



# ORDINANCE NO. 5241

## AN ORDINANCE ADOPTING AMENDMENTS TO TITLE 130 OF THE EL DORADO COUNTY ORDINANCE CODE ZONING ORDINANCE

**THE BOARD OF SUPERVISORS OF THE COUNTY OF EL DORADO DOES ORDAIN AS FOLLOWS:**

**Section 1.** Table 130.21.020 entitled "Agricultural, Rural, and Resource Zone Districts Use Matrix is amended in part to read as follows (additions are underlined, deletions are ~~struck~~):

|                                                       |                                          |            |            |            |            |     |            |
|-------------------------------------------------------|------------------------------------------|------------|------------|------------|------------|-----|------------|
| Trail Head Parking or Staging Area                    | CUP                                      | CUP        | CUP        | CUP        | CUP        | CUP | 130.40.210 |
| Civic Uses                                            |                                          |            |            |            |            |     |            |
| Cemetery                                              | —                                        | —          | CUP        | CUP        | CUP        | —   |            |
| Churches and Community Assembly                       | —                                        | —          | —          | CUP        | CUP        | —   |            |
| Community Services:<br>Intensive                      | CUP                                      | CUP        | CUP        | CUP        | CUP        | —   |            |
| Minor                                                 | CUP                                      | CUP        | CUP        | CUP        | CUP        | —   |            |
| Schools:<br>College and University                    | —                                        | —          | —          | CUP        | —          | —   | 130.40.230 |
| Elementary and Secondary, Private                     | —                                        | —          | —          | CUP        | —          | —   |            |
| Transportation                                        |                                          |            |            |            |            |     |            |
| Airports, Airstrips, and Heliports                    | CUP                                      | CUP        | CUP        | CUP        | CUP        | CUP |            |
| Utility and Communication                             |                                          |            |            |            |            |     |            |
| Communication Telecommunication<br>Facilities         | A /<br>CUP                               | A /<br>CUP | A /<br>CUP | A /<br>CUP | A /<br>CUP | CUP | 130.40.130 |
| Public Utility Service Facilities:<br>Minor Intensive | —                                        | CUP        | CUP        | CUP        | CUP        | CUP | 130.40.250 |
| Minor                                                 | P                                        | P          | P          | P          | P          | P   |            |
| Wind Energy Conversion System                         | See Table 130.40.390.1 (WECS Use Matrix) |            |            |            |            |     | 130.40.390 |

**NOTES:**

<sup>1</sup> In FR and TPZ only, logging camps and sawmills may be allowed by CUP.

<sup>2</sup> Dogs used for herding or guardian purposes in commercial ranching or browsing operations are allowed by right subject to licensing requirements of the County Animal Services Division in compliance with Title 6 (Animals).

<sup>3</sup> Subject to the issuance of an Administrative Permit, unless otherwise specified in Section 130.40.220 (Outdoor Retail Sales) in Article 4 (Specific Use Regulations) of this Title.

<sup>4</sup> Or as permitted in Section 130.40.400 (Wineries) or Section 130.44 (Ranch Marketing) in Article 4 (Specific Use Regulations) of this Title.

<sup>5</sup> Accessory to Off-highway or off road vehicle recreational uses.

<sup>6</sup> Accessory Dwelling Unit allowed by right with CUP for primary dwelling unit.

<sup>7</sup> Cultivation of industrial hemp allowed pursuant to a license issued under Chapter 130.43 of this Title.

**Section 2.** Table 130.22.020 entitled "Allowed Uses and Permit Requirements for the Commercial Zones" is amended in part to read as follows:

|                                         |     |     |     |                                                                                                                                     |     |     |     |            |
|-----------------------------------------|-----|-----|-----|-------------------------------------------------------------------------------------------------------------------------------------|-----|-----|-----|------------|
| Automotive and Equipment:<br>Fuel Sales | —   | P   | CUP | P                                                                                                                                   | P   | P   | CUP |            |
| Paint and Body Shops                    | —   | —   | —   | CUP                                                                                                                                 | —   | P   | CUP |            |
| Repair Shops                            | —   | —   | —   | CUP                                                                                                                                 | CUP | P   | CUP |            |
| Sales and Rental                        | —   | —   | —   | CUP                                                                                                                                 | CUP | P   | CUP |            |
| Vehicle Storage                         | CUP | —   | —   | CUP                                                                                                                                 | —   | P   | CUP | 130.40.320 |
| Banks and Financial Services            | P   | P   | P   | P                                                                                                                                   | P   | P   | P   |            |
| Bars and Drinking Establishments        | CUP | P   | P   | P                                                                                                                                   | P   | P   | P   |            |
| Brewery<br>Large Commercial             | —   | —   | CUP | P                                                                                                                                   | CUP | P   | CUP |            |
| Micro Brewery                           | CUP | CUP | CUP | CUP                                                                                                                                 | P   | P   | P   |            |
| Brewpub                                 | CUP | P   | P   | P                                                                                                                                   | P   | P—  | P   |            |
| Taproom Brewery                         | CUP | P   | P   | P                                                                                                                                   | P   | P   | P   |            |
| Broadcasting and Recording Studio       | P   | —   | P   | P                                                                                                                                   | P   | P   | —   |            |
| Building Supply Store                   | —   | —   | —   | P                                                                                                                                   | P   | P   | P   | 130.40.220 |
| Business Support Services               | —   | —   | P   | P                                                                                                                                   | P   | P   | P   |            |
| Child Day Care Center                   | A   | A   | A   | A                                                                                                                                   | A   | CUP | P   | 130.40.110 |
| Commercial Cannabis                     | —   | —   | —   | Commerical Cannabis Use<br>Permit required (See Article 4<br>– Special Use Regulations –<br>Chapter 130.41 – Commercial<br>Cannbis) |     |     | —   |            |
| Commercial Recreation:<br>Arcade        | —   | P   | P   | P                                                                                                                                   | P   | P   | P   |            |
| Indoor Entertainment                    | —   | —   | P   | P                                                                                                                                   | P   | —   | —   |            |
| Indoor Sports and Recreation            | —   | P   | —   | P                                                                                                                                   | P   | P   | —   |            |

|                               |   |   |     |     |     |   |     |            |
|-------------------------------|---|---|-----|-----|-----|---|-----|------------|
| Large Amusement Complex       | — | — | —   | CUP | CUP | — | —   |            |
| Outdoor Entertainment         | — | — | CUP | CUP | CUP | — | CUP |            |
| Outdoor Sports and Recreation | — | — | —   | —   | CUP | — | CUP | 130.40.210 |

**Section 3.** Table 130.24.020 entitled “Residential Zone Use Matrix” is amended in part to read as follows:

| <b>RM: Multi-unit Residential</b><br><b>R1, R20K: Single-unit Residential</b><br><b>R1A: One-acre Residential</b><br><b>R2A: Two-acre Residential</b><br><b>R3A: Three-acre Residential</b><br><b>RE: Residential Estate</b> | P Allowed use<br>PD Planned Development Permit required (130.52.040)<br>A Administrative Permit required (130.52.010)<br>CUP Conditional Use Permit (130.52.021)<br>MUP Minor use Permit required (130.52.020)<br>TMA Temporary Mobile Home Permit required (130.52.050)<br>TUP Temporary use permit required (130.52.060)<br>— Use not allowed in zone |          |     |     |     |     |                   |
|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------|-----|-----|-----|-----|-------------------|
| USE TYPE                                                                                                                                                                                                                     |                                                                                                                                                                                                                                                                                                                                                         |          |     |     |     |     | Specific Use Reg. |
|                                                                                                                                                                                                                              | RM                                                                                                                                                                                                                                                                                                                                                      | R1, R20K | R1A | R2A | R3A | RE  |                   |
| <b>Residential</b>                                                                                                                                                                                                           |                                                                                                                                                                                                                                                                                                                                                         |          |     |     |     |     |                   |
| Child Day Care Home:<br>Small Family Day Care Home                                                                                                                                                                           | P                                                                                                                                                                                                                                                                                                                                                       | P        | P   | P   | P   | P   | 130.40.110        |
| Large Family Day Care Home                                                                                                                                                                                                   | CUPP                                                                                                                                                                                                                                                                                                                                                    | AP       | AP  | AP  | AP  | AP  | 130.40.110        |
| Community Care Facility:<br>Small (serving 6 or fewer)                                                                                                                                                                       | P                                                                                                                                                                                                                                                                                                                                                       | P        | P   | P   | P   | P   |                   |
| Large (serving 7 or more)                                                                                                                                                                                                    | CUP                                                                                                                                                                                                                                                                                                                                                     | CUP      | CUP | CUP | CUP | CUP |                   |
| Dwelling:<br>Multi-unit                                                                                                                                                                                                      | P                                                                                                                                                                                                                                                                                                                                                       | —        | —   | —   | —   | —   |                   |
| Single-unit, attached                                                                                                                                                                                                        | P                                                                                                                                                                                                                                                                                                                                                       | P        | —   | —   | —   | —   |                   |
| Single-unit, detached                                                                                                                                                                                                        | P <sup>1</sup>                                                                                                                                                                                                                                                                                                                                          | P        | P   | P   | P   | P   |                   |
| Temporary During Construction                                                                                                                                                                                                | —                                                                                                                                                                                                                                                                                                                                                       | P        | P   | P   | P   | P   | 130.40.190        |
| Employee Housing:<br>Agricultural- Six or fewer                                                                                                                                                                              | —                                                                                                                                                                                                                                                                                                                                                       | P        | P   | P   | P   | P   | 130.40.120        |
| Seasonal Worker in compliance with standards                                                                                                                                                                                 | —                                                                                                                                                                                                                                                                                                                                                       | —        | A   | A   | A   | A   |                   |
| Seasonal Worker not in compliance with standards                                                                                                                                                                             | —                                                                                                                                                                                                                                                                                                                                                       | —        | CUP | CUP | CUP | CUP |                   |
| Construction                                                                                                                                                                                                                 | TUP                                                                                                                                                                                                                                                                                                                                                     | TUP      | TUP | TUP | TUP | TUP | 130.40.190        |
| Guest House                                                                                                                                                                                                                  | —                                                                                                                                                                                                                                                                                                                                                       | P        | P   | P   | P   | P   | 130.40.150        |
| Hardship Mobile Home                                                                                                                                                                                                         | —                                                                                                                                                                                                                                                                                                                                                       | TMA      | TMA | TMA | TMA | TMA | 130.40.190        |

| <b>RM: Multi-unit Residential</b><br><b>R1, R20K: Single-unit Residential</b><br><b>R1A: One-acre Residential</b><br><b>R2A: Two-acre Residential</b><br><b>R3A: Three-acre Residential</b><br><b>RE: Residential Estate</b> | P Allowed use<br>PD Planned Development Permit required (130.52.040)<br>A Administrative Permit required (130.52.010)<br>CUP Conditional Use Permit (130.52.021)<br>MUP Minor use Permit required (130.52.020)<br>TMA Temporary Mobile Home Permit required (130.52.050)<br>TUP Temporary use permit required (130.52.060)<br>— Use not allowed in zone |          |     |     |     |     |                   |
|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------|-----|-----|-----|-----|-------------------|
| USE TYPE                                                                                                                                                                                                                     |                                                                                                                                                                                                                                                                                                                                                         |          |     |     |     |     | Specific Use Reg. |
|                                                                                                                                                                                                                              | RM                                                                                                                                                                                                                                                                                                                                                      | R1, R20K | R1A | R2A | R3A | RE  |                   |
| Kennel, private                                                                                                                                                                                                              | —                                                                                                                                                                                                                                                                                                                                                       | —        | —   | —   | —   | CUP | 130.40.08<br>0    |

**Section 4.** Table 130.25.020 entitled “Special Purpose Zones Use Matrix” is amended in part to read as follows:

|                                                        |                |                |      |                |            |
|--------------------------------------------------------|----------------|----------------|------|----------------|------------|
| Marina, motorized craft                                | CUP            | CUP            | —    | —              |            |
| Marina, non-motorized craft                            | A              | A              | —    | CUP            |            |
| Off-road Vehicle Recreation Area                       | CUP            | CUP            | —    | —              |            |
| Parks:<br>Day Use                                      | P              | P              | —    | CUP            |            |
| Nighttime Use                                          | A              | A              | —    | —              |            |
| Picnic Area                                            | P              | P              | P    | P              |            |
| Private Recreation Area                                | p <sup>1</sup> | p <sup>1</sup> | —    | p <sup>1</sup> |            |
| Recreational Vehicle Park                              | —              | CUP            | —    | —              | 130.40.100 |
| Resource Protection and Restoration                    | P              | P              | P    | P              |            |
| River Put-in and Take-out                              | A              | A              | —    | CUP            | 130.40.210 |
| Ski Area                                               | CUP            | CUP            | —    | —              |            |
| Snow Play Area                                         | A              | A              | —    | CUP            |            |
| Special Events, Temporary                              | TUP            | TUP            | —TUP | TUP            |            |
| Stable, commercial                                     | A              | A              | —    | —              | 130.40.210 |
| Swimming Pool, public                                  | A              | A              | —    | —              |            |
| Tennis Court, public                                   | A              | A              | —    | —              |            |
| Trail Head Parking or Staging Area                     | A/CUP          | A              | A    | A/<br>CUP      |            |
| Residential                                            |                |                |      |                |            |
| Employee Housing:<br>Commercial Caretaker<br>Permanent | A              | A              | —    | —              | 130.40.120 |

|                                         |                  |                  |   |   |  |
|-----------------------------------------|------------------|------------------|---|---|--|
| Temporary                               | TMA              | TMA              | — | — |  |
| <b>Commercial</b>                       |                  |                  |   |   |  |
| Automotive and Equipment:<br>Fuel Sales | CUP <sup>2</sup> | CUP <sup>2</sup> | — | — |  |

**Section 5.** Section 130.30.040 entitled “Parcel Size Exception – Same Generally” is amended in part to read as follows:

**130.30.040 Parcel Size Exception – Same Generally**

In the following zone districts: RE, AG, LA, PA (where the property is not under a Williamson Act contract), RL, and FR, an existing parcel may be subdivided in such a way that one new parcel of less size than is required in the prevailing zone regulations is created within each subdivision provided the following conditions exist:

- A. Either the parcel is shown on the County tax roll or recorded deed as a separate parcel, is described as a fractional division of a section and a subsequent survey of the parcel shows it to be a maximum of 10 percent less than the acreage indicated on that tax roll; or
- B. The parcel is shown on the 1979 County tax roll as a separate parcel and the roll shows it to be a maximum of 10 percent less than the acreage required to make even divisions into the minimum parcel size to which it is zoned; or
- C. The parcel is shown on the 1979 County tax roll as a separate parcel and a survey shows it to be a maximum of 10 percent less than the acreage required to make even divisions into the minimum parcel size to which it is zoned; and both of the following:
  1. The smallest parcel 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 parcel be created less than 4.5 acres when groundwater dependent; and
  2. All other parcels proposed to be created are no less than the minimum required by the applicable zone or no more than one-tenth of an acre larger than the minimum.

No parcel size exception shall be granted where the exception would conflict with general plan policies or provisions of this Title that require buffers to adjacent parcels.

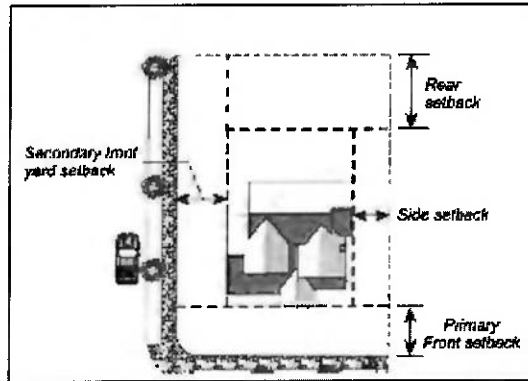
**Section 6.** Section 130.30.050 entitled “Setback Requirements and Exceptions” is amended in part to read as follows:

**130.30.050 Setback Requirements and Exceptions**

All structures and buildings (see Article 8 - Glossary: "Structure" of this Title) 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 130.21 (Agricultural, Rural , and Resources Zones) through 130.26 (Meyers Area Plan [MAP] Zone) in Article 2 (Zones, Allowed Uses, and Zoning Standards) of this Title, inclusive, except as provided in this Chapter unless and until a Variance is granted in compliance with Section 130.52.070 (Variance) in Article 5 (Planning Permit Processing) of this Title or standards are modified pursuant to a Development Plan permit in compliance with 130.52.040 (Development Plan Permit) in Article 5 (Planning Permit Processing) of this Title.

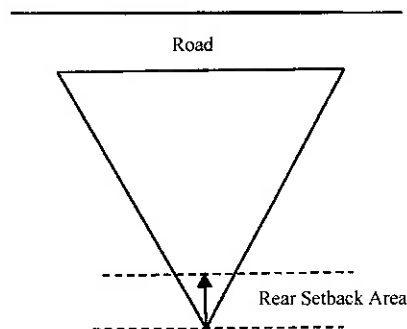
- A. **Measurement of Setbacks.** Setbacks shall be measured from the closest of either a property line, the edge of a road easement, or the edge of a right-of-way line to the nearest point of the foundation or support of a building or structure, on a line perpendicular to the property line, road easement, or right-of-way line.
1. **Setbacks adjacent to existing private roads without defined right-of-way or road easements** shall be measured from the edge of the maintained area of the road. Setbacks adjacent to County-maintained roadways shall be measured from a distance of 30 feet from the centerline of the road.
  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. **Expanded setbacks from major roads** identified in the Design and Improvement Standards Manual (DISM)/Land Development Manual (LDM), or successor document shall be applied to protect future right of way for the planned widening of those roads. Proposed development adjacent to these roads shall be increased by the distance shown in the DISM/LDM, or successor document.
  4. **Corner Lots.** A corner lot with frontage on two or more streets shall have front yard (see Article 8 – Glossary: "Yards" of this Title) setback requirements, as identified in the Development Standards Tables in Article 2 (Zones, Allowed Uses, and Zoning Standards) of this Title, along each property line adjacent to a street, subject to the following exceptions:
    - a. **Double Frontage Corner Lots.** On a corner lot with frontage on two streets, the building permit application shall specify the primary front yard; the remaining street frontage shall be considered the secondary front yard, as shown in Figure 130.30.050.A (Example: Corner Lot Setbacks) below in this Section. The yard opposite the primary front yard shall be considered the rear yard. The primary front yard setback shall comply with the front yard setbacks of the zone; the secondary front yard setback shall comply with the secondary front setback applicable to the zone.

**Figure 130.30.050.A Example: Corner Lot Setbacks**



- b. **Triple Frontage Corner Lots.** On a corner lot with frontage on three streets, the building permit application shall specify the primary front yard. The frontage opposite the primary front yard shall be considered a rear yard for setback purposes, providing vehicular access is restricted.
- c. **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 130.30.050.B (Example: Rear Setbacks, Triangular Lots) below in this Section.

**Figure 130.30.050.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.
- B. **Exceptions to Setback Requirements.** The following exceptions to the setback requirements shall be allowed when the qualifying conditions have been documented by a licensed civil engineer or surveyor. All reductions in front yard setbacks shall be subject

to cross visibility area (CVA) requirements under Subsection 130.30.070.B.4 (Fences, Walls, and Retaining Walls - Front Yards) below in this Chapter.

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 adjacent to 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 Subsection B.1 must be satisfied for all frontages.
  - b. Any parking structure allowed by this Subsection B.1 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 Subsection B.1 (Front Setback Reduction for Slope) above in this Subsection may be approved under administrative relief subject to Chapter 130.52 (Permit Requirements, Procedures, Decisions, and Appeals) in Article 5 (Planning Permit Processing) of this Title provided the requirement under Subsection B.1.b above in this Subsection 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; 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 allowed 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.
2. Front yards may have the following additional encroachments:
  - a. Fences and walls, subject to Section 130.30.070 (Fences, Walls, and Retaining Walls) below in this Chapter.
  - b. Bear resistant garbage can containers, subject to Subsection 3.g (Bear Resistant Garbage Can Containers) below in this Section.
  - c. Signs, subject to Chapter 130.36 (Signs) below in this Chapter.

3. The following encroachments or reduced setbacks into the required yards are allowed for the following specific uses, provided there is no encroachment into any public utility or drainage easement:
- a. **Swimming pool, heating and air conditioning equipment** may encroach into any setback by up to 50 percent but not less than 3 feet from any lot line. When located within a required setback as allowed by this Subsection, accessory mechanical equipment that generates noise (such as air conditioning or swimming pool equipment) shall be enclosed with an appropriate noise barrier when less than 10 feet from the property line.
  - b. **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.
  - c. **Propane Tanks** shall meet the applicable standards of the fire code (See Article 8: Glossary – “Fire Code” and “Fire Safe Regulations” of this Title) subject to the following conditions:
    - (1) **Front.** The propane tank may be located within the front setback provided it is not less than 10 feet from the property line and the tank is less than 40 inches in height and fully screened by fencing or landscaping.
    - (2) **Underground Tanks.** May be located within any setback.
  - d. **Portable Sheds** (non-habitable, less than 120 square feet of floor space, containing no utilities):
    - (1) **Front.** Setback required by zone.
    - (2) **Side and Rear.** 5 feet minimum, subject to fire safe regulations under Subsection D (Fire Safe Setbacks) below in this Section.
  - e. **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.
  - 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) 10 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 130.30.070.B (Cross Visibility Area (CVA) Example #2) below in this Chapter.

- 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 130.30.070 (Fences, Walls, and Retaining Walls) below in this Chapter.
- (2) An arbor less than 50 percent open shall be considered a structure and be subject to development standards, including setback requirements, for the zone.

- D. **Fire Safe Setbacks.** Where the net acreage of a lot is one acre or larger, any new structure shall maintain a 30 foot setback from all property lines or from the centerline of the road, unless the applicable fire protection agency or the County has approved an exception, conditional or otherwise, for a reduction of the setback requirement to either the standard setback for the zone or as allowed under a Development Plan Permit.

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

1. **Setback Standards on Lots Adjacent to Agricultural Zones.**

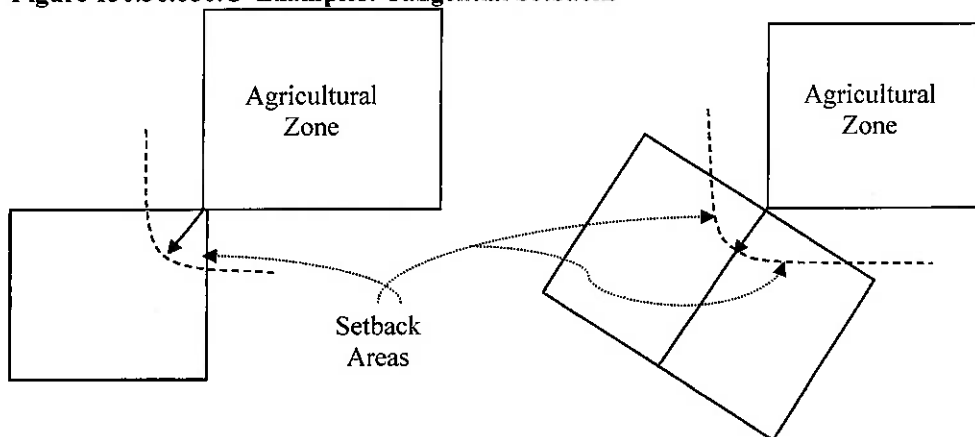
- a. When the agriculturally zoned lot is located within a General Plan designated Agricultural District: 200 feet.
- b. When the agriculturally zoned lot is located outside of a General Plan designated Agricultural District:
  - (1) A lot with the proposed incompatible use is 10 acres or larger: 200 feet.
  - (2) A lot with the proposed incompatible use is less than 10 acres: No special agricultural setback is required.
- c. When the lot adjacent to the agriculturally zoned lot is in a General Plan designated Community Region or Rural Center: 50 feet.

2. **Setback Standards on Lots Adjacent to the Forest Resource or Timber Production Zone:**

- a. When the lot adjacent to the Forest Resource or Timber Production Zone is within the General Plan designated Rural Region: 200 feet.
- b. When the lot adjacent to the Forest Resource or Timber Production zone is within a General Plan designated Community Region or Rural Center: 50 feet.

2. **Setbacks and Buffers for Adjacent Tangent Lots.** Where an agricultural or timber production zoned lot abuts a lot at a tangent or single point and where an agricultural or timber production zone setback will apply to the adjacent lot, the setback will be measured as a radius the length of the required setback, from the point of tangent into the adjacent lot, as shown in Figure 130.30.050.C (Examples: Tangential Setbacks) below in this Section:

**Figure 130.30.050.C Examples: Tangential Setbacks**



4. **Administrative Relief.** Administrative relief from the setback requirements established in Subsections E.1 through E.3 above in this Section may be granted by the Ag Commission or the Director under an Administrative Permit (Section 130.52.010, Administrative Permit, Relief, or Waiver) in Article 5 (Planning Permit Processing) of this Title in compliance with criteria set forth by resolution of the Board, as amended from time to time.

E. **Special Setbacks for Mineral Resource Protection.**

1. Notwithstanding any other provision of this Title, where incompatible uses, as defined in Article 8 (Glossary: see "Incompatible Uses: Mining") of this Title, adjacent to lands located in the -MR Combining Zone containing existing approved

mining operations, 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 Subsection F.1 above in this Section, may be administratively reduced under an Administrative Permit, in compliance with Section 130.52.010 (Administrative Permit, Relief, or Waiver) in Article 5 (Planning Permit Processing) of this Title 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.

**F. Protection of Wetlands and Sensitive Riparian Habitat.**

1. **Content.** This subsection establishes standards for avoidance and minimization of impacts to wetlands and sensitive riparian habitat as provided in General Plan Policies 7.3.3.4, 7.4.2.5 and 7.4.2.8.
3. **Applicability.** The standards in this subsection apply to all ministerial or discretionary development proposed adjacent to any perennial streams, rivers or lakes, any intermittent streams and wetlands, as shown on the latest 7.5 minute, 1:24,000 scale United States Geological Survey (USGS) Quadrangle maps, and any sensitive riparian habitat within the County. Activities regulated under this subsection include those activities also regulated under the federal Clean Water Act (33 U.S.C. §1251 et seq.) and California Fish and Game Code (Section 1600-1607). These standards do not apply to culverted creeks and engineered systems developed or approved by the County or other public agency for collection of storm or flood waters, or systems other than natural creeks designed to deliver irrigation or water supplies. Additional standards applicable to the design of new developments or subdivisions are found in the Design and Improvement Standards Manual (DISM)/Land Development Manual (LDM), or successor document.
3. **Use Regulations.**
  - a. New ministerial and discretionary development shall avoid or minimize impacts to perennial streams, rivers or lakes, intermittent streams and wetlands, and any sensitive riparian habitat to the maximum extent practicable. Where avoidance and minimization are not feasible, the County shall make findings, based on documentation provided by the project proponent, that avoidance and minimization are infeasible.
  - b. Any new development which does not avoid impacts to wetlands and sensitive riparian habitat shall prepare and submit a Biological Resource

Assessment identifying the location of all features regulated under this Section.

- c. An applicant shall obtain all required permits from state or federal agencies having jurisdiction, and shall fully implement any mitigation program required as a condition of such permit. Where the area impacted is not within federal or state jurisdiction, the County shall require appropriate mitigation as recommended in a Biological Resource Assessment.
- d. Ministerial development, including single family dwellings and accessory structures, shall be set back a distance of 25 feet from any intermittent stream, wetland or sensitive riparian habitat, or a distance of 50 feet from any perennial lake, river or stream. This standardized setback may be reduced, or grading within the setback may be allowed, if a biological resource evaluation is prepared which indicates that a reduced setback would be sufficient to protect the resources.
- e. All discretionary development which has the potential to impact wetlands or sensitive riparian habitat shall require a Biological Resource Assessment to establish the area of avoidance and any buffers or setbacks required to reduce the impacts to a less than significant level. Where all impacts are not reasonably avoided, the biological resource evaluation shall identify mitigation measures that may be employed to reduce the significant effects. These mitigation measures may include the requirement for compliance with the mitigation requirements of a state or federal permit, if required for the proposed development activity.
- f. Any setback or buffer required by this subsection shall be measured from the ordinary high water mark of a river, perennial or intermittent stream, and the ordinary high water mark or spillway elevation of a lake or reservoir.
- g. Except where otherwise provided in this section, filling, grading, excavating or obstructing streambeds is prohibited except where necessary for placement of storm drain and irrigation outflow structures approved by the County; placement of public and private utility lines; construction of bridges and connecting roadways; maintenance activities necessary to protect public health and safety; and creek restoration and improvement projects.
- h. All new septic system construction shall comply with standards established by the Environmental Management Department, or applicable state and federal regulations for setbacks from lakes, rivers and streams.
- i. Projects within the joint jurisdiction of the County and the Tahoe Regional Planning Agency (TRPA) shall be subject to setbacks established by TRPA.

4. **Exceptions; Uses allowed. The following uses are allowed:**

- a. Native landscaping;
- b. Fencing, consistent with the provisions of Subsection 130.30.070.B (Fences, Walls, and Retaining Walls - Front Yards) below in this Chapter, that does not interfere with the flow of waters or identified wildlife migration corridors;
- c. Roads or driveways used primarily for access or for the maintenance of a property;
- d. Utilities;
- e. Storm drains into riparian areas and creeks;
- f. Trails and passive recreational activities not involving the establishment of any structures;
- g. Boat ramps, docks, piers, and related features used for private purposes, subject to applicable local, state, or Federal regulations;
- h. Construction and maintenance of bridges, culverts, rip-rap, and other drainage facilities;
- i. Agricultural activities that utilize best management practices (BMPs), as recommended by the Ag Commission and adopted by the Board.

5. **Exceptions; Conditionally Permitted Uses.**

- a. The uses, and structures allowed in applicable zones are allowed within riparian areas with an approved Minor Use Permit;
- b. In addition to the findings required for approval of a Minor Use Permit, the Zoning Administrator shall make all of the following findings for a Minor Use Permit for riparian area development:
  - (1) The proposed use, structure, or encroachment cannot be feasibly located outside the riparian area or such location would have a more adverse effect on the stream environment.
  - (2) Measures are included that provide adequate protection of wildlife habitat, water quality and in-stream habitat, and capacity for flood management.

6. **Performance Standards.**

- a. Construction is prohibited in riparian buffers unless the necessary permits have been obtained from other responsible governmental agencies, and plans have been approved by the County.
  - b. Grading, alteration of the natural contours of the land, or cutting or alteration of natural vegetation that protects sensitive riparian habitat is prohibited within riparian areas except when such action is required for the construction of an approved development or structure, associated with an agricultural use utilizing approved BMP's, or a creek restoration and enhancement project, or necessary to protect public health and safety.
7. **Specific setbacks for major lakes, rivers and streams.** The setbacks identified in Table 130.30.050.H.1 (Specific Riparian Setbacks) below in this Section shall be provided, unless a discretionary approval by the County provides a larger or smaller setback.

**Table 130.30.050.H.1 – Specific Riparian Setbacks**

| <b>Specific Riparian Setbacks</b>              |          |
|------------------------------------------------|----------|
| <b>Lakes and Reservoirs</b>                    |          |
| Bass Lake                                      | 200 Feet |
| Folsom Lake                                    | 200 Feet |
| Jenkinson Lake (Sly Park)                      | 200 Feet |
| Slab Creek Reservoir                           | 200 Feet |
| Stumpy Meadows Reservoir                       | 200 Feet |
| <b>Rivers</b>                                  |          |
| American River (Middle and South Forks)        | 100 Feet |
| Cosumnes River (North, Middle and South Forks) | 100 Feet |
| Rubicon River                                  | 100 Feet |
| <b>Streams and Creeks</b>                      |          |
| Big Canyon Creek                               | 50 Feet  |
| Deer Creek (South of US Highway 50 only)       | 50 Feet  |
| Camp Creek                                     | 50 Feet  |
| Clear Creek                                    | 50 Feet  |
| Martinez Creek                                 | 50 Feet  |
| Pilot Creek                                    | 50 Feet  |
| Weber Creek                                    | 50 Feet  |

**8. Coordination with Other Regulatory Agencies**

All required permits from the California Department of Fish and Wildlife, the U.S. Army Corps of Engineers, regional water quality control board(s), California State Water Resources Control Board, or other applicable agencies, shall be obtained prior to commencement of construction. Evidence of approval or pending approval of any such permit shall be provided to the County, including all appropriate supporting materials, environmental documentation, and studies.

**Section 7.** Section 130.30.090 entitled “Gates” is amended in part to read as follows:

**130.30.090 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 in this section do not apply to gates serving exclusively agricultural uses.

- A. **Single- and Multi-unit Residential Development.** Single- and multi-unit residential dwellings located on one lot are allowed to construct gates across driveways providing the gates are located a minimum of 20 feet from the edge of pavement, will not swing into a county right-of-way or non-county maintained road or alley, are constructed consistent with applicable fire and building codes, and are in compliance with Subsections D.2 to D.5 (Design Standards for Gated Developments), inclusive, and D.9 (“Anti-directional” devices...) below in this Section.
- B. **Nonresidential Development.** An Administrative Permit is required, in compliance with Section 130.52.010 (Administrative Permit, Relief, or Waiver) in Article 5 (Planning Permit Processing) of this Title, 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 130.52.010 (Administrative Permit, Relief, or Waiver), the permit shall be in compliance with Subsections D.1 to D.5 (Design Standards for Gates Developments), inclusive, and D.9 (“Anti-directional” devices at gated entrances...) below in this Section.
- 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 (Design Standards for Gates Developments) below in this Section.
- D. **Design Standards for Gated Developments.** 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 130.52.021 (Conditional Use Permits) in Article 5 (Planning Permit Processing) of this Title, except where conditions are included in a development plan permit or other project conditions.

1. All Administrative Permits shall be subject to review by 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 of Ordinances.
3. Road widths and gate openings shall conform to the minimum requirements of Title 14 Fire Safe Regulations.
4. At least one lane in each direction shall provide a minimum of 14 feet of unobstructed vertical clearance.
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 Design and Improvement Standards Manual (DISM)/Land Development Manual (LDM), or successor document 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 shall be provided at each gated entrance to a residential or non-residential development. This requirement does not apply to a gate to a single family residence.
9. "Anti-directional" devices at gated entrances and exits, such as metal spikes that can cause tire damage, are prohibited.
10. Unless already provided for in the recorded Covenants, Conditions & Restrictions (CC&Rs) for the property or subdivision, 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.

**Section 8.** Section 130.40.110 entitled “Child Day Care Facilities” is amended in part to read as follows:

**130.40.110 Child Day Care Facilities**

- A. **Child Day Care Homes.** Child day care homes, as defined in Article 8 (Glossary: See “Child Day Care Home”) of this Title, may be provided in any zone that allows detached, single-unit residential dwellings, including rental units, in compliance with California Health and Safety Code Section 1596.70. As such, the following permit requirements shall apply:
1. **Small Family Day Care Homes.** Allowed by right.
  2. **Large Family Day Care Homes.** Allowed by right. Allowed under an Administrative Permit in compliance with Section 130.52.010 (Administrative Permit, Relief, or Waiver) in Article 5, (Planning Permit Processing) of this Title. 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 130.36 (Signs) in Article 3 (Site Planning and Project Design Standards) of this Title for residential signage.
- B. **Child Day Care Centers.** Child day care centers, as defined in Article 8 (Glossary: See “Child Day Care Center”) of this Title, shall be allowed where allowed in the use matrices for the zones.
- C. **Employer-sponsored Child Day Care Centers.** Employer-sponsored child day care centers, as defined in Article 8 (Glossary: See “Employer-sponsored Child Day Care”) of this Title, shall be allowed as part of a commercial or industrial building or complex where allowed in the use matrices for the zones.
- D. **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 E

(Approval Standards) below in this Section, 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 Subsection E.3 (Approval Standards) below in this Section.
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 (California 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 130.52.090 (Appeals) in Article 5, (Planning Permit Processing) of this Title.

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

1. The loading and unloading of vehicle occupants shall only be allowed 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 130.67 (Code Enforcement) in Article 6 (Zoning Ordinance Administration).
4. In addition to the standards in Subsections E.1 and E.2 (Approval Standards) above in this Section, 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.

**Section 9.** Section 130.40.180 entitled “Mixed Use Development” is amended in part to read as follows:

**130.40.180 Mixed Use Development**

- A. **Applicability.** Residential development may occur with the commercial development allowed in Chapter 130.22 (Commercial Zones) in Article 2 (Zones, Allowed Uses, and Zoning Standards) of this Title under the use matrices for the zones. Commercial development may occur with residential development allowed in Chapter 130.24 (Residential Zones) in Article 2 (Zones, Allowed Uses, and Zoning Standards) of this Title.
- B. **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. On commercially zoned land, the residential component shall be constructed concurrently with or following construction of the commercial component of the project site. On RM zoned land, timing provisions shall not apply.
  4. Mixed use development projects may be phased.

5. Mixed use development may include live/work units. A live/work unit is defined as a single unit consisting of both a commercial/office and a residence that is occupied by the same resident. The live/work unit shall be the primary dwelling of the occupant.
6. Mixed use development projects in Community Regions shall be designed consistent with the Mixed Use Design Manual, adopted by the Board on December 15, 2015 and reformatted on April 24, 2018 (Resolution 197-2015) and either the Interim Objective Design Standards for Streamlined Ministerial Projects or the Interim Design Standards and Guidelines for Multifamily, Mixed-Use or Commercial Projects, whichever is applicable, as adopted by the Board on December 3, 2024 (Resolutions No. 214-2024 and 215-2024, respectively). Mixed use projects that deviate from the standards of the Mixed Use Design Manual shall require a Design Review Permit.
7. Mixed use development projects in Rural Centers or the Rural Region shall be encouraged to comply with the standards and guidelines found in the adopted Mixed Use Design Manual.

**C. 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 20 dwelling units per acre in Community Regions and 10 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. The gross floor area of commercial use in a mixed use development on RM zoned land shall not exceed 15 percent of the gross floor area of the project.
5. Setbacks: Notwithstanding Sections 130.22.030 (Commercial Zone Development Standards) and 130.24.030 (Residential Zone Development Standards) in Article 2 (Zones, Allowed Uses, and Zoning Standards) of this Title, front setbacks for mixed use development projects shall be as follows:

**Table 130.40.180.1 – Front Setbacks for Mixed Use Development**

| Street Classification                                    | Minimum (in feet) | Maximum (in feet) |
|----------------------------------------------------------|-------------------|-------------------|
| Major 2-lane Road--<br>Community Region                  | 0                 | 10                |
| Major 2-lane Road --<br>Rural Center and Rural<br>Region | 0                 | 5                 |
| Local Road                                               | 0                 | 5                 |

Mixed use buildings shall have no minimum side and rear setbacks if the building has a fireproof wall with no openings that meets all building and fire code requirements. Otherwise, side and rear setbacks shall be a minimum of five feet.

6. Parking shall be subject to the requirements in Chapter 130.35 (Parking and Loading) and Chapter 130.33 (Landscaping Standards) in Article 3 (Site Planning and Project Design Standards) of this Title. Notwithstanding the requirements of Chapter 130.35 (Parking and Loading), parking shall be required as follows:

**Table 130.40.180.2 – Parking Requirements**

| Use type                                               | Minimum standard                                                                                   |
|--------------------------------------------------------|----------------------------------------------------------------------------------------------------|
| Accessory dwelling unit                                | none                                                                                               |
| Commercial use                                         | 1 space/400 square feet<br>3 bicycle parking spaces per 2,000 square feet of building space        |
| Civic use                                              | 1 space/400 square feet                                                                            |
| Industrial use (limited to commercial zone provisions) | 1 space/500 square feet<br>3 bicycle parking spaces per 2,000 square feet of building space        |
| Residential use                                        | 1 space/dwelling unit                                                                              |
| Live/work                                              | 1 space/dwelling unit, plus the lesser of 1 space/400 SF or 1 space for each non-resident employee |

- a. On-street parking spaces located within 400 feet of the project may be credited to meet up to 50 percent of the minimum required off-street parking spaces. On-street parking allowed by this provision shall not be counted toward the maximum amount of parking allowed.
  - b. The Director may reduce the minimum off street parking requirements by up to 100 percent for mixed-use projects meeting at least one of the following requirements:
    - i. The project is sited within one-quarter mile of a public or private parking lot that can accommodate the off-street requirements.
    - ii. The project developer or owner contributes into a “public parking lot development fund” based upon the number of required off-street parking spaces.
  7. On-site pedestrian walkways or sidewalks connecting the residential and commercial components, as well as connecting to adjacent commercial, residential, and civic uses, shall be provided for pedestrian safety.
- D. **Findings.** To assure the proposed development meets the intent of this Section for mixed use development 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.

**Section 10.** Section 130.40.310 entitled “Solar Collection Systems” is amended in part to read as follows:

**130.40.310 Solar Collection Systems**

- A. **Applicability.** As defined in Article 8 (Glossary: see “Solar Collection Systems”) of this Title and used in this Section, active solar collection systems may be allowed in any zone in compliance with the general standards in Subsection B (General Standards), below in this Section.
- 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 Subsection 130.30.030050.C.3.f (Projections into Required Setbacks: Solar Collectors) in Article 3 (Site Planning and Project Design Standards) of this Title.
  3. Solar paneled structures placed in parking lots, whether public or private, may be counted as part of the shade requirements in compliance with adopted design standards.
  4. Solar collection systems constructed for the primary purpose of generating power for sale to a public utility, even if also generating power for use on-site, shall be subject to a Conditional Use Permit in compliance with Section 130.52.021 (Conditional Use Permits) in Article 5 (Planning Permit Processing) of this Title.

**Section 11.** Section 130.51.020 entitled “Application Forms, Submittal Process, and Fees” is amended in part to read as follows:

**130.51.020 Application Forms, Submittal Process, and Fees**

An application for an allowed 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 allowed use application and information packet shall include a list of the information and materials necessary to render the requested allowed 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 an applicant identified in A below.

- 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 may 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 a material misrepresentation or omission of material facts known to the applicant may result in revocation or unilateral modification of conditions of a permit or approval by the County, as provided in Section 130.54.090 (Revocation or County Mandated Modification of a Permit) below in this Article.
- 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 allowed, or has been found to be similar and compatible with allowed uses, 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; and
  - 3. No violation of the County Code or any condition of approval of an applicable 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, or by the Agricultural Commissioner in the case of the fees for the Administrative Permits issued under Chapter 130.44 (Ranch Marketing).
- 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.

If the Department fails to notify the applicant in writing within 30 days of filing, the application shall be deemed complete. The Department may request additional information where needed to comply with the California Environmental Quality Act (CEQA).

- G. **Expiration of Application.** 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 the written determination; or
2. An applicant has requested that processing be delayed or stayed or placed on hold for a period of more than one year. Any request for a delay, stay, or hold shall be made in writing; or
3. The Director provides written notice of a determination that a complete application has not been actively pursued for a cumulative period of more than one year.

**Section 12.** Section 130.51.050 entitled "Public Notice Requirements and Procedures" is amended in part to read as follows:

**130.51.050 Public Notice Requirements and Procedures**

- A. This Section implements greater public notice requirements than the prescribed requirements in California Government Code (CA Gov. Code § 65090- 65095). The public notice requirements and procedures for the various types of planning actions are set forth below in Table 130.51.050.1 (Public Notice Requirements and Procedures – Administrative Projects) and Table 130.51.050.2 (Public Notice Requirements and Procedures – Discretionary Projects). Public notice regarding projects will be mailed to nearby property owners according to the distance radius from the project site parcel boundary as specified in these tables. If the project has multiple actions with conflicting distance radii, then the greater distance radius shall apply.
- B. The notice shall be mailed at least 10 days prior to the hearing to any person who has filed a written request for notice either with the clerk of the governing body or with any other person designated by the governing body to receive these requests. The local agency may charge a fee, which is reasonably related to the costs of providing this service, and the local

agency may require each request to be annually renewed. As used in this Chapter, “person” includes a California Native American tribe that is on the contact list maintained by the Native American Heritage Commission (CA Gov. Code § 65092).

- C. The failure of any person or entity to receive notice pursuant to this Title shall not constitute grounds for any court to invalidate the actions by the Director, Zoning Administrator, Planning Commission, and/or Board of Supervisors for which the notice was given (CA Gov. Code § 65093).
- D. Any public hearing conducted under this Title may be continued from time to time (CA Gov. Code § 65095). If a hearing on a project is continued to a date certain, no additional public notice is required. Projects continued off calendar require new public notice.
- E. **Public Notice Requirements and Procedures - Administrative Projects.** Administrative projects are projects that require the issuance of an Administrative Permit as specified throughout the various matrices of allowed uses set forth in this Title. Administrative project types listed in Table 130.51.050.1 (Public Notice Requirements and Procedures – Administrative Projects) require public notice prior to a Director decision or no public notice as specified below.

**Table 130.51.050.1—Public Notice Requirements and Procedures – Administrative Projects**

| Project Type                                                       | Notice Mailed to Property Owners <sup>1</sup><br>Nearby (distance radius <sup>2</sup> ) | Hearing Body (D - Director, ZA - Zoning Administrator,<br>PC - Planning Commission, BOS - Board of Supervisors) | Physical Sign Posting (publicly visible) | Notice to:<br>Agent/Appellant/Appellant/Property Owners/Local<br>Agencies/Persons Who File for Written Request for | Notice Date prior to decision: (applies to the following:<br>mailed notice, published notice, and physical sign posting) | Notice Mailed via U.S. Postal Service <sup>4</sup> | Notice Published in One Newspaper of General<br>Circulation <sup>4</sup> |
|--------------------------------------------------------------------|-----------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------|------------------------------------------|--------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------|--------------------------------------------------------------------------|
| Administrative Relief or Waiver                                    | N/A                                                                                     | D                                                                                                               | N/A                                      | N/A                                                                                                                | N/A                                                                                                                      | N/A                                                | N/A                                                                      |
| Agricultural Setback Reduction                                     | 500ft                                                                                   | D                                                                                                               | N/A                                      | Yes                                                                                                                | At least 10 days                                                                                                         | Yes                                                | N/A                                                                      |
| Fences, Walls, and Retaining Walls<br>(greater than 7ft in height) | 500ft                                                                                   | D                                                                                                               | N/A                                      | Yes                                                                                                                | At least 10 days                                                                                                         | Yes                                                | N/A                                                                      |
| Special Setbacks for Mineral Resource<br>Protection                | 500ft                                                                                   | D                                                                                                               | N/A                                      | Yes                                                                                                                | At least 10 days                                                                                                         | Yes                                                | N/A                                                                      |

|                                                                                                                                                                     |                                                                                              |                                                                                                                         |                                                 |                                                                                                                                         |                                                                                                                                  |                                                          |                                                                                 |
|---------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------|---------------------------------------------------------------------------------|
| Sensitive Riparian Habitat Setback Reduction                                                                                                                        | N/A                                                                                          | D                                                                                                                       | N/A                                             | N/A                                                                                                                                     | N/A                                                                                                                              | N/A                                                      | N/A                                                                             |
| Setback Reduction                                                                                                                                                   | 500ft                                                                                        | D                                                                                                                       | N/A                                             | Yes                                                                                                                                     | At least 10 days                                                                                                                 | Yes                                                      | N/A                                                                             |
| Adult Business Establishment                                                                                                                                        | 500ft                                                                                        | D                                                                                                                       | N/A                                             | Yes                                                                                                                                     | At least 10 days                                                                                                                 | Yes                                                      | N/A                                                                             |
| Caretaker Unit: Permanent                                                                                                                                           | N/A                                                                                          | D                                                                                                                       | N/A                                             | N/A                                                                                                                                     | N/A                                                                                                                              | N/A                                                      | N/A                                                                             |
| Child Day Care Facilities:<br>Child Day Care Centers<br>Employer-sponsored Child Day Care Centers                                                                   | 100ft                                                                                        | D                                                                                                                       | N/A                                             | Yes                                                                                                                                     | At least 10 days                                                                                                                 | Yes                                                      | N/A                                                                             |
| Co-location on Communication<br>Telecommunication Facilities (Non-<br>building Structures, Public Facilities,<br>Monopoles, and Towers)                             | N/A                                                                                          | D                                                                                                                       | N/A                                             | N/A                                                                                                                                     | N/A                                                                                                                              | N/A                                                      | N/A                                                                             |
| Commercial Recreation (Arcade; Indoor<br>Entertainment, Sports and Recreation;<br>Outdoor Entertainment, Sports, and<br>Recreation; and Large Amusement<br>Complex) | 500ft                                                                                        | D                                                                                                                       | N/A                                             | Yes                                                                                                                                     | At least 10 days                                                                                                                 | Yes                                                      | N/A                                                                             |
| Contractor's Office: On-site                                                                                                                                        | N/A                                                                                          | D                                                                                                                       | N/A                                             | N/A                                                                                                                                     | N/A                                                                                                                              | N/A                                                      | N/A                                                                             |
| <b>Project Type</b>                                                                                                                                                 | <b>Notice Mailed to Property Owners<sup>1</sup><br/>Nearby (distance radius<sup>2</sup>)</b> | <b>Hearing Body (D - Director, ZA - Zoning Administrator,<br/>PC - Planning Commission, BOS - Board of Supervisors)</b> | <b>Physical Sign Posting (publicly visible)</b> | <b>Notice to:<br/>Agent/Applicant/Appellant/Property Owners/Local<br/>Agencies<sup>3</sup>/Persons Who File for Written Request for</b> | <b>Notice Date prior to decision: (applies to the following:<br/>mailed notice, published notice, and physical sign posting)</b> | <b>Notice Mailed via U.S. Postal Service<sup>4</sup></b> | <b>Notice Published in One Newspaper of General<br/>Circulation<sup>4</sup></b> |
| Commercial Caretaker, Construction<br>Employee, Agricultural Employee, and<br>Seasonal Worker Housing)                                                              | 500ft                                                                                        | D                                                                                                                       | N/A                                             | Yes                                                                                                                                     | At least 10 days                                                                                                                 | Yes                                                      | N/A                                                                             |
| Legal Nonconforming Use or Structure                                                                                                                                | 500ft                                                                                        | D                                                                                                                       | N/A                                             | Yes                                                                                                                                     | At least 10 days                                                                                                                 | Yes                                                      | N/A                                                                             |
| Lodging Facilities (Guest Ranch, Health<br>Resort and Retreat Center)                                                                                               | 500ft                                                                                        | D                                                                                                                       | N/A                                             | Yes                                                                                                                                     | At least 10 days                                                                                                                 | Yes                                                      | N/A                                                                             |
| Marina: Non-motorized craft                                                                                                                                         | 500ft                                                                                        | D                                                                                                                       | N/A                                             | Yes                                                                                                                                     | At least 10 days                                                                                                                 | Yes                                                      | N/A                                                                             |
| Mobile/Manufactured Home Sales Lots                                                                                                                                 | 500ft                                                                                        | D                                                                                                                       | N/A                                             | Yes                                                                                                                                     | At least 10 days                                                                                                                 | Yes                                                      | N/A                                                                             |
| Oak Tree and Oak Woodland Removal<br>Permits                                                                                                                        | N/A                                                                                          | D                                                                                                                       | N/A                                             | N/A                                                                                                                                     | N/A                                                                                                                              | N/A                                                      | N/A                                                                             |
| Off-highway or Off-road Vehicle Area                                                                                                                                | 500ft                                                                                        | D                                                                                                                       | N/A                                             | Yes                                                                                                                                     | At least 10 days                                                                                                                 | Yes                                                      | N/A                                                                             |
| Parks (Day Use, Nighttime Use)                                                                                                                                      | 500ft                                                                                        | D                                                                                                                       | N/A                                             | Yes                                                                                                                                     | At least 10 days                                                                                                                 | Yes                                                      | N/A                                                                             |

|                                                                                |                                                                                         |                                                                                                              |                                          |                                                                                                                   |                                                                                                                       |                                                    |                                                                       |
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| Outdoor Retail Sales in Commercial Zones (Permanent, Temporary, Seasonal)      | N/A                                                                                     | D                                                                                                            | N/A                                      | N/A                                                                                                               | N/A                                                                                                                   | N/A                                                | N/A                                                                   |
| Outdoor Retail Sales in Residential, Recreational, Open Space Zones (Seasonal) | 500ft                                                                                   | D                                                                                                            | N/A                                      | Yes                                                                                                               | At least 10 days                                                                                                      | Yes                                                | N/A                                                                   |
| Produce Sales (Sale of Produce Grown On-site or Off-Site)                      | 500ft                                                                                   | D                                                                                                            | N/A                                      | Yes                                                                                                               | At least 10 days                                                                                                      | Yes                                                | N/A                                                                   |
| Snow Play Area                                                                 | 500ft                                                                                   | D                                                                                                            | N/A                                      | Yes                                                                                                               | At least 10 days                                                                                                      | Yes                                                | N/A                                                                   |
| Swimming Pool: Public                                                          | 500ft                                                                                   | D                                                                                                            | N/A                                      | Yes                                                                                                               | At least 10 days                                                                                                      | Yes                                                | N/A                                                                   |
| Tennis Court: Public                                                           | 500ft                                                                                   | D                                                                                                            | N/A                                      | Yes                                                                                                               | At least 10 days                                                                                                      | Yes                                                | N/A                                                                   |
| Ranch Marketing Use Review                                                     | 500ft                                                                                   | D                                                                                                            | N/A                                      | Yes                                                                                                               | At least 10 days                                                                                                      | Yes                                                | N/A                                                                   |
| Stable: Commercial                                                             | 500ft                                                                                   | D                                                                                                            | N/A                                      | Yes                                                                                                               | At least 10 days                                                                                                      | Yes                                                | N/A                                                                   |
| Storage Facilities (Storage Yard: Equipment and Material)                      | 500ft                                                                                   | D                                                                                                            | N/A                                      | Yes                                                                                                               | At least 10 days                                                                                                      | Yes                                                | N/A                                                                   |
| Temporary Real Estate Sales Office                                             | N/A                                                                                     | D                                                                                                            | N/A                                      | N/A                                                                                                               | N/A                                                                                                                   | N/A                                                | N/A                                                                   |
| Trail Head Parking or Staging Area                                             | 500ft                                                                                   | D                                                                                                            | N/A                                      | Yes                                                                                                               | At least 10 days                                                                                                      | Yes                                                | N/A                                                                   |
| Transitional Housing Large                                                     | 500ft                                                                                   | D                                                                                                            | N/A                                      | Yes                                                                                                               | At least 10 days                                                                                                      | Yes                                                | N/A                                                                   |
| <b>Project Type</b>                                                            | Notice Mailed to Property Owners <sup>1</sup><br>Nearby (distance radius <sup>2</sup> ) | Hearing Body (D - Director, ZA - Zoning Administrator, PC - Planning Commission, BOS - Board of Supervisors) | Physical Sign Posting (publicly visible) | Notice to:<br>Agent/Applicant/Appellant/Property Owners'/Local Agencies'/Persons Who File for Written Request for | Notice Date prior to decision: (applies to the following: mailed notice, published notice, and physical sign posting) | Notice Mailed via U.S. Postal Service <sup>4</sup> | Notice Published in One Newspaper of General Circulation <sup>4</sup> |
| Wind Energy Conversion System-Administrative Permit                            | 500ft                                                                                   | D                                                                                                            | N/A                                      | Yes                                                                                                               | At least 10 days                                                                                                      | Yes                                                | N/A                                                                   |
| Winery Activity Review                                                         | 500ft                                                                                   | D                                                                                                            | N/A                                      | Yes                                                                                                               | At least 10 days                                                                                                      | Yes                                                | N/A                                                                   |
| Appeal of Director Decision (Heard by the Planning Commission)                 | Same as initial application                                                             | PC                                                                                                           | N/A                                      | Same as previous hearing                                                                                          | At least 10 days                                                                                                      | Yes                                                | N/A                                                                   |
| Appeal of Zoning Administrator Decision (Heard by the Board of Supervisors)    | Same as initial application                                                             | BOS                                                                                                          | N/A                                      | Same as previous hearing                                                                                          | At least 10 days                                                                                                      | Yes                                                | N/A                                                                   |
| Appeal of Planning Commission Decision (Heard by the Board of Supervisors)     | Same as initial application                                                             | BOS                                                                                                          | N/A                                      | Same as previous hearing                                                                                          | At least 10 days                                                                                                      | Yes                                                | N/A                                                                   |

|                                                                                                                                                                                                                                                                                                               |
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| <sup>1</sup> Property owners includes property owners from the latest assessment roll record and any owner of a mineral right pertaining to the subject real property who has recorded a notice of intent to preserve the mineral right pursuant to Section 883.230 of the Civil Code. (CA Gov. Code § 65091) |
| <sup>2</sup> The mailed public notice distance radius is from the project site parcel boundary. If the project has multiple actions with conflicting distance radii, then the greater distance radius shall apply.                                                                                            |
| <sup>3</sup> Local agencies expected to provide water, sewage, streets, roads, schools, or other essential facilities or services to the project.                                                                                                                                                             |
| <sup>4</sup> The mailed and published notice shall include: date, location, APN, project description, and pending decision.                                                                                                                                                                                   |

**F. Public Notice Requirements and Procedures - Discretionary Projects.** Discretionary projects require the issuance of a discretionary permit as specified throughout the various matrices of allowed uses set forth in this Title. Discretionary projects include project types such as Conditional Use Permit, Design Review, General Plan Amendment, and other project types listed in Table 130.51.050.2 (Public Notice Requirements and Procedures – Discretionary Projects). Discretionary projects listed in this table require public notice prior to Director, Zoning Administrator, Planning Commission, and/or Board of Supervisors decision; or no public notice as specified below.

1. Notwithstanding any other provisions of this Title, the following determination shall apply to all County-initiated planning efforts, including but not limited to Board of Supervisors directed zone changes:
  - a. The physical sign posting requirements shown on Table 103.51.050.2 shall not apply. No physical sign posting shall be required for County-initiated planning efforts, including Planned Developments, Specific Plans, or Zone Changes.

**Table 130.51.050.2 - Public Notice Requirements and Procedures – Discretionary Projects**

| Project Type | Notice Mailed to Property Owners <sup>1</sup><br>Nearby (distance radius <sup>2</sup> ) | Hearing Body (D - Director, ZA - Zoning Administrator,<br>PC - Planning Commission, BOS - Board of Supervisors | Physical Sign Posting (publicly visible, at least 30 days<br>prior to first hearing) | Notice to: Agent/Appellant/Appellant/Property<br>Owner <sup>3</sup> /Local Agencies <sup>3</sup> /Persons Who File for Written<br>Request for Notice | Notice Date prior to hearing: (applies to the following:<br>mailed notice, published notice, and physical sign<br>posting) | Notice Mailed via U.S. Postal Service <sup>4</sup> | Notice Published in One Newspaper of General<br>Circulation <sup>4</sup> |
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| Conditional Use Permit              | 1,000ft                                                                                      | ZA/PC                                                                                                                   | N/A                                             | Yes                                                                                                                                                       | At least 10 days                                                                                                                    | Yes                                                      | Yes                                                                             |
| Design Review                       | 1,000ft                                                                                      | D/PC                                                                                                                    | N/A                                             | Yes                                                                                                                                                       | At least 10 days                                                                                                                    | Yes                                                      | Yes                                                                             |
| Development Agreement <sup>5</sup>  | 1,000ft                                                                                      | PC/BOS                                                                                                                  | N/A                                             | Yes                                                                                                                                                       | At least 10 20 days                                                                                                                 | Yes                                                      | Yes                                                                             |
| General Plan Amendment <sup>5</sup> | 1,000ft                                                                                      | PC/BOS                                                                                                                  | N/A                                             | Yes                                                                                                                                                       | At least 10 days                                                                                                                    | Yes                                                      | Yes                                                                             |
| Minor Use Permit                    | 1,000ft                                                                                      | ZA/PC                                                                                                                   | N/A                                             | Yes                                                                                                                                                       | At least 10 days                                                                                                                    | Yes                                                      | Yes                                                                             |
| Planned Development <sup>5</sup>    | 1,000ft                                                                                      | PC                                                                                                                      | Yes                                             | Yes                                                                                                                                                       | At least 1020 days                                                                                                                  | Yes                                                      | Yes                                                                             |
| Planned Development - Revision      | 1,000ft                                                                                      | PC                                                                                                                      | Yes                                             | Yes                                                                                                                                                       | At least 10 days                                                                                                                    | Yes                                                      | Yes                                                                             |
| Pre-application/Conceptual Review   | N/A                                                                                          | D/PC/BOS                                                                                                                | N/A                                             | N/A                                                                                                                                                       | N/A                                                                                                                                 | N/A                                                      | N/A                                                                             |
| Specific Plan <sup>5</sup>          | 1,000ft                                                                                      | PC/BOS                                                                                                                  | Yes                                             | Yes                                                                                                                                                       | At least 1020 days                                                                                                                  | Yes                                                      | Yes                                                                             |
| Specific Plan-Revision              | 1,000ft                                                                                      | PC/BOS                                                                                                                  | Yes                                             | Yes                                                                                                                                                       | At least 10 days                                                                                                                    | Yes                                                      | Yes                                                                             |
| Temporary Mobile Home Permit        | N/A                                                                                          | D                                                                                                                       | N/A                                             | N/A                                                                                                                                                       | N/A                                                                                                                                 | N/A                                                      | N/A                                                                             |
| Temporary Use Permit                | N/A                                                                                          | D                                                                                                                       | N/A                                             | N/A                                                                                                                                                       | N/A                                                                                                                                 | N/A                                                      | N/A                                                                             |
| Variance                            | 1,000ft                                                                                      | ZA                                                                                                                      | N/A                                             | Yes                                                                                                                                                       | At least 10 days                                                                                                                    | Yes                                                      | Yes                                                                             |
| Williamson Act Contract             | 1,000ft                                                                                      | PC/BOS                                                                                                                  | N/A                                             | Yes                                                                                                                                                       | At least 1020 days                                                                                                                  | Yes                                                      | Yes                                                                             |
| Zone Change <sup>5</sup>            | 1,000ft                                                                                      | PC/BOS                                                                                                                  | Yes                                             | Yes                                                                                                                                                       | At least 1020 days                                                                                                                  | Yes                                                      | Yes                                                                             |
| <b>Project Type</b>                 | <b>Notice Mailed to Property Owners<sup>1</sup><br/>Nearby (distance radius<sup>2</sup>)</b> | <b>Hearing Body (D - Director, ZA - Zoning Administrator,<br/>PC - Planning Commission, BOS - Board of Supervisors)</b> | <b>Physical Sign Posting (publicly visible)</b> | <b>Notice to: Agent/Applicant/Appellant/Property<br/>Owner<sup>1</sup>/Local Agencies<sup>3</sup>/Persons Who File for Written<br/>Request for Notice</b> | <b>Notice Date prior to hearing: (applies to the following:<br/>mailed notice, published notice, and physical sign<br/>posting)</b> | <b>Notice Mailed via U.S. Postal Service<sup>4</sup></b> | <b>Notice Published in One Newspaper of General<br/>Circulation<sup>4</sup></b> |

|                                                                                                                                                                                                                                                                                                                                                                                                                                                                          |                             |     |     |                          |                  |     |     |
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| Appeal of Director Decision (Heard by the Planning Commission)                                                                                                                                                                                                                                                                                                                                                                                                           | Same as initial application | PC  | N/A | Same as previous hearing | At least 10 days | Yes | Yes |
| Appeal of Zoning Administrator Decision (Heard by the Board of Supervisors)                                                                                                                                                                                                                                                                                                                                                                                              | Same as initial application | BOS | N/A | Same as previous hearing | At least 10 days | Yes | Yes |
| Appeal of Planning Commission Decision (Heard by the Board of Supervisors)                                                                                                                                                                                                                                                                                                                                                                                               | Same as initial application | BOS | N/A | Same as previous hearing | At least 10 days | Yes | Yes |
| <sup>1</sup> Property owners includes property owners from the latest assessment roll record and any owner of a mineral right pertaining to the subject real property who has recorded a notice of intent to preserve the mineral right pursuant to Section 883.230 of the Civil Code. (CA Gov. Code § 65091)                                                                                                                                                            |                             |     |     |                          |                  |     |     |
| <sup>2</sup> The mailed public notice distance radius is from the project site parcel boundary. If the project has multiple actions with conflicting distance radii, then the greater distance radius shall apply.                                                                                                                                                                                                                                                       |                             |     |     |                          |                  |     |     |
| <sup>3</sup> Local agencies expected to provide water, sewage, streets, roads, schools, or other essential facilities or services to the project.                                                                                                                                                                                                                                                                                                                        |                             |     |     |                          |                  |     |     |
| <sup>4</sup> The mailed and published notice shall include: hearing body, location of hearing, date, time, project name and number, applicant's name, project description, APN, property acreage, location, Supervisor District, County Planner and contact info, and environmental document type. The notice shall also identify if the project is within a community region, rural center, or rural area.                                                              |                             |     |     |                          |                  |     |     |
| <sup>5</sup> The County of El Dorado Subdivision Ordinance (Title 120) prescribes the public notice requirements and procedures for planning activities associated with tentative maps. Please refer to the requirements prescribed in Section 120.24.085 for (Major Land Divisions) and Section 120.48.065 for (Minor Land Divisions). The greater distance radius shall apply to planning activities with conflicting distance radii in either Title 120 or Title 130. |                             |     |     |                          |                  |     |     |

H. **Physical Sign Posting.** The Applicant shall post a sign on the subject property for the purpose of providing notice that an application at the subject property is currently undergoing review. The sign shall comply with the following specifications:

1. The size of the sign shall be a minimum of 32 square feet (4 feet high by 8 feet wide).
2. The sign text shall be large, black letters on a white background. The font size shall be proportional to the sign size for optimum readability. The sign content shall specify project type (e.g., Commercial, Residential, Industrial, Mixed Use) and shall include the following minimum information: project type, project name, number of units or building square footage, project number, Planning Services phone number, and Planning Services website. Below is a typical example as a guideline for a sign layout; apply the information as it pertains to the individual project.

**Typical Example**

|                                                                                                                    |
|--------------------------------------------------------------------------------------------------------------------|
| <b>Proposed [Type] Development</b>                                                                                 |
| <b>PROJECT NO. - PROJECT NAME</b><br><b>[X sq. ft. or X Units]</b>                                                 |
| <b>MORE INFORMATION: 530-621-5355</b><br><b><a href="http://www.edcgov.us/planning">www.edcgov.us/planning</a></b> |

3. A minimum of one sign shall be posted facing each right-of-way on which the property has frontage.
4. The sign shall be posted no more than 20 feet from the edge of the right-of-way for maximum visibility.
5. For property that does not have street frontage or is not easily visible from the right-of-way, the sign(s) shall be posted in a location deemed suitable by the Director or designee.
6. The sign(s) shall be posted on the property at least 30 calendar days prior to the hearing or the first hearing if there are multiple hearings. The sign(s) shall remain posted until final action has been taken on the application and the appeal period has expired.

7. The sign(s) shall be removed within 30 days of the final action.
8. The sign(s) shall be constructed of materials suitable to withstand the estimated posting time and to endure weather conditions.

**Section 13.** Section 130.52.090 entitled "Appeals" is amended in part to read as follows:

**130.52.090 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 Department shall forward the appeal to the Clerk of the Board. The appellant shall clearly identify on the appeal form the specific reasons for the appeal and the relief requested.
- 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 Zoning Administrator and the Commission are appealable to the Board.
  4. All decisions of the Board are final.
- C. The hearing on an appeal shall should be set no more than 30 60 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 3060-day time limitation may be extended by mutual consent of the appellant(s), and 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, the Ag Commission, or the Board shall render its decision on the appeal at the conclusion of the hearing or rendered at a subsequent meeting of the Board of Supervisors within 60 45 days of the hearing, unless it is stipulated by the parties that the matter may be submitted for a later decision upon a certain date. The decision shall be in the form of written findings.
- 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 or to the Ag Commission and the Board as applicable have been first exhausted in compliance with this Section.

**Section 14.** Section 130.54.060 entitled "Time Limits, Extensions, and Permit Expiration" is amended in part to read as follows:

**130.54.060 Time Limits, Extensions, and Permit Expiration, and Relinquishment**

- A. **Time Limits.** A permit or authorization that is not exercised within 24 months from the effective date 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 (Time Extensions), below in this Section.
  - 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, in compliance with Subsection C (Permit Expiration) below in this Section.
  - 3. The expiration of a permit or authorization associated with a tentative subdivision or parcel map, specific plan or development agreement, shall coincide with the term of that entitlement and not be subject to the time extension in Subsection B (Time Extensions) below in this Section.
- 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 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 Subsection 3.a, below in this Section. 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; or
    - (2) Not more than 36 months will be necessary to exercise the permit, in compliance with Subsection A.1 (Time Limits) above in this Section; 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 where required to protect the public health and safety or to comply with provisions of state or federal law.

**C. Permit Expiration.**

1. All permits authorized by this Chapter shall automatically expire by operation of law when time frame established in Subsection A has elapsed, unless a time extension has been approved under Subsection B (Time Extensions) above in this Section.
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.

- D. Relinquishment.** The holder of an approved permit or authorization may file a written request to voluntarily relinquish said permit or authorization with the Department, together with any required fee established through resolution of the Board. The Director is authorized to process the request, and such decision shall not be administratively appealable.

**Section 15.** Section 130.80.020 entitled “Definitions of Specialized Terms and Phrases”, is amended in part to read as follows as it pertains to “Breweries”:

**Breweries:**

**Large Commercial** (Use Type). A facility, for the brewing and bottling of beer, that typically produces more than 15,000 barrels per year without on-site consumption facilities.

**Micro Brewery** (Use Type). A facility, for the brewing and bottling of beer, that typically produces less than 15,000 barrels of beer per year with 75 percent or more of its beer sold off-site, and allows direct consumer sales through carryout and/or on-site tap-room or restaurant consumption.

**Brewpub** (Use Type). A restaurant-brewery that sells 25 percent or more of its beer on-site. The beer is brewed primarily for sale in the restaurant and bar.

**Taproom Brewery** (Use Type). A professional brewery that sells 25 percent or more of its beer on-site and does not operate significant food services.

**Section 16.** Each instance of “Communications Facility” throughout all sections of Title 130 is amended to read “Telecommunications Facility”

**Section 17.**

The adoption of this Ordinance is exempt under the California Environmental Quality Act (CEQA) based on CEQA Guidelines 15305 (Minor Alterations in Land Use Limitations) and 15061(b)(3) (General Rule) of the CEQA Guidelines because the proposed changes would not cause direct or reasonably indirect physical change in the environment.

**Section 18.**

If any section, subsection, sentence, clause, phrase or portion of this Ordinance is for any reason held invalid or unconstitutional by a decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this Ordinance. The Board hereby declares that it would have passed this Ordinance and each section, subsection, sentence, clause and phrase thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses or phrases be declared invalid or unconstitutional.

**Section 19.**

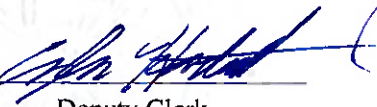
Pursuant to California Government Code section 25123, this Ordinance shall become effective thirty (30) days from the date of final passage by the Board.

PASSED AND ADOPTED by the Board of Supervisors of the County of El Dorado at a regular meeting of said Board, held on the 19th day of August, 2025, by the following vote of said Board:

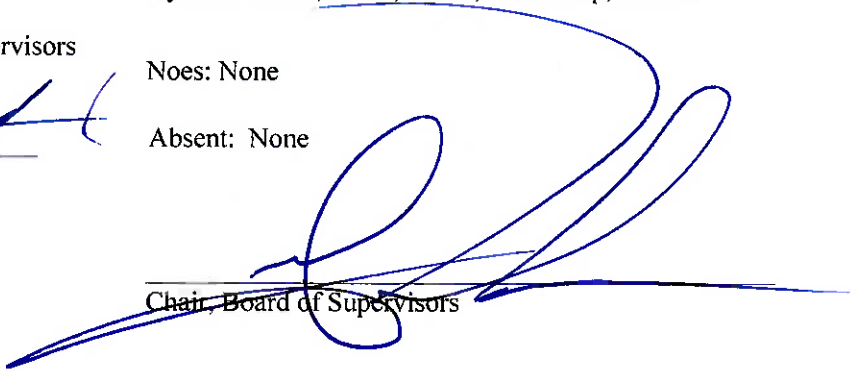
**ATTEST**  
**KIM DAWSON**  
Clerk of the Board of Supervisors

Ayes: Turnboo, Laine, Parlin, Veerkamp, Ferrero

Noes: None

By:   
Deputy Clerk

Absent: None

  
Chair, Board of Supervisors

**APPROVED AS TO FORM**  
**DAVID LIVINGSTON**  
**COUNTY COUNSEL**

By:   
Title: 