, and other sensitive uses as determined by the Director.

“**Sound Level Meter**” means an instrument meeting American National Standard Institute (ANSI) Standard S1.4A-1985 for Type 1 or Type 2 sound level meters, or an instrument and associated recording and analyzing equipment that will provide equivalent data.

17.37.050 Acoustic Analysis Requirements

An acoustic analysis prepared by an acoustic specialist shall be required prior to discretionary authorization or permit approval for the following uses:

- A. Noise sources being proposed in areas adjacent to sensitive receptors. Noise sources may include industrial operations, outdoor recreation facilities, outdoor concerts and events utilizing amplified sound systems, commercial land uses, fixed sound sources, and other similar uses; or
- B. Noise sensitive land uses being proposed in areas exposed to existing or projected exterior noise levels.

17.37.060 Noise Standards

The following standards shall apply to all development projects for which an acoustic analysis is required:

- A. Non-transportation noise shall be subject to the noise standards set forth in Table 17.37.060.1, below:

Table 17.37.060.1

NOISE LEVEL PERFORMANCE PROTECTION STANDARDS FOR NOISE SENSITIVE LAND USES AFFECTED BY NON-TRANSPORTATION SOURCES						
Noise Level Descriptor	Daytime 7 a.m. - 7 p.m.	Evening 7 p.m. - 10 p.m.		Night 10 p.m. - 7 a.m.		
	Community / Rural Centers	Rural Regions	Community / Rural Centers	Rural Regions	Community / Rural Centers	Rural Regions
Hourly Leq, dBA	55	50	50	45	45	40
Maximum level, dBA	70	60	60	55	55	50

- 1. Each of the noise levels specified above shall be lowered by five dBA for simple tone noises, noises consisting primarily of unamplified speech or music, or for recurring impulsive noises. These noise level standards do not apply to residential units established in conjunction with industrial or commercial uses,

such as caretaker dwellings.

2. The Director can impose noise level standards which are up to 5 dBA less than those specified above, based upon a determination of existing low ambient noise levels in the vicinity of the project site.
3. The exterior noise level standard shall be applied as follows:
 - a. In Community Regions, at the property line of the receiving property;
 - b. In Rural Centers and Regions, at a point 100 feet away from a sensitive receptor or, if the sensitive receptor is within the Platted Lands (-PL) Combining Zone where the underlying land use designation is consistent with Community Region densities, at the property line of the receiving property; or
 - c. In all areas, at the boundary of a recorded noise easement between affected properties.

B. Transportation noise shall be subject to the thresholds set forth in Table 17.37.060.2, below:

Table 17.37.060.2

MAXIMUM ALLOWABLE NOISE EXPOSURE FOR TRANSPORTATION NOISE SOURCES			
Sensitive Receptor	Outdoor Activity Areas	Interior Spaces	
	Ldn/CNEL, dB	Ldn/CNEL, dB	Leq, dB ¹
Residential	60	45	—
Transient Lodging	60	45	—
Hospitals, Nursing Homes	60	45	—
Theaters, Auditoriums, Music Halls	—	—	35
Churches, Meeting Halls, Schools	60	—	40
Office Buildings	—	—	45
Libraries, Museums	—	—	45
Playgrounds, Neighborhood Parks	70	—	—
Notes			
¹ As determined for a typical worst-case hour during periods of use.			

- a. In Community Regions and Rural Centers:

- (1) Where the location of outdoor activity areas is not clearly defined, the exterior noise level standard shall be applied at the property line of the sensitive receptor.
 - (2) For residential uses with front yards facing the identified noise source, an exterior noise level threshold of 65 dBA Ldn shall be applied at the dwelling facade in addition to the required threshold at the outdoor activity area.
- b. In Rural Regions: An exterior noise level threshold of 60 dBA Ldn shall be applied at a 100 foot radius from the dwelling on lots five acres and larger. Those lots less than five acres shall have the noise level standards applied at the property line.
 - c. Where it is not possible to reduce noise levels in those outdoor activity areas limited to 60 dBA Ldn/CNEL thresholds using a practical application of the best-available noise reduction measures, an exterior noise threshold of up to 65 dBA Ldn/CNEL may be allowed provided that available exterior noise level reduction measures have been implemented and interior noise levels are in compliance with this table.
- C. Construction-related noise shall be subject to the noise thresholds set forth in Table 17.37.060.3 below:

Table 17.37.060.3

Maximum Allowable Noise Exposure from Construction Noise				
Land Use Designation	Zones	Time Period	Noise Level, dBA	
			Leq	L max
Multifamily, High Density Residential	RM, R1, R20K, R1A	7 am – 7 pm	55	75
		7 pm – 10pm	50	65
		10 pm – 7 am	40	55
Medium Density and Low Density Residential	R2A, R3A, RE-5; RE-10 (in Rural Centers)	7 am – 7 pm	Same as above.	
		7 pm – 10 pm		
		10 pm – 7 am	45	60
Rural Residential, Agricultural Lands, Natural Resource, Tourist Recreational	PA, LA, AG, TPZ, FR, RL; RE-10 (in Rural Regions)	7 am – 7 pm	65	75
		7 pm – 7 am	60	70
Commercial, Research & Development, Tourist Recreational, Public Facilities	C, CG, R&D, RFH	7 am – 7 pm	70	90
		7 pm – 7 am	65	75
	CPO, NS, RFL	7 am – 7 pm	65	75
		7 pm – 7 am	60	70
Industrial	I	Any time	80	90
	I-PL		70	80
Open Space (Community Regions, Rural Centers)	OS	7 am – 7 pm	55	75
		7 pm – 7 am	50	65
Open Space (Rural Regions)	OS	7 am – 7 pm	65	75
		7 pm – 7 am	60	70

1. Exceptions to the evening and night time standards in Table 17.37.060.3 may be approved by the Director of Transportation if it can be demonstrated that construction at night is necessary to alleviate traffic congestion and safety hazards. (General Plan Policy 6.5.1.11)

17.37.070 Noise Reduction Measures

Noise reduction measures shall be incorporated into the project design to reduce noise levels at or below the thresholds set forth in Tables 17.37.060.1, 2 and 3. Where applicable, the following specific requirements shall also apply:

- A. For residential development along U.S. Highway 50, setbacks shall be required to meet noise threshold standards under Table 17.37.060.2.
- B. For outdoor concerts and events utilizing amplified sound system(s), a discretionary permit shall be required in the form of a Temporary or Conditional Use Permit. Self-monitoring shall be performed to insure that sound system levels are in compliance with those specified in the conditions of approval based on the acoustic analysis. As a standard condition of approval for such use permits, failure to comply with sound system levels shall result in termination of the event for the duration of the period approved under the use permit and a moratorium on future events for the applicant or the property owner of two calendar years from the date of non-compliance. A second violation after such time shall result in revocation of the Conditional Use Permit, if applicable, and a permanent moratorium on future events for the applicant and property owner whether on that site or any other within the county.

17.37.080 Noise Level Measurements

For the purpose of evaluating conformance with the standards of this Chapter, noise levels shall be measured as follows:

- A. **Use of Meter.** Any noise measurement shall be made with a sound level meter using the A-weighted scale. Calibration of the measurement equipment utilizing an acoustical calibrator shall be performed immediately prior to recording any noise data.
- B. **Ambient Noise Levels.** Compliance with the above standards shall be determined by measuring the existing noise level with a sound level meter using slow response, with the sound source at issue remaining silent. The ambient sound level shall be determined based on the mean average of not less than three 20 minute measurements for any given time period. Additional noise measurements may be necessary to ensure that the ambient noise level is adequately determined.
- C. **Measuring Exterior Noise Levels.** Except as otherwise provided in this Chapter, exterior noise levels shall be measured at the property line of the affected noise-sensitive land use. Where practical, the microphone shall be positioned five feet above the ground and away from reflective surfaces.
- D. **Measuring Interior Noise Levels.** Interior noise levels shall be measured within the sensitive receptor, as defined in Section 17.37.040, at points at least four feet from the wall, ceiling, or floor nearest the noise source, with windows in the normal seasonal configuration. The reported interior noise level shall be determined by taking the arithmetic average of the readings taken at the various microphone locations.

CHAPTER 17.38 – OAK WOODLAND CONSERVATION

Removed at this time

ARTICLE 4 – SPECIFIC USE REGULATIONS

CHAPTER 17.40 – SPECIFIC USE REGULATIONS

Sections:

- 17.40.010 Purpose and Intent
- 17.40.020 Applicability
- 17.40.030 Accessory Structures and Uses
- 17.40.040 Adult Business Establishments
- 17.40.050 *Reserved*
- 17.40.060 Agricultural Preserves and Zones: Contracts, Criteria, and Regulations
- 17.40.070 Agricultural Support Services
- 17.40.080 Animal Raising and Keeping
- 17.40.090 *Reserved*
- 17.40.100 Campgrounds and Recreational Vehicle Parks
- 17.40.110 Child Day Care Facilities
- 17.40.120 Commercial Caretaker, Agricultural Employee, and Seasonal Worker Housing
- 17.40.130 Communication Facilities
- 17.40.140 *Reserved*
- 17.40.150 Guest House
- 17.40.160 Home Occupations
- 17.40.170 Lodging Facilities
- 17.40.180 Mixed Use Development
- 17.40.190 Mobile/Manufactured Homes
- 17.40.200 *Reserved*
- 17.40.210 Outdoor Recreational Facilities
- 17.40.220 Outdoor Retail Sales
- 17.40.230 Private Schools in Light Manufacturing Facilities
- 17.40.240 Produce Sales
- 17.40.250 Public Utility Infrastructure
- 17.40.260 Ranch Marketing
- 17.40.270 *Reserved*
- 17.40.280 Recycling Facilities
- 17.40.290 Right to Farm
- 17.40.300 Secondary Dwellings
- 17.40.310 Solar Collection Systems
- 17.40.320 Storage Facilities
- 17.40.330 Temporary Real Estate Sales Offices
- 17.40.340 *Reserved*
- 17.40.350 Timber Production Zone: Criteria, Regulations, and Zone Change Requirements
- 17.40.360 Transitional Housing
- 17.40.370 Vacation Home Rentals
- 17.40.380 Vehicle Maintenance, Repair, and Storage Accessory to a Residential Use
- 17.40.390 Wind Energy Conversion Systems

17.40.400 Wineries (*Adopted*)**17.40.010 Purpose and Intent**

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

17.40.020 Applicability

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

17.40.030 Accessory Structures and Uses

- A. Purpose.** The purpose of this Section is to identify the uses and structures that are accessory to the principal permitted uses in the zones, as specified in Chapters 17.21 through 17.25 inclusive, establish regulations that apply to accessory structures in order to accommodate the needs of residents and businesses in the County, and to protect the public health, safety, and welfare.
- B. Accessory Uses and Their Determination.** In addition to the principal use or uses expressly established for the zone, each use shall include such accessory uses which are customarily associated with and necessary for carrying on the principal use(s). For those uses not specifically identified in the use matrices for the zones, the Director shall determine whether such use is customarily associated with, incidental to, and subordinate to the principal use of the zone.
- C. Exemption.** Small sheds or other storage structures that do not require a building permit for installation pursuant to applicable building code provisions shall be exempt from the provisions of this Title, but shall remain subject to the setback requirements of the zone.
- D. Relationship of Accessory Use or Structure to Primary Use.**
1. Accessory uses and structures shall be incidental to and consistent with the character of the site created by the principal use.
 2. For purposes of this Section, barns, stables, and other structures used to store crops and feed, shelter livestock, or house agriculturally-related machinery shall be allowed as a primary use on agriculturally zoned property, subject to the development standards for the zone (Chapter 17.21). When allowed in

residential zones, said structures shall be accessory to an existing primary residence.

3. Accessory uses and structures shall be established or constructed at the same time or after the establishment or construction of the principal use or structure on a lot, except where earlier establishment or construction is authorized by Temporary or Conditional Use Permit.
4. Where building permits are issued concurrently for the principal and accessory structures, the permit for the accessory structure may be approved for final occupancy prior to completing the principal structure, provided that the permit of the principal structure is still active.

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

1. Garages, carports, and storage sheds.
2. Swimming pools and spas.
3. Shade structures, arbors, trellises, and gazebos.
4. Decks.
5. Barns, stables, and other animal shelters, where the keeping of animals is permitted in the zone.
6. Accessory structures providing habitable space subject to the following:
 - a. A structure no greater than 600 square feet that is designated a guest house as defined in Article 8, shall be subject to the requirements of Section 17.40.160.
 - b. A structure up to 1,200 square feet that is designated a secondary dwelling as defined in Article 8, shall be subject to the requirements of Section 17.40.300.
 - c. A structure to be used by the property owner as a pool house, workshop, artist studio, as defined in Article 8, or other similar use, may contain a full bathroom along with the changing room or work area, but shall not contain kitchen and/or cooking facilities nor be utilized for housing residents or guests.
7. Alternative energy systems, such as solar or wind energy collection systems,

subject to the requirements of Sections 17.40.310 and 17.40.390, respectively.

17.40.040 Adult Business Establishments

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

or playground, or any establishment or facility likely to be used by minors; and

- 5. Any other adult business.

- D. For the purposes of this Section, distances shall be measured in a straight line, without regard to intervening structures, from the nearest point of the structure in which the adult business will be located to the nearest property line of a land use or zone described in Subsection C, above.

- E. No adult business establishment shall be open nor shall any activity described in this Section be conducted or carried on in the business premises between the hours of 10:00 p.m. and 10:00 a.m. of any day.

- F. Signs or structures, advertisements, displays, or other promotional material depicting “specified anatomical areas” or “specified sexual activities”, as defined under Subsections 5.34.020.H and I of the County Code respectively, or displaying instruments, devices or paraphernalia designed for use in connection with “specific sexual activities”, shall not be exhibited or shown in a way that is visible from an exterior area.

- G. Structure openings, entries, and windows shall be located, covered, or screened to prevent viewing the interior from an exterior area.

- H. Loudspeakers or sound equipment audible to persons in a public area shall not be used in connection with an adult business, and the business shall be conducted so that sounds associated with the business are not emitted beyond the exterior walls of the structure in which the use is occurring.

- I. Dumpsters used by an adult business establishment shall be locked when not in use to prevent access thereto by the public.

17.40.050 *Reserved*

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

- A. **Purpose.** The purpose of the Section is to implement the provisions and intent of the Land Conservation Act of 1965 (Williamson Act) and the farmland security zone legislation (Government Code Chapters 51200 et seq. and 51296 to 7, respectively) and to provide criteria for zoning and protecting the existing agricultural resources of the County.

- B. **Criteria for Establishment of Agricultural Preserves.** In order to establish a new Agricultural Preserve, hereinafter referred to as “Preserve”, a property owner must enter into a Williamson Act Contract with the County subject to the provisions and criteria set forth in Government Code Chapter 51200 et seq. and Resolutions adopted by the Board establishing Williamson Act criteria, as amended from time to time, and

the following:

1. **Zone Change.** The property shall be rezoned to Planned Agricultural (PA), Limited Agricultural (LA), or Agricultural Grazing (AG) with the approval and establishment of a Preserve, subject to the specific applications under Subsection 17.21.010.C (.1 and .2).
2. **Term.** The initial term of a contract is ten years, calculated from January 1 of the same year it is approved in. On each anniversary date of a contract, a year shall be automatically added to the initial term unless written Notice of Non-Renewal is given as provided in Subsection D. If the property owner or the County serves written Notice of Non-Renewal in any year, the contract shall remain in effect for the balance of the unexpired term.

C. Preserve Standards.

1. **Minimum acreage.** The minimum acreage of a Preserve shall be:
 - a. 20 acres for high intensive farming operations or 50 acres for low intensive farming operations, consisting of a single lot or contiguous lots; or
 - b. Between ten acres and less than 20 acres on a positive recommendation from the Agricultural Commission if the property meets all land suitability requirements for agricultural potential, and the lot was or contiguous lots were in existence as of March 23, 1993.
2. **Land Use.** The use of the property shall be limited during the term of the contract to agricultural and compatible uses. Structures may be erected and/or enlarged on the property on a positive recommendation from the Agricultural Commission if they are directly related to and compatible with uses permitted in Table 17.21.020 (Agricultural and Resource Zone Districts Use Matrix).
3. **Residential Development.** In addition to a primary dwelling, one secondary dwelling may be allowed within a Preserve by Administrative Permit approval in compliance with Section 17.52.010, providing all of the following findings regarding the secondary dwelling can be made:
 - a. It is located on the same lot as the primary dwelling;
 - b. It complies with all other zone setbacks and development standards, including agricultural buffer setbacks, if applicable;
 - c. It is consistent with the terms of the applicable Agricultural Preserve Contract; and
 - d. It is consistent with the principles of compatibility in compliance with

Government Code Section 51238.1(a), as determined by the Agricultural Commissioner or Agricultural Commission.

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

1. A written Notice of Non-Renewal (Notice) shall be recorded by the property owner and a copy provided to the Board at least 90 days prior to the contract renewal date, which would be by October 1 for the upcoming year.
2. The Notice shall include the notarized, written authorization of all record of interest holders.
3. Upon receiving a Notice, the Board Clerk shall forward such Notice to the Department, the Assessor, and the Agricultural Commission for a report.
4. The Department shall submit a written report to the Agricultural Commission indicating whether the Notice is for a partition, a roll out, or a partial roll out, as defined in Article 8: "Williamson Act Contract", and other relative information regarding the agricultural preserve, with a copy to the Board.
5. An application for partition or partial roll out will be processed in the same manner as a request creating a new Williamson Act Contract.
6. When the Notice concerns a total roll out of a contract, the Agricultural Commission may submit a report to the Board giving an evaluation of the potential impacts resulting from the Notice.
7. When the Notice concerns a partial roll out of a contract, the Agricultural Commission shall submit a report to the Board giving an evaluation of the potential impacts resulting from the Notice, with a recommendation as to whether the remaining portion of the agricultural preserve still meets the minimum criteria.
8. The Board shall either receive and file the Notice and direct the County Assessor to begin the roll-out procedure, or when partial roll-out has been requested and it has been determined by the Board that the remaining portion of the agricultural preserve no longer meets the minimum criteria to qualify as an agricultural preserve, direct the Clerk of the Board to file a Notice of Non-Renewal for the entire contract.

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

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

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

1. The Department shall forward a copy of the application to the Agricultural Commission and Assessor's Office for comments and recommendations.
2. The Assessor's Office shall determine the cash value of the property as though the land is free from contractual obligations and forward the report to the Department.
3. The Planning Commission shall hold a public hearing and make a recommendation to the Board.
4. The Board shall decide at public hearing whether to approve the cancellation, zone change, and General Plan amendment, if applicable, or deny the request.
5. If approved, the applicant shall pay the amount of cancellation fees, based on the Assessor's report, prior to the effective date of cancellation.

G. Agricultural Zones not under Williamson Act Contract. Land to be zoned for agricultural or horticultural use that is not encumbered by a Williamson Act or farmland security zone contract must meet one of the following criteria:

1. **Soil Capability.** The site is classified as choice soil, as defined in the General

Plan, based on the *Soil Survey of El Dorado Area, California* issued April 1974 by the U.S.D.A. Soil Conservation Service, or other comparable local, state or federal criteria, as further described below:

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

17.40.070 Agricultural Support Services

- A. **Purpose.** The purpose of this Section is to promote and regulate the necessary support services that enhance the viability and productivity of the County’s agricultural resources while protecting the public health, safety, and welfare.
- B. **Applicability.** The standards set forth in this Section shall apply to agricultural support services, as defined in Article 8, where permitted in the use matrices for the zones.
- C. **Review by Agricultural Commission Required.** An application for a Conditional Use Permit to construct or operate a commercial operation on agricultural or resource zoned land as an agricultural support service shall be considered by the Agricultural Commission prior to a hearing before the review authority.
- D. **Special Findings Required.** In order to approve a Conditional Use Permit for agricultural support services, the review authority must make the following findings in addition to the findings required under Chapter 17.52.020:
 - 1. The establishment of the proposed support service to be provided will support and enhance the economic vitality of the agricultural industry that exists in the surrounding area;

2. The proposed support service is unique to agricultural activities;
3. The establishment of such use will have no significant adverse effect on surrounding property and the permitted uses thereof.

17.40.080 Animal Raising and Keeping

- A. Purpose.** The purpose of this Section is to provide for the raising and keeping of domestic fowl and farm animals for hobby purposes, educational projects, or for commercial use while maintaining the residential character and enjoyment of surrounding neighborhoods; and to protect the public health, safety and welfare as well as animal health and safety by controlling erosion, dust, noise, and odors; providing vector control; and protecting water quality.
- B. Applicability.** The standards set forth in this Section shall apply to residential, non-agriculturally zoned lands, where the permitted use matrices for the zones allows the raising and keeping of animals.
- C. Exemptions.** Lands zoned PA (Planned Agricultural), LA (Limited Agriculture), AG (Agricultural Grazing), and FR (Forest Resource) shall be exempt from the provisions of this Section.
- D.** No domestic farm animal, as defined in Article 8 (Animal: domestic farm), shall be kept on a lot of less than one acre in any residential zone.
- E.** The slaughtering of fowl or domestic farm animals owned by the property owner or lessee is permitted on a lot of more than one acre in any residential zone.

17.40.090 Reserved

17.40.100 Campgrounds and Recreational Vehicle Parks

- A. Purpose.** The purpose of this Section is to encourage development of the tourism industry in the County and to coordinate with the California Department of Housing and Community Development in providing reasonable standards for the development of transient camping facilities in compliance with Title 25 of the California Code of Regulations, in order to minimize conflicts with adjacent land uses and to protect the public health, safety, and welfare.
- B. Applicability.** The provisions of this Section shall apply to all campgrounds and recreational vehicle parks, as defined in Article 8, where the permitted use matrices for the zones allow these uses.

- C. Unauthorized Camping Prohibited.** It shall be unlawful to place, maintain, use, or occupy any vehicle or temporary structure, such as a tent, lean-to, or other makeshift enclosure for which no building permit has been issued, on any lot of real property for the purpose of camping, dwelling, maintaining, or establishing a temporary or permanent residency unless such placement, maintenance, use, or occupancy is authorized in compliance with this Section or with Section 17.52.060 (Temporary Mobile Home Permit).
- D. Compliance with State Law.** All campgrounds and recreational vehicle parks shall comply with the minimum standards of the Special Occupancy Parks Act (Health and Safety Code Section 18860, et seq.) and the applicable regulations adopted by the Department of Housing and Community Development (Code of Regulations, Title 25, Chapter 2.2) including, but not limited to setback and separation standards, infrastructure requirements, operations, maintenance, and inspections within these facilities.
- E. Development Standards.** The following general standards shall apply to new campgrounds and RV parks or proposed revisions to existing facilities, subject to a Conditional Use Permit in compliance with Section 17.52.020:
- 1. Density.** Maximum overall density shall be determined on a case-by-case basis. Dwelling units shall be defined as individual campsites, as defined in Article 8, recreational vehicle spaces, dormitory rooms, or cabins. The review authority may further limit the density based on physical or environmental constraints on the site of a proposed campground or recreational vehicle park.
 - 2. Fencing.** Where a recreational vehicle park fronts a public road, screening provided by a solid fence, wall, or landscaping shall be installed a minimum of 30 feet from the edge of right of way. The screening shall stand no less than six feet in height. This standard is not mandatory for a campground.
 - 3. Access.** Campground and recreational vehicle park access roads shall have clear and unobstructed access to a public roadway. There shall be no direct access from an individual campsite or RV space to a public roadway.
 - 4. Encroachment.** The design and number of the encroachments shall conform to the standards set forth in the Design and Improvement Standards Manual, based on the number of campsites and the type and design speed of the County road.
 - 5. Parking.** The campground and recreational vehicle park shall provide off street parking spaces for each campsite and guest parking in accordance with Chapter 17.36 (Parking and Loading).
 - 6. Signs.** Campground and recreational vehicle park entrance signs shall comply with the provisions under Chapter 17.37 (Signs).
 - 7. Drainage.** A drainage plan shall be required demonstrating how surface runoff

will be controlled. Said plan shall be prepared by an appropriately licensed professional and shall show all on-site and off-site improvements or facilities that will be necessary to control runoff, with necessary calculations of flow, velocity, or other data as may be required by the County for review of the plan.

8. **Water Supply and Sewage Disposal.** If public sewer and/or water supply are proposed, a will-serve letter or similar document from the water or sewer purveyor shall be provided indicating that sufficient supply and/or treatment capacity, and adequate lines are available or will be made available to serve the project. If wells and/or septic systems are proposed, sufficient well data, percolation tests, and other data as required by the County Environmental Health Division shall be provided to determine that adequate water supply and/or septic capability is available to serve the project.
9. **Commercial Use.** The construction of a structure within the campground or recreational vehicle park that is under the ownership or control of the park and can provide commercial use to the public shall be reviewed by the County for potential impacts on local services under the Conditional Use Permit.
10. **Length of Stay.** The maximum length of stay in any campground or recreational vehicle park shall not exceed 30 days. Specific exceptions to this standard for individual campers may be approved by the review authority on a case-by-case basis at the written request of a campground operator where it is found that special circumstances warrant an increase.
11. **Other Requirements.** The Department or review authority may require additional data to provide mitigation to any other potentially significant impact identified during the initial study or public review process for a campground or recreational vehicle park.

17.40.110 Child Day Care Facilities

- A. **Purpose.** The purpose of this Section is to meet the increasing demand for available and affordable child care by allowing child day care facilities within residences as child day care homes to give children the home environment which is conducive to healthy and safe development in compliance with California Health and Safety Code Section 1596.70; in commercial and neighborhood service zones as child day care centers to provide further choice and flexibility while protecting the neighborhoods and commercial areas in which they are located; and in workplaces as employer-sponsored child day care centers to provide convenience for working families.
- B. **Child Day Care Homes.** Child day care homes, as defined in Article 8, may be provided in any zone that allows detached, single-unit residential dwellings, including rental units. As such, the following permit requirements shall apply:
 1. **Small Family Day Care Homes.** Permitted by right.

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

- C. **Child Day Care Centers.** Child day care centers, as defined in Article 8, shall be allowed where permitted in the use matrices for the zones.

- D. **Employer-sponsored Child Day Care Centers.** Employer-sponsored child day care centers, as defined in Article 8, shall be allowed as part of a commercial or industrial building or complex where permitted in the use matrices for the zones.

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

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

1. The loading and unloading of vehicle occupants shall only be permitted on the driveway of a residential dwelling, an approved parking area, or along the frontage of the site and shall not restrict traffic flow. Facilities located on those roads delineated in Figure TC-1 of the General Plan or roads designed for speeds of 35 mile per hour or greater shall provide a drop-off and pickup area designed to prevent vehicles from backing into the roadway.
2. The applicant shall comply with all fire and building codes applicable to child day care facilities.
3. The applicant shall obtain a valid state license to operate a child day care facility on the site within 180 days of the date of issuance of an Administrative Permit. Within 14 calendar days after issuance of the state license, the applicant shall provide a copy of the license to the Director. The applicant's failure to obtain a state license or to provide a copy of the license to the Director may result in revocation of the Administrative Permit in accordance with the provisions of Chapter 17.67 (Code Enforcement).
4. In addition to the standards in Paragraphs F.1 and F.2 above, a large family day care home shall be subject to the following:
 - a. The site shall provide at least two off-street parking spaces, none of which may be provided in a garage or carport. Parking spaces may include those provided to meet residential parking requirements.
 - b. The site shall not be located within 500 feet of any other large family day care home, as measured between the nearest property lines from one another.
 - c. If the site has a swimming pool or spa, the pool or spa shall meet all current code regulations for fencing, gate latches, and alarms.
 - d. No more than one family day care home shall be located on any single lot.
 - e. A permit for a large family day care home is non-transferable.

17.40.120 Commercial Caretaker, Agricultural Employee, and Seasonal Worker Housing

A. Purpose. The purpose of this Section is to provide affordable housing opportunities to agricultural employers, businesses, and civic uses with special employment and

security needs while protecting the public health, safety, and welfare.

B. Applicability. The provisions of this Section shall apply to all housing for commercial caretakers, agricultural employees, and seasonal workers, as defined in Article 8 (Employee Housing), where permitted in the use matrices for the zones.

C. Commercial Caretaker Housing.

1. Commercial caretaker housing may be permitted as an accessory use where the principal commercial, industrial, recreational, or civic use involves operations, equipment, or resources that require 24-hour security, and where there is a demonstrated need for such security, based on the following:
 - a. Value and portability of goods and/or equipment stored on the property;
 - b. Precautionary measures taken by the applicant to prevent loss or vandalism; and
 - c. Sheriff's records demonstrating the applicant's past experience with vandalism or the loss of goods and/or equipment.
2. Permanent housing for commercial caretakers may be established on a lot accessory to an existing, permitted commercial, industrial, recreational, or civic use subject to the standards and permit requirements under Subsection F below.
3. Temporary housing for commercial caretakers shall be subject to a Temporary Mobile Home Permit in compliance with Section 17.52.070.
4. The Director, in approving a permit for commercial caretaker housing must find that there is a need for such housing based on the information provided under Paragraph C.1 and that sufficient additional security measures, such as security lighting and fencing, have been installed to minimize potential vandalism or theft.

D. Agricultural Employee Housing

1. A residential structure providing accommodation for six or fewer agricultural employees shall be considered a single-unit residential use and shall be permitted by right in any zone that permits single-unit residential uses. (Health and Safety Code Section 17021.5).
2. Agricultural employee housing consisting of no more than 36 beds in group quarters, or 12 units or spaces designated for use by single households, shall be allowed in agricultural zones, subject to the standards in Subsection F, below. The permitted occupancy in said housing shall include agricultural employees who do not work on the property where the agricultural labor housing is located (Health and Safety Code Section 17021.6). Permit approval for agricultural

employee housing shall be subject to the following:

- a. Findings made by the Agricultural Commission that the need for such housing exists based on their determination of applicable factors; and
- b. The term of occupancy for agricultural employee housing shall be limited to the seasonal extent of the agricultural product, including livestock, for which they are hired. An exception to this limitation is where an agricultural employee works off site in serially seasonal, agriculturally-related employment, subject to the findings in 2.a above.

E. Seasonal Worker Housing. Housing for seasonal workers in the rafting industry, at ski resorts, or for similar recreational uses may be permitted subject to the standards in Subsection F, below. Rental and occupancy of the seasonal worker housing shall only occur during the season in which the workers are needed and shall not be occupied on a full-year basis.

F. General Standards. In addition to the specific provisions under Subsections C through E above, all commercial caretaker, agricultural employee, and seasonal worker housing shall be subject to the following standards under an Administrative Permit in compliance with Section 17.52.010. Housing inconsistent with the standards under this Subsection shall be subject to a Conditional Use Permit in compliance with Section 17.52.020.

:

1. Occupancy. At least one of the occupants of each housing unit shall be a full-time or seasonal employee of the business, operation, or institution that qualifies for such housing in compliance with this Section.

2. Location of Housing Unit.

- a. Commercial caretaker housing shall be located on the same lot as the principal use that provides the qualification for such housing, in compliance with the development standards for the zone.
- b. Seasonal worker housing may be located on site, or off site if adjacent to the principal use.
- c. Agricultural employee housing may be located on site or off site in compliance with Subsection D.2 above.

3. Housing Maintenance.

- a. All housing, whether permanent or temporary, shall meet the development standards for the zone and be subject to all applicable building, fire, and health codes.

- b. Permanent housing shall be constructed and maintained to conform to State Department of Housing and Community Development regulations for migrant farm labor housing.
- c. Mobilehomes and recreational vehicles used specifically for such housing shall be maintained in compliance with the applicable requirements of the Manufactured Housing Act (Health and Safety Code Section 18000, et seq.)
- d. Recreational vehicles and temporary structures may be utilized for seasonal worker housing subject to the requirements under Subsection 17.40.100.C (Camping and Recreational Vehicle Parks).

G. Removal of Housing Unit. A commercial caretaker, agricultural employee, or seasonal worker housing unit shall remain in use concurrent with the existence of the use that justifies the housing unit. Upon termination of the use, the housing unit shall be removed if a temporary structure, or converted to another permitted use if a permanent structure.

17.40.130 Communication Facilities

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

The Board finds that minimizing the number of communication facilities through co-locations on existing and new towers and siting such facilities in areas where their potential visual impact on the surrounding area is minimized will provide an economic benefit and will protect the public health, safety and welfare.

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

County may require construction of a number of smaller facilities instead of a single monopole or tower if it finds that multiple smaller facilities are less visually obtrusive.

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

- 1. Repeaters and Other Small Facilities.** Repeaters and other similar small communication facilities that do not exceed five square feet and do not protrude more than 18 inches from the mounting surface or extend more than three feet above the roofline may be permitted by right in any zone provided that no additional equipment is required.
- 2. Building Facade Mounted Antennas.** In all zones, building facade-mounted antennas may be permitted subject to an Administrative Permit in compliance with Section 17.52.020. Those facilities not meeting the requirements below are subject to a Conditional Use Permit in compliance with Section 17.52.050.
 - a. No portion of the antenna, support equipment, or cables shall project above the roofline unless consistent with Subsection 3 below;
 - b. The surface area of all antenna panels shall not exceed 10 percent of the surface area of the facade of the building on which it is mounted or 30 square feet, whichever is greater;
 - c. No portion of the antenna or equipment shall extend out more than 24 inches from the facade of the building;
 - d. Antennas and equipment shall be constructed and mounted to blend with the predominant architecture and color of the building, or otherwise appear to be part of the building to which it is attached;
 - e. The lowest portion of all antennas shall be located a minimum of 15 feet above grade level; and
 - f. All equipment shelters, cabinets, or other ancillary structures shall be located within the building being utilized for the communication facility, or on the ground screened from public view. Equipment located on the roof must be screened from public view from adjacent streets and properties by an architecturally compatible parapet wall or other similar device.
- 3. Roof Mounted Antennas.** The construction or placement of communication facilities as roof mounted antennas may be permitted as follows:
 - a. In all commercial, industrial and research and development zones,

except where located adjacent to a state highway or designated scenic corridor, roof mounted antennas may be permitted subject to approval of an Administrative Permit. Those facilities not meeting the requirements under Subparagraphs 2.c, 2.d, and 2.f above and the following requirement shall be subject to a Conditional Use Permit.

- (1) Facilities located on the roof of the building shall be located towards the center of the roof if technologically feasible.
- (2) The height of the facility shall not exceed 15 feet above the roof top or the maximum height for the zone, whichever is less.

b. In all other zones, or where located adjacent to a state highway or designated scenic corridor, roof mounted antennas shall be subject to Commission approval of a Conditional Use Permit.

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

- a. Antennas shall not exceed the maximum height for the zone or 15 feet above the height of the existing structure, whichever is less.
- b. Antennas and mounting brackets shall be constructed and mounted to blend with the design and color of the existing structure;
- c. All equipment shelters, cabinets, or other ancillary structures shall be located within the structure being utilized for the communication facility, or on the ground screened from public view; and
- d. If proposed to be attached to a structure, utility pole, or tower located within a public utility easement, both the utility and the property owner must authorize submittal of an application for such use.

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

- a. New antennas shall be located at or below the topmost existing antenna array, either on the same pole, or at the same height on a replacement pole within the approved lease area;
- b. New antennas shall not extend out horizontally from the pole more than the existing widest projection. Use of designs similar to the existing antenna array is encouraged;

- c. All equipment shelters, cabinets, or other ancillary structures shall be located within the building being utilized for the communication facility, or on the ground screened from public view;
 - d. The antennas and pole or tower shall be designed to match the existing facility, or to blend with the natural features or vegetation of the site; and
 - e. Additional antenna arrays added above the existing approved antenna array or that requires the tower height to be increased shall be considered a new tower and shall be subject to the provisions of Paragraph 6, below.
- 6. **New Towers or Monopoles.** The construction or placement of communication facilities on new towers or monopoles, or an increase in height of existing towers or monopoles may be permitted as set forth below:
 - a. In all commercial, industrial, and research and development zones, except where located adjacent to a state highway or designated scenic corridor or within 500 feet of any residential zone, a new tower or monopole may be permitted subject to Zoning Administrator approval of a Minor Use Permit.
 - b. In all other zones, or where located adjacent to a state highway or designated scenic corridor or within 500 feet of any residential zone, new towers or monopoles shall be subject to Commission approval of a Conditional Use Permit.
- 6. **Other Types of Facilities Not Listed Above.** Application proposals that do not conform to the above requirements of Paragraphs 2 through 5 above will be subject to Commission approval of a Conditional Use Permit, as determined by the Director.
- 7. **Speculative Towers.** Towers for which no licensed communication carriers have committed to utilize shall be prohibited.
- C. **Visual.** Visual simulations of the wireless communications facility, including all support facilities, shall be submitted. A visual simulation can consist of either a physical mockup of the facility, balloon simulation, computer simulation, or other means.
- D. **Development Standards.** All facilities shall be conditioned, where applicable, to meet the criteria below:
 - 1. **Screening.** All facilities shall be screened with vegetation or landscaping. Where screening with vegetation is not feasible, the facilities shall be disguised

to blend with the surrounding area. The facility shall be painted or constructed with stealth technology to blend with the prevalent architecture, natural features, or vegetation of the site.

2. **Setbacks.** Compliance with the applicable zone setbacks is required. Setback waivers shall be considered to allow flexibility in siting the facility in a location that best reduces the visual impact on the surrounding area and roads, subject to Zoning Administrator approval of a Minor Use Permit.
 3. **Maintenance.** All improvements associated with the communication facility, such as equipment shelters, towers, antennas, fencing, and landscaping shall be properly maintained at all times. Design, color, and textural requirements under the approved conditions shall be maintained to ensure a consistent appearance over time.
- E. **RF Requirements.** The application for a discretionary permit shall contain a report or summary of the estimates of the non-ionizing radiation generated by the facility. The report shall include estimates of the maximum electric and magnetic field strengths in all directions from the facility to the property lines of the facility site.
- F. **Availability.** All existing communication facilities shall be available to other carriers as long as structural or technological obstacles do not exist.
- G. **Unused Facilities.** All obsolete or unused communication facilities shall be removed within six months after the use of that facility has ceased or the facility has been abandoned. The applicant shall notify the Department at the time of abandonment. All site disturbance related to the facility shall be restored to its pre-project condition.
- H. **Permit Application Requirements.** In order to protect the visual character of established neighborhoods and to protect school children from safety hazards that may result from a potentially attractive nuisance, in addition to the noticing requirements of Article 5, the following notification shall occur:
1. **School District Notification.** If the proposed wireless facility is located within 1,000 feet of a school, the appropriate school district shall be notified during the initial consultation.
 2. **Homeowners Association Notification.** For facilities proposed to be located on residentially-zoned land, the applicant shall identify any homeowners association which might govern the property. Any that are identified shall be notified during the initial consultation.

17.40.140 *Reserved*

17.40.150 **Guest House**

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

17.40.160 Home Occupations

- A. **Purpose.** The purpose of this Section is to provide opportunities for home-based businesses incidental to and compatible with surrounding residential and agricultural uses in order to encourage employers to offer home workplace alternatives, promote economic self-sufficiency of County residents, reduce commuting on U.S. Highway 50, while minimizing conflicts with adjacent property owners, maintaining the residential character of neighborhoods, and protecting the public health, safety, and welfare.
- B. **Applicability.** A home occupation, as defined in Article 8, shall be permitted in any zone that allows single- or multi-unit residential use in compliance with the standards and permitting requirements of this Section.
- C. **Standards.** A home occupation shall be allowed in compliance with the following standards:
 - 1. All business is conducted within permitted structures on the lot. The

appearance of the structure shall not be altered nor shall the occupation be conducted in a manner that would cause the structure to differ from its residential character either by the use of colors, materials, construction, lighting, or signs, except where required under Paragraph 5, below.

2. For home occupations conducted in any part of a garage, the activity shall not be visible from a right-of-way or road easement, nor shall it require vehicles of the property owner to be routinely parked on the street.
3. The business shall be owned and operated by a person or persons residing on the premises. The business owner may have on site meetings with other business personnel who provide support service to the home occupation, such as accountants and transcribers. Full or part-time employees under the direct payroll and supervision of the business owner shall be allowed to report to work at the site of the home occupation subject to Paragraph 5, as follows:
 - a. One employee shall be allowed on lots one acre to less than five acres;
 - b. Two employees shall be allowed on lots five acres or greater.
4. Retail sales may occur on the premises by appointment, only, or when conducted by telephone, mail, or internet, with delivery occurring off site.
5. A building permit for change of use for that portion of the residence utilized as an office, workroom, sales area, and restroom facilities for employees and commercial customers shall receive final occupancy approval subject to Building Code Section 1101B.6 (*Commercial Facilities Located in Private Residences*) prior to business license approval.
6. As part of the home occupation, no equipment or process shall be used that creates noise, vibration, dust, glare, fumes, odors, or electrical interference detectable to the normal senses off site. In the case of electrical interference, no equipment or process shall be used that creates visual or audible interference in any radio or television receivers, or that causes fluctuations in line voltage off site.
7. Commercial delivery vehicles that are normally associated with residential uses may be utilized for the pick up or delivery of materials related to the home occupation.
8. No heavy commercial vehicles, as defined in Article 8 (Vehicle, Heavy Commercial), used as part of the home occupation shall be stored or parked on site or on the road frontage in RM, R1, R20K, R1A, R2A, and R3A zones. On lots five acres or larger and in Residential Estate (RE) and Agricultural and Resource zones (Chapters 17.24 and 17.21, respectively), heavy commercial vehicles may be stored on site providing they are not visible from a right-of-way or road easement, except when in use.

9. Goods or materials used or manufactured as part of the home occupation shall not be visible to the public when stored.
10. Any materials used or manufactured as part of the home occupation may be subject to the review and approval of Environmental Management and the applicable fire department prior to business license sign off by the Department.
11. Student instruction shall be provided by appointment only, subject to the following standards:
 - a. Group lessons shall be limited to a maximum of four students at any one time, once per day, provided adequate parking is available. Parking space that meets on site residential requirements, as well as available parking space along the road frontage may be used.
 - b. No concerts, recitals, performance events, or showings shall be held on the site unless in compliance with Subsection D, below.
 - c. Student instruction shall be permitted between the hours of 7:00 a.m. and 9:00 p.m.
12. The following home occupations shall be allowed by right in Agricultural and Resource and Residential Estate (RE) zones (Chapters 17.21 and 17.24, respectively), on lots with a minimum size of 10 acres, in compliance with the standards under Paragraph C.11:
 - a. Horseback riding lessons or similar instruction involving animal husbandry.
 - b. Horse boarding providing the use or training of the horse(s) is limited to their owners or lessees.

D. Student Instruction - Administrative Permit Required. An Administrative Permit shall be required when a home occupation exceeds the standards under Paragraphs C.11 or C.12, above. An Administrative Permit for a home occupation under this Subsection shall only be approved when the Director finds that the standards being exceeded will not change the residential character of the neighborhood based on the attendance numbers, frequency or duration of the event, and nature of the use. If applicable, the location of an accessory structure relative to adjacent residential uses shall be considered, as well. For horse boarding or riding lessons, five to eight boarded horses or students in a group lesson may be allowed under this permit. Nine or more is considered a commercial stable as defined in Article 8 and subject to Subsection G, below. In addition to all other standards under Subsection C, permit approval shall be subject to compliance with the following standards:

1. The site of the home occupation either has direct access to a public or private road that conforms to Standard Plan 101C, or the property owner participates in

- a road maintenance association.
- 2. The total number of vehicle round trips to the site generated by students receiving group lessons shall not exceed 12 per day.
- 3. There shall be adequate parking on the site to accommodate recitals or concerts, in addition to the required residential parking spaces. Added parking areas shall be located outside of any setback areas for the zone, in compliance with Subsection 17.36.040.D (Parking and Loading). Available parking along the road frontage may be used, also.
- 4. A proposed accessory structure for the purpose of conducting recitals or concerts shall be permitted as follows:
 - a. For lots less than one acre, one structure of 600 square feet, maximum.
 - b. For lots one acre or larger, one structure of 1,200 square feet, maximum.
- 5. The Administrative Permit shall not be transferable from the applicant to any other person.

E. Signs. Signs identifying authorized home business activities on the site shall be subject to the standards in Table 17.40.150 below. All signs shall be compatible in design with the residential structures on site and shall not be illuminated.

Table 17.40.150 Home Business Sign Standards

	RM, R1, R20K, R1A	R2A, R3A, RE-5	RE-10, Ag and Resource Zones
Number	1	2	2
Size (cumulative)	1 square foot	6 square feet	12 square feet
Height (maximum)	n/a	6 feet	8 feet
Location	On wall adjacent to front entrance	1 within front setback to be visible from the adjoining road and 1 adjacent to residence or structure where home business is conducted	

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

- 1. Motor vehicle and other vehicle repair or maintenance (body or mechanical) including, but not limited to the repair of engine, muffler, or drive train components of the vehicle; and upholstering, painting, or detailing work, except

as provided in Section 17.40.380 (Vehicle Maintenance, Repair, and Storage Accessory to a Residential Use).

2. The storage of motor vehicles, including but not limited to automobiles, motorcycles, heavy commercial vehicles, recreational vehicles, trailers, and boats (motorized or not), except as provided in Section 17.40.380 (Vehicle Maintenance, Repair, and Storage Accessory to a Residential Use) and Paragraph C.7, above.
3. Carpentry and cabinet making, with the exception of woodworking that results in the creation of small wood products or single orders of furniture where delivery occurs off site or on site by appointment only.
4. Food preparation and food sales, except as part of a catering business where prepared food will be delivered off site, subject to Environmental Health permit requirements.
5. Commercial kennels or catteries.
6. Personal services, as defined in Article 8.
7. Medical and dental offices, clinics, and medical laboratories.
8. Veterinary services, with the exception of those considered an ‘agricultural support service’, as defined in Article 8 and subject to the standards in Section 17.40.070 (Agricultural Support Services).
9. Repair shops or service establishments, with the exception of repairing small electrical appliances, cameras, or other similar items where pick-up and delivery occurs off site or on site by appointment only.
10. Commercial stables, as defined in Article 8 (Stables: Commercial), which shall be subject to Subsection 17.40.210.D (Outdoor Recreation Facilities).
11. Large-scale upholstering service, with the exception of upholstering single orders of furniture or other objects where pick-up and delivery occurs off site.
12. Welding and machining, except when incidental to small scale production or parts assembly; or work or craft that is the activity of creative artists.
13. Winery and tasting rooms that are not allowed in the Wineries Ordinance (Section 17.40.400).
14. Any other use determined by the Director that is not incidental to and/or compatible with residential activities.

G. Conditional Use Permit. Where a proposed home occupation exceeds the standards

under Subsections C or D above, a Conditional Use Permit shall be required.

17.40.170 Lodging Facilities

- A. Purpose.** The purpose of this Section is to further the development of the agricultural tourism and recreational economies of the County, while providing adequate health and safety standards for the guests of such lodging facilities, developing standards to preserve the residential character of neighborhoods, and protecting the public health, safety, and welfare of the surrounding areas.
- B. Applicability.** With the exception of Vacation Home Rentals (Section 17.40.370), lodging facilities, as defined in Article 8, that are located outside of commercial zones are subject to the provisions of this Section where allowed under the permitted use matrices for the zones.
- C. General Standards.** Lodging facilities shall be subject to the general standards below. In addition, the specific use standards under Subsections D-G shall apply.

 - 1. Lodging facilities proposed within Agricultural Districts, as identified on the General Plan land use maps, or adjacent to land zoned Planned Agriculture (PA), Limited Agriculture (LA), Agricultural Grazing (AG), Forest Resource (FR), or Timber Production (TPZ) must be reviewed by the Agricultural Commission for compatibility with surrounding agricultural land uses prior to action by the review authority.
 - 2. The applicant must demonstrate to the satisfaction of the Environmental Management Department that the facilities meet all applicable health standards including, but not limited to, kitchen facility, water, and sewage disposal permit requirements.
 - 3. Unless superseded by the regulations under this Section, guest accommodations shall be permitted in compliance with the development standards of the respective zone and Article 3 (Site Planning and Project Design Standards).
 - 4. The following minimum setbacks apply to all outdoor use areas, excluding parking lots and picnic areas:

 - a. Adjacent to non-residential zones: 50 feet from all property lines.
 - b. Adjacent to residential zones: 200 feet from all property lines.
 - c. The 200 foot setback in Subparagraph 4.b above may be reduced to no less than 50 feet by a grant of administrative relief in compliance with Section 17.52.010 (Administrative Permit).
 - 5. One, non-internally illuminated sign shall be permitted based on the applicable zone

- standard set forth in Chapter 17.37 (Signs). The design of the sign shall be considered by the review authority for architectural compatibility with the existing or proposed structure(s) on site.
6. Lodging facilities shall have direct access to a maintained road in conformance with Department of Transportation standards. The entrance, parking area, and walkways shall be illuminated in compliance with Chapter 17.35 (Outdoor Lighting) and kept free of obstructions or hazards of any type.
 7. Lodging facilities shall provide off street parking at a ratio of one space per each guest room, plus two spaces required for the principal dwelling. Guest parking shall be subject to the following:
 - a. No guest parking shall be permitted within the required front or side yard setback.
 - b. Tandem parking, meaning two cars parked one behind the other, may be allowed. Denser parking lot configurations may be allowed if valet parking is provided.
 - c. Guest parking shall be designed to prohibit the backing of vehicles directly into any public right of way in order to exit any parking space.
 - d. The parking area provided for a lodging facility may have a gravel surface.
 8. A lodging facility consisting of five or fewer guestrooms shall be considered a single-unit residential dwelling or lodging house for the purpose of building codes, unless additional standards are required by said codes, as amended from time to time and adopted by the County. Six or more guestrooms within one structure shall be subject to further requirements under the building codes.
 9. The operation of a lodging facility shall be subject to Title 3.28 (Transient Occupancy Tax) and Title 5.08 (Business License Requirements) of the County Code. The business license shall be posted in a conspicuous place on the premises prior to operation of the business.
 10. Ancillary activities such as weddings, receptions, fund raisers, or similar events attended by non-guests may be allowed as part of a Conditional Use Permit (17.52.020) or subject to a Temporary Use Permit (17.52.060), if applicable.
 11. If not already required under the permitted use matrix, a Conditional Use Permit shall be required when a proposed use exceeds the general standards in this Subsection.

D. Agricultural Homestays.

1. The applicant shall demonstrate to the satisfaction of the Agricultural Department that the site meets the minimum criteria for a Williamson Act Contract,

whether the property is under Contract or not. The adopted Williamson Act criteria for lots between 10 and 20 acres shall also apply on similarly sized lots, whether they are under Contract or not.

2. The use is limited to a maximum of three guest rooms for up to six guests at any one time.
3. The property owner shall reside in either the primary or secondary dwelling on site.
4. Meals may be served to overnight guests, only. There are no limitations on the number of meals or the times at which they are served. The price of food shall be included in the price of the overnight accommodations in compliance with the California Retail Food Codes enforced by the County (Health and Safety Code Section 113893).

E. Bed and Breakfast Inns (Adopted 4/29/08)

1. Bed and breakfast inns shall be considered an expanded home occupation in residential and agricultural zones and a compatible use in commercial zones.
2. The bed and breakfast inn may provide up to a maximum of 20 guestrooms, which shall be contained within the primary and secondary dwelling units and guest house only, in compliance with the development standards of the applicable residential or agricultural zones.
3. The property owner shall reside in either the primary or secondary dwelling on site.
4. Meal service shall be limited to registered guests and shall consist of breakfast and light snacks as a portion of the overall room rate in compliance with the California Retail Food Codes enforced by the County (Health and Safety Code Section 113893).
5. The Conditional Use Permit may authorize limited ancillary activities such as weddings, receptions, fund raisers, or similar events attended by non-guests, subject to conditions of approval that include, but are not limited to, restrictions upon the frequency and time of holding events, duration thereof, and the maximum number of persons attending. Food preparation, except for the aforementioned breakfast and light snacks, shall not be permitted within the bed and breakfast inn. Unless expressly authorized in the Conditional Use Permit, such ancillary activities are prohibited.

A Temporary Use Permit for an ancillary activity may be processed in situations where special events are not authorized under the Conditional Use Permit for the bed and breakfast inn, in compliance with Section 17.52.060. Applicable conditions shall be imposed, as determined necessary by the review authority, which restrict the number of people attending and offset other related impacts, in order to maintain the residential character of the surrounding neighborhood.

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

F. Dude Ranch.

1. Minimum lot size – 20 acres.
2. The applicant shall demonstrate to the satisfaction of the Agricultural Department that the site meets the minimum qualifications for agricultural/grazing use as set forth under the minimum criteria for a Williamson Act Contract, whether the property is under contract or not.
3. Meals may be served to registered day use or overnight guests, only. There are no limitations on the number of meals or the times at which they are served.

G. Health Resort and Retreat Center.

1. Health resorts and retreat centers shall be considered an expanded home occupation in those zones allowing residential uses and a compatible use in Commercial and Special Purpose zones.
2. Meals may be served to registered day use or overnight guests, only. There are no limitations on the number of meals or the times at which they are served.

17.40.180 Mixed Use Development

- A. Purpose and Intent.** The purpose of this Section is to allow mixed use development, as defined in Article 8, that provides housing and employment opportunities in proximity to each other in order to more fully and efficiently utilize available land in Community Regions and Rural Centers. The intent of this Section is to encourage the development of affordable housing and pedestrian-oriented communities, maintain access to commercial businesses, enhance the core areas of existing community and rural centers while protecting historical and cultural amenities, and provide incentives for such development.
- B. Applicability.** Residential development may occur with the commercial development allowed in Chapter 17.22 (Commercial Zones) under the permitted use matrices for the zones, except where the commercial zone is combined with the Platted Lands (-PL) Combining Zone.
- C. General Requirements.** The following requirements shall apply to all mixed use development projects:

1. Commercial and residential uses shall be complementary and mutually supportive of each other and shall be integrated into the community or neighborhood where the development is located.
2. The residential component shall be allowed on separate lots within the development.
3. The residential component may include a full range of single-unit and/or multi-unit residential design concepts.
4. The residential component shall be constructed concurrently with or following construction of the commercial component of the project site. Construction of the first phase of commercial development shall receive final occupancy prior to the first phase of residential development.
5. Mixed use development projects may be phased.

D. Development Standards.

1. At least 30 percent of the gross floor area of the mixed use development project shall be devoted to commercial uses. “Gross floor area” as used within this Section does not include inner courtyards and exterior stairwells or balconies.
2. The maximum density for the residential use component shall be 16 dwelling units per acre in Community Regions and four dwelling units per acre in Rural Centers or developments without a public sewer connection.
3. Minimum residential dwelling unit area shall comply with the building code.
4. Minimum front yard setbacks may be to property lines that adjoin the back of sidewalks or other publicly accessible area.
5. Parking shall be subject to the requirements in Chapter 17.35 (Parking and Loading) and Section 17.33.050.A (Landscape Buffers).
6. On site pedestrian walkways or sidewalks connecting the residential and commercial components, as well as connecting to adjoining commercial, residential, and civic uses, shall be provided for pedestrian safety.

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

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

17.40.190 Mobile/Manufactured Homes

- A. Purpose.** The purpose of this Section is to allow the placement of mobile or manufactured homes as temporary and permanent housing or for use as temporary office space during construction in order to provide affordable housing options, offer relief in hardship circumstances, assist in protecting public and private property, and expedite approved development within the County, while providing regulations to protect the public health, safety, and welfare.
- B. Applicability.** A mobile or manufactured home (hereinafter referred to as “mobile home”) or a recreational vehicle (RV) may be permitted for temporary or permanent use in compliance with the provisions of Chapter 15.64 of the County Code (Mobilehome Regulations), the development standards of the zone, and the provisions of this Section.
- C. Permit Requirements.**
1. **Residential Dwellings.** In all zones which permit detached, single-unit residential dwellings by right, the permanent placement of mobile homes as primary and/or secondary dwellings shall be allowed by right.
 2. **Temporary While Constructing.** One mobile home or recreational vehicle may be placed on a lot for the purpose of habitation during the construction of a permitted primary dwelling or during major repair of a damaged dwelling that is uninhabitable. A temporary occupancy permit shall be obtained from Building Services for the mobile home or recreational vehicle, and an active building permit must remain in effect for the primary dwelling. However, if an uninhabited secondary dwelling exists on site, the use of a mobile home or recreational vehicle during major repair of the primary dwelling shall not be allowed.
 3. **Hardship Purposes.** In addition to the primary dwelling, one temporary mobile home may be allowed on a lot measuring one acre or larger, in compliance with permit requirements under Section 17.52.060 (Temporary Mobile Home Permit), for the following uses:

- a. To provide housing or shelter to person(s) related by birth or marriage to the property owner who resides on the lot.
 - b. To provide caretaker assistance to the elderly or handicapped homeowner(s) in their personal care and/or protection of their property. The elderly or handicapped homeowner(s) must reside in the primary dwelling. The use of a hardship mobile home shall not be allowed for this purpose where a secondary dwelling exists on site. Under this Section, “elderly” shall mean a person 62 years of age or older.
4. **Contractor’s Office.** One or more mobile home(s) may be used exclusively as a temporary office for contractors engaged in construction projects during the course of construction of the project where an active building, grading, or other permit remains in effect, subject to the following provisions:
- a. A temporary contractor’s office may be located on the same property as the construction project subject to approval of an Administrative Permit in compliance with Section 17.52.010.
 - b. A temporary contractor’s office may be located off site subject to approval of a Temporary Use Permit in compliance with Section 17.52.070.
 - c. A temporary contractor’s office located on or adjacent to agricultural or resource zoned land shall be subject to review by the Agricultural Commission
5. **Construction Employee Housing.** The temporary placement of one or more mobile homes or recreational vehicles to provide construction-related employee housing may be allowed subject to the permitted use matrices for the zones. Such temporary housing shall be limited to projects in remote areas where permanent housing is infeasible and where a mobile home park, recreational vehicle park, or campground space are unavailable. A temporary occupancy permit shall be obtained from Building Services for the mobile home(s) or recreational vehicle(s), and an active building permit must remain in effect for the construction project. The Director, in approving the permit for construction employee housing, must find that housing availability is limited and that approval of the temporary housing will reduce daily vehicular trips.
6. **Agricultural Employee Housing.** One or more mobile homes may be used for housing agricultural employees and their immediate families in compliance with the requirements under Section 17.40.120 (Commercial Caretaker, etc.).
7. **Caretaker Housing.** On lots that contain commercial, industrial, recreational, or civic uses including public and private schools and churches, one mobile home may be placed on the lot or contiguous lots under common ownership for the purpose of providing housing for a caretaker in compliance with the

requirements of Section 17.40.120.

- D. Temporary Mobile Home Removal.** Where the permit has expired in compliance with Subsection 17.52.050.F (Permit Expiration), the mobile home or recreational vehicle shall be removed from the property within 30 days from the date of expiration. The applicant shall be required to obtain a demolition permit in order that the County can verify that water, sewer or septic systems, and other utilities are disconnected and the unit is removed from the site.

17.40.200 *Reserved*

17.40.210 **Outdoor Recreational Facilities**

- A. Purpose.** The purpose of this Section is to ensure that adequate outdoor recreational facilities are available to the residents of the County while providing standards for the development of said facilities in order to protect the public health, safety, and welfare.
- B. Applicability.** Commercial or public outdoor recreational facilities are subject to the provisions of this Section where permitted under the use matrices for the zones. The standards under this Section do not affect swimming pools, tennis courts, or similar facilities that are accessory to an individual residence or a multi-unit residential complex and not open to the public, or that are accessory to a school.
- C. Permit Requirements.** Where allowed under the use matrices for the zones, those commercial or public outdoor recreational facilities permitted by right shall be subject to the building permit process, while those subject to Administrative or Conditional Use Permit approval shall be reviewed on a case-by-case basis for impacts to the surrounding area. In addition, the specific use standards under Subsections D-H shall apply.
- D. Commercial Stables.** Stables that provide horses for hire at an hourly or daily rate, commercial boarding and training of horses, or riding lessons that exceed the standards of a home occupation under Section 17.40.150.F.2 shall be subject to the following minimum standards:
- 1. Minimum Lot Size.** 10 acres.
 - 2. Setbacks.** Under this Subsection, commercial stables, barns, and other structures used for or intended to be used for the sheltering of horses and/or other animals shall comply with the setback requirements of the zone in which they are located, except that the minimum setback from any residentially-zoned property shall be 100 feet.
 - 3. Parking and Loading.** Horse trailer parking spaces required under Chapter 17.36 shall be located a minimum of 50 feet from any public road or right-of-

way.

- 4. **Arenas.** Training arenas shall have a minimum setback of 100 feet from any residentially-zoned property. Arenas used for shows or events where more than 10 people could congregate at any one time shall be subject to a Conditional Use Permit in compliance with Section 17.52.050.
- 5. **Equestrian Trails.** Prior to Department approval of a permit for a commercial stable where the public may be riding off of the premises, the applicant shall demonstrate access to a trail easement for equestrian purposes. Proposed commercial stables adjacent to trail easements may be required to dedicate land for trail access points, as determined by the Director.
 - a. If horses will be traveling on a roadway, written approval shall be submitted from the following:
 - (1) Private road: Any road maintenance association or other entity created for road maintenance. The operator of the stable shall provide sufficient written documentation to provide proof of the right to use the private road for the proposed use.
 - (2) County road: Department of Transportation.
 - (3) State highway: Caltrans and the California Highway Patrol.

E. Hunting/Fishing Club, Farm, or Facility.

- 1. Minimum lot size – 20 acres.
- 2. Where applicable, lodging facilities accessory to this use shall be consistent with the standards under Subsection 17.40.170.C (Lodging Facilities: General Standards).

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

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

2. **Non-residential Zones.** Where permitted in the use matrices for the zones, any public off-road vehicle (OHV) recreation area shall require all vehicles using the site to be equipped, at a minimum, with the following:
 - a. Spark arrestors of a type approved by the U.S. Forest Service;
 - b. Noise suppression devices, such as mufflers or silencers, which limit exhaust noise emissions in compliance with threshold levels under Chapter 17.39 (Noise Standards). No exhaust system or noise suppression device shall be equipped with a cutout, bypass, or similar device, nor shall it be modified in such a manner to amplify or increase the noise emitted by the subject vehicle; and
 - c. Licensing to the extent required by law.
- G. Parks, Day Use.** Uses within this Subsection include neighborhood, community, and regional parks. The following standards shall apply:
1. Use and operation of park facilities shall be limited to daylight hours.
 2. Playground equipment shall be centrally located on the park site, or situated in a way that minimizes noise impacts on adjacent residential property owners.
 3. Landscaping and parking shall comply with the standards set forth in Chapters 17.34 and 17.36, respectively.
 4. Signs shall be in compliance with Chapter 17.36.
 5. Lighting shall be limited to security lighting only, in compliance with Paragraph 17.34.050.A.4 (Outdoor Lighting). Temporary lighting to extend daytime use of the park facilities shall be prohibited.
- H. Swimming Pools and Tennis Courts.**
1. The facilities under this Subsection shall be subject to the standards under Paragraph D above, except that a noise analysis will be required for a swimming pool facility within 500 feet of a residential zone, prior to permit approval. If the noise analysis shows that the noise levels will exceed the daytime standards of Chapter 17.39 (Noise Standards), a Conditional Use Permit shall be required in compliance with Section 17.52.020.
 2. When open for nighttime use, a Conditional Use Permit shall be required.

17.40.220 Outdoor Retail Sales

- A. Purpose.** The purpose of this Section is to regulate the operation of outdoor retail sales in a manner that promotes retail commercial activities while protecting the public health, safety, and welfare.

B. Permanent Outdoor Retail Sales. Areas of commercial development intended to be used for outdoor retail sales on a permanent or ongoing basis shall be allowed where permitted in the use matrices for the zone. Outdoor retail sales areas may be conducted as a principal use, such as a vehicle sales lot or plant nursery, or as an accessory use, such as a sales yard, nursery area, or vending machine in conjunction with a building materials or other retail store. Outdoor seating at a restaurant, whether conducted as a principal or accessory use, shall also be subject to the standards of this Subsection. The following standards shall apply:

1. A permanent outdoor retail sales area shall be distinct and separate from parking and loading areas, walkways, and landscaping areas.
2. Sales areas shall be included in square footage calculations when determining parking requirements under Section 17.35.040 (Parking and Loading).
3. All development standards under the specific zone shall apply, as well as those general standards applicable to the site plan, such as landscaping, lighting, and signs (Chapters 17.34, 17.35, and 17.37, respectively).
4. Notwithstanding the required landscape buffers under Chapter 17.34 (Landscaping Standards), the outdoor sales area shall be screened with a six foot high wall or fence on its boundaries that face or form the side and rear property lines when adjoining residentially zoned property.
5. Surfacing requirements of the outdoor sales area shall consist of concrete or asphalt pavement, chip seal, gravel, or other material that can be maintained in a dust-free condition. Vehicle access and parking areas shall be surfaced in compliance with Chapter 17.35.080 (Parking and Loading).

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

1. **Location.** The temporary sales area shall not block any emergency access route or otherwise disrupt general vehicular or pedestrian circulation of the shopping center or public street on which the retail business is located.
2. **Hours of Operation.** The temporary sales area shall be conducted during daylight hours only, with all sales facilities, signs, and any related vehicles removed from the site at the close of daily business. Except where otherwise prohibited by this Section, night operations are allowed only when specifically authorized through Temporary Use Permit approval (Section 17.52.060).
3. **Parking Requirements.** Parking requirements shall be in conformance with

Table 17.36.040.A (Chapter 17.36, Parking and Loading) for each specific use. Parking shall be available to accommodate employee and customer parking needs either on-site or on adjoining property, provided a shared parking agreement between the applicant and the adjoining property owner has been notarized and submitted with the application. Parking along the road frontage(s) may be allowed subject to the review and approval of the Department of Transportation. If the temporary sales area is located within an existing parking lot, reduction of available spaces shall not exceed 20 percent of the total amount

4. **Surfacing.** Surfacing materials shall comply with Paragraph B.5 above.
 5. **Signs.** Signs allowed in conjunction with temporary outdoor retail sales are subject to the provisions of Chapter 17.37 for size and placement standards. Sign placement shall be limited to one day prior to the first day of the sales event and removal shall be required at the close of business on the last day of the event.
 6. **Duration.** Unless otherwise stated in Subsections D through H, a sales event shall run no more than three consecutive days in the same location, with no more than three such sales events occurring during a calendar year beginning January 1. This standard may be modified through Temporary Use Permit approval where it is found that the proposed site will be provided with adequate parking and restroom facilities and that the surrounding area can sustain traffic volumes generated by the sales event without adverse effects in the area.
- D. Farmers' Markets.** In addition to the standards under Subsection C, farmers' markets are subject to all applicable provisions of Sections 47002 et seq. of the California Food and Agriculture Code.
- E. Garage Sales.** Garage sales or similar uses may be permitted by right by the residents of the property only, subject to the following standards:
1. Garage sale activity shall not be conducted in the public right-of-way, including streets, sidewalks, parkways, or alleys.
 2. Items sold at garage sales shall be used goods, wares, or merchandise of a household nature, and shall not have been acquired elsewhere for resale.
 3. Single-unit residential dwellings shall be allowed a maximum of four garage sales per calendar year at the same address.
 4. Multi-unit residential dwellings shall be allowed a maximum of two garage sales per calendar year per legal dwelling unit.
 5. Garage sale advertising signs shall comply with the standards under Paragraph C.5 as to duration, and further shall not be posted on telephone poles,

streetlights, traffic signs, or any other structure or location within the public right-of-way.

6. Garage sales that exceed the standards provided in this Subsection shall be considered a temporary use requiring issuance of a Temporary Use Permit in compliance with Section 17.52.070.

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

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

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

1. **Limitation on Use.** The sale of vehicles is not permitted.
2. **Site Surfacing.** Portions of a swap meet site used for sales activities or pedestrian circulation shall be surfaced in compliance with Paragraph B.4 or with planted and maintained lawn.

H. Itinerant Sales.

1. Transient produce, food, flower, or merchandise stands that are not part of a temporary use or event authorized in compliance with this Section, or that are not operated as a produce stand in compliance with Section 17.40.240 (Produce Sales) are prohibited.
2. Mobile food vendors, such as lunchwagon-type vehicles or self-contained food

preparation facilities that are transported by another vehicle, shall be permitted in commercial and industrial zones only, or as provided under a Temporary or Conditional Use Permit in other zones, subject to the following:

- a. The service is to provide food on site to employees or customers of the existing business during daily working hours;
- b. Mobile food vendor vehicles shall be parked on the site of the business it is providing its food service to. "On the site of" shall mean space within a parking lot or outdoor sales area, but not along the road frontage(s);
- c. Mobile food vendor vehicles shall not be parked in any one location for a period exceeding two hours other than the base of operations provided in Subparagraph 2.g;
- d. Mobile food service vehicles shall not block any emergency access route or otherwise disrupt general vehicular or pedestrian circulation of the parking lot or public street on which the business is located;
- e. Location of the service shall not reduce available parking spaces in an amount greater than 20 percent of the total amount;
- f. Surfacing materials surrounding the location of the service shall comply with Paragraph B.5;
- g. When not in operation, vehicles shall be stored on a commercial or industrial site; and
- h. Mobile food vendor vehicles shall be limited to one per business site and be subject to written approval by the property owner.

17.40.230 Private Schools in Light Manufacturing Facilities

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

D. Permit Requirements. The use of light manufacturing facilities for private schools shall be subject to discretionary review. As part of discretionary approval, the review authority shall find:

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

E. General Standards.

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

17.40.240 Produce Sales

A. Purpose. The purpose of this Section is to promote the sale and productivity of the County’s agricultural resources and to regulate the accessory structures needed to support such activity while protecting the public health, safety, and welfare.

B. Applicability. The standards set forth in this Section shall apply to produce sales, as defined in Article 8, where permitted in the use matrices for the zones.

C. General Standards. Sale of produce grown on site shall be subject to the following:

1. Sales may occur by right on site subject to adequate off-road and/or road frontage parking.
 2. One produce stand, as defined in Article 8, may be used subject to the following requirements:
 - a. The stand shall measure 200 square feet or less in size and be situated a minimum of 50 feet from the nearest side or rear property line.
 - b. An encroachment permit shall be secured from the Department of Transportation if the produce stand is accessed from a County road.
 - c. Parking requirements shall be in compliance with Table 17.35.040.1 (Chapter 36, Parking and Loading). The parking area shall meet minimum setback standards for the zone and shall be designed to prevent vehicles from backing into the roadway. Said parking area may be of gravel or dirt surface, but dust control measures shall be implemented as needed to comply with Air Pollution Control District standards.
- D. Off Site Sales.** No direct sales of produce grown off site or of any other merchandise, including wholesale or retail nursery products, shall be allowed by right. Off site produce sales, when in conjunction with a shared multi-farm produce stand, may be allowed subject to approval of a Minor Use Permit (Section 17.52.020).
- E. Ranch Marketing.** Produce sales in excess of the requirements of this Section, shall be subject to Section 17.40.260 (Ranch Marketing).

17.40.250 Public Utility Infrastructure

- A. Applicability.** Public utility infrastructure, as defined in Article 8, may be established as a permitted use in any zone, subject to Subsections B through D below, provided that the routes and site locations of the proposed lines or facilities be submitted to the Department for a finding of consistency with the General Plan during the preliminary planning stages, prior to the adoption of the routes and site locations(s) and/or acquisition of right-of-way.
- B. Permitted by Right.** Public utility infrastructure is permitted by right when said facilities conform to the setback standards of the zone, do not exceed the height limit of the zone by more than 15 feet, and do not create potential safety and health hazards to adjacent property owners, present or future.
- C. Administrative Permit Required.** Notwithstanding Subsection B, above, an Administrative Permit in compliance with Section 17.52.010 shall be required for the following:

1. Overhead public utility infrastructure proposed to be constructed in the Airport Transportation Corridor (TCA) zone or Airport Safety (-AA) Combining Zone. Said permit shall be subject to the review and approval of the Airport Land Use Commission for a finding of consistency with the applicable Comprehensive Land Use Plan (CLUP).
2. Public utility infrastructure that exceeds the height limitations of the zone, as set forth in Subsection B, but is less than 150 feet in height or does not comply with setback standards.

D. Conditional Use Permit Required. A Conditional Use Permit in compliance with Section 17.52.020 shall be required for the following:

1. Where the construction of the public utility infrastructure creates a potential safety or health hazard to adjacent property owners, present or future, as determined by the Director.
2. Where the construction of the public utility infrastructure exceeds 150 feet in height.

17.40.260 Ranch Marketing

A. Purpose. The purpose of this Section is to provide for the orderly development of ranch marketing activities and accessory uses within agricultural zones; to encourage the economic development of the County agricultural and tourism industries; to provide for the sales of value-added products while protecting the agricultural character and long-term production of agricultural lands; and to provide for compatibility with adjacent land uses.

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

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

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

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

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

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

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

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

“Christmas Tree Season” is the time period beginning November 1 and ending on Christmas Day.

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

“Harvest Season” shall mean the time period in which the primary crop(s) is harvested on site and in which certain ranch marketing activities associated with that crop may occur. The season shall begin with the first day of the month in which the crop is harvested and conclude with the last sale of the primary crop(s) harvested that season.

“Minimum Cropland Area” shall mean the minimum required area planted and maintained as cropland, as defined in Article 8, using standard horticultural practices with regard to irrigation, plant spacing, pruning, and pest and predator control.

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

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

E. General Standards.

- 1. Concurrency.** The uses identified in Subsections F, G, and H shall be conducted concurrently with the on site sale of agricultural products grown on site and/or byproducts, except as provided below:
 - a. Marketing activities, as provided in Paragraph F.3, may be allowed concurrently with the sale of off site produce or byproducts if:
 - (1) The off site produce or byproducts are, or are made from, the same type of produce grown on site;
 - (2) All other requirements of this Section are met.
 - b. Special events, as provided in Paragraph F.5, may occur at any time, subject to all other provisions of this Section.
- 2. Maximum Ranch Marketing Area.** The total ranch marketing area, as defined in Subsection D, cannot occupy more than five acres or 50 percent of the lot, whichever is less.

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

- 1. Bake Shops and Food Stands.** Bake shops and food stands, subject to the following standards:
 - a. Bake shops, food stands, and any other sale of food products shall comply with the California Health and Safety Code, subject to approval from all applicable agencies including, but not limited to El Dorado County Environmental Management Department, California Department of Public Health, and California Department of Food and Agriculture.
 - b. Indoor seating for a bake shop is limited to a total of 1,000 square feet of seating area.
- 2. Handicraft Sales.** Handicraft sales subject to the following standards:
 - a. Handicrafts shall be products that are made domestically by hand, normally sold by the person who made them, and do not include items that are mass produced by others;
 - b. The area used for handicraft vendors is limited to a maximum of:

- (1) 2,000 square feet for lots under 20 acres; or
 - (2) 4,000 square feet for lots 20 acres or larger.
 - c. Agricultural production is the primary use or function of the property. The Agricultural Commissioner may review the proposed sales area to ensure that the site conforms to the standards of Paragraph E.2 and Subparagraph F.2.b;
 - d. Vendors shall have a current County business license; and
 - e. Vendors may use the site for overnight recreational vehicle camping during the time the vendor occupies the site, subject to any applicable state and County health and safety regulations.
- 3. Marketing Activities and Accessory Uses.** Marketing activities and accessory uses such as picnic areas, public tours, hay mazes, pony rides, and tractor rides, subject to the following:
- a. All public activities are limited to daylight hours.
 - b. Outdoor music shall meet County noise standards.
- 4. Retail Sales.** Retail display and sales areas not associated with produce sales, handicrafts, or bake shops are limited to a maximum of 500 square feet.
- 5. Special Events.** Special events, subject to the following limitations:
- a. Total of 24 events per calendar year;
 - b. Maximum capacity of 250 persons at one time.
 - c. Special events shall be limited in time duration to 48 hours.
 - d. The total number of special events shall be limited to the number provided in this paragraph and shall not be cumulative if a lot also qualifies for events under Paragraph I.4 or Section 17.40.400 (Wineries).
- 6. Museum.** Agriculturally related museums that primarily display items from California’s agricultural history.
- 7. Exceptions to Uses Permitted by Right.** The following exceptions apply to the by-right provisions of this Subsection:
- a. Retail sale of on site produce kept in cold storage is not limited to its harvest season.
 - b. An existing commercial kitchen established for a bake shop or food

stand can be used off-season to make byproducts from cold storage produce. The on or off site sale of said byproducts is not limited to its applicable harvest season.

- c. Special events, consistent with Paragraph F.5, may be held throughout the year and are not limited to the harvest season;
- d. Lots under active farmland conservation contracts pursuant to the California Government Code Section 51200 et seq. (Williamson Act) may require a Conditional Use Permit for any uses that are deemed to be incompatible under the terms of the Contract.

G. Uses Requiring an Administrative Permit. The following uses are permitted by Administrative Permit in compliance with Section 17.52.010:

- 1. Non-ranch marketing use of an existing commercial kitchen established for a bake shop or food stand as an owner-operated or leased catering facility, subject to approval from all applicable agencies including, but not limited to El Dorado County Environmental Management Department, California Department of Public Health, and California Department of Food and Agriculture.
- 2. Ranch marketing activities that do not have direct access to a county-maintained road or state highway, provided that the operator of the facility has entered into an agreement to participate in any road maintenance entity (homeowner’s agreement, Zone of Benefit, Community Services District, or County Service Area) on roads that serve the site.

H. Uses Permitted by Conditional Use Permit. The following uses are permitted by Conditional Use Permit in compliance with Section 17.52.020, subject to the findings in Paragraph 11 below:

- 1. Bake shop with an indoor seating area of over 1,000 square feet.
- 2. Special events that exceed the provisions of Subsection F.5 that are on-going or reoccurring. One-time special events may be authorized by Temporary Use Permit in compliance with Section 17.52.060 (Temporary Use Permits).
- 3. Campgrounds, fishing, and commercial stables;
- 4. Retail sales area in excess of that allowed by right in Subsections F.2 and F.4;
- 5. Dining facility;
- 6. Mechanical amusement rides, helicopter rides, and similar non-agricultural activities.
- 7. Concerts or other live, outdoor amplified music where the music is the primary

attraction.

8. Ranch marketing activities that do not have direct access onto a county-maintained road or state highway and do not participate in a road maintenance agreement, as provided in Paragraph G.2.
9. In addition to the findings required under Subsection 17.52.020.C (Conditional Use Permit), the following findings shall be made by the review authority prior to approving a Conditional Use Permit under this Section:
 - a. The site meets the minimum acreage and planting standards of Subsection B.
 - b. The use is secondary and subordinate to the agricultural use.
 - c. The use does not detract from or diminish the on site agricultural uses.
 - d. There is no adverse effect on agricultural production on surrounding properties.
 - e. For lands under Williamson Act contract, the use is compatible with the provisions of Government Code Section 51200 et seq.

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

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

J. Reserved.

K. Development Standards: Ranch marketing uses shall not be allowed unless they

comply with the development standards of the zone and Article 3 (Site Planning and Project Design Standards), except as provided below:

1. Parking.

- a. Parking spaces shall be provided on site for all Ranch Marketing uses, in compliance with Chapter 17.35 (Parking and Loading). No on-street parking is permitted on County maintained roads.
- b. Special events may utilize temporary overflow parking areas that are mowed of dried vegetation to a maximum height of two inches.
- c. Areas for bus stop and drop off areas shall be provided for any site that has a minimum of 20 parking spaces. Bus stops and drop off areas may be waived if the parking lot is designed to provide a loop or circular path of travel so that the bus can use the parking drive aisle as a temporary bus stop.

2. Access.

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

3. Signs. See Table 17.36.130 (Signs).

4. Setbacks. The following minimum setbacks apply to all ranch marketing facilities and outdoor use areas, excluding parking lots and picnic areas:

- a. Adjacent to non-residential zones: 50 feet from all property lines.
- b. Adjacent to residential zones: 200 feet from all property lines.
- c. The 200 foot setback in Subparagraph 4.b above may be reduced to no less than 50 feet by a grant of administrative relief in compliance with Section 17.52.010 (Administrative Permit).

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

- 1. The Administrative Permit application shall be submitted to the County within one year of the date of adoption of this ordinance.

2. All existing uses shall be allowed to continue for one year from the application date of the required permit. If the required application has not been submitted within the one year time frame set forth in this Subsection, the existing uses shall constitute a violation of this Section and shall be subject to enforcement proceedings, as provided for in Chapter 17.67 (Code Enforcement).
3. Upon approval of the Administrative Permit the non-conforming ranch marketing activities may continue operations consistent with the provisions of Chapter 17.61 (Non-Conforming Uses), except for seasonal uses that are inconsistent with the provisions of this Section and for which no permanent improvements have been made.

17.40.270 *Reserved*

17.40.280 **Recycling Facilities**

- A. **Purpose.** The purpose of this Section is to facilitate the placement of recycling facilities to enhance waste stream reduction, while providing standards to ensure appropriate location, noise attenuation, and hazardous material handling to protect the public health, safety, and welfare.
- B. **Recycled Oil Collection Facilities.** Used oil may be collected for recycling, subject to the following standards:
 1. In all zones where automotive and equipment service, gasoline sales, small engine repair, and aircraft service and repair use types are permitted, the collection of used oil may be permitted by right, provided the use conforms to all applicable state laws and County requirements.
 2. Recycled oil collection facilities located as a part of any use other than those listed in Paragraph B.1 shall be subject to an Administrative Permit based on the findings under Paragraph C.2 below, as well as all applicable state and County requirements.
- C. **Recycling Collection Facilities.** Recycling collection facilities as defined in Paragraph 1 below, shall be permitted as a secondary use in Commercial (C), General Commercial (CG) and Industrial (I) zones by Administrative Permit. Approval from the Director shall be granted if the proposed use and site plan are in compliance with the findings required in Paragraph 2 below.
 1. “Recycling collection facilities” shall be defined for the purposes of this Section as:
 - a. Reverse vending machines, which are mechanical devices that accept

one or more types of empty beverage containers and issue a cash refund or redeemable coupon. Some machines will also dispense coupons and promotional materials. The machines identify containers by reading the bar code, scanning the shape, or by other methods.

- b. Mobile recycling units, which are properly licensed automobiles, trucks, trailers, or vans used for the collection of recyclable material such as aluminum, glass, plastic, and paper.
 - c. Small collection facilities no larger than 500 square feet, which are intended for collection only. They have room for limited day to day storage of material, and do not include power driven processing equipment except as part of reverse vending machines. Small collection facilities are usually located outdoors.
2. The following findings shall be made by the Director prior to Administrative Permit approval:
- a. The facility is established in conjunction with an existing commercial or industrial use, or community service facility, and is in compliance with all applicable County Codes;
 - b. The facility itself is clearly marked to identify the name and telephone number of the facility operator and hours of operation, and displays a notice stating that no material shall be left outside the recycling enclosure or containers;
 - c. The facility's schedule will accommodate daily collection needs and storage capacity on the site;
 - d. The facility is set back a minimum of ten feet from any road easement, is screened from view from said easement, and does not obstruct pedestrian or vehicular circulation;
 - e. The facility is no larger than 500 square feet and occupies no more than five parking spaces, not including space that will be periodically needed for removal of materials or exchange of containers;
 - f. The facility's occupation of existing parking space by its customers and attendant does not reduce available parking space below the minimum number required for the primary use of the site, unless all of the following conditions exist:
 - (1) The facility is located in a convenience zone, as defined in Article 8, or a potential convenience zone, as designated by the California Department of Conservation;
 - (2) A parking analysis demonstrates that existing parking capacity is not already fully utilized by the primary use during the time the

recycling facility will be on the site. A reduction of 20 percent of available parking in an established parking facility may then be allowed up to a maximum of 15 spaces. When the primary use is a community facility, a maximum reduction of five spaces will be allowed.

- g. No additional parking space for a small collection facility will be required in an established parking facility. One space may be dedicated for the attendant, if excess parking is available;
- h. Attended facilities located within 100 feet of a property zoned or occupied for residential use will limit their hours of operation between 9 a.m. to 7 p.m. and be fully screened from view from said residential property;
- i. Containers for the 24 hour donation of materials are located at least 30 feet from any property zoned or occupied for residential use, unless there is a recognized service corridor and acoustic shielding between the containers and the residential use that will reduce noise impacts consistent with Chapter 17.39 (Noise Standards), and the containers are fully screened from view from said residential properties;
- j. The collection containers are insulated so that noise generated by associated activities shall not exceed thresholds for non-transportation noise sources under Chapter 17.39;
- k. The facility will not use power driven processing equipment, except for reverse vending machines;
- l. The facility shall store all recyclable material in containers or in the mobile unit vehicle, and shall not leave materials outside of containers when the attendant is not present;
- m. The facility will use containers that will be of a sufficient capacity to accommodate the daily collection of materials. The containers will be constructed and maintained with durable waterproof and rust resistant material that will remain covered when the site is unattended, and secured from unauthorized entry and removal of material;
- n. The facility will accept only glass, metals, plastic containers, and paper material. Containers are to be clearly marked to identify the type of material which may be deposited in each;
- o. No advertisement, posters, or flyers will be attached temporarily or otherwise to the containers; and
- p. The facility will be maintained free of litter and will be swept at the end

of each collection day. All other undesirable materials are to be removed at the end of each collection day.

17.40.290 Right To Farm

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

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

“**Agricultural Land**” is lands which are zoned PA (Planned Agricultural), LA (Limited Agriculture), AG (Agricultural Grazing), FR (Forest Resource), and TPZ (Timberland Production Zone). PCD

“**Agricultural Operations**” are activities relating to agricultural use including, but not limited to, the cultivation and tillage of the soil; the burning of agricultural waste products or other agricultural burning; the protection of crops and livestock from insects, pests, diseases, birds, predators, or other pests that damage or could potentially damage crops; the proper and lawful use of agricultural chemicals, including but not limited to the application of pesticides and fertilizers; or the raising, production, irrigation, pruning, harvesting, or processing of an agricultural commodity, including any type of crop or livestock, and any forestry improvements and timber harvesting and processing.

C. Nuisance. No present or future agricultural operation or any of its appurtenances conducted or maintained for commercial purposes and in a manner consistent with proper and accepted customs and standards of the agricultural industry on agricultural land shall become or be a nuisance, private or public, due to any changed condition of the use of adjacent land in or about the locality thereof. However, the provisions of this Subsection shall not apply whenever a nuisance results from the negligent or improper operation of any such agricultural operation and its appurtenances or if the agricultural activity or appurtenances obstruct the free passage or use in the customary manner of any navigable lake, stream, river, canal, or basin, or any public park, square, street or highway.

- D. Role of Agricultural Commission.** An interested party may submit a written request to the Agricultural Commission for an opinion as to whether a particular agricultural operation constitutes a nuisance. In the event a dispute arises between an owner of an agricultural operation and a resident (or residents) in or about the locality thereof as to whether a particular agricultural operation constitutes a nuisance, an interested party may submit a written request to issue an advisory opinion or mediate a dispute. The Agricultural Commissioner may promulgate such regulations as are necessary for the implementation of this Section. The County Farm Advisor from the University of California Cooperative Extension Service may serve as technical advisor to the Agricultural Commission.
- E. Disclosure Notice.** Every seller of any real property in the unincorporated areas of the county, either directly or through his/her authorized agent, shall provide to any prospective buyer a written disclosure statement advising the buyer of the existence of a Right to Farm Ordinance enacted by the County. Such disclosure statement shall contain or be accompanied by a copy of the Right to Farm Ordinance, Section 17.40.290 or successor, and the brochure provided by the county entitled "Agricultural Land Use in El Dorado County". The disclosure statement shall be substantially in the form promulgated by the Agricultural Commissioner, or his designee. The written disclosure statement shall include any agricultural setback requirements applicable to the property. The written disclosure statement also shall include a statement that intensive agricultural activities may be conducted on agricultural land within the county. The buyer shall sign a copy of the written disclosure statement acknowledging receipt of the disclosure and accompanying documents and deliver the signed copy to the seller or his/her authorized agent. The seller or his/her authorized agent shall retain the copy of the disclosure statement executed by the buyer in the escrow process.

17.40.300 Secondary Dwellings

- A. Purpose.** The purpose of this Section is to implement California Government Code Section 65852.150 et seq. regarding secondary dwellings, provide affordable housing alternatives, and protect the public health, safety, and welfare of residents of El Dorado County.
- B. Applicability.** In all zones that permit single-unit residential development, the expansion of the primary dwelling or the construction of a new structure for the purpose of creating a secondary dwelling may be permitted by right subject to the provisions of this Section.

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

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

Table 17.40.300.1

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

- 2. **General Development Requirements.** A secondary dwelling shall conform to the setbacks, height limits, lot coverage, and other requirements of the zone in which it is located.
- 3. **Specific Development Requirements.**
 - a. **Attached Dwellings.**
 - (1) An attached secondary dwelling shall share a common wall with the primary dwelling or garage. The common wall or portion thereof shall measure a minimum of 10 linear feet on the horizontal plane of the shared surface, to be considered an attached dwelling.
 - (2) In order for the primary dwelling to maintain its single-unit residential character, the entrance to an attached secondary dwelling shall not be located on the same building face as the entrance to the primary dwelling unless separate entrances to both the primary and secondary dwellings are off of a shared entrance.
 - b. **Detached Units.** A secondary dwelling shall not be allowed when a guesthouse already exists on the lot. However, a guesthouse may be converted into a secondary dwelling and expanded up to the maximum allowed in compliance with Table 17.40.300.1 and all other requirements of this Section.
- 4. **Parking.** Parking shall comply with the requirements under Table 17.35.040.1 (Parking and Loading). Said parking space(s) may be in tandem with the parking spaces required for the primary dwelling unless tandem parking is not

feasible based upon specific site, fire, or safety restrictions.

5. **Utilities.** Secondary dwellings may be connected to the power source, water supply, and sewage disposal system of the primary dwelling or may have separate connections that provide the same standards required of the primary dwelling, subject to the requirements of the applicable service providers and/or the Environmental Management Department.
- D. Owner Occupancy.** One of the residential dwelling units shall be occupied by the property owner. This Subsection is explicitly intended to prohibit two rental units on lots zoned for one single-unit residential dwelling. A notice of restriction on the subject property that is signed and notarized by the property owner declaring this limitation shall be filed with the Department prior to issuance of the certificate of occupancy for the secondary dwelling.

17.40.310 Solar Collection Systems

- A. **Applicability.** As defined in Article 8 and used in this Section, active solar collection systems may be permitted in any zone in compliance with the general standards in Subsection B below.
- B. **General Standards.**
 1. Solar panels located on the roof of an existing structure shall be subject to the height requirements for the zone.
 2. Solar panels located on the ground shall be classified as accessory structures, and shall be subject to front yard setback requirements for the zone. Exceptions to side and rear setback requirements shall be subject to Subparagraph 17.30.030.B.3.f (General Development Standards).
 3. Solar paneled structures placed in parking lots, whether public or private, may be counted as part of the shade requirements in compliance with Subsection 17.33.050.C (Parking Lot Landscaping).
 4. Solar collection systems constructed for the primary purpose of generating power for sale to a public utility, even if generating power for the use on site, shall be subject to a Conditional Use Permit in compliance with Section 17.52.020.

17.40.320 Storage Facilities

- A. **Purpose.** The purpose of this Section is to regulate residential, commercial, and industrial storage facilities to protect the public health, safety, and welfare.
- B. **Applicability.** Storage facilities and outdoor areas including, but not limited to, self

storage, vehicle storage, and commercial and industrial equipment and material storage yards are subject to the provisions of this Section where allowed under the permitted use matrices for the zones.

C. Self Storage Facilities. The following provisions shall apply to self storage facilities, as defined in Article 8:

1. Self storage facilities shall be limited to the storage of personal effects of individuals or equipment and materials by businesses inside of a building or buildings. Use of storage facilities for manufacturing, retail, wholesale, or service uses other than storage shall be prohibited. Human occupancy of individual storage units shall be limited to that required for transporting, arranging, and maintaining stored materials.
2. Vehicle storage areas may be permitted as an accessory use of a self storage site provided such use is permitted in the zone in which the self storage facility is located. Such storage area shall be fenced, screened, and landscaped in compliance with Paragraphs D.1 and 2.
3. Caretaker housing may be provided in compliance with the provisions of Section 17.40.120 (Commercial Caretaker).

D. Equipment and Material Storage Yards. In commercial, industrial, and transportation corridor zones, storage yards under this Subsection, as defined in Article 8, may be permitted as a primary use or as an accessory use to an otherwise permitted use. In the Industrial – Platted Land (I-PL) zone, storage yards are limited to storage that is accessory to a permitted use, such as storage of material and/or equipment associated with a resource extraction industry. Storage yards shall be fully screened from view from public areas such as roads, parking lots, pedestrian walkways, open space, and adjacent residential development, as follows:

1. Screening shall be by building design and placement, solid fence material, landscaped berms, or a combination thereof.
2. Landscaping requirements under Chapter 17.34 shall be in addition to the screening requirements.
3. Screening requirements can be waived by the Director where the storage yard is on an interior lot within an industrial zone or park and not visible from outside the zone or park.

E. Residential Storage Areas. The storage of personal equipment and materials on a residentially-zoned lot shall be permitted as an accessory use to a dwelling subject to the requirements of Section 8.42.700 of the County Code and the following provisions:

1. There shall be no limit to the amount of materials or equipment stored when all materials and equipment are stored inside an enclosed structure, in compliance

with development standards of the zone and Section 17.40.030 (Accessory Structures and Uses).

2. Unenclosed, outside storage area(s) shall be fully screened from view by the public. Storage material shall be placed no higher than the screening material, including existing fencing that complies with Section 17.30.050 (Fences, Walls, and Retaining Walls).
3. Vehicle storage shall be subject to the standards in Section 17.40.380 (Vehicle Maintenance, Repair, and Storage, etc.).
4. The use of semi-trailers, shipping containers such as sea-land containers, railroad cars, and similar storage units shall be prohibited in all zones allowing residential uses by right.

17.40.330 Temporary Real Estate Sales Offices

A. Applicability. A temporary real estate sales office for the exclusive sale of property within an approved, recorded subdivision may be allowed before completion of the subdivision improvements, where permitted in the use matrices for the zones subject to the standards in Subsection B, below.

B. General Standards.

1. Where a temporary sales office is a separate structure and not located within a model home, as defined in Article 8, a site plan shall be submitted demonstrating compliance with all applicable development standards under the zone, such as setbacks and building height, as well as building and fire codes, and grading and encroachment ordinances.
2. Any off site parking areas shall be in compliance with Chapter 17.36 (Parking and Loading), except that the surface may be gravel instead of pavement.
3. Exterior lighting shall be in compliance with 17.35 (Outdoor Lighting). Floodlights are prohibited.
4. On site signage and landscaping shall be in compliance with Chapter 17.36 (Signs) and Chapter 17.33 (Landscaping).
5. Time limits on the subject use shall be either two years from the date of permit approval or sale of the final lot in the subdivision, whichever occurs first. The permit may be extended by the Director if a written request providing justification for the extension is submitted at least 14 days before expiration of the permit. Time extensions can be approved for additional 12 month periods, up to a maximum of five years from the date of permit approval.

6. Site restoration shall be required within 30 days of the time limits specified under Paragraph 5 above, as follows:
 - a. The real estate sales office shall be removed from the site if it is in a trailer or mobile home. If it is in the garage of a model home, the office shall be converted back to a garage and any off street parking area shall be converted back to residential use.
 - b. All temporary structures and related improvements shall be completely removed from the subject site.
7. The review authority may require other conditions of approval deemed necessary to protect the public health, safety, and welfare of persons residing or working in the neighborhood.

17.40.340 *Reserved*

17.40.350 Timber Production Zone: Criteria, Regulations, and Zone Change Requirements

- A. Purpose.** The purpose of this Section is to implement the provisions and intent of the Forest Taxation Reform Act of 1976, which was established to provide property owners an incentive to grow, maintain, and harvest naturally occurring and/or cultivated timber products on their property and to provide criteria for zoning and protecting the existing timber resources of the County.
- B. Applicability.** Lands subject to the following criteria and regulations are or shall be zoned Timber Production Zone (TPZ).
- C. General Standards.** In addition to the following regulations, lands within the TPZ shall be subject to the permitted uses and development standards under Chapter 17.21 (Agricultural and Resource Zones).
- D. TPZ Rezone Application Requirements.** In addition to the requirements set forth in Chapter 17.63 (Amendments and Zone Changes), the following is required as part of any zone change to TPZ:
 - 1. Timber Production Assessment.** Based on General Plan Policy 8.3.1.3, the Agricultural Commission shall assess property to determine its suitability for timber production. Their decision as to suitability shall be based, in part, on the following findings:
 - a. Property is identified as meeting Timber Site Classifications I, II, or III, as defined in the *California Forest Handbook* and the *Soil Survey of El Dorado Area* issued April 1974 by the USDA Soil Conservation Service

- and the U.S. Forest Service;
- b. Property is being used for commercial forestry/timber production;
 - c. Property possesses topographical and other features that makes it suitable for timber production; and
 - d. No conflict exists with adjacent high density development.
2. **Forest Management Plan.** A forest management plan for the property shall be submitted that has been prepared or approved by a Registered Professional Forester, as defined in Article 8 (Qualified Professional: Registered Professional Forester). Prior to approval of the zone change application, the forest management plan shall be reviewed and approved by the Agricultural Commission. The forest management plan shall include, at a minimum, a discussion and recommendation on each of the following:
- a. Commercial harvesting, a history of past operations, and recommendations for the future;
 - b. Provisions for legal and physical access to the property so commercial operations can be carried out;
 - c. A reasonable attempt to locate the boundaries of the property and attempts to protect the property against trespass;
 - d. Disease or insect control work;
 - e. Thinning slash disposal, pruning, and other appropriate silvicultural work;
 - f. A fire protection plan including a fuels management program;
 - g. Erosion control on existing roads and skid trails along with maintenance of existing roads; and
 - h. Planting of a significant portion of the understocked areas of the land.
3. The property shall currently meet the timber stocking standards as set forth in the State Public Resources Code Section 4561 and the forest practice rules adopted by the State Board of Forestry for the district in which the property is located. As an alternative, the owner shall sign an agreement with the Board of Supervisors to meet the timber stocking standards and forest practice rules by the fifth anniversary of the signing of said agreement. After the zone change to TPZ is approved, failure to meet the state's timber stocking standards and forest practice rules within the five year time period will provide the Board of Supervisors grounds for rescinding the zone change of the property.

- E. **Continued Eligibility.** The property owner shall continuously comply with at least six of the criteria in the forest management plan required under Paragraph D.2 in order to continue to be eligible for the TPZ classification.

- F. **Disclosure Notice of Rezone.** Within 10 days of final action of a zone change application that either includes or deletes property from a TPZ, the Clerk of the Board shall cause to be recorded an instrument which will serve as constructive notice of the zone change action to prospective buyers of the subject property.

- G. **Criteria for Residential Use in TPZ.** The County finds that residential use within the TPZ may be consistent with growing and harvesting timber in certain circumstances. However, it is recognized that in certain situations there may be a conflict with such a use. The review authority may grant a Conditional Use Permit in compliance with Section 17.52.020 for construction of one owner- or caretaker-occupied dwelling subject to the following findings:
 - 1. The Agricultural Commission finds that there has been three consecutive years of management of intensive timber production on the subject property. The following criteria will aid the Agricultural Commission in determining what constitutes intensive management and must be considered before granting a Conditional Use Permit for a dwelling:
 - a. A timber inventory of the stand has been prepared;
 - b. Commercial harvesting operations have been previously conducted;
 - c. Legal and physical access to the property exists to support both the residential use and the timber operations;
 - d. The boundaries of the property have been located and the property owner has attempted to protect the property against trespass;
 - e. Disease or insect control work has been conducted;
 - f. Thinning, slash disposal, pruning, and other appropriate silvicultural work has been performed;
 - g. A fire protection system or a functioning fire protection plan has been developed;
 - h. Erosion control has been provided on existing roads and skid trails, and existing roads are maintained;
 - i. A significant portion of the understocked area of the lot has been planted.

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

H. Required Findings to Support Compatible Recreational and Other Non-Timber Uses. When approving a Conditional Use Permit, as permitted in Table 17.21.020 (Agriculture and Resource Zone Districts Use Matrix), for compatible, non-timber related uses, the review authority shall make the following findings:

1. The proposed use is compatible with and will not detract from the land's ability to produce timber;
2. Fire protection and public safety concerns have been adequately met, including the ability to provide adequate public access, emergency ingress and egress, and sufficient water supply and sewage disposal facilities;
3. The proposed use will not adversely impact the area's watershed, wildlife, and other natural resources.

17.40.360 Transitional Housing

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

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

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

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

5. Outdoor activities shall not be conducted between the hours of 10pm and 8am.
6. A valid business license is required prior to operation and shall be maintained as long as the use is in operation.

17.40.370 Vacation Home Rentals

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

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

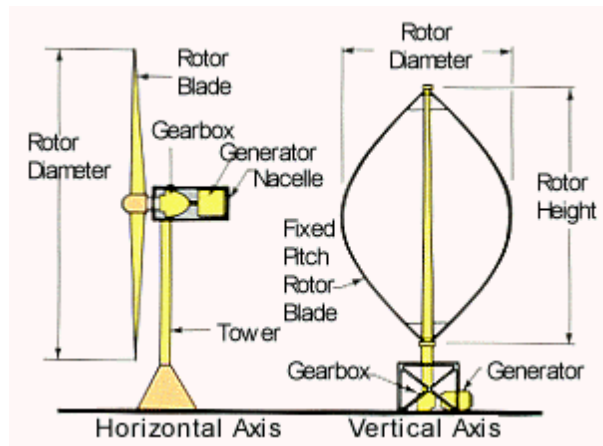
- A. Purpose.** The purpose of this Section is to regulate vehicle maintenance, repair, and storage in all zones allowing residential uses by right in order to coordinate with law enforcement agencies in protecting the enjoyment of property by adjacent landowners and the public health, safety, and welfare.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

17.40.390 Wind Energy Conversion Systems

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

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

EXAMPLE: WIND TURBINE CONFIGURATIONS



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

“Rated Capacity” means the electrical generation capacity of one WECS unit. Classifications for rated capacity are microturbine, small WECS, large WECS, and utility-scale WECS, as defined below:

“Microturbine” means a WECS that generates one kilowatt (kw) or less.

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

“Large WECS” means one system with a rated capacity of 50kw to less than 100kw.

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

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

D. Permit Requirements. WECS are permitted under Table 17.40.390.1 in the following zones subject to the rated capacity thresholds designated below:

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

Rated capacity designated by a dash (–) is not permitted in the zone.

Table 17.40.390.1 WECS Use Matrix

ZONES	RATED CAPACITY Per Individual WECS Unit ¹				
	Microturbine	Small WECS		Large and Utility Scale WECS	
	1kw or less	>1kw to less than 10kw	10kw to less than 50kw	50kw to less than 100kw	100kw or greater
Residential (all), RE, Residential-Tahoe Basin	P	A	CUP	—	—
Commercial (all), Industrial, R&D	P	A	A	CUP	CUP
Agricultural and Resource Zones (all)	P	A	A	A/CUP ²	CUP
Notes: ¹ Subject to maximum number of WECS units provided in Subsection E. ² In compliance with Paragraph E.3.c.					

E. Number of WECS Units.

1. **Microturbines.** The maximum number of microturbines that may be installed on a lot is as follows:
 - a. Residential lots less than five acres in size may install a maximum of 5 microturbines.
 - b. Residential and agricultural lots five acres or greater in size may install a maximum of 10 microturbines.
 - c. All Agricultural and Resource, Commercial, Industrial, and R&D zoned lots may install up to 25 microturbines.
2. **Small WECS.** The maximum number of small WECS units that may be installed on one lot shall be based on the following acreage requirements:
 - a. For lots one acre to less than 10 acres, one WECS shall be allowed.
 - b. For lots 10 acres to less than 20 acres, two WECS shall be allowed.
 - c. For lots 20 acres or greater, a maximum of three WECS shall be allowed.
 - d. If small WECS generate less than five kilowatts each and are limited to 50 feet in height, a maximum of two such WECS may be installed per five acres. Additionally, the separation between them may be reduced to twice the height of the tallest tower or manufacturer's specification, whichever is greater.
3. **Large WECS in Agricultural and Resource Zones.**
 - a. For lots 10 acres to less than 20 acres, one WECS shall be allowed.
 - b. For lots 20 acres or greater, a maximum of two WECS shall be allowed.
 - c. Where individual systems exceed 50 kilowatts of rated capacity or where total unit numbers exceed standards under Subparagraphs a and b above, a Conditional Use Permit shall be required.

F. Development Standards. The following development standards shall apply to all WECS, except that microturbines shall comply with all standards but Paragraphs 3, 4, 9, and 12:

1. **General Development Standards.** General development standards shall be applied as set forth in Table 17.40.390.2.

Table 17.40.390.2

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

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

7. **Utility Notification and Undergrounding.** For inter-connected systems, no wind turbine shall be installed until evidence has been given that the electric utility service provider has been notified and has indicated that the proposed interconnection is acceptable. On site electrical wires associated with the system shall be installed underground, except for “tie-ins” to the electric utility service provider and its transmission poles, towers, and lines. This standard may be modified by variance if the project terrain is found to be unsuitable due to the need for excessive grading, biological impacts, or similar factors.
8. **Noise.** All WECS shall be subject to the noise standards under Chapter 17.37 (Noise Standards) or all applicable state laws governing sound pressure levels of WECS, whichever is strictest. Measurement of sound levels shall not be adjusted for, or averaged with, non-operating periods.
9. **Wind Farm Site Access.** Construction of on site roadways shall be minimized. Temporary access roads utilized for initial installation shall be regraded and revegetated to its natural condition after completion of installation.
10. **Site Aesthetics.** WECS shall be designed and located in the following manner to minimize adverse visual impacts from public viewing areas and private property:
 - a. Structural components including, but not limited to, towers, blades, and fencing shall be of a nonreflective, unobtrusive color.
 - b. To the greatest extent feasible, the WECS shall not project above the top of ridgelines.
 - c. When adjacent to a designated scenic corridor, WECS shall not cause a significantly adverse visual impact either from the corridor, or on a designated scenic viewshed, subject to the requirement under Paragraph G.3.
11. **Exterior Lighting.** Exterior lighting on any structure associated with the WECS shall be prohibited, with the exception of that specifically required by the Federal Aviation Administration.
12. **Signs.** Signage shall be considered as part of a Conditional Use Permit, and shall be limited to the following:
 - a. Signs warning of high voltage electricity shall be posted at a height of five feet above the ground on stationary portions of the WECS or its tower, and at gated entry points to the project site.
 - b. No advertising sign or logo shall be placed or painted on any WECS or tower.

- c. For wind farms, no more than two identification signs relating to the development shall be located on the project site.
 - d. Signs shall not exceed 16 square feet in surface area or eight feet in height.
- 13.** Compliance with FAA Regulations. Small wind energy systems must comply with applicable FAA regulations, including any necessary approvals for installations close to airports.
- G. Application Submittal Requirements.** All applications for Administrative or Conditional Use Permit for a WECS shall include the following:
- 1. Delineation of the direction of the prevailing winds across the project site;
 - 2. Distance to residentially zoned lots, public and private airports and airstrips, public and private schools within one-quarter mile of the proposed project as measured from its nearest property line;
 - 3. Photo simulations of the proposed WECS as seen from residentially zoned lots and public viewsheds within one mile of the project site;
 - 4. Maximum generating capacity of the WECS unit(s) proposed to be installed;
 - 5. Manufacturer’s specifications documenting maximum noise levels generated by the WECS on the surrounding area;
 - 6. A statement by the manufacturer certifying that the rotor and overspeed controls have been designed and fabricated for the proposed use in accordance with good engineering practice, and have been approved by the California Energy Commission or certified by a national program, such as National Electrical Code (NEC), American National Standards Institute (ANSI), or Underwriters Laboratories (UL).
 - 7. Certification by a state licensed structural, mechanical or civil engineer that the tower structures are designed and constructed in compliance with the pertinent provisions of the Building Code and California Electric Code.
 - 8. Written evidence that the electric utility service provider for the proposed site has been informed of the applicant’s intent to install an interconnected customer-owned electricity generator. If the applicant does not plan to connect the system to the electricity grid, the applicant shall include a statement to that effect.
 - 9. A description of the proposed measures to minimize adverse noise, transmission interference, visual, and safety impacts to adjacent properties, and methods to prevent public access to the structure.

17.40.400 Wineries

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

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

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

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

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

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

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

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

D. Table of Permitted Uses. Under Table 17.40.400.1, those uses identified as “by right”

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

Table 17.40.400.1

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

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

1. General Winery Provisions.

a. The primary purpose of the winery shall be to process fruit grown on the

winery lot or on other local agricultural lands. No more than 50 percent of the fruit processed shall be imported from outside El Dorado County.

- b. Wineries include those areas of a winery where grapes are crushed, fermented, or pressed; where bulk wine is stored in tanks or barrels; where winery operations such as racking, filtering, blending, or bottling of wines are carried out; and where on site case goods are stored.
- c. Multiple lots under the same ownership are not considered to be a single lot for purposes of this Section.

2. Tasting Facilities.

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

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

- a. **Number Permitted.** Special events are limited to a total of 48 days per calendar year. Special events that have less than 50 persons at one time shall not count against the total number of events allowed. Facility rental events are a type of special event where the property owner is compensated for the use of the site and facilities, such as weddings,

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

catering off site events may be allowed by Conditional Use Permit and only when the catering use is found to be subordinate to the winery's wine sales.

F. Special Provisions.

1. Land Use Compatibility Limitations. Proposed winery facilities that are not located within an Agricultural District and that have property lines adjoining a lot with a noncompatible land use designation shall require a Conditional Use Permit. For purposes of this Subsection, noncompatible land use designations shall be Multifamily Residential (MFR), High Density Residential (HDR), Medium Density Residential (MDR), and Low Density Residential (LDR). The compatibility determination will be made prior to issuance of a building permit for a winery building. Subsequent expansion of the facility's structures or uses will require additional compatibility determinations.

2. Important Biological Corridor (IBC) Limitations. Wineries and accessory structures in the IBC land use designation shall adhere to these additional restrictions, unless mitigated through the CEQA process under a Conditional Use Permit:

- a. Minimum lot size for winery and accessory structures shall be 20 acres.
- b. A maximum of 2.5 acres of the lot may be used for winery and accessory uses.
- c. Structures shall be setback 200 feet for perennial streams and 100 feet for intermittent streams, as shown on the USGS quad maps.

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

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

2. Setbacks. The following minimum setbacks apply to all wineries, tasting facilities, and outdoor use areas, excluding parking lots and picnic areas:

- a. Adjacent to non-residential zones: 50 feet from all property lines.
- b. Adjacent to residential zones: 200 feet from all property lines.

- c. The 200 foot setback in Subparagraph 2.b above may be reduced to no less than 50 feet by a grant of administrative relief in compliance with Section 17.52.010 (Administrative Permit).
- 3. Signs.** See Table 17.36.130 (Signs).
 - a. Small, off site directional signs, not exceeding two square feet each, may also be approved by Administrative Permit, subject to the property owners' permission, submittal of a site plan showing the location of each sign, and a statement addressing the need for each of the signs.
- 4. Parking.** The following parking standards shall apply to wineries, tasting rooms, and accessory uses:
 - a. Permanent parking spaces shall be provided for wineries, tasting rooms, and retail sales areas in compliance with Chapter 17.35 (Parking and Loading).
 - b. Parking surfaces shall be surfaced with a Class 2 aggregate base or equivalent, with appropriate hard-surfacing for designated ADA compliant parking stalls.
 - c. Temporary parking for marketing activities and special events may utilize overflow parking areas that are not surfaced. Limitations on the number of guests may be based on availability of off street parking in compliance with Chapter 17.35. All temporary parking shall be accommodated on site and shall meet any fire district requirements.
- 5. Access Standards.** Access standards shall be as follows:
 - a. Direct access from a non-County maintained road, regardless of whether the road is located on or off site, shall require the following:
 - (1) **In an Agricultural District.** An Administrative Permit in compliance with Section 17.52.010, following a recommendation by the Agricultural Commission.
 - (2) **Not in an Agricultural District.** A Conditional Use Permit in compliance with Section 17.52.020.
 - b. **Road Maintenance.** The winery owner will be required to participate in a private road maintenance entity, annex into a road zone of benefit (ZOB), or otherwise pay a fair share for road maintenance as determined by the review authority.
 - c. **Fire Safe/Code Standards.** Access to a winery open to the public shall meet the minimum access requirements of the applicable fire district, including both on site and off site access roads. Exceptions to these standards may be allowed by the fire district, subject to the appeal

processes identified in the SRA Fire Safe Regulations.

- d. **Facilities Not Open to the Public.** A winery that is not open to the public and does not provide on site sales may be accessed by a non-County maintained road.

6. Size Limitation.

- a. The winery, accessory buildings, and accessory uses shall not occupy more than five acres or 50 percent of the gross lot area, whichever is less.
- b. All new wineries and expansions of existing wineries that exceed 10,000 square feet of floor area and are visible from a County maintained road shall require a Design Review Permit in compliance with Section 17.52.030.
- c. Tent structures that exceed 1,200 square feet of floor area and are visible from a County maintained road shall be limited to a 30 day period, three times per calendar year, unless additional time frames are approved by a Temporary or Conditional Use Permit.
- d. The total enclosed square footage of all floors of a winery building shall not exceed the square footage shown in the Table 17.40.400.2 below. Any winery building or group of winery buildings and accessory buildings exceeding the square footage in the following Table shall require a Conditional Use Permit. Winery buildings do not include residential buildings, garages, outbuildings, and structures not associated with the winery, such as agricultural buildings.

Table 17.40.400.2

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

7. Cultural Resource Protection.

- a. Winery development on a lot identified by the County as being listed on

the National Register of Historic Places (NRHP) and California Register of Historic Places (CRHR) shall be required to preserve the structure(s). Modifications or demolition of the structures shall only be approved based on recommendations from a cultural resource report that meets County guidelines.

b. Winery development within 100 feet of perennial or intermittent streams shall submit a cultural resource study prior to approval of grading or building permits. Cultural sites identified in the study and recommended for avoidance and protection shall be protected as recommended in the cultural resource study.

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

9. **Wine Caves.** The use of subterranean space for winery facilities in natural or manmade caves shall be in compliance with all applicable building and fire codes, and permit requirements.

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

Table 17.40.400.3

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

1. **Small Vineyard Winery Standards.** Wineries with a minimum of one to less than five acres of a planted wine-making crop (wine grapes or other fruit) shall be permitted in compliance with the following provisions and Paragraph 3 below:

- a. The only accessory use allowed shall be a distillery; and
- b. At least 75 percent of the fruit used by the facility shall be grown within El Dorado County.

2. **Micro-Winery Standards.** Micro-wineries shall be permitted in compliance with the following provisions and Paragraph 3 below:

- a. All micro-wineries shall have a minimum of one acre of planted wine grapes on the same lot;
 - b. The capacity of the micro-winery shall not exceed 250 cases (595 gallons) for each acre of wine grapes grown on the lot, with a total capacity not to exceed 1,250 cases (2,972 gallons). Lots zoned PA may exceed these amounts in compliance with the Conditional Use Permit if:
 - (1) The lot is within an Agricultural District, and
 - (2) The Agricultural Commission finds that the land is not capable of supporting five acres of vineyard and potential on site agricultural land is not being precluded from future agricultural production;
 - c. No other accessory uses described in this Section are permitted on the site.
 - d. On site signs are limited to one, single-faced, non-illuminated sign advertising the name of the winery and owner, and stating “Not Open to the Public”. The sign face shall measure a maximum of six square feet in area and shall stand no higher than six feet from natural grade, as measured directly below the sign; and
 - e. The total enclosed floor area(s) of the micro-winery shall measure no greater than 2,000 square feet.
3. **General Standards.** The following standards shall apply to both small vineyard wineries and micro-wineries:
- a. One acre shall mean a planting of wine grapes spanning an area of at least 43,560 square feet and consisting of a minimum of 440 grape vines;
 - b. The wine grapes or fruit crop shall be properly maintained and cared for to produce a commercial crop. Should the proper maintenance and care of the required minimum acreage cease, as determined by the Agricultural Commissioner, the right to operate the winery becomes void;
 - c. Wine sales shall be conducted off site or by internet, mail order, telephone, facsimile, or similar means, only. No on site sales, tasting, or public access shall be allowed either directly or by appointment;
 - d. Compliance with all applicable local, State, and federal laws shall be verified prior to operation. At a minimum, the following shall be required:
 - (1) Fire district review of the facility for consistency with the fire

- code;
- (2) Waste Discharge Permit or Waiver of Discharge Permit from Regional Water Quality Control Board;
- (3) Winegrower license from the ABC;
- (4) Bonding through the Alcohol and Tobacco Tax and Trade Bureau; and
- (5) Building permit, subject to review and approval of Development Services and Environmental Management.

ARTICLE 5 – PLANNING PERMIT PROCEDURES

CHAPTER 17.50 – APPLICATION FILING AND PROCESSING

- 17.50.010 Purpose
- 17.50.020 Organization of Review Process
- 17.50.030 Review Authority for Land Use and Permit Decisions
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- 17.52.020 Conditional and Minor Use Permits
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CHAPTER 17.50 – APPLICATION FILING AND PROCESSING

Sections:

- 17.50.010 Purpose
- 17.50.020 Organization of Review Process
- 17.50.030 Review Authority for Land Use and Permit Decisions
- 17.50.040 General Review Procedures

17.50.010 Purpose

The purpose of this Article is to provide the general authority and procedures necessary to file and process development proposals in any zone.

17.50.020 Organization of Review Process

A. Types of Procedures. The three procedures used to review all types of applications under this Article, as described in Section 17.50.040 (General Review Procedures), are the following:

1. Public hearing;
2. Staff-level review with notice; or
3. Staff-level review without notice.

17.50.030 Review Authority for Land Use and Permit Decisions

The review authority of original jurisdiction for each type of application or land use entitlement shall be as provided below in Table 17.50.030.A. The nature of the initial action (i.e. issue, decide, or recommend) is shown, in compliance with Chapter 17.52.

Table 17.50.030.A Review Authority

Type of Application	Citation	Director	Zoning Administrator	Planning Commission	Board of Supervisors
Administrative Permit	17.52.010	Issue	–	Appeal	Appeal
Conditional and Minor Use Permit	17.52.020	Recommend ¹	Decide ²	Decide	Appeal
Design Review Permit	17.52.030	Decide / Recommend	–	Decide	Appeal

Type of Application	Citation	Director	Zoning Administrator	Planning Commission	Board of Supervisors
Development Agreement	17.58.030	–	–	Recommend	Decide
Development Plan Permit	17.52.040	Recommend	–	Decide	Appeal
Revisions to an Approved Project ³	17.54.070	Decide	Decide	Decide / Appeal	Appeal
Specific Plan	17.56.020	–	–	Recommend	Decide
Temporary Mobile Home Permit	17.52.050	Issue	–	Appeal	Appeal
Temporary Use Permit	17.52.060	Decide	–	Appeal	Appeal
Variance	17.52.070	–	Decide	Appeal	Appeal
<p>NOTES:</p> <p>¹ The review authority will consider a discretionary application and make a recommendation for decision to a higher review authority.</p> <p>² Where two deciding review authorities are indicated, such as for Conditional and Minor Use Permits or Design Review Permit, the review authority of original jurisdiction will be determined by the complexity or controversial nature of the project.</p> <p>³ Revisions to an approved project shall be decided by the review authority of original jurisdiction.</p>					

- A. An applicant may waive their option for a decision by the Director or Zoning Administrator and be heard directly by the Commission.
- B. The Director may defer action and refer any permit or authorization application to the Commission for determination.
- C. All decisions of the review authority are appealable, in compliance with Section 17.52.100 (Appeals).

17.50.050 General Review Procedures

- A. **Staff-level Review without Public Notice.** Staff shall render decisions based upon standards that have been adopted by the County as law or as policy without giving notice to surrounding property owners and other parties, subject to the Director’s discretion.

- B. Staff-level Review with Public Notice.** Staff shall provide written or published notice to affected and interested parties regarding specific findings or conditions prior to a decision. The notice shall be designed to ensure that all interested parties are aware of the pending decision and are given a chance to comment before staff renders a decision and provides notice of the appeal procedure.
- C. Public Hearing.** A public hearing may be conducted before the Board, the Commission, or the Zoning Administrator. During the course of the public hearing, the applicable review authority shall invite public testimony for and against the land use proposal, review evidence, and then render its decision in compliance with Section 17.51.060 (Conditions of Approval).

CHAPTER 17.51 – GENERAL APPLICATION PROCEDURES

Sections:

- 17.51.010 Purpose
- 17.51.020 Application Forms, Submittal Process, and Fees
- 17.51.030 Environmental Review
- 17.51.040 Staff Report and Recommendations
- 17.51.050 Public Notice
- 17.51.060 Conditions of Approval
- 17.51.070 Conditions of Automatic Approvals
- 17.51.080 Post-Decision Notice
- 17.51.090 Pre-application/Conceptual Review

17.51.010 Purpose

The purpose of this Chapter is to establish the application requirements and noticing provisions necessary to process land use and development proposals in any zone.

17.51.020 Application Forms, Submittal Process, and Fees

An application for a land use decision or permit required by this Title shall be submitted on an application form provided by the Department and shall include the written consent of the lawful owner or owners of record. Each land use application and information packet shall include a list of the information and materials necessary to render the requested land use decision. Each application shall be accompanied by the required information and materials before the application is deemed complete and accepted for filing. Any application made under the provisions of this Title may be initiated by the Board or by any interested party unless otherwise indicated in this Article.

- A. A permit application may be filed by:
 - 1. The lawful owner or owners of record of the lot on which the proposed project will be located, or their duly authorized agent.
 - 2. A person with lawful power of attorney or other acceptable authority from the lawful owner of record. Evidence of authorization shall be submitted with the application.

- B. When more than one land use decision is required for a single project, all applications shall be filed concurrently. The review authority shall act on the different parts of a combined application on their own merits, and may approve one application without approving the other or others.

- C. Approvals granted for an application that was submitted containing false or inaccurate information, which the applicant knew or should have known was false or inaccurate, shall be declared null and void and subject to immediate revocation in compliance with Section 17.54.090 (Revocation, etc.).

- D. Applications for permits or authorizations required by this Title shall be filed with the Department. All applications shall meet the following requirements:
 - 1. The proposed use is permitted within the zone in which it is located;
 - 2. The proposed use meets all applicable standards and requirements of this Title or such standards that are the subject of a concurrently filed Variance application which will, if approved, achieve such compliance; and
 - 3. No violation of the County Code or any condition of approval of an applicable land use entitlement exists on the subject site, unless the purpose of the application is to bring the violation into compliance.

- E. **Application Fees.** Application fees adopted by resolution of the Board shall be paid upon application submittal. Additional fees may be required subject to the provisions of the adopted fee schedule, such as for “time and material” fee categories. Policies for collection of fees, refunds, and handling overdue accounts while processing applications shall be determined by the Director.

- F. **Review of Applications.** Within 30 days of the filing of an application, the Department shall review it for completeness and accuracy before the application is accepted as being complete and officially filed. The applicant shall be notified in writing by the Department that either:
 - 1. The application has been determined to be complete and accepted for processing; or,
 - 2. The application is incomplete and additional information, specified in writing, must be provided. If an application is determined to be incomplete, the time in which the application must be processed shall be stayed until such time as the applicant has provided the required information.

- G. **Permit Expiration.** The application shall expire and be deemed withdrawn, requiring processing to stop and the filing of a new application for project consideration, if:
 - 1. An application has been determined to be incomplete and the required information is not submitted within one year from the date of determination; or
 - 2. An applicant has requested that processing be delayed or stayed for a period of more than one year.

17.51.030 Environmental Review

- A. After acceptance of an application in compliance with Subsection 17.51.020.F, the Department shall review the proposed project for compliance with the *CEQA Statutes and Guidelines* (Public Resources Code 21050 et seq.) and the County's CEQA implementation resolution, as may be amended from time to time. The Department shall prepare the appropriate CEQA document concurrently with the processing of the application(s).
- B. The Department may require the applicant to submit additional information, reports, or analyses that may be needed for the environmental review of the project.
- C. When a determination is made to prepare an Environmental Impact Report (EIR) in compliance with CEQA, the Commission may, when necessary, separately consider the Director's decision to require the preparation of an Environmental Impact Report prior to its preparation.
- D. Before taking an action to approve a land use application that is subject to CEQA, the review authority shall make one or more environmental findings based on the discussion within the CEQA document.
- E. The review authority shall certify the applicable CEQA document and file either a Notice of Determination or Notice of Exemption for each approved project.

17.51.040 Staff Report and Recommendations

When an application requires action by a review authority at a public hearing, the Department shall prepare a report and make a recommendation on the project. The procedure for preparing said report shall be as follows:

- A. Application information shall be distributed to appropriate County departments, local, state, and federal agencies, interested organizations and individuals, and any other party whom the Department finds could provide applicable comments on the potential effects of the project.
- B. The Department may perform an on-site inspection of the project lot(s) before confirming that the request complies with all of the applicable criteria and provisions identified in this Title.
- C. Upon receipt of comments after distribution, the Technical Advisory Committee (TAC) shall conduct a meeting as set forth in Section 17.60.060, unless staff determines no TAC meeting is necessary.
- D. After the meeting, or where staff determines no TAC meeting is necessary, the Department shall review the application and prepare a report to the applicable review

authority on whether the proposed project should be approved, conditionally approved, or denied. The staff report shall include the recommendations of state and local agencies, and other County departments, and shall include an analysis of the proposed project and its compliance with this Title, the General Plan, adopted design standards, and any other applicable provisions of the County Code or State law.

- E. The staff report shall be distributed to the applicant and made available to the public within the time frames established by state law, as may be amended from time to time.

17.51.050 Public Notice

Notice of public hearings or staff-level review with notice procedures shall be provided as set forth in California Government Code Section 65090 et seq., except that notice shall be provided to owners of real property, as shown on the latest equalized assessment roll, within 500 feet of the real property that is the subject of the public hearing or staff-level review.

17.51.060 Conditions of Approval

In approving an application for a permit or authorization, the review authority may establish reasonable conditions to its approval that are found to be necessary to mitigate impacts created by the proposed project, that are consistent with the General Plan, Zoning Ordinance, and other applicable laws, ordinances, standards, or regulations, and that protect the public health, safety, and welfare.

- A. Conditions of approval may be revised in compliance with Chapter 17.54.070 (Revisions to an Approved Project).
- B. The violation of any required condition shall constitute a violation of this Section and may constitute grounds for revocation of the permit or authorization in compliance with Section 17.54.090 (Revocation, etc.).
- C. The review authority may require recordation of the conditions of approval for Design Review, Variance, Conditional/Minor Use, and Development Plan permits.

17.51.070 Conditions of Automatic Approvals

- A. In the event the County fails to act on a development project, as defined in Government Code (GC) Section 65928, within the time limits set forth in GC Section 65920 et seq., the development project shall be deemed approved provided the project meets all of the following:
 - 1. Public notice is provided by the applicant in compliance with GC Section 65956(b);

2. The proposed use in the development project is an allowed use in the applicable zone.
 3. The development project is consistent with General Plan policies, any applicable specific plan requirements, and development standards and other provisions in this Title.
 4. The development project complies with the adopted standards of the County Department of Transportation, Environmental Management Department, Building Services, the responsible fire department, and any other state or local agency necessary to protect the public health, safety, and welfare.
- B. Any automatic approval of a development project shall become null and void unless all conditions imposed by this Section have been fully complied with and the occupancy, use of the land, and use of the proposed or existing structure(s) authorized by the automatic approval has taken place within 24 months after the date of the automatic approval.

17.51.080 Post-Decision Notice

- A. Within 10 days of a final decision on an application for a land use decision or permit required by this Article, the County shall provide notice of its final action to the applicant and to any person(s) who specifically requested notice of the County’s final action and has provided a self-addressed stamped envelope.
- B. The notice shall contain the final decision by the review authority, any conditions that may have been imposed, and the findings made to support the decision.

17.51.090 Pre-application/Conceptual Review

When the complexities of a land use or permit application warrants it, the Department or the applicable review authority may require that the applicant submit materials and attend necessary conferences or hearings conducted in an informal workshop setting, in order to perform a preliminary review of the development proposal before the application is accepted for processing.

- A. **Purpose.** The purpose of this process is to accomplish any one or combination of the following:
1. To review preliminary project design to ensure compliance with County policy and ordinances;
 2. To provide early identification of possible issues, giving the applicant the opportunity to seek solutions or consider design alternatives before formal filing of an application;

3. To suggest alternatives for the project, which, in the experience of the Department have improved chances for a recommendation of approval;
4. To assist the applicant in determining the scope of materials required for submittal of an application, especially those which are complex or involve multiple applications; and
5. To improve the quality of the application when submitted, thereby simplifying its processing.

B. Application. The applicant must submit an application to the Department on a form provided by the same, requesting either a pre-application meeting with staff or a conceptual review hearing before the Commission or the Board.

C. Information Provided. Contents of the application at the time of submittal shall be any available information that will assist staff, Commission members, or the Board in reviewing the proposed project in a timely manner. Required and suggested information shall be listed on the application form, as may be amended from time to time.

CHAPTER 17.52 – PERMIT REQUIREMENTS, PROCEDURES, DECISIONS, AND APPEALS

Sections:

17.52.010	Administrative Permit, Relief, or Waiver
17.52.020	Conditional and Minor Use Permits
17.52.030	Design Review Permit
17.52.040	Development Plan Permit
17.52.050	Temporary Mobile Home Permit
17.52.060	Temporary Use Permit
17.52.070	Variance
17.52.080	Effect of Denial
17.52.090	Appeals

17.52.010 Administrative Permit, Relief, or Waiver

- A. Purpose.** The purpose of an Administrative Permit is to allow limited review of a proposed structure or use through the site plan review process to ensure compatibility with adjacent land uses and availability of public services and infrastructure. The Administrative Permit shall also be used for the processing of administrative relief requests in compliance with Subsection D or to establish the legal nonconforming status of a use or structure in compliance with Subsection E.
- B. Review Authority, Procedure, and CEQA.** The Director shall be the review authority of original jurisdiction for Administrative Permits. The procedure shall be staff-level without public notice except as provided under Subsection D, below. The issuance of an Administrative Permit shall be a ministerial project pursuant to CEQA.
- C. Findings for Approval.** When issuing an Administrative Permit, the Director must find that:
1. The structure(s) or use(s) are in compliance with the applicable zone provisions and any other applicable standards or requirements under this Title, or as adopted by the County through ordinance or resolution; and
 2. The structure(s) and use(s) are in compliance with all requirements and conditions of previously approved entitlements, such as Minor and Conditional Use Permits, or variances, if applicable.
- D. Administrative Relief or Waiver.**
1. The Director may grant administrative relief or waiver from the standards set forth in this Title of up to 10 percent of the area or dimension subject to the following procedures:

- a. After submittal of a complete application, the Department shall notify all adjacent property owners by mail of the proposed request;
 - b. A period of ten working days shall be provided to the adjacent property owners to comment on the proposed request;
 - c. If an objection is received during the comment period, the Director shall not approve the proposed request.
2. Prior to approval of administrative relief, the Director must make all of the following findings:
 - a. The proposed reduction is the minimum amount necessary to accommodate the needs of the property owner;
 - b. There are no objections from any adjacent property owner; and
 - c. The proposed relief will not be detrimental to the public health, safety, and welfare, or injurious to the neighborhood.
 3. A Variance application shall be required for consideration of a reduction in development standard if any of the findings for administrative relief set forth in Paragraph 2, above, cannot be made.

E. Nonconforming Use Determinations.

1. The Director shall review requests for determination of a nonconforming use or structure by determining whether it was established legally under the provisions of this Title at the time the use or structure was established, consistent with the provisions of Chapter 17.61 (Nonconforming Uses, Structures, and Lots).
2. The process for making said determination shall be as set forth in Subsection D.
3. Where a written objection is made on the request for determination of legal nonconforming status, the Commission shall consider the request at public hearing subject to further public notice in compliance with Section 17.51.050 (Notice of Pending Permit or Authorization Decisions).

17.52.020 Conditional and Minor Use Permits

A. Purpose.

1. **Conditional Use Permit.** A Conditional Use Permit provides a process for reviewing uses and activities that may not be appropriate in the applicable zone or may be injurious to the neighborhood if permitted without control.

2. **Minor Use Permit.** A Minor Use Permit provides a process for reviewing uses and activities that are typically compatible with other permitted uses within a zone, but due to their nature require consideration of site design and adjacent land uses. Unless the Department finds all the following to be true, the project will be processed as a Conditional Use Permit in compliance with this Chapter:
 - a. There are no circumstances that would result in standards or conditions not being able to adequately mitigate environmental impacts to less than or no significance;
 - b. The project is planned for immediate development and does not include a phased development; and
 - c. The project is not likely to result in controversy.

B. Review Authority and CEQA.

1. **Conditional Use Permit.** The Zoning Administrator or the Planning Commission shall have review authority of original jurisdiction for Conditional Use Permit applications. The determination of the review authority shall be made by the Director based on the nature of the application, including, but not limited to the extent of controversy and the policy issues raised by the application. The approval of a Conditional Use Permit is a discretionary project and is subject to the requirements and procedures of CEQA.
2. **Minor Use Permit.** The Zoning Administrator shall have review authority of original jurisdiction for a Minor Use Permit. The approval of a Minor Use Permit is a ministerial project pursuant to CEQA, however, due to the potential for neighborhood sensitivity, public notice and hearing is required.

C. Specific Findings for Conditional and Minor Use Permits. In addition to findings of consistency with the requirements and standards of this Title, the review authority shall make the following findings before approving a Conditional Use Permit or Minor Use Permit application:

1. The site for the proposed use is adequate in terms of shape and size to accommodate the proposed use and all landscaping, loading areas, open spaces, parking areas, setbacks, walls and fences, yards, and other required features pertaining to the application.
2. The site for the proposed use has adequate access to serve the proposed use.
3. The proposed use will not have a substantial adverse effect on adjacent property or the allowed use of the adjacent property. In addition, the use will not interfere with an existing solar, wind, or other alternate energy system on the adjoining property.

4. There is sufficient infrastructure, existing or available, that will accommodate the intensity of the proposed development without significantly lowering service levels.
 5. The design of the site has considered the potential for the use of alternate energy systems and passive or natural heating and cooling opportunities.
 6. The proposed use and manner of development are consistent with the goals, maps, policies, and standards of the General Plan and any applicable specific plan or community design.
 7. The lawful conditions stated in the approval are deemed reasonable and necessary to protect the public health, safety, and welfare.
- D. If there is any single use that triggers the need for a Conditional Use Permit, the Conditional Use Permit will include and address all existing uses allowed on the site and, as long as it remains active, all subsequent uses whether otherwise allowed by right or by discretionary permit.

17.52.030 Design Review Permit

- A. Purpose.** The Design Review Permit process has been established in specific areas of the County to ensure compatibility with historical, scenic, or community design criteria. This process is applied only to commercial, industrial, mixed-use, and multi-unit residential projects in the following areas:
1. Meyers Community Plan Area.
 2. Land adjoining State Highways.
 3. Other areas where the Design Review-Community (-DC), -Historic (-DH), or Scenic Corridor (-DS) Combining Zones have been applied.
- B. Review Authority, Procedure, and CEQA.** The Director shall have the review authority of original jurisdiction for those projects not adjoining state or federal highways. The procedure in this case shall be staff-level with public notice. The Commission shall have the review authority of original jurisdiction for those projects that are adjoining state or federal highways or are considered to be controversial. The approval of a Design Review Permit is a discretionary project pursuant to CEQA. Approval or denial shall be based on architecture, color, building materials, site layout, and other similar development features and their appropriateness to the surrounding area. The use of the project site shall not be a consideration when reviewing a design review permit providing it is permitted in the use matrix for the zone.

- C. **Design Review Committee.** If a project is located within a district for which a design review committee has been established in compliance with Section 17.60.070 (Design Review Committee), the Director shall transmit the application to the committee prior to rendering a written decision or making a recommendation to the Commission. The application review process by the committee shall provide an opportunity for the applicant or other interested persons to provide testimony. After public testimony, the committee shall discuss the proposed project and by motion present a recommendation to the Director. The Director may impose conditions or modify the project based on the recommendations of the committee.

17.52.040 Development Plan Permit

- A. **Purpose and Intent.** The Development Plan Permit is intended to provide proposed development flexibility from the strict application of the Ordinance standards to allow for innovation in site planning and more effective design responses to site features, uses on adjoining properties, and environmental constraints.
- B. **Applicability.** A Development Plan Permit application shall be filed and processed in conformance with Chapter 17.28 [Planned Development (-PD) Combining Zone].
- C. **Review Authority and CEQA.** The Planning Commission shall have the review authority of original jurisdiction for a Development Plan Permit application. The approval of a Development Plan Permit is a discretionary project pursuant to CEQA.
- D. **Scope of Approval.** When determined by the review authority to be necessary and justifiable, Development Plan Permit approval may allow:
1. Variations in zone development standards, such as setbacks, lot size, lot width, maximum coverage, floor area ratio (FAR), and height limits for greater flexibility in project design;
 2. Establishment of project specific design guidelines to be applied consistently throughout the development, including but not limited to architectural standards and review processes, landscape standards, maintenance agreements, sign programs, and CC&Rs; and
 3. Limitation on the permitted uses.
- E. **Findings for Development Plan Permits.** When approving a request for a Development Plan Permit, the review authority must make the following findings:
1. The proposed development plan is consistent with the General Plan, any applicable specific plan, and Chapter 28 of this Title [Planned Development (-PD) Combining Zone];

2. The physical characteristics of the site have been adequately assessed and the site for the proposed development is adequate in terms of shape and size to accommodate the use and other required features, such as open space, setbacks, landscaping, walls and fences, parking and loading areas, and internal circulation;
3. That any exceptions to the development standards of the zone are justified by the design or existing topography;
4. Adequate public services and facilities exist or will be provided to serve the proposed development including, but not limited to, water supply, sewage disposal, roads, and utilities;
5. If mixed-use development is being proposed, the development conforms to the standards in Section 17.40.180 (Mixed-use);
6. The proposed development carries out the purpose and intent of the –PD Combining Zone provisions by providing a more efficient use of the land and a quality of design greater than that which would be achieved through the application of conventional development standards.

F. Concurrent Applications. A project that is also subject to a Conditional Use or Design Review Permit, or tentative subdivision or parcel map, shall have such application(s) processed concurrently with the Development Plan Permit. The findings for each permit shall be made separately and combined under the authority of the Development Plan Permit. In addition, the following shall apply:

1. A separate Design Review Permit application shall not be required with a Development Plan Permit; however, the proposed development plan shall require review by the applicable design review committee, as provided in Section 17.52.030 (Design Review Permit.)
2. If a subdivision of land is proposed in conjunction with a project that requires a Development Plan Permit, a tentative map application and rezone application to add the –PD combining zone, if not already zoned as such, are also required. In the event a tentative map application is concurrently approved with a Development Plan Permit application, expiration of the Development Plan Permit shall occur at such time that the tentative map expires and shall be extended as a part of any map extension authorized by Title 16 and the provisions of Section 66452.6 of the California Government Code.

G. Phased Development Plans. A phased development plan shall encompass all of the land within the project boundaries in establishing a list of specific parameters, uses, limits, and objectives that guide development based on the identified phases of the project. A phased project may be separated into portions of property to be developed in each phase or phases of structural development and/or uses throughout the project site, subject to the following:

1. A Development Plan Permit application shall contain a detailed project description and corresponding site plan that demonstrates each phase of development.
 2. Timing of each phase of development shall be clearly stated.
 3. The open space requirement shall be completed or dedicated as part of the first phase of development.
- H. Time Limits and Expiration.** The time limit and expiration of Development Plan Permit applications shall be in compliance with Section 17.54.060 (Time Limits and Extensions).
- I. Revisions to an Approved Permit.** Any requested change to the Development Plan Permit shall be in compliance with Section 17.54.070 (Revisions to an Approved Project).

17.52.050 Temporary Mobile Home Permit

- A. Purpose.** The purpose of this Section is to provide standards for the location, occupation, and removal of temporary housing under a Temporary Mobile Home Permit. The standards are intended to allow residents to provide adequate housing on a temporary basis for adult family members who are dependent for financial or health reasons or for the use by a caretaker/watchman in commercial and industrial zones, and to ensure the removal of the unit upon cessation of the housing need.
- B. Applicability.** This Section shall apply to housing as a temporary accessory use to either a primary dwelling or commercial or industrial development, as permitted in the use matrices for the zones, subject to the following purposes:
1. Use by the owner or members of the household to prevent the dislocation of household members and/or to allow for in-home care of household members; or
 2. Use by a caretaker where the purpose of the caretaker is to assist the elderly or handicapped homeowner(s) in the care and protection of their property. In this instance, “elderly” shall mean anyone over the age of 62.
 3. In commercial and industrial zones, as well as for public and private schools and churches, one mobile home or recreational vehicle placed for the purpose of providing temporary housing for caretakers or watchmen in compliance with Section 17.40.120 (Commercial Caretaker and Agricultural Employee Housing). Findings of necessity shall be based on, but not limited to, the following factors:
 - a. Value and portability of goods and/or equipment stored on the property;

- b. The applicant's past experience with theft or loss of goods and/or equipment, supported by Sheriff's records submitted with the applicant's request;
- c. Precautionary measures taken by the applicant to prevent loss or vandalism; and
- d. Practicality of permanent facilities.

C. Review Authority, Procedure, and CEQA. The Director shall have the review authority of original jurisdiction for a Temporary Mobile Home Permit application. The procedure shall be staff-level without public notice. The approval of a Temporary Mobile Home Permit is considered a ministerial project pursuant to CEQA.

D. Temporary Mobile Home Permit Requirements.

- 1. One temporary housing unit may be granted on a lot or contiguous lots under common ownership.
- 2. If a secondary dwelling unit is located on a lot, no temporary mobile home may be permitted on the same lot.
- 3. The property owner shall occupy the primary dwelling on the site for the uses allowed under Paragraphs B.1 and B.2 above.
- 4. The Temporary Mobile Home Permit shall be approved for a period not to exceed 24 months and may be renewed for additional 24 month periods subject to the provisions of this Section. Proof of continuing eligibility is required as a condition of renewal.
- 5. The property owner shall submit written notification to the Department of any change of residency in the temporary housing unit.
- 6. The applicant shall comply with all development standards for the zone and any other statutes and ordinances relating to building, fire, and health codes.
- 7. The applicant shall sign and notarize an agreement that at the conclusion of the permit or the violation thereof, the temporary housing unit shall be removed from the property. In the event the property owner fails to remove the unit, the County may be authorized to remove the housing unit and record a lien on the property for the cost of removal. Such agreement shall be recorded by the County.

E. Permit Expiration. A Temporary Mobile Home Permit shall expire if the temporary housing unit is removed from the property or if it is no longer occupied by a qualifying occupant for a period of 60 days. At the end of the 60 day period, the property owner

shall have 30 days to remove the temporary housing unit from the property in compliance with Subsection 17.40.190.D (Temporary Mobile Home Removal).

F. Development Standards.

1. The following types of structures shall be allowed for use as temporary housing units and shall be erected, constructed, or installed in a manner that effects easy removal:
 - a. Units constructed to meet building codes, including panelized structures or other structural types that may be affixed to a foundation but disassembled at a later date;
 - b. Units constructed to meet the standards of the *National Manufactured Home Construction and Safety Standards Act of 1974*, as amended from time to time; or
 - c. Recreational vehicles for the purpose of temporary housing under Paragraph B.3.
2. **Minimum Parcel Size.** A temporary housing unit shall be allowed on any lot zoned for single-unit residential development; however, temporary housing for the caretaker use allowed under Paragraph B.2 above shall not be allowed on property that is less than one acre in size
3. **Maximum Unit Size.** A temporary housing unit shall have a maximum floor area of 1,200 square feet, subject to the maximum coverage requirements of the zone.
 - a. Floor area shall be measured from the outside of the exterior walls to include all enclosed habitable or potentially habitable space, such as living areas, hallways, stairwells, attics, basements, storage areas, and equipment rooms, but shall not include attached garages.
 - b. Conversion of the unit to a secondary dwelling will be subject to the maximum floor area limitations for that specific use, as well as all applicable development standards under Section 17.40.300.C (Secondary Dwellings).
4. **Design Standards.** The appearance of a temporary housing unit shall be similar to, or compatible with, the appearance of the primary dwelling; and the unit shall be situated so as to be subordinate to the primary dwelling, as viewed from the adjoining road easement or right-of-way.
5. **Parking.** On site parking must be provided for the occupants of the temporary housing unit, subject to Chapter 17.36 (Parking and Loading).

17.52.060 Temporary Use Permit

- A. Purpose.** This Section establishes procedures and standards for the granting of Temporary Use Permits to ensure that the establishment, maintenance, and operation of a temporary use, as defined in Article 8, would not be detrimental to the public health, safety, and welfare of persons residing or working in the neighborhood of the proposed activity.
- B. Applicability.** The standards in this Section shall apply to temporary uses that are generally not permitted by right in the zone. Temporary uses on property under approved development plans shall also be permitted without applying for a Development Plan Permit. Temporary uses may be subject to additional permits, licenses, or inspections as required by any applicable law, code, or regulation.
- C. Exemptions.** The following uses shall be exempt from the requirements contained within this Section providing no outdoor amplified sound systems are used during the course of the activity:

 - 1. Temporary uses of less than three days duration that are held on county parks or public property and sponsored by bona fide charitable or nonprofit organizations provided such uses have prior approval from the public agency having responsibility for the property being utilized.
 - 2. Garage sales, yard sales, and similar temporary sales activities on residentially zoned properties that are conducted in compliance with the standards under Section 17.40.220.E.
 - 3. Mobile homes used temporarily during construction, as a contractor’s office, or for construction employee housing in compliance with the standards under Sections 17.40.190.C.4 and C.5 (Mobile/Manufactured Homes).
 - 4. An event on the site of, or within, a meeting hall, religious facility, school, theater, or other similar facility designed and approved by the County for public assembly.
 - 5. Fund-raising car washes on property within a commercial, industrial, or research and development zone, limited to a maximum of two days per month for each sponsoring organization.

 - a. Sponsorship shall be limited to educational, fraternal, religious, or service organizations directly engaged in civic or charitable efforts, or to tax exempt organizations in compliance with Section 501(c) of the Federal Revenue and Taxation Code.

- b. Notwithstanding Subparagraph C.5.a, a fundraising carwash shall be conducted in compliance with applicable stormwater regulations to minimize potential water quality impacts.
 6. The use of a site for location filming of commercials, movies, or videos that are allowed subject to a time specified by the Director and the County Film and Media Office.
- D. Review Authority and CEQA.** The Director shall have the review authority of original jurisdiction for a Temporary Use Permit application. The procedure shall be staff-level without public notice. The approval of a Temporary Use Permit is a discretionary project pursuant to CEQA.
- E. Requirements for Approval.** Approval of a Temporary Use Permit shall be subject to the standards under this Title that are applicable to the proposed use(s). Any other standards or requirements adopted by the County through ordinance or resolution shall be applied as well, in particular Chapters 5.12 and 15.32 of the County Code regarding carnivals and outdoor music festivals, respectively. The Director, in conjunction with the other affected agencies may also impose such conditions as necessary to ensure compatibility with adjacent land uses.
1. The following time limits for these specific temporary uses shall be the maximum allowed:
 - a. 2 Consecutive 3-day Weekends for a Total of 6 Days:**
 - (1) Auctions.
 - (2) Concerts.
 - (3) Outdoor religious revival meetings.
 - (4) Outdoor carnivals, circuses, rodeos, and itinerant shows.
 - (5) Youth, charitable, or nonprofit organization projects or events.
 - b. 30 Consecutive Days:**
 - (1) Grand opening signs (one time only per use).
 - (2) Temporary signs and banners for schools, churches, and non-profit organizations announcing special events, enrollment periods, and similar temporary activities. No more than two such temporary banners may be placed on the same lot during a calendar year beginning January 1.
 - c. 45 Consecutive Days:**
 - (1) Seasonal sales.
 2. All uses permitted by a Temporary Use Permit shall be terminated no later than the expiration date indicated upon the permit. All materials or products used in connection with or resulting from the temporary use shall be removed and the site restored within five days after the expiration date.

3. Bonds or other acceptable security may be required to guarantee the removal of any materials in connection with or resulting from the temporary use in compliance with Section 17.54.050 (Performance Guarantees). If required, said bonds or acceptable security shall be filed at the time of application submittal, and shall include a nonrefundable processing fee. In particular, vegetable, fruit, or flower stands and Christmas tree lots shall be subject to a bond requirement in an amount set by resolution of the Board.
4. No new Temporary Use Permit shall be issued within a 30-day period from the expiration date of a similar Temporary Use Permit for the same property, or from removal of materials or structures associated with said use, whichever occurs last.
5. Upon the removal of all materials associated with the temporary use, the applicant shall request an inspection by the Director regarding the release or other disposition of the bond or security deposit.

17.52.070 Variance

- A. Purpose.** The purpose of this Section is to provide a process for County consideration of requests to modify certain standards of this Title when, because of special circumstances applicable to the property, including location, shape, size, surroundings, topography, or other physical features, the strict application of the development standards for the zone denies the property owner rights enjoyed by other property owners in the vicinity and in the same zone.
- B. Applicability.** A Variance may be granted to modify any development standards as set forth in the tables in Article 2 of this Title.
- C. Approving Authority and CEQA.** The Zoning Administrator shall have the review authority of original jurisdiction for a Variance authorization. The approval of a Variance is a discretionary project pursuant to CEQA.
- D. Findings Required.** A Variance shall not be granted by the review authority unless all of the following circumstances are found to apply:
 1. There are exceptional or extraordinary circumstances or conditions relating to the land, building, or use referred to in the application, which circumstances or conditions do not apply generally to land, buildings, or uses in the vicinity and the same zone, and have not resulted from any act of the owner or applicant;
 2. The strict application of the provisions of the ordinance requested to be varied would deprive the subject property of the reasonable use of the land or building that are enjoyed by other properties in the vicinity and the same zone;

3. The Variance is the minimum necessary for the reasonable use of the land or building; and
4. The granting of the Variance is compatible with the maps, objectives, policies, programs, and general land uses specified in the General Plan and any applicable specific plan, and not detrimental to the public health, safety, and welfare or injurious to the neighborhood.

E. Conditions of Approval. In approving a Variance, the review authority may impose any conditions deemed reasonable and necessary to ensure that the approval will comply with the findings required in Subsection D, above.

17.52.080 Effect of Denial

Where an application for a permit or authorization provided for in this Chapter has been denied by the review authority of original jurisdiction and the decision is not reversed through appeal in compliance with Section 17.52.090 below, no further application for the same use on the same property may be considered within a period of one year from the date of such denial unless the Director finds that there has been a substantial change in circumstances from those existing under the previous application, or the application was denied without prejudice.

17.52.090 Appeals.

Any decision by the review authority of original jurisdiction may be appealed by the applicant or any other affected party, as follows:

- A. An appeal must be filed within 10 working days from the decision by the review authority by completing the appeal form and submitting said form together with the applicable fee, as established by resolution of the Board, to the Department. The appellant shall clearly identify on the appeal form the specific reasons for the appeal.
- B. The hearing body for the appeal shall consider all issues raised by the appellant and may consider other relevant issues related to the project being appealed. The hearing body for the appeal shall be as follows:
 1. All decisions of the Director are appealable to the Commission and then to the Board.
 2. All decisions of the Zoning Administrator and the Commission are appealable to the Board.
 3. All decisions of the Board are final.
- C. The hearing on an appeal shall be set no more than 30 days from receipt of a completed appeal form and fee. If the Board meeting is canceled for any reason on the date on

which the appeal would normally be heard, the appeal shall be heard on the first available regularly-scheduled meeting following the canceled meeting date. The 30-day time limitation may be extended by mutual consent of the appellant(s), the applicant, if different from the appellant, and the appeals body. Once the date and time for the hearing is established the hearing may be continued only by such mutual consent.

- D. In any appeal action brought in compliance with this Section, the appellant(s) may withdraw the appeal, with prejudice, at any time prior to the commencement of the public hearing. For the purposes of this Section, the public hearing shall be deemed commenced upon the taking of any evidence, including reports from staff.
- E. Upon the filing of an appeal, the Commission or the Board shall render its decision on the appeal within 60 days.
- F. No person shall seek judicial review of a County decision on a planning permit or other matter in compliance with this Title until all appeals to the Commission and Board have been first exhausted in compliance with this Section.

CHAPTER 17.54 – PERMIT IMPLEMENTATION, TIME LIMITS, AND EXTENSIONS

Sections:

- 17.54.010 Purpose
- 17.54.020 Effective Date of Permit Approvals
- 17.54.030 Applications Deemed Automatically Approved
- 17.54.040 Permits to Run with the Land
- 17.54.050 Performance Guarantees
- 17.54.060 Time Limits, Extensions, and Permit Expiration
- 17.54.070 Revisions to an Approved Permit or Authorization
- 17.54.080 Re-submittals
- 17.54.090 Revocation or County Mandated Modification of a Permit

17.54.010 Purpose

The purpose of this Chapter is to provide general requirements for the implementation of the approved permits and authorizations required under this Article including time limits for permit implementation, procedures for granting time extensions or revisions to an approved permit, and revocation of permit approvals.

17.54.020 Effective Date of Permit Approvals

Except in the case of a Specific Plan (Chapter 17.56) or Development Agreement (Chapter 17.58), final action on any permit or authorization approval shall become effective 11 working days from the decision by the review authority where no appeal of the approval has been filed in compliance with Section 17.52.100 (Appeals). A properly filed appeal shall stay the issuance of any such permit or authorization until the appeal is decided.

17.54.030 Applications Deemed Automatically Approved

A permit or authorization application that is deemed automatically approved in compliance with Government Code Section 65956 shall be subject to all applicable provisions under Section 17.51.070 (Conditions of Automatic Approvals), which shall be satisfied by the applicant before a building permit is issued or a use not requiring a building permit is established.

17.54.040 Permits to Run with the Land

Any Minor and Conditional Use Permit, Variance, or Development Plan Permit approval that is granted in compliance with Chapters 17.51 and 17.52 (General Application Procedures and Permit Requirements, etc.) shall be deemed to run with the land through any change of ownership of the subject site from the effective date of the permit, providing it is in compliance

with Subsection 17.54.050.A, as applicable, and with any licensing requirements by the new property owner. All active conditions of approval shall continue to apply after a change in property ownership.

17.54.050 Performance Guarantees

A. Deposit of Security. As a condition of approval of a Conditional/Minor/Temporary Use Permit, Development Plan Permit, or Variance, and upon a finding that the public health, safety, and welfare warrants it, the review authority may require a form of surety in a reasonable amount to ensure the faithful performance of one or more of the conditions of approval of the aforementioned permits or authorizations.

1. The applicant may elect to provide adequate surety for the faithful performance of a condition(s) of approval if the Director determines that the condition(s) may be implemented at a later specified date due to reasons beyond the applicant’s control, such as the inability to install required landscaping due to poor weather conditions.
2. The surety shall be in the form of cash, certified or cashier's check, letter of credit, performance bond, or other form of surety executed by the applicant and a corporate surety authorized to do business in California and approved by the County.

B. Release of Security. Upon satisfactory compliance with all applicable provisions of this Section, the security deposit shall be released.

C. Failure to Comply.

1. Upon failure to perform any secured condition, the County may perform the condition or cause it to be done, and may collect from the applicant and surety, in the case of a bond, all costs incurred, including administrative, engineering, legal, and inspection costs.
2. Any unused portion of the security shall be refunded to the applicant after deduction of the cost of the work.
3. To the extent that the Director can demonstrate that the applicant willfully breached an obligation in a manner that the applicant knew or should have known would create irreparable harm to the County, the entire amount of the bond or deposit may be withheld.
4. The Director's determination may be appealed to the Board by the applicant, by filing an appeal with the Clerk of the Board within 10 days after the decision to withhold the bond, in compliance with Section 17.52.090 (Appeals).

17.54.060 Time Limits, Extensions, and Permit Expiration

A. Time Limits. A permit or authorization that is not exercised within 24 months from the actual date of the decision granting approval shall expire and become void unless a condition of approval or other provision of this Article establishes a different time limit or unless an extension of time is approved in compliance with Subsection B, below.

1. The permit or authorization shall be deemed "exercised" when the applicant has commenced actual construction or alteration under an active building permit and at least one inspection has been conducted and approved by the Building Official or, in cases where a building permit is not required, has substantially commenced the approved activity or allowed use on the site in compliance with the conditions of approval.
2. After it has been exercised, a permit or authorization shall remain valid as long as either a building permit remains active for the project or a final Certificate of Occupancy has been granted and the use authorized by the permit continues uninterrupted, in compliance with Subsection E (Permit Expiration).

B. Time Extensions. The County may extend the time limit for a permit or authorization in compliance with the following procedures:

1. The applicant shall file a written request for an extension of time with the Department at least 30 days before the expiration of the permit or authorization, together with the required filing fee established through resolution of the Board.
2. A permit or authorization may be extended for a total of 12 months at a time up to a maximum of 36 months beyond the expiration of the original decision granting approval.
3. Action on a request for extension of a permit shall be referred to the original review authority, except as provided in Subparagraph 3.a, below. The time limit for exercising a permit or authorization may be extended by one of the following methods:
 - a. The Director finds that:
 - (1) Substantial progress has been made in implementing the permit; or the applicant has established, with substantial evidence, that circumstances beyond the control of the applicant, such as poor weather during periods of planned construction, have prevented exercising the permit or authorization; and
 - (2) Not more than 12 months will be necessary to exercise the permit, in compliance with Paragraph A.1 above; or
 - b. The original review authority finds that:

- (1) No change in conditions or circumstances has occurred that would have been grounds for denying the original application; and
 - (2) The applicant has been diligently pursuing implementation of the permit.
4. Modified conditions may be imposed when a time extension is granted that update the permit to reflect current standards and ordinance requirements.

E. Permit Expiration.

1. All permits authorized by this Chapter shall automatically expire by operation of law when:
 - a. The time frame established in Subsection A has elapsed; or
 - b. The use authorized by the permit has ceased for a period of one year for any reason.
2. When it is discovered that a permit has expired, the Department shall send notice of such termination to the property owner and/or applicant. Failure to send such notice shall not affect the expiration of the permit.
3. After the expiration of a permit or authorization, whether through denial of a request for a time extension, failure to request a time extension, or other cause, no further work shall be done on the site until a new permit or authorization and any subsequent building permit or other County permits are first obtained.

17.54.070 Revision to an Approved Permit or Authorization

All structures and uses shall be constructed or otherwise established only as approved by the review authority, and in conformance with all conditions of approval, except as provided herein. Modifications of the conditions of approval provided for in this Chapter, including alteration of the project design, expansion, reduction, or phasing of the development, or further disturbance of the site, may be allowed as follows:

- A. An application for a revision to an approved permit or authorization may be submitted to the Department either before or after the commencement of construction or establishment of an approved use. The application shall consist of a written description of the proposed modifications, appropriate supporting documentation, plans, or other information deemed necessary by the Director to evaluate the proposed change.
- B. The Director may approve a minor modification(s) when the findings can be made that the modification(s):

1. Does not involve a feature of the project that was specifically addressed in the conditions of approval, mitigation measures, or findings for approval of the project;
 2. Does not result in an expansion of the project;
 3. Does not substantially alter the original approval decision; and
 4. Does not result in changed or new impacts to the surrounding environment that would necessitate modifications to the CEQA document approved for the project.
- B. Revisions to a permit or authorization which result in an expansion or substantial alteration of the project, or which may affect a condition of approval, mitigation measure, or finding that was specifically addressed by the review authority, may only be approved by said authority through public hearing.
- C. Director approval of minor modifications shall be processed using the Staff Review with Notice procedures. If the Director determines that the request requires a public hearing by the review authority of original jurisdiction, notice shall be given in compliance with the same noticing requirements of the original application.
- D. The review authority may modify or impose new conditions to the permit revision as it deems reasonable and necessary to carry out the purpose and intent of the original permit and this Chapter.
- E. Appeal of a decision on a Revision to an Approved Permit or Authorization shall be processed in compliance with Section 17.52.090 (Appeals).

17.54.080 Resubmittals

- A. For a period of 12 months following the date of the disapproval of a discretionary planning permit or amendment, no application for the same or substantially similar planning permit or amendment shall be filed for the same site, or any portion of the site, except where the Director determines that substantial new evidence or proof of changed circumstances warrants further consideration.
- B. The Director shall determine whether a new application is for a planning permit or amendment that is the same or substantially similar to a previously approved or disapproved permit or amendment, and shall either process or reject the application in compliance with this Section. The Director's determination may be appealed to the Commission in compliance with Section 17.52.090 (Appeals).

17.54.090 Revocation or County Mandated Modification of a Permit

Any permit authorized under this Article may be revoked or modified by the County when it is found that conditions required for the approval of the permit have been violated, have lacked substantial compliance, or when the use is determined to be a public nuisance.

- A. The following procedures shall be used for revocation or mandated modification of previously approved permits or authorizations:
 - 1. The review authority of original jurisdiction shall hold a public hearing to revoke or modify a permit or authorization granted in compliance with the provisions of this Article. Where the review authority was the Director, the hearing shall be referred to the Zoning Administrator for determination.
 - 2. Notice shall be provided to the owner of the property, as shown on the County's current equalized assessment roll, and to the applicant for the permit or approval if different from the property owner on which the use or structure authorized by the permit being considered for revocation exists for the permit or approval being considered for revocation
 - 3. Notice shall be mailed through the U.S. Postal Service, certified, first class, and postage paid, at least twelve days prior to the public hearing for all permits being considered for revocation except Temporary Use Permits, which shall require mailed notice three days prior to the hearing.
 - 4. Any permit or authorization may be revoked or modified by the review authority if any one of the following findings can be made:
 - a. Circumstances under which the permit or authorization was granted have been changed by the applicant to the extent that one or more of the findings that justified the original approval can no longer be made;
 - b. The permit or authorization was granted, in whole or in part, on the basis of a misrepresentation or omission of a material statement in the application, or in the testimony presented by the applicant during the public hearing;
 - c. One or more of the conditions of approval have not been substantially fulfilled or have been violated;
 - d. The approved use or structure has ceased to exist or has been suspended for at least 12 months;
 - e. An improvement authorized in compliance with the permit is in violation of any applicable code, law, ordinance, regulation, or statute; or

- f. The improvement/use allowed by the permit has become detrimental to the public health, safety, or welfare; or the manner of operation constitutes and/or is creating a public nuisance.
- 5. As an alternative to revocation, the County may mandate modification of a permit or authorization including the duration of the permit or authorization, any operational aspect of the project, or any other aspect or condition determined to be reasonable and necessary to ensure that the project is operated in a manner consistent with the original findings for approval.
- 6. The County's action to revoke a permit or authorization shall have the effect of terminating it and denying the privileges granted by the original approval.
- B. Any permit revoked by the review authority may be appealed in compliance with Section 17.52.090 (Appeals).
- C. **Use after Revocation.** When an approved permit or authorization has been revoked, no further development or use of the property authorized by the revocation shall be continued, except in compliance with the approval of a new permit or authorization required by this Title.

CHAPTER 17.56 – SPECIFIC PLANS

Sections:

- 17.56.010 Purpose
- 17.56.020 Approval Authority
- 17.56.030 Findings Required
- 17.56.040 Contents of Specific Plan
- 17.56.050 Conformance to Specific Plan Required
- 17.56.060 Amendments

17.56.010 Purpose

The purpose of this Chapter is to provide for a procedure to implement the General Plan for a part of the area covered by the General Plan, as set forth in California Government Code Section 65450 et seq.

17.56.020 Approval Authority

The Board shall have review authority of original jurisdiction for specific plan applications, after review and recommendation by the Commission in compliance with Chapters 17.50 and 17.51 (Application Filing and Processing, and General Application Procedures, respectively). The Board shall approve the development agreement by resolution or by ordinance. The approval of a specific plan is a discretionary project pursuant to CEQA.

17.56.030 Findings Required

The Board may adopt a proposed specific plan only if it finds that the plan:

- A. Is consistent with and implements the General Plan;
- B. Is consistent with any applicable airport land use plan, in compliance with Public Utilities Code Section 21676; and
- C. Will not have a significant effect on the environment or a statement of overriding consideration has been made for the proposed specific plan in compliance with the provisions of California Code of Regulations Section 15093 (CEQA Guidelines).

17.56.040 Contents of Specific Plan

An applicant shall submit a proposed specific plan for review that includes the following detailed information in formats of text, diagrams, and maps, on an application form provided by the Department:

- A. A statement of the relationship of the specific plan to the General Plan;
- B. A site plan showing the distribution, location, and extent of land uses proposed within the area covered by the specific plan;
- C. Identification of the proposed distribution, location, extent, and intensity of public and private infrastructure and facilities for transportation, sewage, water drainage, solid waste disposal, energy, education, fire protection, or other essential modes proposed to be located in the specific plan area to support the land uses described within;
- D. Standards and criteria by which development will proceed within the specific plan area and standards for the conservation, development, and utilization of natural resources, where applicable;
- E. Implementation measures including regulations, programs, public works projects, and financing measures necessary to carry out the provisions of Subsections A through D, above.

17.56.050 Conformance to Specific Plan Required

After adoption of a specific plan, no local public works project, Development Plan Permit, tentative map, or parcel map may be approved, and no ordinance may be adopted or amended within the specific plan area unless it is consistent with the adopted specific plan.

17.56.060 Amendments

An adopted specific plan may be amended through the same procedure set forth in this Chapter for the adoption of a specific plan.

CHAPTER 17.58 – DEVELOPMENT AGREEMENTS

Sections:

- 17.58.010 Purpose and Intent
- 17.58.020 Limitation
- 17.58.030 Review Authority
- 17.58.040 Findings Required
- 17.58.050 Form of Agreement
- 17.58.060 Amendment, Cancellation, or Assignment
- 17.58.070 Recordation
- 17.58.080 Periodic Review
- 17.58.090 Rules, Regulations, and Official Policies

17.58.010 Purpose and Intent

The purpose of this Chapter is to provide assurance to an applicant of a development project that, upon approval, the project may proceed in accordance with the conditions placed upon it by the review authority, as well as with existing policies, rules, and regulations. The intent of this Chapter is to strengthen the public planning process, encourage private participation in comprehensive planning, and reduce the economic costs of development.

17.58.020 Limitation

Unless otherwise expressed in this Title, the provisions in this Chapter are the exclusive procedures and rules relating to development agreements and, in the event of conflict, these provisions shall prevail over any other provisions of this Title.

17.58.030 Review Authority

The Board shall have review authority of original jurisdiction for development agreement applications, based on the review and recommendation by the Commission in compliance with Chapters 17.50 and 17.51 (Application Filing and Processing and General Application Procedures, respectively). The Board shall approve the development agreement by ordinance. The approval of a development agreement is a discretionary project pursuant to CEQA.

17.58.040 Findings Required

The Board may approve the development agreement only if it finds that the agreement:

- A. Is consistent with the objectives, policies, general land uses, and programs specified in the General Plan and any applicable specific plan;

- B. Will not be detrimental to the health, safety, and welfare of persons residing in the immediate area or detrimental to the general welfare of the residents of the County as a whole;
- C. Will not adversely affect the orderly development of property or the preservation of property values;
- D. Is consistent with the provisions of Government Code Sections 65864 through 65869.5; and
- E. If the development agreement includes a subdivision of 500 or more units, the agreement provides that there is sufficient water to serve any tentative map in compliance with Government Code Section 66473.7.

17.58.050 Form of Agreement

- A. The development agreement shall be in a form approved by County Counsel and shall contain the following:
 - 1. A legal description of the subject property;
 - 2. The permitted uses of the property;
 - 3. The density or intensity of use;
 - 4. The maximum height and size of proposed buildings;
 - 5. Provisions for reservation or dedication of land for public purposes; and
 - 6. The term of the agreement to a maximum of twenty years.
- B. The development agreement may include conditions, restrictions, and requirements for subsequent discretionary actions, provided they shall not prevent development of the land for the uses and density or intensity of development set forth in the agreement.
- C. The agreement may provide that construction will commence within a specified time and that the project, or any phase thereof, will be completed within a specified time.

17.58.060 Amendment, Cancellation, or Assignment

- A. Either party may request an amendment or cancellation, in whole or in part, of any development agreement, either by procedures specifically set forth within the agreement or by the application process in compliance with Chapters 17.50 and 17.51 (Application Filing and Processing and General Application Procedures, respectively), on a form provided by the Department.

- B. An amendment or cancellation of the development agreement may occur upon mutual consent of the Board, the parties to the agreement, the qualified applicant(s) if different from the parties to the agreement, or as otherwise provided in the agreement.
- C. All assignments of the development agreement shall be subject to mutual agreement by all parties to the agreement, unless otherwise provided in the agreement. Any party to the agreement, excluding the County, may initiate a request for assignment. As part of the request for assignment, any amendments to the development agreement that may be required as a result of the assignment shall be identified.

17.58.070 Recordation

Within ten days after the effective date of a development agreement or any amendment or cancellation thereof, the Clerk of the Board shall have the agreement, amendment, or cancellation notice recorded with the County Recorder.

17.58.080 Periodic Review

- A. The Director shall review the development agreement not less than once every twelve months from its effective date for compliance with its terms and conditions.
- B. The Director shall begin the review proceedings by giving notice of the periodic review of the development agreement to each party to the agreement, excluding the County, and to each party entitled to notice in compliance with Section 17.51.050 (Public Notice).
- C. The Director shall conduct an investigation as to whether or not there has been good faith compliance and if it is found that there has not been such compliance a report with recommendations shall be filed with the Clerk of the Board.
- D. Upon receipt of the report, the clerk shall place the matter on the Board's agenda for public hearing, subject to public notice requirements.
- E. If the Board finds and determines on the basis of substantial evidence that the applicant has complied in good faith with the terms and conditions of the agreement during the period under review, no further action is required. The burden of proof on this issue shall be on the applicant.
- F. If the Board determines on the basis of substantial evidence that the property owner has not complied in good faith with the terms and conditions of the agreement during the period under review, the Board may modify or terminate the agreement.

17.58.090 Rules, Regulations, and Official Policies

Unless otherwise provided by the development agreement:

- A. The rules, regulations, and official policies of the County applicable to the development of the property that is subject to the development agreement, shall be those rules, regulations, and official policies in force at the time of the execution of the agreement.
- B. In subsequent actions on said property, the development agreement shall not prevent the County from applying new rules, regulations, or policies that do not conflict with those rules, regulations and policies in force at the time the agreement was executed.
- C. The development agreement shall not prevent the County from denying or conditionally approving any subsequent development project application on said property on the basis of such existing or new rules, regulations, and policies.

ARTICLE 6 – ZONING ORDINANCE ADMINISTRATION

CHAPTER 17.60 – ADMINISTRATIVE RESPONSIBILITIES

Sections:

- 17.60.010 Purpose
- 17.60.020 Development Services Director and Department
- 17.60.030 Zoning Administrator
- 17.60.040 Planning Commission
- 17.60.050 Board of Supervisors
- 17.60.060 Technical Advisory Committee
- 17.60.070 Design Review Committee
- 17.60.080 Floodplain Administrator

CHAPTER 17.61 – NONCONFORMING USES, STRUCTURES, AND LOTS

Sections:

- 17.61.010 Purpose
- 17.61.020 Continuation, Transfer, or Sale
- 17.61.030 Determination of Nonconforming Status
- 17.61.040 Nonconforming Uses
- 17.61.050 Nonconforming Structures
- 17.61.060 Nonconforming lots

CHAPTER 17.63 – AMENDMENTS AND ZONE CHANGES

Sections:

- 17.63.010 Purpose
- 17.63.020 Ordinance Amendments and Zone Change Applications
- 17.63.030 Conditional Zone Changes
- 17.63.040 General Plan and Specific Plan Amendments

CHAPTER 17.65 – COVENANT OF EASEMENT

Sections:

- 17.65.010 Purpose
- 17.65.020 Applicability
- 17.65.030 Form of Covenant
- 17.65.040 Effect of Covenant

- 17.65.050 Release of Covenant
- 17.65.060 Enforceability

CHAPTER 17.67 – CODE ENFORCEMENT

Sections:

- 17.67.010 Purpose
- 17.67.020 Conformance by County Officials.
- 17.67.030 Administration and Enforcement.
- 17.67.040 Penalty for Violation.
- 17.67.050 Abatement of Nuisance.
- 17.67.060 Subsequent Permits
- 17.67.070 Remedies Cumulative
- 17.67.080 Investigation Fee

CHAPTER 17.68 – POST-DISASTER REBUILDING

Sections:

- 17.68.010 Purpose
- 17.68.020 Exceptions
- 17.68.030 Applicability
- 17.68.040 General Provisions
- 17.68.050 Modifications of the Provisions of this Title
- 17.68.060 CEQA Exemption
- 17.68.070 Appeals

CHAPTER 17.60 – ADMINISTRATIVE RESPONSIBILITIES

Sections:

- 17.60.010 Purpose
- 17.60.020 Development Services Director and Department
- 17.60.030 Zoning Administrator
- 17.60.040 Planning Commission
- 17.60.050 Board of Supervisors
- 17.60.060 Technical Advisory Committee
- 17.60.070 Design Review Committee
- 17.60.080 Floodplain Administrator

17.60.010 Purpose

As provided by California Government Code Section 65100, the purpose of this Article is to identify each review authority’s duties and responsibilities pertaining to recommendations and/or decisions on permit and land use authorizations, as well as those of non-regulatory bodies acting in an advisory capacity.

17.60.020 Development Services Director and Department

The Director shall have the responsibility and authority to direct the performance of those functions described in California Government Code Section 65103 and any other responsibilities assigned by the Board in compliance with Chapter 2.30 of the County Code, to include the administration and enforcement of the provisions of this Title. Except where otherwise provided by this Title, the aforementioned responsibilities of the Director may also be carried out by Department staff under the supervision of the Director, to include but not be limited to the following:

- A. Prepare, periodically review, and revise the General Plan.
- B. Implement the General Plan through actions including the administration of adopted community design standards, specific plans, and ordinances.
- C. Annually review the capital improvement program of the County and the public works projects of other local agencies for their consistency with the General Plan.
- D. Promote public interest, understanding, and comment on the General Plan and regulations relating to it.
- E. Consult and advise with public officials and agencies, public utility companies, civic, educational, professional, and other organizations, and citizens generally concerned with implementation of the General Plan.

- F. Promote the coordination of local plans and programs with the plans and programs of other public agencies.
- G. Determine the adequacy of Environmental Impact Reports and other special reports in compliance with the California Environmental Quality Act (CEQA) and Section 17.51.030 (Environmental Review).
- H. Perform staff-level project review, with or without notice (Subsections 17.50.050.C-D). For other discretionary applications, make recommendations of approval, conditional approval, or denial to the proper review authority under Table 17.50.040.A (Review Authority).
- I. Make investigations and reports on the design and improvements of proposed subdivisions and other discretionary applications affecting the development of real property, and make or recommend imposition of requirements or conditions on these applications.
- J. Prepare documents for the implementation of State Planning and Land Use Law (Government Code Section 65000 et seq.) and other miscellaneous planning related laws. These documents shall include administrative policies, procedures, ordinances, resolutions, and project application filing forms, information, and requirements, and other public information documents.
- K. Act as or appoint the Zoning Administrator for purposes of complying with Government Code Section 65900 et seq.

17.60.030 Zoning Administrator

The Director or a designee shall serve as the Zoning Administrator in compliance with Subsection 17.60.020.K, as follows:

- A. The Zoning Administrator shall serve as the hearing officer and is assigned the review authority of original jurisdiction to consider and approve or deny applications for development applications in compliance with Table 17.50.040.A (Review Authority), parcel map applications under Title 16, and any other matter specifically provided by this Title. When the Zoning Administrator is a designee of the Director, that person shall also perform his/her other duties appropriate to the personnel title of the designee. The designee shall be subordinate and directly responsible to the Director and/or any intermediate supervisory staff in the performance of all duties except those of the Zoning Administrator. However, the designee shall not be subordinate to, nor under the direction or control of the Director when performing the duties of the Zoning Administrator.
- B. The Zoning Administrator may transfer original hearing jurisdiction to the Commission at his/her discretion when it is deemed necessary because of policy implications, unique or unusual circumstances, or the magnitude of a project.

17.60.040 Planning Commission

The Commission, in compliance with Chapter 2.27 of the County Code, shall serve as the hearing body assigned to consider and approve or deny development applications under this Title and Title 16 (Subdivisions Ordinance) as either the review authority of original jurisdiction or on appeal, in compliance with Table 17.50.040.A (Review Authority). The Commission shall serve as an advisory agency to the Board on zone change and general plan amendment applications, and any other matter specifically provided by this Title.

17.60.050 Board of Supervisors

The Board shall act as the review authority for land use applications that require a public hearing and legislative action, and for those that are referred or appealed to the Board in compliance with Table 17.50.040.A (Review Authority).

17.60.060 Technical Advisory Committee

A Technical Advisory Committee (TAC), as defined in Article 8, shall review all applications for discretionary permits and, under their regulatory authority, provide comments and requirements to the Department that are necessary for the development of the project. The Department shall schedule a meeting to review said comments and requirements with the applicant, in compliance with the following procedures:

- A. The TAC shall meet as soon as possible after the application has been deemed complete, in compliance with Subsection 17.51.020.F. In more complex projects, the Department may determine that a meeting date is required prior to the application being deemed complete in order to provide more immediate direction to the applicant.
- B. Meetings shall be noticed concurrently with the initial consultation letter sent by the Department to those agencies having jurisdiction or interest in the project for their review and comments.
- C. The TAC meeting, as an advisory part of the permit process, is not open to the general public. The TAC meeting shall be open to the applicant and/or the applicant's agent and, at their discretion, anyone else involved in the project, such as project managers, civil engineers, or environmental consultants.

17.60.070 Design Review Committee

The Board may establish by resolution a design review committee to review and comment upon discretionary development applications within the boundaries of the design review district. The terms and arrangements for the committee shall be as follows:

- A. Composition.** A design review committee shall consist of no fewer than three and not more than five members. County officials shall not be included. The members shall be selected and appointed by the Board, as follows:
- a. At least three members shall be residents and owners of property located within the district boundaries.
 - b. When more than three members comprise the committee, up to two additional members may be owners of commercial property located within the district boundaries.
- B. Compensation.** The appointed members of the design review committee shall serve without compensation and shall not be entitled to reimbursement of mileage or necessary expenses by the County.
- C. Appointment.** The term of office of each member shall be four years and until the first appointment and qualification of their successor. The first members shall classify themselves by lot so that the term of office of two members is two years, and remaining members is three years. Members otherwise serve until the appointment and qualification of their successor. Any member, even though they serve for a term, may be removed by the Board without cause. A vacancy may be filled only for the unexpired term. All vacancies on the committee shall be immediately reported to the Board.
- D. Officers.** At the first meeting of the design review committee, and thereafter at the first meeting of each calendar year, the committee shall elect from its membership a chairman, vice chairman, and secretary, who shall hold office for a term of one year and until the election of their successors.
- E. Meetings.** Meetings may be held on the call of the chairman or any two members when matters are referred for committee review in compliance with Subsection H, by mailing notice of the time, place, and purpose of the meeting to each member at least seven days prior to the meeting. The meetings, including public notice of such meetings, shall conform to the requirements of California Government Code Section 54950 et seq.
- F. Quorum.** Two-thirds of the appointed committee members shall constitute a quorum for the transaction of business, which translates to two out of three sitting members, or three out of four or five sitting members.
- G. Lapse of Membership.** For reasons including, but not limited to continued absence, a member of the design review committee may be removed from office without cause, by an order adopted by a majority vote of the Board declaring that office vacant.
- H. Powers and Duties of the Design Review Committee.** The design review committee shall have the following duties and powers:

1. Act in an advisory capacity to the Director, Commission, or Board with regard to providing review and comment on discretionary development applications for multi-unit residential, commercial, mixed-use, and industrial applications within their district boundaries.
2. Utilize adopted design guidelines and standards, ordinances, and if clearly identifiable, neighborhood preferences to aid in their review process.
3. Provide recommendations to the Board and the Director regarding the improvement, expansion, or modification of design review procedures and standards.

17.60.080 Floodplain Administrator

The Director or a designee is appointed to administer, implement, and enforce the provisions of Chapter 17.33 (Flood Damage Prevention Ordinance) by performing the duties and responsibilities under Section 17.33.040 (Administration).

CHAPTER 17.61 – NONCONFORMING USES, STRUCTURES, AND LOTS

Sections:

- 17.61.010 Purpose
- 17.61.020 Continuation, Transfer, or Sale
- 17.61.030 Determination of Nonconforming Status
- 17.61.040 Nonconforming Uses
- 17.61.050 Nonconforming Structures
- 17.61.060 Nonconforming lots

17.61.010 Purpose

Within the County there exist land uses and structures that were lawfully in existence before the adoption of this Title, but which would be prohibited, regulated, or restricted differently under the terms of this Title, as amended. The purpose of this Chapter is to allow such legal, but nonconforming land uses and structures to exist under the limited conditions identified in this Chapter and to provide for their eventual elimination in order to protect the public health, safety, and welfare. In addition, the purpose of this Chapter is to provide a means of determining the legal creation of existing lots in order to establish their nonconforming status and to provide standards for development on said lots.

17.61.020 Continuation, Transfer, or Sale

A nonconforming use, structure, or lot, as defined in Article 8, may be continued, transferred, or sold subject to the limitations set forth in Sections 17.61.040 through 17.61.060 below. Restrictions and conditions affecting an existing nonconforming use, structure, or lot shall apply and shall not be affected by ownership changes.

17.61.030 General Provisions

- A. The Director shall make the determination whether a use or structure is nonconforming based upon data supplied by the property owner or other interested parties. The data must demonstrate the use or structure was permitted at the time it was established or constructed, or was in compliance with ordinances in existence at the time of its establishment, and the use or structure has been continuously operated or maintained. The determination of nonconforming status shall be made by the Director in compliance with Section 17.52.010 (Administrative Permit), as follows:
 - 1. The Director may request such information as determined necessary to complete an investigation on the nonconforming status of the use or structure.
 - 2. Prior to making a determination of nonconforming status, the Director shall provide a public notice of intent to make a determination, in compliance with

Subsection 17.52.010.E. If a written objection is filed in this period, the determination of the nonconforming status shall be made by the Commission in compliance with Paragraph 17.52.010.E.3.

3. Upon completion of the investigation, the review authority shall provide a written determination of the status of the nonconforming use or structure.
- B. A use or structure that is not determined to be “nonconforming” shall be considered illegal and have no vested rights. Any use or structure which has been illegally established and which does not conform to the use provisions or development standards of the zone in which it is located is in violation of the County Code and shall be deemed a public nuisance and shall be subject to all available measures for abatement and correction of the violation(s) in compliance with Chapter 17.67 (Code Enforcement).
 - C. Nothing in this Section shall prohibit the establishment of special regulations for specific nonconforming uses and structures regulated by other sections of this Title. Such regulations may provide for the retirement or amortization of those specific uses and structures.

17.61.040 Nonconforming Uses

An existing use that does not conform to the permitted uses for the zone in which it is located shall be deemed a “nonconforming use” if the use was in compliance with codes and ordinances in existence at the time of its establishment or if the required permit was obtained prior to its establishment. A nonconforming use shall be subject to the following:

- A. A nonconforming use shall not be converted to another nonconforming use nor have the addition of another use not permitted in the zone in which it is located.
- B. A nonconforming use shall not be expanded in size or intensity, (i.e. hours of operation), except by Conditional Use Permit and only if the use is allowed by Conditional Use Permit in the zone in which it is located.
- C. A nonconforming residential use located in a non-residential zone may be maintained and repaired, but may not be extended, expanded, or altered. However, if said use is partially or completely destroyed by fire or other calamity, whether or not it meets or exceeds the threshold of a “substantial improvement”, as defined in Article 8, it may be restored or rebuilt as follows, subject to the provisions in Subsection 17.61.050.B:
 1. A single-unit residential structure located in a non-residential zone may be reconstructed, rebuilt, or restored within the existing footprint or in another location on the site if it will better conform to topographical or resource constraints or will reduce impacts to adjoining lots.

2. A multi-unit residential dwelling located in a non-residential zone may be reconstructed, restored, or rebuilt providing its predamaged size and number of dwelling units are maintained.
- D A nonconforming use shall be deemed terminated, except as otherwise provided in this Chapter, if either of the following occurs:
1. The site is in violation of Subsections A and B above.
 2. The use has been found by the Director to have been abandoned, discontinued, or changed to a conforming use for a continuous period of 181 days or more;
 3. The Commission, after holding a public hearing, finds that the use is detrimental to the public health, safety, and welfare or constitutes a nuisance, as defined in Article 8, and denies the nonconforming use subject to appeal, in compliance with Section 17.52.090 (Appeals).
- D. Continuation of any nonconforming use after its being deemed terminated in compliance with this Section shall constitute a violation of this Chapter and shall be subject to enforcement proceedings, as provided for in Chapter 17.67 (Code Enforcement).
- E. A nonconforming use that is discontinued, changed, or terminated shall not be re-established and any future use of the land shall comply with all regulations of the zone in which the site or structure is located and all other provisions of this Title.

17.61.050 Nonconforming Structures

A structure lawfully occupying a site that does not conform with the current development standards either for its zone or elsewhere within this Title shall be deemed to be a nonconforming structure and may be used and maintained, except as otherwise provided in this Section.

- A. A nonconforming structure shall not be altered or modified except when being brought into compliance with the standards of this Title or subject to the following exceptions:
1. The extension or expansion of a structure that is nonconforming as to setback regulations may be permitted if such extension or expansion conforms to all other applicable provisions of this Title and the following criteria:
 - a. Extension or expansion of the structure does not increase the nonconformity further within the setback.
 - b. New construction above the first story of a structure meets all setback requirements.

2. A nonconforming structure may undergo normal maintenance and repair, such as painting, plumbing, re-roofing, and similar work necessary to protect the public health, safety, and welfare.
 3. A nonconforming structure that requires less than “substantial improvement”, as defined in Article 8, may be restored or rebuilt subject to the following:
 - a. All applicable permits must be obtained and actual construction must begin within a one-year period from the date of the destruction;
 - b. Restoration or reconstruction must be diligently pursued to completion;
 - c. Any reconstructed structure may be rebuilt within its original footprint but shall not be expanded further as to its nonconformity. Reconstruction in another location on the site may be allowed if the nonconformity will be reduced or eliminated altogether;
 - d. Failure to start restoration within the one-year period or failure to diligently pursue completion of the restoration, as determined by the Director, shall result in a removal of the nonconforming structure in compliance with Section 17.61.060 below.
- B.** In the event the nonconforming structure sustains damage or destruction that requires “substantial improvement”, no restoration or rebuilding shall be allowed unless every portion of the structure is made to conform to all development standards and regulations for the zone in which it is located.

17.61.060 Nonconforming Lots

Nonconforming lots are those lots legally created in compliance with Chapter 16.76 of the County Code that do not conform to the lot area and dimension standards for the zones in which they are located. Nonconforming lots shall be subject to the following:

- A. The uses permitted in the zone shall be permitted on a nonconforming lot.
- B. Development standards for the zone in which the lot is located, including setbacks, shall be applied to all development on the lot.

CHAPTER 17.63 – AMENDMENTS AND ZONE CHANGES**Sections:**

- 17.63.010 Purpose
- 17.63.020 Ordinance Amendments and Zone Change Applications
- 17.63.030 Conditional Zone Changes
- 17.63.040 General Plan and Specific Plan Amendments

17.63.010 Purpose

The purpose of this Chapter is to allow amendments to this Title by changing either its provisions or the boundaries of a zone through the respective text amendment or zone change application process when determined necessary or desirable to implement the general plan, support economic development, provide housing for the County's residents, protect natural resources, or protect the public health, safety, and welfare.

17.63.020 Ordinance Amendments and Zone Change Applications

- A. The text amendment and zone change application processes may be initiated by one of the following:
 - 1. The verified application of one or more property owners affected by the proposed text or zone change amendment, to be filed with the Department and accompanied by a fee established by resolution of the Board;
 - 2. Resolution of intention of the Board; or
 - 3. Resolution of intention of the Commission.
- B. Following the filing of a verified application, as provided for in Paragraph A.1 above, and the completion of the application requirements, environmental review, and noticing procedures as provided for in Chapter 17.51 (General Application Procedures), the Commission shall hold a public hearing on the request. The Commission shall make a report of its findings and a recommendation to the Board on the proposed text or zone change amendment.
- C. Where a zone change amendment to a higher density or intensity zone is being proposed, approval shall be based on, but not limited to findings of adequate infrastructure and support services for the increased land use demands, and lack of significant impacts to the surrounding area (General Plan Policy 2.2.5.3).
- D. Following the hearing by the Commission, the Board shall hold a noticed, public hearing on the request. The Board may approve, modify, or disapprove the recommendation of the Commission, in part or in whole, providing the Board finds that

the proposed text or zone change amendment is consistent with the General Plan. Any modification to the proposed request made by the Board that was not previously considered by the Commission shall be referred back to the Commission for further findings and recommendation on that specific modification.

- E. A text or zone change amendment shall become effective on the 30th day following the adoption of an ordinance by the Board.
- F. No application for an amendment shall be reconsidered by the Commission within one year from the date it was previously considered by that body or the Board, in compliance with Section 17.54.080.

17.63.020 Conditional Zone Changes

- A. The Commission may recommend and the Board may impose reasonable conditions or mitigation measures on the approval of any zone change application for the purposes of ensuring consistency with the General Plan, mitigating environmental impacts, minimizing conflicts with surrounding land uses, or any other purpose that is determined by the Board to be necessary to protect the public health, safety, and welfare.
 - 1. Such conditions or mitigation measures imposed may include, but not be limited to dedication of additional road right-of-way or easements, requirements for participation in the cost of public improvements reasonably related to the land uses that would be permitted by the proposed zone, and limitations on the type, intensity, and nature of land uses permitted in the proposed zone.
 - 2. When a conditioned zone change amendment is adopted by the Board, the amendment shall specify when such conditions or measures shall be satisfied relative to any subsequent grants of development approval by the County.
- B. A notice of restriction shall be recorded against all lots that are encumbered by the conditions or mitigation measures imposed by the conditional approval of a zone change amendment. Said notice shall provide constructive notice to the public of the conditions and the time in which the conditions shall be satisfied.

17.63.030 General Plan and Specific Plan Amendments

Amendments to the General Plan or any adopted specific plan, hereinafter referred to as “Plan amendments”, shall be processed in the same manner as amendments to this Title in compliance with Government Code Section 65358, except that the Plan amendments, if approved by the Board, shall be adopted by resolution rather than ordinance. A Plan amendment shall become effective on the 30th day following the adoption of a resolution by the Board.

CHAPTER 17.65 – COVENANT OF EASEMENT

Sections:

- 17.65.010 Purpose
- 17.65.020 Applicability
- 17.65.030 Form of Covenant
- 17.65.040 Effect of Covenant
- 17.65.050 Release of Covenant
- 17.65.060 Enforceability

17.65.010 Purpose

When necessary to achieve the land use goals of the County, the County may require a property owner holding property in common ownership to execute and record a Covenant of Easement in favor of the County, in compliance with Government Code Section 65870 et seq.

17.65.020 Applicability

A Covenant of Easement may be required:

- A. To provide for open space and resource conservation dedications, emergency access, ingress and egress, landscaping, parking, or light and air access to provide for solar and wind energy generation; or
- B. As a condition of approval imposed by the review authority.

17.65.030 Form of Covenant

The form of the Covenant shall include the following, where applicable, subject to approval by County Counsel:

- A. A description of the real property that is subject to the easement and/or benefited by the easement;
- B. The approval, permit, or designation granted, which relied upon or required the Covenant; and
- C. The purpose(s) of the easement.

17.65.040 Effect of the Covenant

A Covenant of Easement shall become effective upon recordation in the County Recorder's Office, as executed by the owner(s) of the real property. Upon recordation:

- A. The Covenant shall act as an easement in compliance with Civil Code Section 801 et seq., except that it shall not merge into any other interest in the real property.
- B. The Covenant shall be enforceable by all successors-in-interest to the real property burdened or benefited by the Covenant in compliance with Civil Code Section 1104, and the County.
- C. Notice of the Covenant shall be imparted to all persons to the extent afforded by the recording laws of the State.

17.65.050 Release of Covenant

A Covenant of Easement may be released by the Director acting as Zoning Administrator (17.60.040), at the request of any person, whether or not that person has title to the real property, by the following process:

- A. A noticed public hearing shall be conducted in compliance with Chapter 17.50.050.B (Public Hearing).
- B. Prior to approving the request, findings shall be made that the Covenant on the property is no longer necessary to achieve the land use goals of the County.
- C. A notice of the release of the Covenant of Easement shall be recorded by the Director in the County Recorder's Office, in compliance with Section 17.54.020 (Effective Date of Permit Approvals).

17.65.060 Enforceability

Nothing in this Section creates standing in any person, other than the County and owner(s) of the real property burdened or benefited by the Covenant, to enforce or to challenge the Covenant or any requested amendment or release.

CHAPTER 17.67 – CODE ENFORCEMENT**Sections:**

- 17.67.010 Purpose
- 17.67.020 Conformance by County Officials.
- 17.67.030 Administration and Enforcement.
- 17.67.040 Penalty for Violation.
- 17.67.050 Abatement of Nuisance.
- 17.67.060 Subsequent Permits
- 17.67.070 Remedies Cumulative
- 17.67.080 Investigation Fee

17.67.010 Purpose

The purpose of this Chapter is to establish provisions to ensure compliance with the requirements of this Title and any conditions of permit approval, to promote the County's planning efforts, and to protect the public health, safety, and welfare.

17.67.020 Conformance by County Officials

All departments, officials, and employees of the County that are vested with the duty or authority to issue permits or licenses shall conform to the provisions of this Title and all other ordinances and shall issue no permit or license for uses, buildings, or purposes where they would be in conflict with the provisions of this Title. Any authorization, certificate, license, or permit issued in conflict with the provisions of this Title shall be void and of no effect.

17.67.030 Administration and Enforcement

It shall be the duty of the Director to administer the provisions of this Title in compliance with County Code Chapter 9.02 et seq. (Code Enforcement). The Director shall be aided in this enforcement responsibility by the officers and authorized representatives of the County agencies, departments, and offices charged with the responsibility of administering, implementing, and ensuring compliance with the provisions of this Title.

17.67.040 Abatement of Nuisance

Any structure erected, constructed, altered, enlarged, converted, moved, or maintained, or any land or structure that is used contrary to either the provisions of this Title or any condition of approval imposed through discretionary authorization, shall be declared unlawful and be subject to the provisions of Chapter 9.02 (Code Enforcement) for correction and/or abatement. Any act or omission made unlawful under this Title shall also include abetting, aiding, allowing, causing, or permitting the act or omission.

17.67.050 Penalty for Violation

- A. Any person, firm, partnership, association, corporation, or other entity, whether as principal, agent, employee, or otherwise, shall be deemed guilty of a separate offense during any portion of each and every day when any violation of this Article or any zoning law or ordinance is committed, continued, or permitted by such person or entity.
- B. Such person or entity violating any of the provisions of this Title shall be guilty of a misdemeanor and upon conviction thereof shall be punishable by either a fine of not more than \$5,000.00 for each separate offense in compliance with Subsection A above, imprisonment in the County jail for a term not exceeding six months, or both such fine and imprisonment, which amount and term may be amended from time to time.
- C. Payment of any fine or service of a jail sentence as provided in this Section shall not relieve a person or entity from the responsibility of correcting the violation.
- D. Should a person be found guilty and convicted of a misdemeanor for the violation of any provision of this Title, the conviction shall not prevent the County from pursuing any other available remedy to correct the violation.

17.67.060 Subsequent Permits

- A. Where a structure or use of a lot is not in compliance with the provisions of this Title, no subsequent permit shall be issued by the County for any other structure or use on the same lot until such time as the illegal structure or use is brought into compliance or otherwise abated, except where such a permit would bring the illegal structure or use into compliance.
- B. Where a non-permitted sign advertising a use, whether on the site of the use or on a different lot of land, is erected, constructed, or otherwise installed, the County shall not issue any permit for the use which the sign is advertising and shall cease any processing of associated permit applications until such time as the sign is removed.

17.67.070 Remedies Cumulative

The remedies provided for in this Chapter shall be cumulative and not exclusive.

17.67.080 Investigation Fee

Upon determination that a violation of the provisions of this Title has occurred, the property owner shall be liable for the costs incurred by County staff for investigation and enforcement, as set forth in the adopted fee resolution, as may be amended from time to time.

CHAPTER 17.68 – POST-DISASTER REBUILDING**Sections:**

- 17.68.010 Purpose
- 17.68.020 Exceptions
- 17.68.030 Applicability
- 17.68.040 General Provisions
- 17.68.050 Modifications of the Provisions of this Title
- 17.68.060 CEQA Exemption
- 17.68.070 Appeals

17.68.010 Purpose

This Chapter establishes the land use regulations for the expeditious repair and reconstruction of structures damaged as a result of a disaster for which a local emergency has been declared by the Board. This Chapter allows modifications to some sections of this Title but does not allow exemptions from any health and safety requirements.

17.68.020 Exceptions

The provisions of this Chapter, including the relaxation of development standards, are not applicable to structures located in a designated hazard area, such as special flood hazard, dam failure inundation, and avalanche hazard areas, or in any mapped area established by separate action of the Board or other authorized official, as a moratorium area which contains hazards to health and safety caused by the disaster, requiring in-depth study before allowing rebuilding of any kind.

17.68.030 Applicability

The provisions of this Chapter are applicable for a period of 180 days following each disaster for which a local emergency has been declared by the Board. The Board may extend the provisions as necessary.

17.68.040 General Provisions

- A. Structures illegally constructed or occupancies illegally established before the disaster shall not be reconstructed or reestablished.
- B. Nonconforming structures shall be subject to the requirements under Subsections 17.61.050.B-C (Nonconforming Structures).

- C. Where the provisions of this Chapter do not conform to other provisions of this Title, the provisions of this Chapter shall prevail.

17.68.050 Modifications of the Provisions of this Title

Whether or not the processing of building permit applications (hereinafter referred to as “application”) is expedited based on either direction from the Board or Director’s determination, the following modifications to the provisions of this Title shall be allowed, as follows:

- A. Application Requirements.** In order to be eligible for modifications of the provisions of this Title and expedited application processing, when allowed, an application shall meet all of the following criteria:

1. The application shall be for the reconstruction or repair of damage caused by the disaster;
2. The application shall have been filed after the occurrence of the disaster;
3. The application site is not within a designated hazard area; and
4. The application does not violate applicable County, State, or Federal law.

- B. Submittal Information Required.** The County may require evidence that the previous use or structure existed prior to the disaster, including but not limited to: aerial photos, copies of building permits, County Assessor’s records, original construction plans, photographs, property deeds, reports/studies, and surveys. Evidence that the damage to the structure was the result of the disaster may also be required.

- C. Conforming Structures and Uses.**

1. Submittal of previously approved site and building plans shall be allowed for the in-kind reconstruction of conforming structures in all zones. Where no previously approved plans are available for review or when alteration or expansion of conforming structures are being proposed, reconstruction will be subject to the standard site and building plan requirements for an application.
2. Conforming structures occupied by conforming uses which are subject to a discretionary permit, to include but not be limited to a Conditional/Minor Use Permit, Variance, or Design Review Permit, may be reconstructed subject to previously approved site and building plans, with review by staff to ensure compliance with the discretionary permit. In the case where an approved site plan is not available for review, the property owner shall obtain issuance of an Administrative Permit in compliance with Section 17.52.010, to ensure compliance with the discretionary permit and all applicable development standards for the zone.

- D. Temporary Structures.** Temporary mobile homes or recreational vehicles may be placed on any site made uninhabitable by disaster until such time as permanent structures can be completed, in compliance with time limits under Section 17.68.030, as follows:
- 1. Residential Housing.** Temporary residential quarters shall be allowed on the lot where a residential unit(s) is made uninhabitable by the disaster in compliance with Paragraph 17.40.190.C2 (Mobile/Manufactured Homes: Temporary While Constructing). The unit(s) may only substitute for the unit(s) previously on the property and shall be installed after issuance of a temporary occupancy permit, which may be issued prior to issuance of the reconstruction permit(s).
 - 2. Non-residential Uses.** Temporary mobile homes or recreational vehicles for non-residential uses, either singly or in groups, shall be allowed in any zone except residential zones and on the same lot as the damaged or destroyed structure, subject to the issuance of a temporary occupancy permit in compliance with Paragraph 17.40.190.B.1 (Mobile/Manufactured Homes: Contractor’s Office).
 - 3. Exception to Development Standards.** Under a temporary occupancy permit, development standards for the zone, such as setbacks, may be modified so that placement of the temporary mobile home or recreational vehicle will allow for unobstructed reconstruction on the site, providing said placement does not have an adverse impact on public health and safety.

17.68.060 CEQA Exemption

All applications and permits approved under the provisions of this Chapter are exempt from the requirements of CEQA in compliance with Public Resources Code Sections 21080 (b)(2-3) and 21172, and Section 15269 of the CEQA Guidelines.

17.68.070 Appeals

All land use decisions provided for in this Chapter shall be appealable in compliance with Chapter 17.52.090 (Appeals).

ARTICLE 7 – FEES

**CHAPTER 17.70 – BASS LAKE HILL SPECIFIC PLAN SUPPLEMENTAL TENTATIVE
MAP SUBMITTAL FEE**

Sections:

- 17.70.010 Title, Purpose, and Intent
- 17.70.020 Definitions
- 17.70.030 Findings of the Board of Supervisors
- 17.70.040 Fee Requirement
- 17.70.050 Amount of Fee
- 17.70.060 Time of Payment and Refunds
- 17.70.070 Uses of Fee Revenue
- 17.70.080 Creation of Fee Account
- 17.70.090 Fee Exemption

CHAPTER 17.71 – ECOLOGICAL PRESERVE FEE

Sections:

- 17.71.010 Purpose
- 17.71.020 Applicability
- 17.71.030 Definitions
- 17.71.040 Ecological Preserve Mitigation and Fee in Lieu of Mitigation
- 17.71.050 Off-site Mitigation or Fee Payment in Lieu of Ecological Preserve Mitigation in Mitigation Areas 1 and 2
- 17.71.060 Ecological Preserve Fee; Formula
- 17.71.070 Annual Fee Review
- 17.71.080 Time of Fee Payment
- 17.71.090 Exemption or Credits
- 17.71.100 Accounting
- 17.71.110 Handling
- 17.71.120 Appeals
- 17.71.130 Termination of Mitigation Requirement or Fee in Lieu of Mitigation

CHAPTER 17.72 – MISSOURI FLAT PLANNING COST REIMBURSEMENT FEE

Sections:

- 17.72.010 Title, Purpose and Intent
- 17.72.020 Definition
- 17.72.030 Findings of Board of Supervisors
- 17.72.040 Fee Requirement
- 17.72.050 Amount of Fee
- 17.72.060 Time of Payment; Refunds

- 17.72.070 Uses of Fee Revenue
- 17.72.080 Creation of Fee Account
- 17.72.090 Fee Credits
- 17.72.100 Fee Exemptions
- 17.72.110 Separability

**CHAPTER 17.70 – BASS LAKE HILLS SPECIFIC PLAN SUPPLEMENTAL TENTATIVE
MAP SUBMITTAL (BLHSP STMS) FEE**

Sections:

- 17.70.010 Title, Purpose, and Intent
- 17.70.020 Definitions
- 17.70.030 Findings of the Board of Supervisors
- 17.70.040 Fee Requirement
- 17.70.050 Amount of Fee
- 17.70.060 Time of Payment and Refunds
- 17.70.070 Uses of Fee Revenue
- 17.70.080 Creation of Fee Account
- 17.70.090 Fee Exemption

17.70.010 Title, Purpose, and Intent.

This Chapter shall be known as the Bass Lake Hills Specific Plan Supplemental Tentative Map Submittal (BLHSP STMS) Fee Ordinance. Its purpose is to authorize a Bass Lake Hills Specific Plan Reimbursement Fee, as described in the Bass Lake Hills Specific Plan. It is the intent of this Chapter to establish a method to reimburse the Bass Lake Hills Specific Plan Initial Participation Developer (aka Bass Lake Hills Specific Plan Trust) and the County for costs incurred in the preparation and adoption of the Bass Lake Hills Specific Plan and the environmental documents. BLHSP STMS Fees shall be paid to the County by developers who derive benefit from the Specific Plan. The County, in turn, may use fees collected in compliance with this Chapter to reimburse the Bass Lake Hills Specific Plan Trust and the County for financial contributions toward the preparation and adoption of the Bass Lake Hills Specific Plan and environmental documents.

17.70.020 Definitions.

- A. “Initial Participation Developer” is the Bass Lake Hills Specific Plan Trust, or its successors in interest, who participated in funding the development and preparation of the Bass Lake Hills Specific Plan in compliance with the Reimbursement Agreement.
- B. “Reimbursement Agreement” shall mean that certain agreement dated April 25, 1995, and Amendment I dated January 27, 1998 by and between the County of El Dorado and the Bass Lake Hills Specific Plan Trust.
- C. “Eligible Costs” shall mean all costs incurred by the County in the preparation of the Bass Lake Hills Specific Plan including, but not limited to, costs for environmental, engineering, traffic engineering, financial, drafting, and legal services. Eligible costs shall also include, but are not limited to, those costs for which funding was provided under the Reimbursement Agreement.

- D. The “Bass Lake Hills Specific Plan Area” shall mean that area shown in Appendix C of this Title, which is subject to the provisions of the Bass Lake Hills Specific Plan.
- E. The “Bass Lake Hills Specific Plan” or “BLHSP” shall mean the Bass Lake Hills Specific Plan adopted by the Board on November 7, 1995, under Resolution No. 288-95, as amended.

17.70.030 Findings of the Board.

In establishing the BLHSP STMS Fee, the Board finds as follows:

- A. The BLHSP was prepared and adopted by the County to facilitate the orderly and systematic development of the BLHSP Area through the establishment of a comprehensive planning program consistent with the El Dorado County General Plan.
- B. Costs were incurred by the County in preparing the BLHSP and its supporting documents. Initial Participation Developer bore a portion of the costs incurred by the County in compliance with the terms of the Reimbursement Agreement.
- C. Persons or entities seeking to develop projects in the BLHSP Area derive substantial benefits from the preparation and adoption of the BLHSP in that:
 - 1. Environmental documents prepared in connection with the BLHSP, including the Program EIR and Program EIR Addendum, reduce the scope and cost of subsequent environmental review that otherwise is required in connection with BLHSP Area development projects;
 - 2. Preparation of the BLHSP substantially reduces the scope and cost of planning review otherwise required in connection with BLHSP Area developments projects; and
 - 3. The BLHSP provides a mechanism for addressing public facilities and services necessary to support allowed development and describes the funding mechanisms necessary for implementation in a comprehensive manner not feasible in the context of individual project review.
- D. The establishment of the fee provided in this Chapter is based upon the lawful exercise of the County’s police power and is consistent with all applicable state law. Section 65456(a) through (d) of the Government Code allows the imposition of a specific plan fee upon persons seeking government approvals which are required to be consistent with the specific plan.

17.70.040 Fee Requirement.

A BLHSP STMS Fee is established to reimburse the County and/or Initial Participation Developers for expenses associated with preparing and adopting the BLHSP. The BLHSP STMS Fee shall be applicable to all new residential subdivision projects, to existing vacant residential lots when development requires a building permit, and to all non-residential development which results in conversion of planned residential development to commercial land use within the BLHSP.

17.70.050 Amount of Fee.

The BLHSP STMS Fee will be established by a resolution adopted by the Board in compliance with this Chapter. The resolution shall describe and document the costs to be reimbursed, the allocation of the costs, and the resulting amount of the fee. The fee amount included in the resolution shall be supported by a report, which fully documents the costs included and the allocation method used.

17.70.060 Time of Payment and Refunds.

The BLHSP STMS Fee shall be payable as a condition of any residential subdivision development approval or permit necessary to develop existing vacant residential lots, and is payable prior to the recordation of a final map or the issuance of a building permit. The BLHSP STMS Fee shall be payable for any non-residential development as a condition of project approval or the issuance of a building permit. The BLHSP STMS Fee is a permit processing fee to reimburse the County for costs incurred in the adoption of the BLHSP. It is not a monetary exaction for the purposes of defraying the costs of public facilities. Payment of the BLHSP STMS Fee is in addition to any applicable fee(s) which may be imposed to offset impacts to public facilities. No applicant shall be entitled to a refund of the BLHSP STMS Fee collected if, for any reason, development subject to the BLHSP STMS Fee does not proceed.

17.70.070 Uses of Fee Revenue.

Revenue generated from the BLHSP STMS Fee shall be used only to reimburse the County and/or Initial Participating Developer for Eligible Costs incurred in the preparation and adoption of the BLHSP.

17.70.080 Creation of Fee Account.

Reimbursement Fees shall be deposited in a restricted account maintained by the County. Revenue within this account, and any interest accrued thereon, shall be used solely for the purpose set forth in Section 17.70.010.

17.70.090 Fee Exemptions.

Public park sites and public buildings and structures including libraries, schools, fire stations, and public utility structures and facilities are exempt from payment of the BLHSP STMS Fee.

CHAPTER 17.71 – ECOLOGICAL PRESERVE FEE

Sections:

17.71.010	Purpose
17.71.020	Applicability
17.71.030	Definitions
17.71.040	Ecological Preserve Mitigation and Fee in Lieu of Mitigation
17.71.050	Off-site Mitigation or Fee Payment in Lieu of Ecological Preserve Mitigation in Mitigation Areas 1 and 2
17.71.060	Ecological Preserve Fee; Formula
17.71.070	Annual Fee Review
17.71.080	Time of Fee Payment
17.71.090	Exemption or Credits
17.71.100	Accounting
17.71.110	Handling
17.71.120	Appeals
17.71.130	Termination of Mitigation Requirement or Fee in Lieu of Mitigation

17.71.010 Purpose.

The purpose of this Chapter is to implement the Pine Hill Endemics rare plant fee payment in lieu of mitigation for Mitigation Areas 1 and 2.

17.71.020. Applicability.

The fee program set forth in this Chapter shall apply to all lands delineated as Pine Hill Endemic Rare Plant Mitigation Areas 1 and 2, as provided in Section 17.71.030.

17.71.030. Definitions.

As used in this Chapter, the following terms shall have the meanings set forth below:

Mitigation Area 0. Lands within the Gabbro Soils Rare Plant Ecological Preserve, as shown on maps on file in the Department, adopted by Ordinance 4500.

Mitigation Area 1. Lands outside of Mitigation Area 0 [See Section 17.27.060: Ecological Preserve (-EP) Combining Zone], but within the area described as the "rare soils study area," as shown on maps on file in the Department, adopted by Ordinance 4500.

Mitigation Area 2. Lands outside of Mitigation Areas 0 and 1 but within the EID service area, excluding those lots served by wells, as shown on maps on file in the

Department, adopted by Ordinance 4500.

Pine Hill Endemics. Plants found in serpentine or gabbroic soils that are listed as rare, threatened, or endangered on a state or federal list prepared under the Federal or California Endangered Species Acts or identified as species of special concern. This term includes the following species:

El Dorado bedstraw	Galium californicum ssp. sierrae
Laynes butterweed	Senecio layneae
Pine Hill ceanothus	Ceanothus roderickii
Pine Hill flannel bush	Fremontodendron californicum ssp. decumbens
Stebbins morning glory	Calystegia stebbinsii
Bisbee Peak rush rose	Helianthemum suffrutescens
El Dorado mule ears	Wyethia reticulata
Red Hills soaproot	Chlorogalum grandiflorum <i>Ord. 4500 modified</i>

17.71.040 Ecological Preserve Mitigation and Fee in Lieu of Mitigation.

There are hereby established an Ecological Preserve Mitigation requirement comprised of on-site and off-site mitigation standards and an ecological preserve fee in lieu of such mitigation. The amounts of the fee shall be established periodically by resolution of the board of supervisors and shall be based on the formula set forth in this Ordinance.

17.71.050 Off-site Mitigation or Fee Payment in Lieu of Ecological Preserve Mitigation in Mitigation Areas 1 and 2.

Payment of a fee in lieu of Ecological Preserve Mitigation is encouraged in Mitigation Areas 1 and 2. Developments in Mitigation Areas 1 and 2 shall mitigate impacts by exercising one of the following two options:

- A. Pay the appropriate fee in lieu of Ecological Preserve Mitigation for the direct or indirect impacts caused by development on rare plants and rare plant habitat; or
- B. Participate in the Rare Plant Off-Site Mitigation Program, as provided in Section 17.27.060.D.3.

17.71.060 Ecological Preserve Fee; Formula.

The amount of the fee is based on the following formula: Mitigation Areas 1 and 2 are each assigned 50% of the total local cost of the Rare Plant Mitigation Program, based upon the probability that 50% of the total adverse impact of development on rare plant habitat will be caused by future development within each Mitigation Area. The fee is then charged on a per dwelling unit equivalent basis, where one single-family unit equals one dwelling unit equivalent, one multi-family unit equals 0.75 dwelling unit equivalent, and 1,500 sq. ft. of

commercial space equals one dwelling unit equivalent. The actual amount of the fees per dwelling unit equivalent in Mitigation Areas 1 and 2 are as set forth in the then-current board of supervisors resolution establishing the actual fee amounts.

17.71.070 Annual Fee Review.

The fee amounts shall be reviewed on an annual basis and adjusted as necessary to insure that the anticipated fees are no more and no less than required for the purpose for which they are collected.

17.71.080 Time of Fee Payment.

The fee is due at the time of final inspection or certificate of occupancy, whichever is first, unless the board of supervisors in adopting the fee resolution establishes that the fee may be collected at any earlier time.

17.71.090 Exemption or Credits.

If the county planning director in consultation with DFG and USFWS finds that a development project which has already received all needed discretionary approvals at the effective date of this chapter has already met its mitigation obligations in whole or in part, such project will be exempted or credited against its Rare Plant Mitigation Obligation or fee in lieu thereof to a degree equivalent to the mitigation already provided. No other exemptions or credits to the Rare Plant Mitigation or fee in lieu thereof shall be allowed.

17.71.100 Accounting.

The county shall maintain a separate rare plant ecological preserve account for fees collected, and provide an accounting within sixty (60) days of the close of each fiscal year. Any person may request an audit of the fund. In addition, the county shall make findings each fifth fiscal year following the first deposit into the fund with respect to unexpended portions of the fund, in which the county: identifies the purpose to which the fee is to put; demonstrates a reasonable relationship between the fee and the purpose for which it is charged; identifies all sources and amounts of funding anticipated to complete financing; and designates the approximate dates on which the funding is expected to be deposited.

17.71.110 Handling.

The fee shall be collected by the county building department. The county treasurer shall maintain the account. The county planning department, in consultation with DFG and USFWS, shall make recommendations to the board of supervisors regarding the expenditures of funds from the account to acquire or maintain designated preserve land.

17.71.120 Appeals.

An appeal from a decision made pursuant to this Ordinance shall be in accordance with the appeals procedures set forth in chapter 17.08 of the county ordinance code, except that DFG shall also be notified of the appeal hearing in writing at least five (5) days in advance of the hearing.

17.71.130 Termination of Mitigation Requirement or Fee in Lieu of Mitigation.

The requirements of mitigation or payment of a fee in lieu of Ecological Preserve Mitigation shall terminate at such time as the board of supervisors finds, and DFG and USFSWS concur, that a fully funded system of five (5) rare plant preserves has been established in the on-going operation and maintenance of said preserves is fully funded.

CHAPTER 17.72 – MISSOURI FLAT PLANNING COST REIMBURSEMENT FEE**Sections:**

17.72.010	Title, Purpose and Intent
17.72.020	Definition
17.72.030	Findings of Board of Supervisors
17.72.040	Fee Requirement
17.72.050	Amount of Fee
17.72.060	Time of Payment; Refunds
17.72.070	Uses of Fee Revenue
17.72.080	Creation of Fee Account
17.72.090	Fee Credits
17.72.100	Fee Exemptions
17.72.110	Separability

17.72.010 Title, Purpose and Intent.

This Chapter shall be known as the Missouri Flat Planning Cost Reimbursement Fee ordinance. It authorizes a Missouri Flat Master Circulation and Funding Plan Reimbursement Fee, as described in the Missouri Flat Master Circulation and Funding Plan (MC&FP). It is the intent of this Chapter to establish equity among future developers who derive benefit from the MC&FP and its supporting documents (including California Environmental Quality Act compliance), by reimbursing the County for the costs incurred in the preparation and adoption of the MC&FP and related activities. The County, in turn, may use fees collected in compliance with this Chapter to reimburse initial participating developers for their financial contributions toward adoption of the MC&FP. Any such reimbursement commitments shall be documented in written agreements between the County and the specific developers.

17.72.020 Definitions.

- A. “Initial Participating Developers” shall mean those persons or entities who participated in funding the development and preparation of the MC&FP in compliance with the Cooperative Funding Agreement.
- B. “Cooperative Funding Agreement” shall mean that certain Missouri Flat Road Circulation Plan Funding Agreement dated April 15, 1997, by and between the County of El Dorado, Sundance Plaza Associates, Ltd., Wal-Mart Stores, Inc., and Village/El Dorado Partners, L.P., as amended.
- C. “Eligible Costs” shall mean all costs incurred by the County in the preparation of the MC&FP including, but not limited to, costs for environmental, engineering, traffic engineering, financial, economic, drafting and legal consulting services. Eligible costs shall include, but are not limited to, those costs for which funding was provided under

the Cooperative Funding Agreement. Eligible costs may also include legal costs incurred in any action in which the validity of the MC&FP is challenged.

- D. “Missouri Flat Area” shall mean that area identified as the Missouri Flat Road Project Area in Exhibit “A” to Ordinance No. 4565.
- E. “Missouri Flat Master Circulation and Funding Plan” or “MC&FP” shall mean the Missouri Flat Master Circulation and Funding Plan adopted by the Board of Supervisors on December 15, 1998, as amended.

17.72.030 Findings of the Board.

In establishing the MC&FP Reimbursement Fee, the Board finds as follows:

- A. The MC&FP was prepared and adopted by the County in order to provide a comprehensive and coordinated approach to address both existing traffic congestion in the Missouri Flat Area and the issue of providing capacity for future development in the Missouri Flat Area. Attempting to address these issues on a project-by-project basis as development occurs would be uneconomic and may be infeasible.
- B. Substantial costs were incurred by the County in preparing the MC&FP and supporting documents including, but not limited to, a Program Environmental Impact Report. Certain private entities bore a portion of the costs incurred by the County in compliance with the terms of the Cooperative Funding Agreement.
- C. Persons or entities seeking to develop non-residential projects in the Missouri Flat Area will derive substantial benefits from the preparation and adoption of the MC&FP in that:
 - 1. Environmental documents prepared in connection with the MC&FP, including the Program EIR, substantially reduce the scope and cost of environmental review otherwise required in connection with subsequent development projects;
 - 2. Preparation of the MC&FP substantially reduces the scope and cost of planning review otherwise required in connection with subsequent development projects;
 - 3. The MC&FP provides a mechanism for addressing both existing traffic congestion and future capacity needs in a comprehensive manner not feasible in the context of individual project review;
 - 4. The MC&FP provides a mechanism to mitigate certain traffic impacts of future non-residential development in a manner not feasible in the context of individual project review;

- 5. The MC&FP may reduce or eliminate the need to consider implementation of discretionary review procedures for development to ensure that potential traffic impacts of development otherwise requiring only ministerial approvals are addressed; and,
 - 6. The MC&FP will enable necessary road improvements and thereby will facilitate future economic development in the County and the Missouri Flat Area.
- D. The establishment of the fee provided in this Chapter is based upon the lawful exercise of the County’s police power and is consistent with all applicable state laws.

17.72.040 Fee Requirement.

A Missouri Flat Planning Cost Reimbursement Fee is established to reimburse the County and/or private parties for expenses associated with preparing and adopting the MC&FP. The Reimbursement Fee shall be applicable to all non-residential development requiring a building permit within the Missouri Flat Area, except as otherwise provided in this Chapter.

17.72.050 Amount of Fee.

The Reimbursement Fee will be established by a Resolution adopted by the Board of Supervisors in compliance with this Chapter. The Resolution shall describe and document the costs to be reimbursed, the allocation of the costs, and the resulting amount of the Fee. The fee amount included in the Resolution shall be supported by a report, which fully documents costs included and the allocation method used.

17.72.060 Time of Payment; Refunds.

The Reimbursement Fee shall be payable as a condition of any development approved or permitted and is payable prior to the issuance of a building permit. The Reimbursement Fee is a permit processing fee to reimburse the County for costs incurred, and is not a monetary exaction for the purposes of defraying the cost of public facilities. No applicant shall be entitled to a refund of the Reimbursement Fees collected if, for any reason, development subject to the Reimbursement Fee does not proceed.

17.72.070 Uses of Fee Revenue.

Revenue generated from the Reimbursement Fee shall be used only to reimburse the County and Initial Participating Developers for Eligible Costs incurred in the preparation and adoption of the MC&FP and its supporting documents, and in related activities.

17.72.080 Creation of Fee Account.

Reimbursement Fees shall be deposited in a restricted account maintained by the County. Revenue within this account, and any interest accrued thereon, shall be used solely for the purpose set forth in Section 17.72.010. Once monies in the account are disbursed to reimburse the County for its costs incurred, those monies shall be unrestricted revenue of the County.

17.72.090 Fee Credits.

The following credits shall be available:

- A. The Initial Participating Developers or their assignees, if they are applicants for building permits, shall be granted a credit against the Reimbursement Fee in an amount up to the amount contributed by the applicant under the Cooperative Funding Agreement, less any reimbursements previously received. Such credits received shall be deemed reimbursement for purposes of calculating future credits and reimbursements. The Fee Credit shall not exceed the Reimbursement Fees levied by Resolution in compliance with this Chapter at the time the Fee Credit is applied for.
- B. Any applicant shall receive a credit against the Reimbursement Fee in an amount equal to Reimbursement Fees previously paid for development approvals or permits on the same property if the development for which the prior Reimbursement Fees were paid did not occur and all permits and entitlements for such development have expired or are relinquished.

17.72.100 Fee Exemptions.

Public park sites and public buildings and structures, including libraries, schools, fire stations, and public utility structures, are exempt from the Reimbursement Fee.

17.72.110 Separability.

The provisions of this Chapter are separable, and the invalidity of any phrase, clause, or part shall not affect the validity of the remainder.

CHAPTER 17.80 – GLOSSARY**Sections:**

- 17.80.010 Purpose
- 17.80.020 Definitions of Specialized Terms and Phrases

17.80.010 Purpose

This Article provides definitions of terms and phrases used in this Zoning Ordinance that are technical or specialized, or that may not reflect common usage. If any of the definitions in this Article conflict with definitions in other provision of the County Code, these definitions shall control for the purposes of this Zoning Ordinance. If a word is not defined in this Article, or in other provision of the El Dorado County Code, the Director shall determine the correct definition.

17.80.020 Definitions of Specialized Terms and Phrases

As used in this Zoning Ordinance, the following terms and phrases shall have the meaning ascribed to them in this Article, unless the context in which they are used clearly requires otherwise.

Accessory Structures and Uses. A structure or use incidental to and on the same lot as the principal structure or use. (See also “Structure, accessory”). (See Section 17.40.030: Accessory Structures and Uses).

Active Use Area (AUA). Specific areas within a project site that are used to calculate parking requirements, as follows:

Interior. All developed areas within a commercial building except storage areas, restrooms, and employee lunchroom/cafeteria.

Exterior. All areas dedicated to the performance of the specific activity, such as individual ride and arcade areas in amusement parks, or the skating course within a skateboard park. Accessory facilities for public use, such as ticket booths and concession stands are included in calculating this area, while walkways, promenades, outdoor dining areas, restrooms, landscaping, and parking areas are not. (See Chapter 17.36: Parking).

Adjacent. Situated near or close to something or each other, especially without touching.

Adjoin. To be next to or share a common border with something, especially an area of land.

Adult Business Establishment. (Use Type) Bookstores, bars, lounges, restaurants, theaters, cabarets, hotels or motels, or other business or establishment which have a substantial or significant portion of the stock in trade, or fare, books, magazines, pictures, films, media or

live entertainment, which are distinguished or characterized by their emphasis on matter or live conduct depicting, describing, exposing, or relating to specific sexual activities or specified anatomical areas, as defined in Section 5.34.020 (Adult Related Establishments). (See Section 17.40.040: Adult Business Establishments).

Agricultural Employee Housing. See “Employee Housing: Agricultural”.

Agricultural Fencing. Fencing constructed of woven or mesh wire, barbed wire, electrified wire, board construction, and similar materials creating a barrier at least 50 percent open, as described in the California Food and Agricultural Code Section 17121 for the purpose of containing livestock and/or controlling predators.

Agricultural Homestays. (Use Type) See “Lodging Facilities”.

Agricultural Labor Housing. (Use Type) Living accommodations for employees and their immediate families employed for the exclusive purpose of agricultural pursuits either on the premises or off site. It includes single or multi-unit dwellings, including mobile homes and dormitories. (See Section 17.40.120: Commercial Caretaker and Agricultural Employee Housing).

Agricultural Structure. See “Structure”.

Agricultural Support Services. (Use Type) Agriculturally related services, such as processing, packing, and storage of agricultural products; sales, maintenance, and repair of farm machinery and equipment; domestic farm animal sales; veterinary clinics; custom farming services; agriculturally-related building, feed, and farm supply stores; agricultural waste handling and disposal services; and other similar related services. (See Section 17.40.070: Agricultural Support Services).

Agriculturally Incompatible Uses. See “Incompatible Uses: Agricultural”.

Airport, Airstrips, and Heliports. (Use Type) A place where aircraft take off or land, whether on land or water, but does not include places where aircraft land and take off solely for emergency purposes. It may include land improved and intended for aircraft storage, cargo, passengers, airport and airspace control facilities, repairs, or refueling.

Airport Comprehensive Land Use Plan (CLUP). The document prepared by the airport land use commission pursuant to Section 21675 of the Public Utilities Code that specifies land use and development policies to protect the safety and general welfare in the vicinity of county airports and to assure the safety of air navigation.

Airport Hazard. Any structure or natural growth that obstructs the navigable air space.

Airport Imaginary Surfaces. Surfaces established in relation to the end of each runway or designated takeoff and landing area, as defined in applicable Federal Aviation Regulations (Part 77). Such surfaces include imaginary approach, horizontal, conical, transitional, primary,

and other surfaces. These surfaces are specifically described for each airport in the airport comprehensive land use plan.

Animal, Domestic Farm. Any of a number of animal species commonly reared or used for food, fur, herding, riding, or other similar uses, including but not limited to horses, cattle, sheep, herding dogs, goats, pigs, rabbits, poultry, ostriches, emus, and small fur-bearing animals not classified as exotic or wild.

Animal, Exotic. Any bird, mammal, fish, amphibian, or reptile not normally domesticated in the state of California, as determined by the California Department of Fish and Game.

Animal Keeping. (Use Type) The maintaining, keeping, feeding, and raising of animals. (See Section 17.40.070: Animal Raising and Keeping).

Animal Sales and Service. (Use Type) Establishments engaged in animal-related sales and services, as follows:

Kennel, Commercial. Indoor and outdoor boarding of dogs, cats, and similar small animals, and dog training centers.

Pet Grooming and Pet Stores. The sale of dogs, cats, rodents, fish, birds, and similar small animals, the sale of pet food and supplies, grooming services, and limited indoor boarding.

Veterinary Clinics. A fully enclosed veterinary facility providing acute and long-term medical care for household pets and domestic farm animals. A clinic may include facilities for indoor boarding and grooming of dogs, cats and other small animals. (See Section 17.40.060: Agricultural Support Services).

Antenna. Any system of wires, poles, rods, reflecting discs or similar devices used for the transmission or reception of electromagnetic waves when such system is either external to or attached to the exterior of a building or structure. (Ord. 4589, 2001) (See Section 17.40.130: Communication Facilities).

Apartment. See “Dwelling, multi-unit.”

Appeal. A formal request by the applicant or interested party for the review authority to reconsider and either uphold or overturn the decision of an earlier review authority, in compliance with Article 6 (Appeals).

Arbor. See “Structure”.

Artificial Slope. A slope created as a result of grading that is allowed under a grading permit.

Automotive and Equipment. (Use Type) Establishments that are primarily engaged in sales or services for motor vehicles, trucks, small engines, or heavy equipment. The following are Automobile and Equipment use types:

Fuel Sales. The retail sale of petroleum products and other motor vehicle fuels. Fuel Sales may be combined with uses such as “Restaurants” and “Retail Sales and Service” if those uses are otherwise allowed in the zone.

Paint and Body Shops. The repair and painting of motor vehicle, aircraft, and similar vehicle bodies.

Repair Shops:

Automotive. The repair and servicing of motor vehicles, construction equipment, farm machinery, aircraft, boats, automobile and heavy equipment repair garages, muffler shops, car stereo installation, car wash and detailing services. These uses may not include fuel sales, or body repair and/or painting.

Equipment. It also includes facilities that repair small engines such as chain saws, lawn mowers, and other gasoline powered gardening equipment or other uses that test or demonstrate equipment outside a building.

Sales and Rental. The sales or rental from the premises of automobiles, trucks, heavy construction equipment, motorcycles, recreational vehicles, trailers, farm machinery, aircraft, or boats, and may include sales of parts and repair services. Does not include repair, bodywork, and painting.

Vehicle Storage. The service and storage of operable vehicles, boats and trailers. Typical uses include recreational vehicle storage lots, fleet storage lots, impound lots, and construction vehicle storage areas. It also includes storage of vehicles incidental to a commercial use, such as delivery, taxicab, and towing services.

Wrecking/Dismantling Yard. See “Salvage and Wrecking Yard”.

Avalanche. A type of landslide involving unstable snow pack, which could include rock, vegetation, and other matter that is swept along with the swiftly moving snow.

Bake Shop. (Use Type – See “Ranch Marketing”).

Bank and Financial Services. (Use Type) Institutions such as banks, lending institutions, trust companies, credit agencies, brokers and dealers in securities and commodity contracts, investment companies, vehicle finance agencies, and similar financial services.

Bars and Drinking Establishments. (Use Type) Establishments such as bars, taverns, pubs, stand-alone tasting rooms, and similar establishments where alcoholic beverages are sold and consumed on site, where any food service is subordinate to the sale of alcoholic beverages. Uses may include indoor entertainment such as live music and dancing.

Bed and Breakfast Inns. (Use Type) See Lodging Facilities. (See Section 17.40.090: Bed and Breakfast Inns.)

Breweries. (Use Type) Facilities for the brewing and bottling of beer with or without on site consumption or retail sales..

Broadcasting and Recording Studios. (Use Type) Commercial and public communication uses such as telegraph, telephone, radio and television broadcasting and receiving stations; and television production and sound recording studios when entirely enclosed within buildings. This does not include towers, antennas, or reflectors that are defined under Communications Facilities.

Building Codes. Those codes regulating construction standards that are currently in use by the County, as adopted by the Board.

Building Supply Stores. (Use Type) The indoor and outdoor retail sales of lumber and other large building supplies, including paint, glass, fixtures, and similar building or construction material. Can also include accessory sales of lawn and garden supplies and nursery stock.

Business Support Services. (Use Type) Establishments providing other businesses with services associated with ongoing business operations. Typical uses include blueprinting, business equipment repair, computer services, small equipment rental (indoor), film processing, advertising services, and photocopying.

Cabana. (See “Pool house.”)

California Department of Fish and Game (DFG). The California State Department of Fish and Game, a part of the State Resources Agency.

California Endangered Species Act or State Endangered Species Act. Those statutes found at California Fish and Game Code sections 2050-2098 and implementing regulations.

California Environmental Quality Act (CEQA). Those statutes set forth at California Public Resources Code section 21000 et seq. The “CEQA Guidelines” are set forth in the California Code of Regulations (CCR), Title 14, Section 15000 et seq.

Campground. (Use Type) Any area or tract of land where one or more lots or campsites are rented or leased, or held out for rent or lease, to accommodate tents, trailers, and RV’s for transient occupancy (30 days or less), whether or not individual sewer hookups are available to individual campsites (*CCR Title 25, Sec. 2002*). (See Section 17.40.100: Campgrounds and Recreational Vehicle Parks.)

Camping, Temporary. A single campsite for self contained camping of a limited duration, only. No accessory accommodations such as restrooms, dining, or laundry facilities are offered on the site.

Campsite. An area within a campground occupied by a person or a group of not more than 10 persons. (See Section 17.40.100: Campgrounds and Recreational Vehicle Parks).

Caretaker Unit. (Use Type) A permanent or temporary housing unit used for caretakers employed on the site of a non-residential use where 24-hour security or monitoring of facilities or equipment is necessary that is secondary or accessory to the primary use of the property. (See Section 17.40.120: Commercial Caretaker, Agricultural Employee, and Seasonal Worker Housing).

Casita. See “Guest House” or “Secondary Dwelling”

Catering. Use of a commercial kitchen for the preparation of food to be served to the public either on or off site.

Cemeteries. (Use Type) Burial grounds, columbaria, and mausoleums. Does not include mortuaries or funeral homes. (See “Funeral and Internment Services”).

Child Day Care Center. (Use Type) Any child day care facility other than a day care home, including infant centers, preschools, extended day care facilities, and school age child care centers. (See Section 17.40.110: Child Day Care Facilities).

Child Day Care Facility. A facility that provides nonmedical care to children under 18 years of age in need of personal services, supervision, or assistance essential for sustaining the activities of daily living or for the protection of the individual on less than a 24-hour basis. Child day care facilities include day care homes, day care centers, and employer-sponsored day care centers.

Child Day Care Home. (Use Type) A residential dwelling that regularly provides care, protection, and supervision for 14 or fewer children, in the provider's own home, for periods of less than 24 hours per day, while the parents or guardians are away, and is either a large family day care home or a small family day care home, as follows:

Large Family Day Care Home. A home that provides family day care for 7 to 14 children, inclusive, including children under the age of 10 years who reside at the home, as set forth in HSC Section 1597.465.

Small Family Day Care Home. A home that provides family day care for 8 or fewer children, including children under the age of 10 years who reside at the home, as set forth in HSC Section 1597.44. (See Section 17.40.110: Child Day Care Facilities).

Christmas Tree Sales Lot. (Use Type) Temporary facilities for the sale of Christmas trees and related merchandise, not located on the site of a Christmas tree farm (See “Seasonal Sales”).

Churches and Community Assembly. (Use Type) Facilities and activities typically carried on at public and quasi-public meeting areas, including but not limited to places of worship,

public and private non-profit meeting halls, public community indoor recreation facilities, and community centers.

Co-location. The placement of multiple antennae on a single structure, pole, or tower by different communication providers. (See Section 17.40.130: Communication Facilities).

Commercial Caretaker Housing. See “Employee Housing: Commercial Caretaker”.

Commercial Facility. Any structure, building, or property used primarily for the exchange or manufacture of goods and services.

Commercial Kitchen. A food preparation facility (see “Kitchen”) that is intended to provide food to the public, including customers, guests, or the general public, for on or off site consumption, that complies with the California Health and Safety Code requirements and is permitted by Environmental Management.

Commercial Recreation. (Use Type) Establishments engaged in providing recreation and entertainment activities for participants and spectators. This use may include secondary and incidental retail sales and food services. The following are Commercial Recreation use types:

Arcade. Places open to the public where four or more coin operated amusement devices are installed, including establishments where the primary use is not devoted to the operation of such devices.

Indoor Entertainment. Predominantly spectator uses conducted within a building, typical uses include concert halls, community assembly, and dance halls.

Indoor Sports and Recreation. Predominantly participant sports and recreation activities conducted within a building, typical uses include bowling alleys, skating rinks, indoor racquetball courts, gymnasiums, indoor batting cages and sport courts, athletic and health clubs.

Large Amusement Complex. Theme park or similar complex which exceeds two acres in size and which includes outdoor amusement attractions such as mechanized or carnival rides or water slides.

Outdoor Entertainment. Predominantly spectator uses conducted outside of or partially within a building, typical uses include amphitheaters, sports arenas, race tracks, and zoos.

Outdoor Sports and Recreation. Commercially operated, predominantly participant sports and recreation activities conducted wholly or partially outside of a building, including, but not limited to golf courses, tennis courts, swimming pools, outdoor batting cages, shooting and archery ranges, ball fields, and sport courts and courses.

Communication Facilities. (Use Type) Wireless communication facilities, not including home televisions and radio receiving antennas, satellite dishes, or communication facilities for

community services provide by a public agency. (See Section 17.40.130: Communication Facilities).

Community Care Facility. (Use Type) Any facility, place, or building that is maintained and operated to provide nonmedical residential care, day treatment, adult day care, or foster family agency services for children, adults, or children and adults, subject to licensing by the State Department of Social Services, Health and Welfare Agency. Such facilities typically serve the physically handicapped, mentally impaired, incompetent persons, and abused or neglected children. Facilities included in this definition are listed under Health and Safety Code (HSC) Section 1502.a.1-a.12 and 1502.3, and include, but are not limited to, residential facilities and foster family homes. Excluded from this definition are any house, institution, hotel, homeless shelter, or other similar place that supplies board and room only, or room only, or board only, provided that no resident thereof requires any element of care. Also excluded are recovery houses or similar facilities providing group living arrangements for persons recovering from alcoholism or drug addiction where the facility provides no care or supervision or where the facility provides alcohol and/or drug recovery treatment or detoxification services (*HSC 1505, 11834.02*).

Community Services. (Use Type) Facilities and uses provided by public agencies for the community health, safety, and welfare. Community Services are divided into the following categories:

Intensive. Services that may have the potential to cause impacts from noise, lights, odors, or the use of hazardous materials, such as sheriff substations, fire stations, correctional facilities, and landfill transfer stations.

Minor. Services such as post offices, libraries, museums, cultural centers, and government offices.

Concurrent Applications. Multiple applications for the same project that are processed together, and reviewed and approved, or disapproved, by the review authority.

Congregate Care Facility. (Use Type) A residential or group care facility, or similar facility providing 24-hour nonmedical care of persons in need of personal services, supervision, or assistance essential for sustaining the activities of daily living or for the protection of the individual. See “Community Care Facility”.

Conservation Easement. (Use Type) An easement granting a right or interest in real property that is appropriate to retaining land or water areas predominately in their natural, scenic, open, or wooded condition; retaining such areas as suitable habitat for fish, plants, or wildlife; or maintaining farming, ranching, or timber management areas.

Contractor’s Office. A temporary office for contractors engaged in construction projects that is used either on the construction site or off site during the course of construction. (See Section 17.40.190: Mobile/Manufactured Homes)

Convenience Zone. For purposes of locating a certified recycling center, the area within one-half mile radius of a supermarket meeting the definition under the California Public Resources Code Section 14526.5.

Cooking Facilities. Any area within a structure that contains the following: a gas or electric range, stove top and/or oven (not including a microwave oven), or a space that can accommodate the range or stove top and oven; a refrigerator greater than five cubic feet in size; and a standard-sized kitchen sink.

Coverage. See “Lot Coverage”.

Cropland. (Use Type) Irrigated land that is used to grow grains, alfalfa, fruit or nut orchards, vineyards, or row and truck crops such as berries, pumpkins, or other fruits and vegetables.

Cross-visibility Area (CVA). For motorist safety purposes, the triangular area that is to be maintained free of impacts to line of sight visibility, formed as follows:

At any Street Corner Intersection. The CVA shall be a triangle having two sides 35 feet long, running along each roadway edge of pavement, said length beginning at their intersection, and the third side formed by a line connecting the two ends.

At an Encroachment onto the Roadway. The CVA shall be a triangle having two sides 15 feet long, running along the driveway/encroachment edge and the roadway edge-of-pavement, said length beginning at their intersection, and the third side formed by a line connecting the two ends.

Density. The number of dwelling units per unit of land.

Development Plan. The written and graphic materials required for review of a planned development, including but not limited to a written description of the development, a plat of subdivision, all covenants relating to use, location, and bulk of buildings and other structures, intensity of use or density of development, streets, walkways, landscaping, and parking facilities, and any other similar material necessary for consideration by the review authority. (See Section 17.52.040: Development Plan Permit).

Development Project. A project undertaken for the purpose of land use that requires the issuance of a discretionary or ministerial approval or permit, including a permit for construction or reconstruction, but not a permit to operate.

Dining Facility. (Use Type) See “Ranch Marketing”.

Distillery. (Use Type) A place where fortified alcoholic liquors such as whiskey, vodka, and brandy are made through the distillation process.

Drive-through Business. Any portion of a building or structure from which business is transacted or is capable of being transacted directly with customers located in a motor vehicle. (See Section 17.35.050.H: Drive-through Businesses).

Dwelling. (Use Type) A building or portion thereof used exclusively for residential purposes that constitutes an independent living unit, that has interconnected sleeping, eating, and sanitation facilities, but not more than one kitchen; and is occupied or intended for use by one household on a long-term basis of more than 30 days. Dwellings may be structures, or modular or mobile units placed on a foundation. Types of dwelling units are further defined as follows:

Multi-unit Residential. A structure designed and intended for occupancy by two or more households living independently of each other, each in a separate dwelling unit, that may be owned individually or by a single landlord. This use includes apartments, condominiums, and co-op housing units.

Single-unit Residential. A structure designed exclusively for occupancy by one household. This use type includes both attached and detached dwelling units as defined below:

Attached. Single-unit residential structures attached to another residential unit where one or more walls, extending from foundation to roof, separate it from adjoining units to form a lot line. Each unit shall have separate kitchen, plumbing, and heating systems. This use includes townhouses, row houses, and half-plexes.

Detached. Single-unit residential structures not attached to any other residential unit. This use includes mobile homes and modular units.

Emergency Shelter. (aka “Homeless Shelter”) (Use Type) Housing with minimal supportive services for homeless persons within the County that are limited to occupancy on an emergency (not to be confused with disaster) and temporary basis of six months or less. (*HSC 50801*).

Employee Housing. (Use Type) One or more dwelling units permitted under California Health and Safety Code Section 17021.5 et seq, to serve as living accommodations for employees and their immediate families. Types of Employee Housing are further defined as follows:

Agricultural. For the exclusive use of employees hired to assist in agricultural operations either on the same premises or off site.

Commercial Caretaker. For the exclusive use of an employee hired for security purposes on the same premises as the commercial or industrial use.

Construction. For the exclusive use of employees hired to work on construction projects in remote areas where permanent housing is infeasible and temporary housing is unavailable.

Seasonal Worker. For the exclusive use of employees hired to assist in recreational operations that are seasonal and, by their nature, located in rural areas deficient in rental

housing. (See Sections 17.40.120: Commercial Caretaker and Agricultural Employee Housing and 17.40.190: Mobile/Manufactured Homes).

Employer-sponsored Child Day Care Center. (Use Type) Any child day care facility at the employer's site of business operated directly or through a provider contract by any person or entity having one or more employees, and available exclusively for the care of children of that employer, and of the officers, managers, and employees of that employer. (See Section 17.40.110: Child Day Care Facilities).

Equivalent Occupancy. The number of persons that can occupy a building or use where fixed seating does not exist.

Farmers' Market. (Use Type) The temporary use of an off site location for the sale of food and farm produce by multiple vendors that is usually conducted from parked vehicles or accessory display tables.

Farmland Conservation Contract. Contracts establishing agricultural preserves and zones in compliance with the California Land Conservation Act of 1965 (Williamson Act) and farmland security zone legislation under California Government Code Chapters 51200 and 51296-51297, respectively.

Federal Endangered Species Act. Those federal statutes found at 16 United States Code (USC) 1531 et seq. and their implementing regulations.

Fire Code. Those codes regulating fire-safety standards that are currently in use by the County, as adopted by the Board.

Floor Area. See "Gross Floor Area".

Food and Beverage Retail Sales. (Use Type) Establishments primarily engaged in the retail sale of food and beverages for off site consumption, typical uses include grocery stores, liquor stores, and specialty food stores.

Free Food Distribution Center. (Use Type) A location where food is distributed to general public without payments or consideration.

Funeral and Internment Services. (Use Type) Establishments engaged in providing services involving the care, preparation or disposition of human dead. Typical uses include funeral parlors, crematories, and mortuaries, but do not include cemeteries.

Garage. Enclosed parking space for storage of motor vehicles.

Golf Course. (Use Type) Publicly and privately owned golf courses open to the general public. Minor accessory uses such as pro shops and snack bars intended to serve the golfers may be considered a part of the golf course facility. Restaurants, banquet and reception facilities, and other commercial uses commonly associated with golf courses shall be considered separate use types.

Grazing. (Use Type) The raising and feeding of domestic farm animals where the primary source of food is the vegetation grown on the site, including irrigated and non-irrigated pastures.

Gross Floor Area. (GFA) The sum of the total horizontal areas of the several floors of all buildings on a lot, measured from the exterior faces of the walls, including basements; elevator shafts; stairwells at each story; floor space used for mechanical equipment with structural headroom of six feet, six inches or more; penthouses; attic space providing structural headroom of six feet, six inches or more, whether or not a floor has actually been laid; interior balconies; and mezzanines. For the purpose of measurement of residential floor area, gross floor area shall be exclusive of any garage or carport.

Guest House. (Use Type) An accessory residential structure intended for the temporary and occasional housing of a visitor(s) to the primary residents that does not contain a kitchen. (See Section 17.40.160: Guest house).

Handicrafts. See “Ranch Marketing”.

Hazardous Material Handling. (Use Type) All industrial uses engaged in the handling of substances subject to the maintenance of a “Risk Management Prevention Program” under California Health and Safety Code (HSC), Section 25534. Typical uses include semiconductor manufacturing and electroplating.

Health Resort and Retreat Center. See “Lodging Facilities”.

Hiking and Equestrian Trails. (Use Type) Trails designed for non-motorized recreation, such as hiking, horseback and bicycle riding, and cross-country (Nordic) skiing.

Historic Structure. See “Structure: Historic”.

Home Occupation. (Use Type) Any business operated out of a residential dwelling or accessory structure by a resident of the premises and that is incidental and subordinate to the residential use of the property, such as work performed exclusively by telephone, mail, or over the internet; home offices; small scale production and repair, handicrafts, parts assembly; or work or craft that is the activity of creative artists, music teachers, academic tutors, trainers, or similar instructors. (See Section 17.40.170: Home Occupations).

Hunting/Fishing Club, Farm, or Facility. (Use Type) Privately operated areas and facilities for the pursuit of fish and game species that may include day uses and overnight accommodations.

Incompatible Uses.

Agricultural. Those uses of land including, but not limited to, residential structures, nursing homes, schools, playgrounds, swimming pools, daycare centers, spas, ponds, and churches, which are apt to conflict with agricultural uses involving equipment and

livestock that result in sprays, dust, odors, and noise. It also means those uses which are apt to cause conflict and threaten the viability of agricultural uses due to trespass, vandalism, theft, complaint, and dog-related problems. (See Section 17.30.030.E: Setback Requirements and Exceptions)

Mining. Land uses that are inherently incompatible with mining or that require public or private investment in structures, land improvements, and landscaping and that may prevent or limit mining because of the greater economic value of the land and its improvements. It includes, but is not limited to, residential and commercial structures, schools, and playgrounds. (See Section 17.30.030.G, Special Setbacks for Mineral Resource Protection)

Industrial:

General. (Use Type) Manufacturing, processing, assembling, or fabricating from raw materials to include any use involving an incinerator, blast furnace, or similar industrial process and any industrial process conducted wholly or partially outdoors. It includes, but is not limited to lumber mills; batch plants; truss manufacturing; co-generation plants; food and byproducts processing plants; and fabric, textile, and carpet mills.

Specialized. (Use Type) Establishments engaged in activities that generate noise, vibration, odor, dust, or smoke that may extend beyond the confines of the property boundaries; that involve special safety or public health considerations; or that do not clearly fit within another industrial use classification. It includes, but is not limited to bulk storage of gasoline, propane, or other flammable fuel sources, and material recovery facilities.

Intermodal Facility. (Use Type) Facilities to support the transportation of persons, such as bus and train stations.

Junkyard. See “Salvage and Wrecking Yard”.

Kennel. (Use Type) The keeping of five or more live domestic dogs or cats of at least four months of age (County Code, Title 6), under the following categories:

Commercial. See “Animal Sales and Service”.

Private. Any building(s) or land designed or arranged for the care of dogs and cats belonging to the property owner that are kept for personal purposes of show, hunting, working, or as pets.

Kitchen. A room with cooking facilities or provisions for storage and preparation of food. See “Cooking Facilities”.

Lake. A natural or manmade body that impounds water year round under normal conditions and of which the shoreline is primarily native earth or rock capable of supporting native or

natural vegetation. This term does not include pools, ponds, or landscape features constructed of concrete or similar material that does not support vegetation.

Laundries, Commercial. (Use Type) Establishments engaged in high volume laundry and garment services, excluding self-service laundries. Typical uses include garment pressing and dry cleaning, linen supply, diaper service, industrial laundries, and carpet and upholstery cleaners.

Laundries, Self-service. (Use Type) A business that provides home-type washing, drying, or ironing machines for hire, to be used by customers on the premises. (See “Retail Sales and Service”.)

Light Manufacturing. (Use Type) The manufacture, assembly, or packaging of products from previously prepared materials, such as cloth, plastic, paper, ceramic, metals, pre-cut wood, and wood products. It does not include saw and planing mill operations or manufacturing uses involving primary production of wood, metal, or chemical products from raw materials (See “Industrial, General”). It includes, but is not limited to electronics and computer component assembly and cabinetmaking; but can include small-scale, artisanal production of goods, such as soap, cheese, hand-loomed textiles, and garments.

Livestock, High Density. (Use Type) The keeping and raising of domestic farm animals, such as cattle, horses, pigs, goats, sheep, rabbits, poultry, ostriches, and emus, for commercial purposes, where the primary source of food is other than the vegetation grown on site, such as dairies, feedlots, and similar large-scale operations.

Lodging Facilities. (Use Type) Establishments primarily engaged in the provision of commercial lodging on a transient basis (30 days or less) to the general public. Lodging may include the incidental provision of food, drink, sales, and services for the convenience of overnight guests. Types of lodging are further defined as follows:

Agricultural Homestays. Lodging facilities operated by the resident and owner of the property on which the facility is located that is accessory and subordinate to the on site, bona fide agricultural or grazing operations. (See Section 17.40.170: Agricultural Homestays).

Bed and Breakfast Inn. Any owner-occupied residence that provides guest rooms, without individual kitchens, for paying guests, as a transient lodging facility. (See Section 17.40.170: Bed and Breakfast Inns).

Dude Ranch (Guest Ranch). (Use Type) A type of ranch facility engaged in agricultural tourism. The facility may be incidental to a working ranch, and may offer the following amenities and events: lodging and meals, overnight camping, horseback riding, cattle drives, rodeos, and other similar uses that are incidental to and compatible with ranching. (See Section 17.40. 170: Dude Ranch)

Health Resort and Retreat Center. Establishments engaged in recreational, educational, therapeutic, and similar group activities, with day use or overnight facilities to serve the guests. The use differs from Commercial Recreation by being focused on self improvement in a natural setting, although indoor facilities such as conference rooms, lodging, and dining facilities for the guests may be included. It includes, but is not limited to conference, retreat, or outdoor education centers, and health spas. (See Section 17.40.170: Health Resort and Retreat Center)

Hotels and Motels. Commercial lodging facilities that do not otherwise qualify as a Bed and Breakfast Inn.

Vacation Home Rental. Lodging provided to the general public in a private dwelling unit, where the unit is rented as a whole on a transient basis (30 days or less). (See Section 17.40.370: Vacation Home Rentals)

Lot. An individual, legal, platted parcel of land intended to be separately owned, developed, and otherwise used as a unit and does not include an administrative parcel used by the Assessor for tax purposes.

Lot Configurations.

Corner. A lot abutting on and at the intersection of two or more road easements or rights-of-way.

Flag. Lots that are approved with less frontage on a road easement or right-of-way than is normally required under the development standards for the zone and where the “flag pole” portion of the lot is used as an access corridor.

Through. A lot having its front and rear yards each adjoining a road easement or right-of-way.

Lot Coverage. A calculation of the area covered by all structures on a lot divided by the lot area. All coverage calculations shall include the area of a site covered by buildings or roofed areas, excluding projecting eaves, balconies, and similar allowed features.

Lot Dimensions.

Area. The measurement of the area formed within all property lines of a lot.

Depth. The average horizontal distance between the front and rear property lines.

Width. The horizontal distance between side property lines measured either as an average for the lot or as a minimum at the front property line in compliance with Section 17.30.030.C (Measurement of Lot Width).

Lot Lines.

Front. The property line adjoining a road easement or right-of-way or that forms the centerline of such roadways.

Corner Lot. All property lines adjoining intersecting road easements or rights-of-way or forming the centerlines of such intersecting roadways are front lot lines.

Through Lot. The property line adjoining that roadway which provides the primary access is the front lot line when a non-vehicular access easement (NVA) is recorded on the opposite property line. When no NVA is recorded, both property lines shall be considered front lot lines.

Rear. The lot line not intersecting a front lot line that is most distant from and most closely parallel to the front lot line.

Side. Any lot line not a front or rear lot line.

Lot, Minimum Size. Minimum acreage or square footage of a lot required for its zone. See “Lot Dimensions: Area”.

Lot, Substandard. A lot that has less than the minimum area or width required for its zone.

Maintenance and Repair. (Use Type) All uses that provide maintenance and repair of furniture, appliances, and equipment normally used within a building, exclusive of automotive repair. Typical uses include sewing machine, refrigerator, and upholstery repair.

Manufactured Homes. Residential structures that are constructed in a factory and which, since June 15, 1976, have been regulated by the federal Manufactured Home Construction and Safety Standards Act of 1974 under the administration of the U.S. Department of Housing and Urban Development (HUD). (See Section 17.40.190: Mobile/Manufactured Homes).

Marina. (Use Type) Facilities for the docking, mooring, or rental of boats to the public. Marinas are divided into the following categories:

Motorized Craft. Marinas serving motorized and non-motorized watercraft, including motorboats and personal watercraft. It may also include the sale of gasoline for use in watercraft.

Non-Motorized Craft. Marinas serving non-motorized watercraft only, such as sailboats, canoes, and rowboats.

Medical Services. (Use Type) Facilities that primarily provide medical or health care services. Medical Use types are further defined as follows:

Hospital. Facility that provides in-patient and out-patient medical, surgical, diagnostic, psychiatric, and emergency medical services. It includes, but is not limited to accessory out-patient radiology, laboratory, therapy and training, and pharmaceutical services.

Clinic. Facility that provides any combination of out-patient medical, diagnostic and minor emergency services; that may be open before and after typical medical office hours; and that generally accommodates walk-in patients.

Long Term Care Facility. Facilities that provides 24 hour supervised care serving seven or more persons. Typical uses include skilled nursing facilities, and extended and intermediate care facilities licensed by the State Department of Health Services.

Medical Office. See “Offices: Medical”.

Mineral Exploration. (Use Type) Prospecting and exploratory activities for mineral resources where less than 1,000 cubic yards of material is disturbed.

Mineral Production. (Use Type) The processing of mineral resources extracted on site or off site. Processing includes rock crushing, stockpiling, aggregate washing, screening and drying facilities, and wholesale or retail distribution of mineral products.

Mining. (Use Type) The act or process of extracting resources, such as rock, sand, gravel, ores, coal, oil, clay, hydrocarbons, or mineral from the earth. The term also includes quarrying; excavating; drilling; well operation; milling, such as crushing, screening, washing and flotation; and other preparation customarily done at the mine site or as part of a mining activity. Mining does not include “recreational mining/prospecting” as defined below. Mining use types are divided into the following categories:

Recreational Mining/Prospecting. The extraction of minerals for personal recreation and the use of such devices as pans, rockers, and dredges with intakes eight inches in diameter or less.

Subsurface Mining. The act of mining operations that are conducted below the surface of the ground except for surface access, and vent and escape shafts.

Surface Mining. All, or any part of mining operations that involve the removal of overburden and mining directly from the mineral deposit, open-pit mining of naturally exposed mineral, mining by the auger method, dredging and quarrying, or surface work related to a subsurface mine. (See Chapter 17.29: Mineral Resource Combining Zone, etc.).

Mixed Use Development. Properties on which various uses, such as office, commercial, institutional, and residential, are combined in a single building or on a single site in an integrated development project with significant functional interrelationships and a coherent physical design. A "single site" may include contiguous properties. (See Section 17.40.180: Mixed Use Development).

Mobile/Manufactured Home Park. (Use Type) Any site that is improved to accommodate two or more mobile or manufactured homes used for residential purposes, on which the underlying land is rented or leased. This term excludes a single-unit residential lot on which a

mobile/manufactured home is placed either as a primary dwelling, secondary dwelling, or temporary mobile home in compliance with Section 17.52.060 (Temporary Mobile Home Permit). It includes sites that were converted from rental or lease to a subdivision, cooperative, or condominium complex. (See Section 17.40.190: Mobile/Manufactured Homes).

Mobile/Manufactured Home Sales Lots. (Use Type) Retail sales establishments providing outdoor display of mobile or manufactured homes for sale to the public.

Model Home(s). House(s) in a residential subdivision that are open for view to prospective buyers as a marketing tool for similar floor plan(s) within the development. Said model home(s) may or may not be furnished and decorated.

Monopole. A structure of single pole (non-lattice) design erected on the ground to support telecommunications antennae and connection appurtenances. (Ord. 4589, 2001) (See Section 17.40.130: Communication Facilities).

Motorized Vehicle Recreation Area. (Use Type) Areas and facilities that provide for public recreational use of motor vehicles. Typical uses are off-road vehicle parks, go-cart tracks, motocross courses, and snowmobile rental.

Natural Resources. Naturally occurring materials, such as minerals, timber, water sources, vegetation, and agriculturally productive soils that can be used or developed to provide a personal, common, or public benefit.

Net Acreage. The remaining area within a development lot or subdivision after deleting all portions for proposed and existing public roadways.

Nuisance. Any use or structure which is injurious to health and safety, or is indecent or offensive to the senses, or an obstruction to the free use of property so as to interfere with the comfortable enjoyment of life or property, or unlawfully obstructs free passage or use, in the customary manner, of any navigable lake or river, bay, stream, canal, or basin or any public park, square, street, or highway. For the purpose of enforcement of the provisions of this Title, the Director or his designee shall make the determination whether a use constitutes a nuisance as defined herein.

Nursery, Plants. (Use Type)

Retail. A facility for the retail sale of plants, seeds, and accessory products, such as fertilizers and gardening supplies.

Wholesale. A place where plant material such as flowers, trees, fruits, vegetables, and/or herbs are cultivated in the ground or in greenhouses for sale to retailers.

Offices. (Use Type)

Medical. Establishments engaged in providing out-patient personal health services including prevention, diagnosis, treatment, or rehabilitation by health professionals.

Typical uses include, but are not limited to, offices for physicians, dentists, physical therapists, chiropractors, and medical or dental laboratories.

Professional. Establishments engaged in providing services such as accounting and bookkeeping services, advertising agencies, architectural and engineering services, attorneys, data processing and computer services, secretarial services, administrative offices, insurance agencies, real estate agencies, public relations, and consulting firms, photography and commercial art studios, telecommuting centers, and writers' offices.

Off-Highway or Off-Road Vehicle Recreation Area. (Use Type) Any area where motorized vehicles are driven for commercial recreational use or for competitive speed or skill events, of which all or a portion of the vehicular use is conducted outside of road easements or public rights-of-way.

Open Space. Any lot or area of land or water that is essentially unimproved and devoted to the preservation of natural resources; the managed production of resources; outdoor recreation, and/or public health and safety. Types of open space are further defined as follows:

Common. Open space within a development plan that is designated and intended for the use or enjoyment of all of the owners or occupants of the development. Common open space may contain such complementary structures and improvements as are necessary, desirable, or appropriate for the benefit and enjoyment of the owners or occupants of the development. Ownership of common open space is held by a homeowners association or similar organization and access is usually restricted to property owners and residents of the development and their guests. See also "Private Recreation Area".

Public. Open space which is available to the general public, such as parks, wildlife habitat, and natural resource conservation areas. Public open space is typically owned and managed by a governmental agency that may restrict public access to further its management goals. See also "Public Benefit".

Orchard and Vineyards. (Use Type) The cultivation of fruit trees, nut trees, or grape vines for the commercial sale of their agricultural produce.

Ordinary High Water Mark (OHWM). The line on the shore in non-tidal areas established by the fluctuations of water and indicated by physical characteristics such as a clear, natural line impressed on the bank; shelving; changes in the character of soil; destruction of terrestrial vegetation; the presence of litter and debris; or other appropriate means that consider the characteristics of the surrounding area. (See Subsection 17.30.030.H: Riparian Setbacks)

Outdoor Retail Sales. See "Retail Sales and Service – Outdoor".

Packing. (Use Type) The handling of fruit, grain, vegetables, trees, and other crops to ready it for shipping and sales without changing the nature of the product. Types of packing are further defined as follows:

On Site Products. The handling of agricultural products produced on the same lot of land which the packing facility is located, or on adjacent lots under the same ownership, lease, or management.

Off Site Products. The handling of agricultural products produced on a lot of land different from that on which the packing facilities are located.

Panel Antenna. Flat, conical or round surface receiving and/or transmitting device typically covering one of three 120-degree sectors, and used to concentrate a radio signal into or from that sector. (Ord. 4589, 2001.) (See Section 17.40.130: Communication Facilities).

Parking Lot, Public. (Use Type) Publicly and privately owned and operated areas available for general public use for the parking of motor vehicles including park and ride lots, leased parking, and hourly or daily parking.

Parks. (Use Type) Areas dedicated and used for passive and active recreation operated by a public agency and open to the public. Typical uses are playgrounds, ball fields, and picnic areas. Parks are divided in the following categories:

Day Use. Parks intended for use only during daylight hours. It precludes lighting for ball fields and play structures except as may be necessary for public safety or security purposes.

Nighttime Use. Parks designed and intended for activities to be carried on after sunset, such as lighted ballfields and tennis courts.

Picnic Area. (Use Type) Areas providing picnic tables and other facilities for day use outdoor eating, either as a primary use or accessory to other use types.

Planned Development. Land under unified control to be planned and developed as a whole in a single development operation or as a programmed series of development operations or phases. A planned development is built according to general and detailed development plans that include not only streets, utilities, lots, and building locations, but also construction, use, and relationships of buildings to one another, and plans for other uses and improvements on the land, such as common or public open space areas. A planned development includes a program for the provision, operation, and maintenance of such areas, facilities, and improvements that will be provided for common use by the occupants of the planned development or for use by the general public. (See Chapter 17.28: Planned Development).

Pool House (or Cabana). A residential accessory structure associated with a private swimming pool, containing changing area(s) and restroom facilities, but which does not contain sleeping quarters or cooking facilities, and is not intended for permanent occupancy.

Prepared Food Stand. See “Ranch Marketing.”

Printing and Publishing. (Use Type) Establishments engaged in printing by letterpress, lithography, engraving, screen, offset or similar process, but not including xerographic copying

and other “quick printing” services. It also includes the publishing of newspapers, books, and periodicals where the printing is done on the premises.

Private Recreation Area. (Use Type) Recreational facilities owned and operated by a homeowners’ association or similar entity for the benefit of property owners within a subdivision or multi-unit residential complex. It may include swimming pools, indoor or outdoor sport courts, meeting rooms, clubhouse, and any facilities required to maintain said recreation areas.

Processing of Agricultural Products. (Use Type) The handling of agricultural products whereby the nature of the product is changed or altered, such as making juices, jams, and sauces from fruit, and the slaughtering of animals raised on the premises or on land in the vicinity under common ownership. This use type does not include the processing of grapes and other fruit juice into wine. See definition for Winery.

Produce Sales. (Use Type) The public sale of agricultural products grown on the same property where the sale is being conducted. This term specifically excludes the sale of products grown off site and processed products. (See Section 17.40.240: Produce Sales).

Produce Stand. Producer owned and operated facility for the sale of produce grown on the same site or as part of a shared multi-farm operation. (See Section 17.40.240: Produce Sales).

Public Benefit. A benefit enjoyed by the general public. When applied to lands set aside for public benefit in order to utilize the density bonus provisions of Section 17.28.060 (Planned Development Combining Zone), it shall be considered open space for 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.

Public Utility Infrastructure. Public utility towers and structures supporting power lines of 50 kilovolts (kV) potential and greater, trunk telephone lines and supporting structures, sewer and water lines of 12 inches or more inside diameter, natural gas pipe of six inches or more inside diameter, sewer and water lift stations, telephone equipment buildings, and natural gas storage and distribution facilities. (See Section 17.40.250: Public Utilities).

Public Utility Service Facilities. (Use Type) Facilities necessary to provide the community with power, water, sewage disposal, telecommunications, and similar services. Public Utility Service Facilities are divided in the following categories: (See Section 17.40.250: Public Utilities).

Intensive. Service Facilities that may have the potential to cause impacts from noise, lights, odors, or the use of hazardous materials, such as electrical receiving facilities or substations, sewage treatment facilities, and power generating facilities.

Minor. Service facilities such as water, sewer, gas pipelines, and pump stations; telephone and electrical distribution lines 12 kilovolts (kV) or less; and drainage facilities.

Qualified Professional. A professional specializing in any of the following categories of natural sciences:

Certified Arborist. A person certified by the International Society of Arboriculture (ISA), American Society of Consulting Arborists (ASCA), or other recognized professional organization of arborists who provides professional advice and is a licensed professional to do physical work on trees.

Certified Rangeland Manager. A person licensed by the State of California through the California State Board of Forestry who applies scientific principles to the art and science of managing rangelands and is recognized by the California Section of the Society for Range Management as meeting the education, experience, and ethical standards for professional rangeland managers.

Qualified Biologist. A person who has a BA/BS or advanced degree in biological sciences or other degree specializing in the natural sciences; professional or academic experience as a biological field investigator; taxonomic experience and knowledge of plant and animal ecology; familiarity with plants and animals of the area including species of concern; and familiarity with the appropriate County, State, and Federal policies and protocols relating to special-status species and biological surveys, as determined by the Director of Development Services.

Qualified Hydrologist. A person who has a BA/BS or advanced degree in hydrology or other degree specializing in the scientific study of the properties, distribution, and effects of water on the earth's surface, in the soil and underlying rocks, and in the atmosphere, as determined by the Director of Development Services

Registered Professional Forester (RPF). A person licensed by the State of California to perform professional services that require the application of forestry principles and techniques to the management of forested landscapes. RPFs have an understanding of forest growth, development, and regeneration; forest health; wildfire; soils, geology, and hydrology; wildlife and fisheries biology; and other forest resources.

Radio Frequency (RF). Of, or pertaining to, any frequency within the electromagnetic spectrum normally associated with radio wave propagation. Cellular and personal communication services wireless networks operate in the 824-894 Megahertz (MHz) and the 1850-1990 MHz ranges, respectively. (See Section 17.40.130: Communication Facilities).

Ranch Marketing. (Use Type) Commercial activities on a site qualifying as a bona fide agricultural operation, as determined by the Agricultural Commissioner, including packing and processing of agricultural products and edible byproducts grown on site, and the following types of uses:

Bake Shop. A facility for the preparation and consumption of food items in which agricultural products grown on site are used as a main ingredient for at least one of the baked goods, such as apples used to make apple pies, apple turnovers, or other apple

pastries. Baked goods made from other ingredients may be offered for sale concurrently with goods made from produce grown on site.

Dining Facility. An establishment where food, other than that produced on the premises (such as at a Bake Shop), is prepared and served to the public in an established seating area.

Handicrafts. Products that are made domestically by hand, normally sold by the person who made them, and do not include items that are mass produced by others.

Food Stand. A facility for serving prepared food for consumption on the premises where indoor seating and dining facilities do not exist. In determining whether a facility is a dining facility or a prepared food stand, the Director shall consider the hours and scale of operation, type of food sold, and any other applicable criteria.

Special Events. See “Special Events”. (See Section 17.40.260: Ranch Marketing).

Recreation Facilities. See “Commercial Recreation”.

Recreational Vehicle. A motor home, travel trailer, truck camper, or camping trailer, with or without motive power, originally designed for human habitation for recreational or emergency occupancy with a living area of 320 square feet or less and bearing the state or federal insignia of approval for recreational vehicles.

Recreational Vehicle Park. (Use Type) Any area or tract of land, or a separate designated section within a mobilehome park where two or more lots are rented, leased, or held out for rent or lease to accommodate owners or users of recreational vehicles, camping cabins, or tents (*HSC 18862.39*).

Research and Laboratories Services. (Use Type) Establishments engaged in the study, testing, design, analysis, and experimental development of products, processes, or services. Typical uses include soils and materials testing, electronics research, and pharmaceutical research laboratories.

Resource Extraction. See “Mining”.

Resource Protection and Restoration. (Use Type) Lands and management activities dedicated to the protection and conservation of natural resources, such as riparian corridors, wetlands, water recharge areas, and rare or endangered plant or animal habitat.

Restaurant. (Use Type) Establishments engaged in the sale of prepared food and beverages for on-premise consumption or as “to-go”, excluding those uses classified as Bars and Drinking Establishments. Typical uses include full-service restaurants, fast-food restaurants, sandwich shops, ice cream parlors, and pizza parlors. The sale of alcoholic beverages is secondary to the sale of prepared food. “To-go” or fast-food restaurant use types are divided into the following categories:

With Drive-through. Restaurants which contain one or more drive-up windows, and may contain seating.

Without Drive-through. Restaurants where food and beverages are ordered and served at a table or walk-up counter, only.

Retail Sales and Service. (Use Type) Establishments engaged in the sale of new or used goods and merchandise or in providing property and personal services, excluding those uses classified under Animal Sales and Service, Automotive and Equipment, Business Support Services, Food and Beverage Retail Sales, and Mobile/Manufactured Home Sales Lots. Retail Sales and Service use types are divided into the following categories:

Sales:

Indoor. Those retail sales establishments where merchandise is displayed and sales are conducted entirely within a building. Typical sales uses include hardware, auto parts, drug and discount, furniture, and sporting goods stores; and bakeries.

Outdoor. Those retail sales establishments where merchandise is displayed and sales are conducted entirely or partially outside of a building, such as landscape materials, lumber and construction material, mobile/manufactured home sales lots, and plant nursery sales.

Temporary Outdoor. The retail sales of merchandise displayed outside of a building or structure on a specified, temporary basis. Typical uses include sidewalk or parking lot sales, and farmers' markets. (See also "Seasonal Sales.")

Services:

Property. Establishments engaged in providing services relating to maintenance and support of off site development, including, but not limited to landscaping, pest control, professional painting, delivery, janitorial, pool, and security services.

Personal. Establishments engaged in providing services relating to personal improvement or appearance, such as barber shops, beauty salons, therapeutic message parlors, tailors, shoe repair shops, self-service laundries, and dry cleaners.

Review Authority. The agency, board, group, or other legally designated individual or authority which has been charged with review and approval of project plans and permit development applications.

Ridgeline. (1) A line connecting the highest points along a ridge and separating drainage basins or small-scale drainage systems from one another; or (2) The intersection of two roof surfaces forming the highest horizontal line of the roof.

River Put-In- and Take-Out. (Use Type) Sites and facilities for the put-in and take-out of rafts, canoes, kayaks, and other non-motorized watercraft primarily on the South Fork of the American River, which serve commercial outfitters or are open to the general public.

Roads. As used in this Title, roads shall be categorized as follows:

Easement. A grant by the property owner of the use of his/her property to another person, the general public, or an entity such as a homeowner's association for transit, access, or egress purposes where legal title to the underlying land is retained by the property owner for all other purposes. A "prescriptive easement" can be claimed after continuous and open use by the non-owner against the rights of the property owner for a period of five years.

Right-of-Way. A strip of land acquired by fee title or easement that is occupied or intended to be occupied by certain transportation and/or public use facilities, such as roadways, walkways, trails, railroads, and/or utility lines, whether or not the entire area is actually used for such purpose(s).

Rooming House. (Use Type) A single-unit or multi-unit dwelling where two or more individual bedrooms are rented by the property owner or manager in residence, for a period exceeding 30 days, whether or not meals are provided, provided that no resident thereof requires any element of care.

Salvage and Wrecking Yards. (Use Type) Establishments engaged in the dismantling of automobiles and other vehicles, equipment, machinery, or appliances; and the storage, sale, or dumping of such material and other materials, such as tires or scrap metal.

Schools. (Use Type) Educational facilities and institutions including classrooms and associated administration offices, playgrounds, and assembly areas. Schools are divided into the following categories:

Colleges and Universities. Institutions of higher education operated by a public or private agency granting associated arts degrees, certificates, undergraduate and graduate degrees, and requiring at least at high school diploma or equivalent general academic training for admission.

Elementary and Secondary, Private. Schools operated by a private company, non-profit, or religious entity providing education to students from kindergarten through grade 12, excluding those categorized under Specialized Education and Training.

Elementary and Secondary, Public. Schools operated by a public school district serving students from kindergarten through grade 12.

Seasonal Sales. The off site, outdoor, wholesale or retail sale of seasonal, holiday-related products, such as pumpkins and Christmas trees.

Seasonal Worker Housing. See "Employee Housing: Seasonal Worker".

Secondary Dwelling. (Use Type) A residential unit, either attached or detached, with independent living, sleeping, dining, kitchen, and sanitation facilities that is accessory to the primary dwelling on a lot zoned for single-unit residential development. (See Section 17.40.300: Secondary Dwellings).

Self Storage (Mini-storage). See “Storage, Self”.

Septic System. An on site sewage disposal system, including any combination of septic tanks and leaching or evaporative systems or areas, subject to the requirements of the El Dorado County Environmental Management Department.

Shade Structure. Awnings, arbors, gazebos, and similar structures used to provide shade, either attached to another structure or free-standing. See “Structure, arbor”.

Sign. A structure or device designed or intended to convey information to the public or to identify or direct attention to a business, profession, commodity, service, or entertainment in written or pictorial form. Sign categories include the following:

Free-standing. A sign supported by one or more poles, columns, or braces placed in or on the ground and not attached to any building or structure.

Monument. A sign placed upon a monument made of stone, masonry, or similar material and where such monument is not an integral part of a building or wall.

Off-premises. A sign that advertises a use, product, or service conducted or available at a location other than the lot on which the sign is located, or that otherwise conveys information unrelated to an authorized activity on the lot on which the sign is located.

Portable. A sign not permanently affixed to the ground or to a building, including any sign attached to or displayed on a vehicle that is used for the expressed purpose of advertising a use, product, or service when that vehicle is so parked as to attract the attention of the motoring or pedestrian public.

Projecting. A sign that is attached to and projects more than six inches from the wall or face of a building or structure.

Roof. A sign erected upon or attached to a roof or roof eave and extending above any portion of the roof.

Temporary. A sign intended for use for a limited period of time, including banners, balloons, flags, pennants, and similar devices.

Wall. A sign that is attached to a wall of a building.

Ski Area. (Use Type) Land areas and facilities to accommodate downhill (alpine) skiing and snowboarding, to include ski lifts, day lodge, and restaurant facilities, but not overnight accommodations.

Slaughterhouse. (Use Type) Establishments engaged in the commercial butchering of animals, including facilities dedicated for dead animal reduction and fat rendering.

Slope. The land gradient described as the vertical rise divided by the horizontal run and expressed in percent.

Solar Collection Systems. (Use Type) Any solar panel system or structural design feature whose primary purpose is to provide for the collection, storage, and distribution of solar energy for space heating or cooling; for domestic, recreational, therapeutic, or service water heating; and for the generation of electricity. Generally, solar collection systems include active thermal systems and/or passive thermal systems. Active thermal systems include the use of photovoltaic panels or solar thermal collectors, with electrical or mechanical equipment to convert sunlight into useful outputs. Passive solar techniques include orienting a building to the sun, selecting materials with favorable thermal mass or light dispersing properties, and designing spaces that naturally circulate air. Active thermal systems increase the supply of energy, while passive solar techniques reduce the need for alternate resources. See Section 17.40.210: Solar Collection Systems.

Snow Play Area. (Use Type) Areas used for snow play without developed facilities such as rope tows or ski lifts.

Special Events. (Use Type) Temporary events that are usually held outdoors whether or not for compensation, such as auctions, carnivals, rodeos, concerts, and religious revival meetings. Special events may be further defined based on the use types below:

Special Events, Wineries. Events held on site that are not considered to be tasting or marketing activities, as described in Section 17.40.400 (Wineries), such as charitable, promotional, or facility rental events, including those listed under “Special events, Ranch Marketing”, below.

Special Events, Ranch Marketing. Events such as weddings, parties, company picnics, birthdays, reunions, or other social gatherings. (See Section 17.40.260: Ranch Marketing).

Specialized Education and Training. (Use Type) Private establishments providing training or education programs where all activities are carried on inside a building, such as vocational schools, drama, dance or music studios, language schools, computer training centers, and similar non-industrial type uses.

Stables. (Use Type) Stables are divided into the following categories:

Commercial. Facility for keeping horses available to the public for hire. This may also include larger facilities that specialize in equestrian training, exhibitions, and

boarding; and their accessory structures, such as arenas, spectator stands, and training facilities. Commercial stables do not include the keeping of horses for personal use, training, or horse boarding consistent with a home occupation. (See Section 17.40.210: Outdoor Recreation Facilities).

Private. An accessory building to a primary residential use that is used to shelter horses and other domestic farm animals for the exclusive use of the property owner or occupant, or for training and horse boarding consistent with a home occupation. (See Section 17.40.170: Home Occupations).

Start of Construction. The date the building permit was issued, provided the actual construction, repair, reconstruction, placement, or other improvement was within 180 days of the permit date. The actual start means either the first placement of permanent construction of a structure on a site, such as the pouring of slab or footings, the installation of piles, the construction of columns, or any work beyond the stage of excavation; or the placement of a manufactured home on a foundation. For the purposes of floodplain management, permanent construction does not include land preparation, such as clearing, grading and filling; nor does it include the installation of street or walkways; nor does it include excavation for a basement, footing, piers, or foundations or the erection of temporary forms; nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main structure. For other purposes, permanent construction shall include all of the above activities.

Storage, Self. (Use Type) A building or group of buildings in a controlled access and fenced compound that contains varying sizes of individual, compartmentalized, and controlled access units, stalls, or lockers for the storage of lessees' goods or wares. (See Section 17.40.320: Storage Facilities)

Storage Yards: Equipment and Material. (Use Type) All uses related to outdoor storage of large construction equipment or machinery, company vehicles, and materials produced or constructed on site for off site sales and/or delivery. Parking lots accommodating the personal vehicles of employees or visitors to the site are not included in this definition. Equipment and Materials Storage Yards are divided into the following categories:

Permanent. Those storage yards that are intended to be used on a permanent or long-term basis including, but not limited to, contractor's storage yard(s), corporation yards, and incidental outside storage associated with transportation corridor, manufacturing, and resource extraction operations.

Temporary. Those storage yards that serve a single construction project and which shall be removed after a specified period of time. (See Section 17.40.320: Storage Facilities).

Stream. A natural or man-made channel through which water flows. It does not include channels and ditches lined with concrete or similar impervious material that are devoid of riparian vegetation, nor does it include underground drainage and sewer systems. The term can be interchangeable with "watercourse" or "river". Types of streams are as follows:

Intermittent. Defined and normally flowing for at least 30 days after the last major rain of the season and dry the remainder of the year.

Perennial. Either shown on the USGS 7.5 minute map series as a solid blue line or normally flowing year round.

Structure. Something built or erected from multiple parts, such as a building, bridge, framework, or other object, and is 30 inches or greater in height at its tallest point, as measured from the finished grade directly below said point. Specific types of structures are further defined as follows:

Accessory. A subordinate building detached from and incidental to the principal building on the same lot. In this instance, “detached” shall mean not sharing a common wall with any portion of the principal building. For example, a breezeway connecting two buildings does not create a shared common wall between them; therefore the buildings are considered detached from each other. (See Article 4, Section 17.40.030: Accessory Structure and Uses).

Agriculture. (Development Standards) Any structure associated with agricultural activities on a lot including, but not limited to barns, stables, and animal shelters; and storage facilities for animal feed, farm machinery, and chemicals. “An agricultural structure shall not be a place of human habitation or a place of employment where agricultural products are processed, treated, or packaged, nor shall it be a place used by the public.” (*Fire Code Section 202*).

Arbor. A framework structure used to support vegetation that forms a covered area from interwoven leaves and branches in order to provide shade. Also known as a “pergola”.

Building. A structure having a roof supported by columns or by walls, and designed for the shelter or housing of any person, animal, use, or personal property.

Historic. Any structure that is:

1. Listed individually in the National Register of Historic Places (a listing maintained by the Department of Interior) or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register;
2. Certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district;

3. Individually listed on a state inventory of historic places in states with historic preservation programs which have been approved by the Secretary of Interior; or
4. Individually listed on the County inventory of historic places, if and when a historic preservation program has been certified either by an approved state program as determined by the Secretary of the Interior or directly by the Secretary of the Interior in states without approved programs.

Trellis. A framework for the support of climbing vegetation that differs from an arbor in that it does not provide a covered area.

Studio. See “Workshop”.

Substantial Damage.

1. Damage of any origin sustained by a structure whereby the cost of restoring the structure to its before-damaged condition would equal or exceed 50 percent of the market value of the structure before damage occurred; or
2. Flood-related damages sustained by a structure on two separate occasions during a 10-year period for which the cost of repairs at the time of each such event, on the average, equals or exceeds 25 percent of the market value of the structure before the damage occurred. This is also known as ‘repetitive loss.’

Substantial Improvement. Any repair, reconstruction, or improvement to a structure, the cost of which exceeds 50 percent of the market value of the structure, before the “start of construction” of the improvement. This term includes structures which have incurred “substantial damage” regardless of the actual repair work performed. The term does not include any alteration of a “historic structure” provided the alteration will not preclude the structure’s continued designation as a “historic structure.” (See Appendix: “Checklist for Determination of Substantial Improvement”).

Swimming Pool, Public. (Use Type) Publicly owned swimming pools and pools that are part of a private recreation facility operated by a membership club or a homeowners’ association, as part of a subdivision.

Tandem Parking. Two or more parking spaces aligned end to end so that a vehicle occupying one space must move to access the second space.

Technical Advisory Committee. A committee consisting of the Department staff assigned to a project and representatives of other county, local, and state agencies having jurisdiction or interest in the project.

Temporary Mobile Home. (Use Type) A mobile or manufactured home placed on a single-unit residential lot, as a temporary dwelling unit accessory to an existing primary dwelling.

(See Sections 17.40.190: Mobile/Manufactured Homes and 17.52.060: Temporary Mobile Home Permit).

Temporary Use. A short-term activity lasting more than one hour within any 24-hour period, not usually requiring permanent structures, and not exceeding the frequency of use allowed in Section 17.52.070 (Temporary Use Permit).

Tennis Courts, Public. (Use Type) Publicly owned tennis courts and tennis courts that are part of a private recreation facility operated by a membership club or a homeowners' association, as a part of a subdivision.

Timber. (Use Type) The growing and harvesting of trees, whether planted or of natural growth, standing or down, including Christmas trees and nursery stock for restocking commercial forest land.

Top of Bank. The visible high water mark of any lake, stream, or other body of water where the presence and action of the water are so common and usual and so long continued in all ordinary years as to mark upon the soil. (See Subsection 17.30.030.H: Riparian Setbacks).

Tower, Communications. A free-standing lattice work structure, pole, monopole, or guyed tower used to support antennae. (See Section 17.40.130: Communication Facilities).

Trade Schools. (Use Type) Private establishments providing vocational training or education programs of an industrial nature where activities can be carried on inside or outside of a building. Typical uses include, but are not limited to training in auto repair, welding, or truck driving.

Trail Head Parking or Staging Area. (Use Type) Parking lots, restrooms, and similar non-commercial facilities for the convenience of hikers, equestrians, cyclists, and skiers at a trail head or intersection of a trail and road easement or right-of-way.

Trails, Non-motorized. (Use Type) A path or track linking other paths and points of interest for the use of non-motorized vehicle traffic, such as hiking or horseback riding.

Transitional Housing. (Use Type) A dwelling unit or building used for temporary housing for up to 24 months that is exclusively designated and targeted for recently homeless persons. Transitional housing differs from an "emergency shelter" in that it includes self-sufficiency development services, with the ultimate goal of moving recently homeless persons to permanent housing as quickly as possible. Rents and service fees are limited to an ability-to-pay formula reasonably consistent with U.S. Department of Housing and Urban Development requirements for subsidized housing for low-income persons. Rents and service fees paid for transitional housing may be reserved, in whole or in part, to assist residents in moving to permanent housing (*HSC 50801*).

Trellis. See "Structure".

Undevelopable Land. Land that is not suitable as a location for structures and infrastructure, such as (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; or (5) Other land that cannot be developed because of regulatory limitations that would preclude structures or infrastructure.

Use, Accessory. See “Accessory Structures and Uses”.

Vacation Home Rental. (Use Type) See “Lodging Facilities”.

Vehicle, Heavy Commercial. Vehicles used for commercial purposes that require a Commercial Drivers License in compliance with state Department of Motor Vehicle regulations. These vehicles include, but are not limited to buses or cars that seat ten or more passengers, tow trucks, dump trucks, truck tractors with or without semi-trailers, flat bed trucks, fork lifts, front end loaders, backhoes, logging vehicles, graders, bulldozers, and other similar construction equipment.

Warehouse. See “Wholesale Distribution”.

Water Feature. A design element where open water performs an aesthetic or recreational function. Water features include ponds, lakes, waterfalls, fountains, artificial streams, spas, and swimming pools where water is artificially supplied. Constructed wetlands used for on-site wastewater treatment or stormwater best management practices that are not irrigated and used solely for water treatment or stormwater retention are not water features.

Wet Bar. A single, bar-sized sink with minimal cabinets and counters. A wet bar shall not include a gas or electric range, stove top, or oven (not including a microwave oven); a refrigerator in excess of 5 cubic feet in size; or a standard-sized kitchen sink.

Wetland. Land that qualifies as a jurisdictional wetland by displaying hydric soils, hydrophilic plants, and wetlands hydrology, as defined by the U.S Army Corps of Engineers. Wetlands include those areas that are inundated or saturated by surface water or groundwater at a frequency and duration sufficient to support, and that under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil conditions. Wetlands generally include swamps, marshes, bogs, and similar areas.

Wholesale Distribution. (Use Type) Establishments engaged in wholesaling, storage, warehousing, and bulk sale distribution. It does not include uses classified under “Equipment and Materials Storage Yard”.

Wineries. (Use Type) Facilities producing and bottling wine for sale. Wineries are divided into the following categories:

Production Facilities. Those facilities used for production and bottling without tasting room and accessory retail sales facilities.

Full-service Facilities. Those facilities used for production, bottling, wine tasting, and retail sales of wine and other incidental goods. (See Section 17.40.400 Wineries).

Workshop. A residential accessory structure typically associated with craftwork, hobbies, woodwork, artwork, and similar activities by the property owner or lessor, which does not contain sleeping quarters or kitchen facilities, and is not intended for permanent occupancy.

Yards. The area of a lot extending between the property line and its setback line as follows:

Front Yard. An area extending across the full width of a lot between the edge of any road easement or right-of-way and the front setback line for the zone. Where a lot adjoins more than one road, all portions of the lot between the front setback lines and the road easements or rights-of-way shall be considered front yards. (See: 17.30.030: Setback Requirements and Exceptions).

Rear Yard. An area extending across the full width of a lot between the rear lot line or point, if a triangular lot, and the rear setback line for the zone.

Side Yard. Area(s) across the full length of a lot between the front and rear property lines that extends between the side property line(s) and the side setback line(s) for the zone.

CHAPTER 17.38 OAK WOODLAND CONSERVATION

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17.38.010 Purpose and Intent

The purpose of this Chapter is to provide protection for native oak woodlands through the establishment of development project mitigation standards for oak canopy removal. It is the intent of this chapter to implement Policy 7.4.4.4 of the General Plan by setting forth standards for oak canopy retention and establishing a mitigation in-lieu fee for oak canopy removal for development projects that will remove oak canopy. It is further the intent to satisfy the provisions of California Public Resources Code Section 21083.4.

17.38.020 Applicability

The provisions of this ordinance shall apply to development projects that meet all of the following criteria:

- A. Result in soil disturbance; and
- B. Remove oak canopy in oak woodlands, as defined in this ordinance; and
- C. Located on lots that meet one of the following criteria:
 1. Less than or equal to one acre with at least 10 percent total oak woodland canopy cover; or
 2. Greater than one acre with at least one percent oak woodland canopy cover.

17.38.030 Definitions

As used in this Chapter, the following terms shall have the meanings set forth below:

- A. "Defensible space" means the 100-foot area around an existing structure or to the property line, whichever is closer.
- B. "Development Project" means the division of land into two or more parcels, the construction, reconstruction, conversion, structural alteration, relocation, or enlargement of any structure; any mining, excavation, landfill, or land disturbance; and any use or extension of the use of land, excepting agriculture.
- C. "Oak Canopy" means the foliar cover of an oak tree or trees to the drip line (including twigs, branches, and leaves). Where more than one oak tree's branches touch or overlap, they form one continuous cover or oak canopy.
- D. "Oak Tree" means a native tree of the genus *Quercus*, of any size or age.
- E. "Oak Woodland" is defined in the Oak Woodland Conservation Act (Fish and Game Code Section 1361) as an oak stand with greater than ten percent canopy cover or that may have historically supported greater than ten percent canopy cover. For the purposes of this ordinance, the conservation focus is on existing oak woodlands. This definition includes all sizes and ages of the genus *Quercus*.
- E. "Priority Conservation Area" means those areas identified in the Oak Woodland Management Plan identifying oak woodland habitat where willing landowners could be approached to negotiate oak woodland mitigation and acquisition of conservation easements.

17.38.040 Exemptions

The following types of development are exempt from this ordinance:

- A. **Agricultural Cultivation.** The removal of native vegetation, including oaks, for the purposes of producing or processing plant and animal products or the preparation of land for this purpose.
- B. **Existing Structure Defensible Space/Fire Safe Measures.** Oak tree removal in the defensible space zone around an existing building or structure and fuel modification actions, inside and outside of the defensible space zone of an existing structure.
- C. **Public Road and Public Utility Projects.** Oak canopy removal necessary to complete County capital improvement projects when the new alignment is dependent on the

existing alignment. This exemption applies to road widening and realignments which are necessary to increase capacity, to protect the public’s health, and to improve the safe movement of people and goods in existing public road rights-of-way, as well as acquired rights-of-way necessary to complete the project. This exemption shall also apply to removal of oak canopy necessary to comply with the safety regulations of the Public Utilities Commission and necessary to maintain a safe operation of utility facilities. The Director of Transportation shall have the authority to make the determination when an existing alignment restricts alternatives that would otherwise avoid oak canopy loss.

This exemption shall not apply to new roads or utility installation, or to internal circulation roads within new development.

17.38.050 Exceptions

Exceptions to the provisions of this Chapter shall apply to the following new development projects as described below.

- A. Affordable Housing.** Development projects that propose a minimum of 10 percent of the dwelling units as income restricted affordable units, as defined by California Health and Safety Code Sections 50052.5, 50053, and 50093, shall be granted a reduction in the amount of oak canopy that is required to be protected, or the amount of conservation in lieu fee to be paid, as set forth in Table 17.38.050.1, below:

Table 17.38.050.1 Affordable Housing Reduction

Affordable Housing Type (Household Income Level)	Reduction of Oak Canopy Mitigation for Portion of Project That is Income Restricted
Very Low	200 percent
Lower	100 percent
Moderate	50 percent

Example: A project proposes 25 percent of the units to be affordable in the lower income category. The amount of on site retention or Conservation Fund In Lieu Fee may be reduced by 25 percent. A moderate income project that provides all units at that income level may reduce the retention and/or fee by 50 percent. A project with 20 percent very low income units would receive a 40 percent reduction.

- B. Fire Defensible Space Area for New Development Projects.** The defensible space zone, and fuels modification necessary for implementation of a Fire Safe Plan, is part of the project footprint and any oak canopy removed shall be counted in the project total oak canopy removal. Any oak trees that can be safely retained, even if separated from the oak woodland, will count as oak canopy retained.

Because of the ability to safely retain some of the oak canopy within the defensible space, when calculating oak tree canopy loss with new subdivisions and parcel maps, an applicant may assume 80 percent retention of the oak tree canopy within the defensible space area around building pads or sites; or a site specific analysis of tree removal may be utilized by the applicant instead of the 80 percent retention assumption.

17.38.060 Oak Woodland Conservation Fee in Lieu of Mitigation

There is hereby established an Oak Woodland Mitigation requirement for removal of oak canopy due to a development project, comprised of on site and off site mitigation standards and an oak woodland conservation fee in lieu of such mitigation. The amounts of the fee shall be established by resolution of the Board and shall be based on a formula which includes sufficient revenue to acquire conservation easements within Priority Conservation Areas, manage said lands for the purpose of conserving oak woodland habitat, and monitor and report on the success of the program.

17.38.070 On Site Mitigation

Oak canopy removed as a result of a development project shall be mitigated consistent with the canopy retention and replanting/replacement requirements, Mitigation Option A, of the Oak Woodlands Management Plan, adopted by resolution of the Board. The canopy retention requirements from the 2004 General Plan Policy 7.4.4.4 are provided in Table 17.38.070.1, as follows:

Table 17.38.070.1 Canopy Retention Requirements from Policy 7.4.4.4

Percent Existing Canopy Cover	Percent to be Retained
80 – 100	60
60 – 79	70
40 – 69	80
20 – 39	85
10 – 19	90
1 – 9 for parcels > 1 acre	90

17.38.080 Off Site Mitigation or Fee Payment in Lieu of On Site Conservation and Replacement of Oak Canopy

In lieu of on site conservation and replacement of oak canopy as set forth in Section 17.38.070, an applicant for a development project shall mitigate impacts by exercising one of the following two options:

- A. Pay the appropriate oak woodland conservation fee; or

- B. Acquire and offer to dedicate to the County a conservation easement for off-site oak woodland at a 2:1 ratio of conservation easement area for oak tree canopy area removed in excess of that required to be retained as set forth in Table 17.38.070.1.

17.38.090 Oak Woodlands Conservation Fee; Formula

The amount of the fee is based on the following formula: For each acre, or fraction thereof, of oak canopy removed as a result of a development project, in excess of the canopy retention requirements set forth in Table 17.38.070.1 the applicant shall pay into the Oak Woodlands Conservation Fund an amount two times the per acre fee, as set forth by resolution of the Board establishing the actual fee amount. When an applicant retains the required amount of oak canopy, as set forth in Table 17.38.070.1, and elects to pay the fee in lieu of replanting oak trees on site, the amount for the replacement in lieu fee shall be equal to the fee amount per acre.

17.38.100 Annual Review

The Board shall annually review the success of the conservation fund in lieu fee program with regard to the ability to acquire conservation easements on oak woodland habitat, the costs of management and maintenance of oak woodlands, and the amount of the fee. The Board may adjust the fee based on changing land values, acquisition costs, inflation, acreage of oak woodland preserved through conservation easements compared to oak canopy lost due to development, or other applicable factors.

17.38.110 Time of Fee Payment

The fee is due at the time of issuance of first building or grading permit that authorizes construction activity resulting in oak tree canopy removal. The payment of the fee may be phased to reflect the timing of the tree canopy removal. Payment of the fee may be deferred to the building permit phase for that area of subdivision map or planned development that will only be disturbed when improvements are constructed that displace canopy. Payment of fees applicable to road and other infrastructure improvements shall be paid at the time the final map is recorded or a grading or similar permit is issued for said construction activity.

17.38.120 Accounting

The County shall maintain a separate oak woodland conservation fund account for fees collected, and provide an accounting by March 31 of each year. Any person may request an audit of the fund. In addition, the County shall make findings each fifth year following the first deposit into the fund with respect to unexpended portions of the fund, in which the County identifies the purpose to which the fee is to put and demonstrates a reasonable relationship between the fee and the purpose for which it is charged.

17.38.130 Handling

The fee shall be collected by the Department. The County Treasurer shall maintain the account. The Department shall make recommendations to the Board regarding the expenditures of funds from the account to acquire, monitor, and maintain designated oak woodland conservation land.

17.38.140 Appeals

An appeal from a decision made in compliance with this Chapter shall be in accordance with the appeals procedures set forth in Section 17.52.090 (Appeals).