

ARTICLE 3 – SITE PLANNING AND PROJECT DESIGN STANDARDS

CHAPTER 17.30 – GENERAL DEVELOPMENT STANDARDS

- 17.30.010 Purpose, Intent, and Applicability
- 17.30.020 Minimum Size and Width of Lots
- 17.30.030 Setback Requirements and Exceptions
- 17.30.040 Height Limits and Exceptions
- 17.30.050 Fences, Walls, and Retaining Walls
- 17.30.060 Ridgeline Development and 30 Percent Slopes
- 17.30.070 Gates
- 17.30.080 Maintenance Agreements

CHAPTER 17.31 – AFFORDABLE HOUSING REQUIREMENTS AND INCENTIVES

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

CHAPTER 17.32 – FLOOD DAMAGE PREVENTION

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

CHAPTER 17.33 – LANDSCAPING STANDARDS

- 17.33.010 Purpose
- 17.33.020 Applicability
- 17.33.030 Definitions
- 17.33.040 Landscape Plan
- 17.33.050 Landscape Standards
- 17.33.060 Irrigation Standards
- 17.33.070 Maintenance and Protection
- 17.33.080 Non-conforming Landscaping
- 17.33.090 Water Efficient Landscape Plan
- 17.33.100 Water Efficient Landscape Plan Requirements

CHAPTER 17.34 – OUTDOOR LIGHTING

- 17.34.010 Purpose and Intent
- 17.34.020 Definitions
- 17.34.030 Lighting Plans Required

- 17.34.040 Outdoor Lighting Limits
- 17.34.050 Outdoor Lighting Standards
- 17.34.060 Exemptions
- 17.34.070 Effect on Existing Outdoor Lighting

CHAPTER 17.35 – PARKING AND LOADING

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

CHAPTER 17.36 – SIGNS

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

CHAPTER 17.37 – NOISE STANDARDS

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

CHAPTER 17.38 – OAK WOODLANDS CONSERVATION

- 17.38.010 Purpose and Intent
- 17.38.020 Applications
- 17.38.030 Exemptions
- 17.38.040 Exceptions
- 17.38.050 Oak Woodland Conservation Fee in Lieu of Mitigation
- 17.38.060 On-site Mitigation

- 17.38.070 Off site Mitigation or Fee Payment in Lieu of On-site Conservation and Replacement of Oak Canopy
- 17.38.080 Oak Woodlands Conservation Fee; Formula
- 17.38.090 Annual Fee Review
- 17.38.100 Time of Fee Payment
- 17.38.110 Accounting
- 17.38.120 Handling
- 17.38.130 Determination of Retention of Oak Tree Corridors within an Oak Tree Stand
- 17.38.140 Appeals
- 17.38.150 Definitions

CHAPTER 17.30 – GENERAL DEVELOPMENT STANDARDS**Sections:**

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- 17.30.050 Fences, Walls, and Retaining Walls
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- 17.30.070 Gates
- 17.30.080 Maintenance Agreements

17.30.010 Purpose, Intent, and Applicability

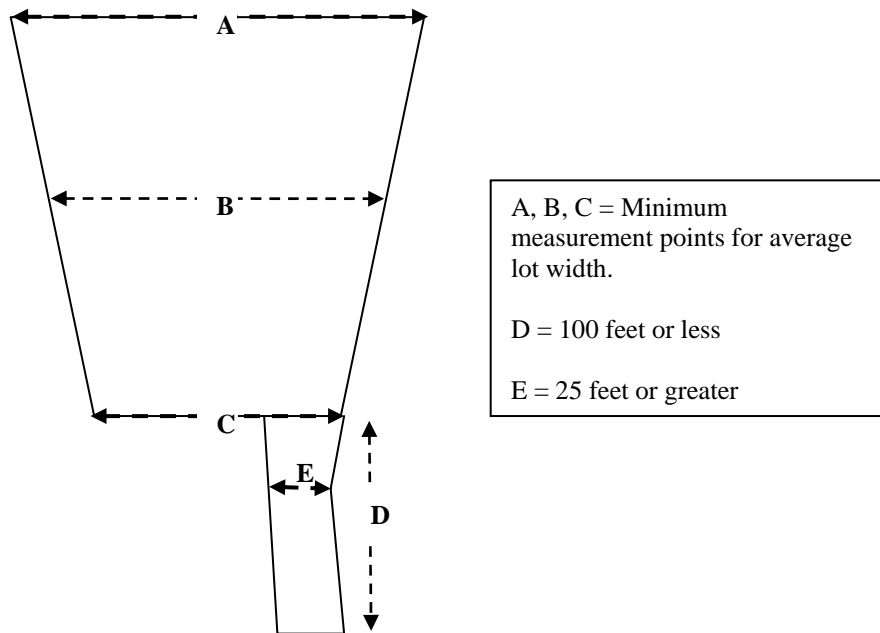
The purpose of this Chapter is to identify development standards that apply to all zones in order to provide uniform development throughout the County and consistent interpretation of development standards for public benefit. The intent of this Chapter is to encourage aesthetically pleasing development,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

17.30.020 Minimum Size and Width of Lots

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

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

Figure 17.30.020.A Example: Flag Lot Measurements



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

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

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

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

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

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

17.30.030 Setback Requirements and Exceptions

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

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

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

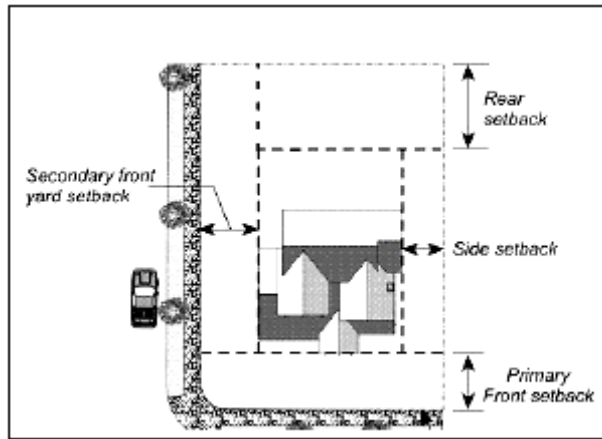
Table 17.30.030.1 Selected Right-of-Ways (ROW)

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

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

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

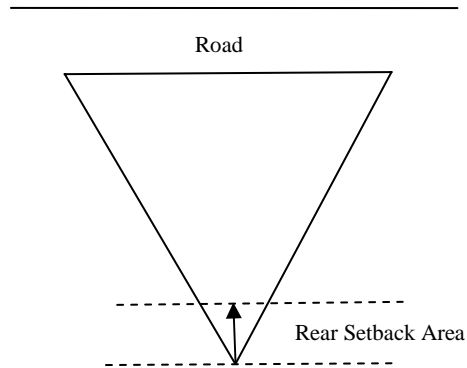
Figure 17.30.030.A Example: Corner Lot Setbacks



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

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

Figure 17.30.030.B Example: Rear Setbacks, Triangular Lots



- 5. **Through Lots.** Through lots, or double frontage non-corner lots, shall maintain front yard setbacks for the primary frontage containing the driveway encroachment, and rear yard setbacks for the opposite frontage, providing vehicular access is restricted.

- B. **Exceptions to Setback Requirements.** The following exceptions to the setback requirements shall be permitted when the qualifying conditions have been documented by a licensed civil engineer or surveyor. All reductions in front yard setbacks shall be subject to CVA requirements under Subsection 17.30.060.B.4.
 - 1. **Front Setback Reduction for Slope.** Where the elevation of a lot measured at the required front setback line averages six feet or more for a lot less than one acre, or eight feet or more for a lot one acre or greater, above or below the elevation at the edge of road pavement adjoining said lot, the required front setback for a single-story structure may be reduced by 50 percent, except:
 - a. Where a lot has more than one frontage, the elevation criteria set forth under this Paragraph must be satisfied for all frontages.
 - b. Any parking structure permitted by this Paragraph at a reduced front setback shall provide at least 20 feet of parking area between the edge of road pavement and the structure.

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

C. Projections into Required Setbacks.

1. Cornices, window canopies, eaves, bay windows, or similar architectural features, which do not qualify as habitable area under the building code; attached heating and air conditioning equipment; and uncovered and unenclosed terraces or decks may extend into any required setback by not more than 50 percent provided that no such feature shall be permitted within three feet of any side lot line.
 - a. For uncovered decks that exceed the height requirement of 30 inches excluding handrails, setbacks shall be measured from the closest portion of the deck, such as flooring, footing, or foundation, to the property line.
 - b. When located within a required setback as allowed by this Subsection, accessory mechanical equipment that generates noise (such as air conditioning equipment) shall be enclosed as necessary to reduce noise levels at the property line consistent with noise standards under Chapter 17.39.
2. Front yards may have the following additional encroachments:
 - a. Fences, and walls subject to 17.30.050;
 - b. Bear Resistant Garbage Can Containers shown on the “Approved Bear Resistant Garbage Can Enclosures” list maintained by Environmental Management Department, not exceeding 62 inches in height. A minimum setback of 10 feet from the road shall be provided, as measured from the edge of the curb-face, or edge of pavement if no curbing exists. In no event shall a container be placed within the road right-of-way or easement. On corner lots, containers shall not be located within the CVA at the road intersection, as illustrated in Figure 17.30.050.B.
 - c. Signs, subject to Chapter 17.37.
3. The following encroachments or reduced setbacks into the required yards are permitted for the following specific uses, provided there is no encroachment into any public utility or drainage easement:
 - a. **Swimming pools** measured to the back edge (non-water side) of the bond beam and their accessory water features, such as manmade waterfalls, if 30 inches in height or less:
 - (1) Front. Setback required by zone;
 - (2) Side and Rear. 5 feet minimum;
 - (3) Pool Equipment. All setbacks required by zone.
 - b. **Propane Tanks** shall meet the applicable standards of the fire codes or the following, whichever is greater:

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

Environmental Management Department shall be subject to the following minimum setbacks:

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

h. Trellises and Arbors.

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

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

E. Special Setbacks for Agricultural and Timber Resource Protection. Notwithstanding any other provision, where incompatible uses, as defined in Article 8, adjoin the agricultural zones of AE, AP, PA, and AG, or timber resource zones of FR and TPZ, the following setbacks, as measured from the property line of the adjoining incompatible use, shall apply:

1. Agricultural Setback Standards Adjoining AE, AP, PA, and AG Zones.

a. Within a General Plan Designated Agricultural District. 200 feet from any adjoining agriculturally-zoned land.

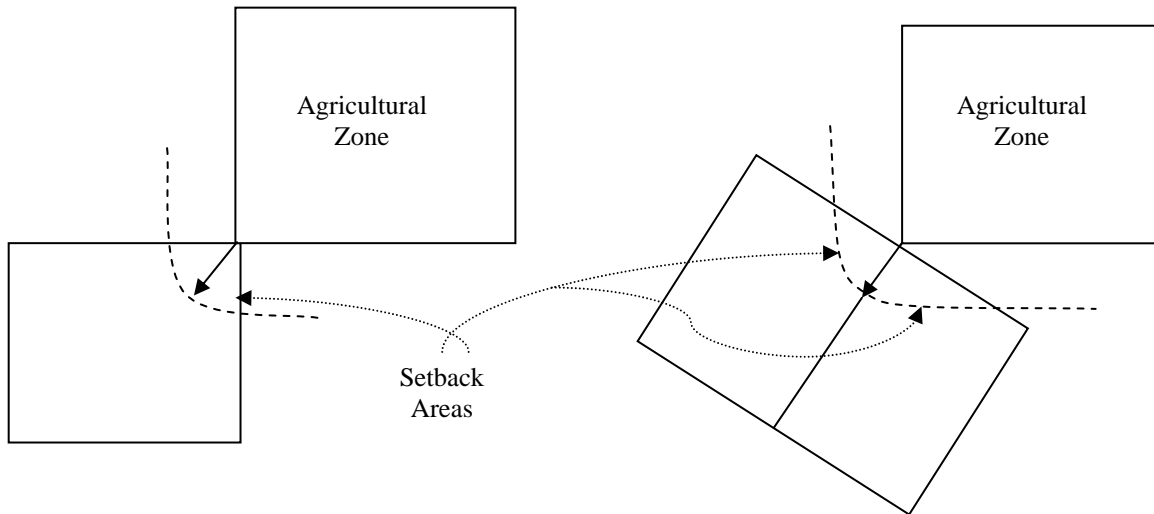
b. Outside of a General Plan Designated Agricultural District.

(1) On Lots 10 Acres or Larger. 200 feet from any adjoining agriculturally-zoned land.

(2) On Lots Less Than 10 Acres. No special agricultural setback is required.

2. **Timber Resource Setback Standards Adjoining TPZ and FR Zones.**
 - a. **On Lots Within a Designated Community Region or Rural Center.** 50 feet from adjoining timberland zones.
 - b. **On Lots Within the Rural Regions.** 200 feet from adjoining timberland zones.
3. **Setbacks and Buffers for Adjoining Tangent Lots.** Where an agricultural or timber resource zoned lot abuts an adjoining lot at a tangent or single point, and where an agricultural or timber resource setback will apply to the adjoining lot, the setback will be measured as a radius the length of the required setback, from the point of tangent into the adjoining lot, as shown in Figure 17.30.030.C below:

Figure 17.30.030.C Examples: Tangential Setbacks



4. **Administrative Relief.** Administrative relief from the setback requirements established in Paragraphs 1 – 3 above may be granted by the County Agricultural Commission or the Director under an Administrative Permit (17.52.010) in compliance with criteria set forth by resolution of the Board, as amended from time to time.
- F. Cemeteries.** Setbacks of 30 feet shall be maintained from all property lines adjoining an existing cemetery; or from the delineated boundaries of a cemetery when it lies within an adjoining lot but does not abut the property line.
1. Where cemetery boundaries are not delineated, or where cemetery boundaries are delineated but graves are suspected of lying outside of said boundaries, an investigative survey shall be performed at the direction of the County’s Cemetery Director for the purpose of establishing setback lines. Investigative survey methods shall be subject to the discretion of said Director. Cemetery boundaries established under this method shall be recorded prior to permit

issuance.

2. Administrative relief of up to 50 percent of the required setback can be granted by the Development Services Director, subject to the review and approval of the Cemetery Director.

G. Special Setbacks for Mineral Resource Protection. Notwithstanding any other provision of this Title, where uses incompatible to mining, as defined in Article 8, abut lands located in the –MR zone, the setbacks under Section 17.29.080 (Mineral Resource Combining Zone: Development Standards) shall apply.

H. Riparian Setbacks.

1. **Purpose.** The purpose of this Subsection is to:

- a. Protect natural and man-made wetlands, vernal pools, wet meadows, and riparian areas from impacts related to development, for their importance to wildlife habitat, water purification, erosion control, scenic values, and unique and sensitive plant life, and to allow for natural changes that may occur within the riparian corridor.
- b. Protect riparian resources to enhance tourism.
- c. Implement General Plan Policies 7.3.3.4 and 7.4.2.5 by developing buffers and special setbacks for the protection of riparian areas, lakes, and wetlands, while providing a process for the County to consider and authorize exceptions in order to allow reasonable use of property.
- d. Provide standards to assist the review authority and Department in their evaluation of reasonable use of property containing natural and man-made wetlands, vernal pools, wet meadows, lakes and riparian areas.

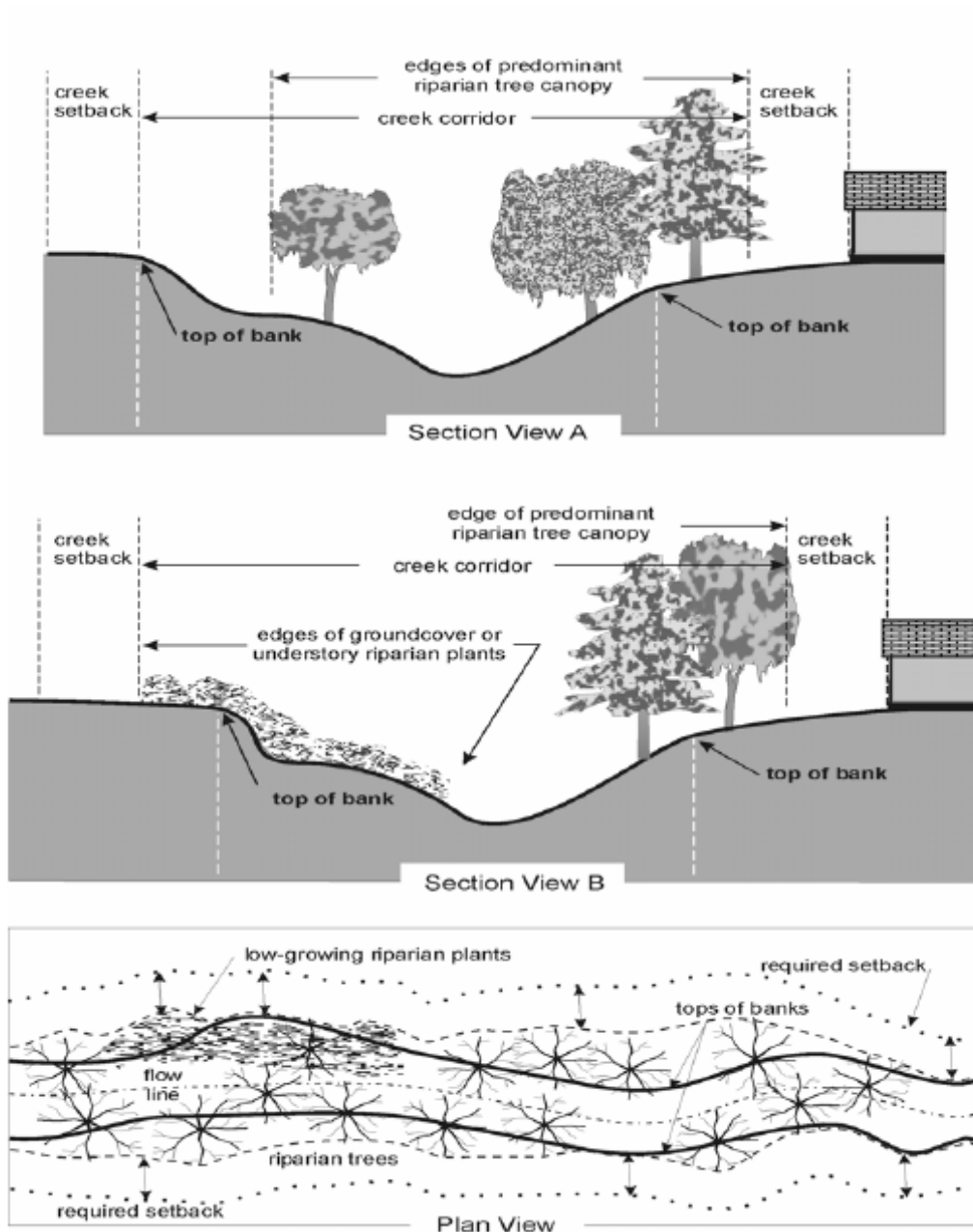
2. **Applicability.**

- a. Ministerial and discretionary development shall comply with the provisions of this Subsection subject to the exceptions under Paragraph 7 below.
- b. Setbacks shall be required from all riparian features that are shown on the latest 7.5 minute, 1:24,000 scale United States Geological Survey (USGS) Quadrangle maps. Riparian features include all ditches, wetlands, streams (perennial and intermittent), ponds, and lakes shown on the maps.
- c. Setbacks from wetland areas identified in a wetland delineation report conducted using the U.S. Army Corps of Engineers (USACE) Wetland Delineation Manual shall also be applied to discretionary development.

d. Setbacks are not required from wetlands filled under authorization of the County and the USACE.

3. Measurement of Riparian Setbacks. Riparian setbacks shall be measured from the edge of riparian vegetation or top of bank, whichever is furthest from the water feature. For lakes and ponds, the top of bank is equivalent to the ordinary high water mark, as defined in Article 8, or spillway elevation. The determination of the edge of riparian vegetation shall be based on the predominant pattern of riparian vegetation, as shown in Figure 17.30.030.D below. Where the edge of the vegetation varies greatly, an “average” line may be used that follows the topography, subject to Director approval.

Figure 17.30.030.D Example: Riparian Setback Measurements



4. **Site Plan Requirements.** The location of top of bank, ordinary high water mark as defined in Article 8, spillway, and/or riparian vegetation shall be shown on all project site plans and grading plans that require County approval. The location is subject to confirmation by the Director, based on observation of actual conditions and, as needed, the conclusions of qualified professionals with expertise in hydrology, biology, or geology.
5. **Setback Requirements.** The following setbacks shall be applied:

- a. **Existing Lots.** Riparian setbacks for lots created prior to the adoption of this Title shall be 15 feet for all lots equal to or less than one acre in size and 30 feet for all lots over one acre in size, except as required in Subparagraph 5.c below.
 - b. **New Lots.** Riparian setbacks for all lots created after the adoption of this Title shall be 50 feet, except as required in Subparagraph 5.c below.
 - c. **Specific Riparian Setbacks.** The following setbacks shall be provided, unless a discretionary approval by the County provides a larger or smaller setback:
 - (1) The setback from the following lakes and reservoirs shall be 200 feet:
 - Bass Lake
 - Folsom Lake
 - Jenkinson Lake (Sly Park)
 - Slab Creek Reservoir
 - Stumpy Meadows Reservoir
 - (2) The setback along the following rivers shall be 100 feet:
 - American River - Middle and South Forks
 - Cosumnes River - North, Middle, and South Forks
 - Rubicon River
 - (3) The setback along the following streams shall be 50 feet:
 - Big Canyon Creek
 - Deer Creek (south of U.S. Highway 50 only)
 - Camp Creek
 - Clear Creek
 - Martinez Creek
 - Pilot Creek
 - Weber Creek (including North Fork and South Fork tributaries)
 - (4) The setback from all water ditches shown on the USGS maps shall be either ten feet when not identified in an easement or at edge of easement where applicable.
6. **Items Prohibited Within Setbacks.** The following shall be prohibited within a riparian setback, except as provided in Paragraph 7:
- a. Structures.
 - b. Paving or other impervious surfaces.
 - c. Areas used for storing or working on vehicles, equipment, or materials.
 - d. Grading.
7. **Exceptions to Setbacks.** The following encroachments into riparian setbacks shall be permitted:

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

8. Discretionary Exceptions. When there is no alternative for relief or waiver under an Administrative Permit, exceptions to riparian setback standards in order to allow flexibility and reasonable use of land may be requested in a discretionary application subject to Paragraph 9, as follows:

- a. A riparian setback smaller than required by Paragraph 5 may be approved by the County through discretionary approval of a parcel map, subdivision map, specific plan, or Development Plan, Conditional Use, or Design Review Permit.
- b. To mitigate potentially significant environmental impacts when approving a discretionary development application, the County may modify the setbacks of Paragraph 5 or place further limitations on encroachments into the setbacks.
- c. Where the County has previously approved a permit allowing a riparian setback smaller or larger than required by this Subsection, the setback so established shall remain in effect as long as the approval is in effect. The approval remains in effect for subdivisions and parcel maps that show an alternative riparian setback on the recorded maps.

9. Request Requirements and Findings. Public notice for a project involving a riparian setback exception, regardless of application type, shall include a clear description of the feature(s) proposed to receive the exception and the extent of the exception, and shall comply with Section 17.54.070 (Revisions to an Approved Project).

- a. In addition to any other information required for a project application, a request for riparian setback exception shall include the following:
 - (1) A biological survey prepared by a qualified professional, to provide the basis for making the finding under Subparagraph b.(1) below, unless waived by the Director upon determining that no biological resources could be affected by the exception;
 - (2) A description of the feature or features proposed for exception and the extent of the exception;
 - (3) A description of potential design changes for the project that would eliminate or reduce the need for the exception;

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

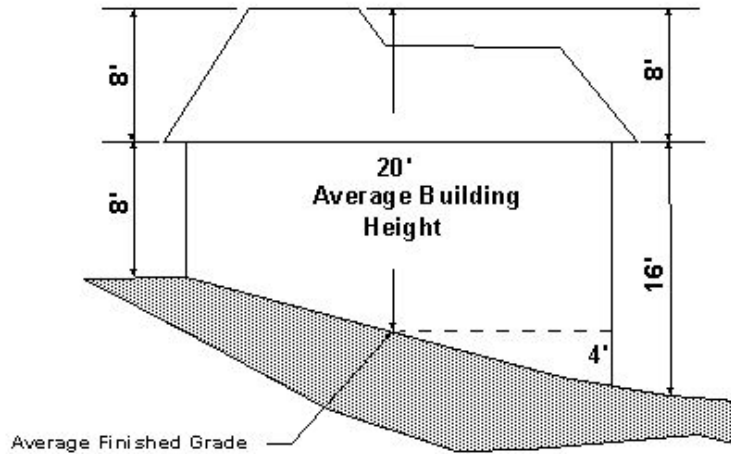
17.30.040 Height Limits and Exceptions

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

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

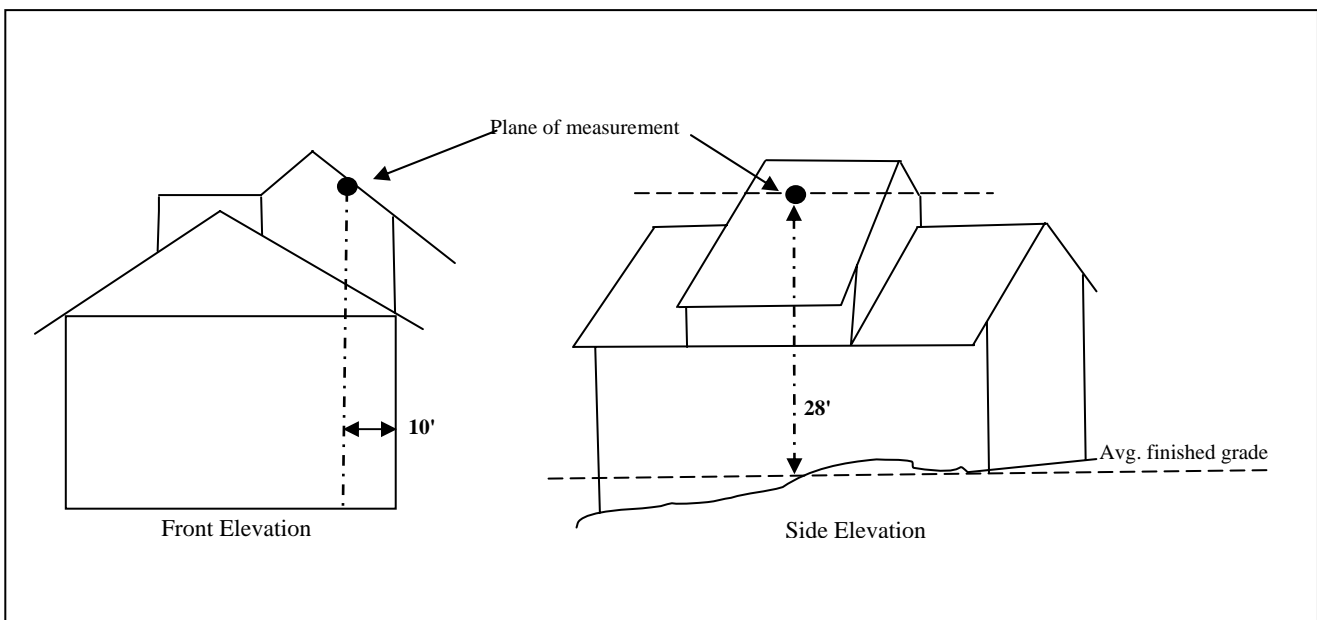
Figure 17.30.040.A

EXAMPLE: BUILDING HEIGHT CALCULATION



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

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



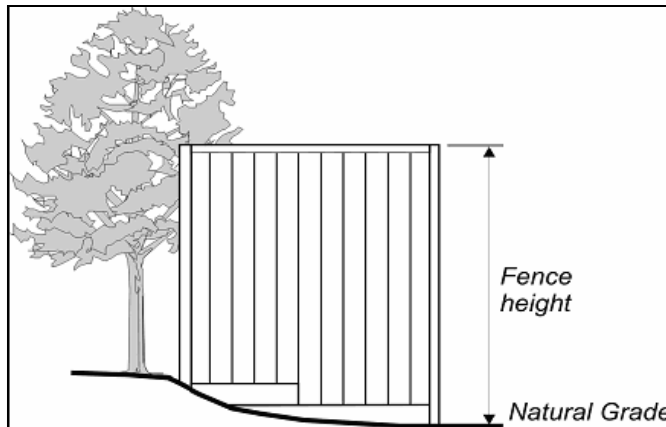
For purposes of calculating the side yard setback, every foot or fraction thereof over a 25 foot height, as measured according to this Subsection, shall increase the setback by one foot. As demonstrated in Figure 17.30.040.B, the highest point measured, at 28 feet, shall increase the side yard setback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

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

17.30.050 Fences, Walls, and Retaining Walls

- A. **Measurement of Fence Height.** Fence height shall be measured as the vertical distance between the natural grade at the base of the lowest side of the fence, and the top edge of the fence material, as shown in figure 17.30.050.A below:

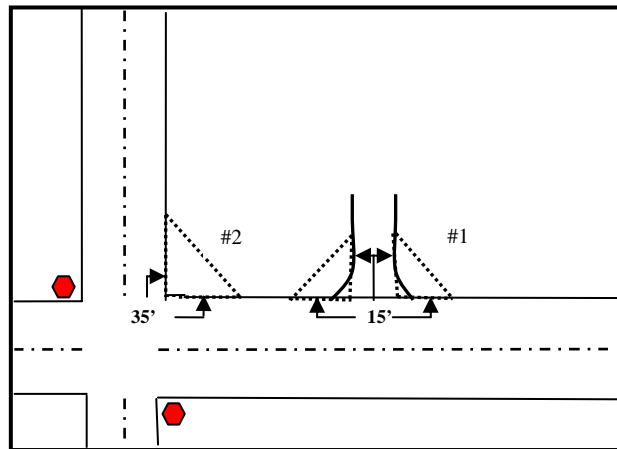
Figure 17.30.050.A Example: Fence Measurement



- B. **Front Yards.** In all zones and for non-agricultural uses, the following fence and wall requirements shall apply within required front yard setback areas:
 1. Fences or walls at least 50 percent open shall be permitted up to a height of seven feet in both primary and secondary front yards, as determined in Subparagraph 17.30.030.A.4.a.
 2. Fences or walls which are less than 50 percent open shall not exceed 40 inches in height in the primary front yard.

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

Figure 17.30.050.B Cross Visibility Areas (CVA)



- C. Side and Rear Yards.** In all zones, fences or walls shall be permitted within required side and rear yard setback areas to a maximum height of seven feet. Fences or walls that are over seven feet, but not exceeding ten feet in height, may be permitted subject to the following:
1. A signed and notarized statement from adjoining property owners that the proposed fence or wall, as described or shown in an attached exhibit, will not impact their view nor will it restrict light or movement of air and, therefore, they have no objection to the construction of the fence or wall;
 2. The Director shall review the notarized statement(s) to determine if it adequately represents adjoining affected property. If such determination is made by the Director, a fence or wall, as proposed not to exceed ten feet, shall

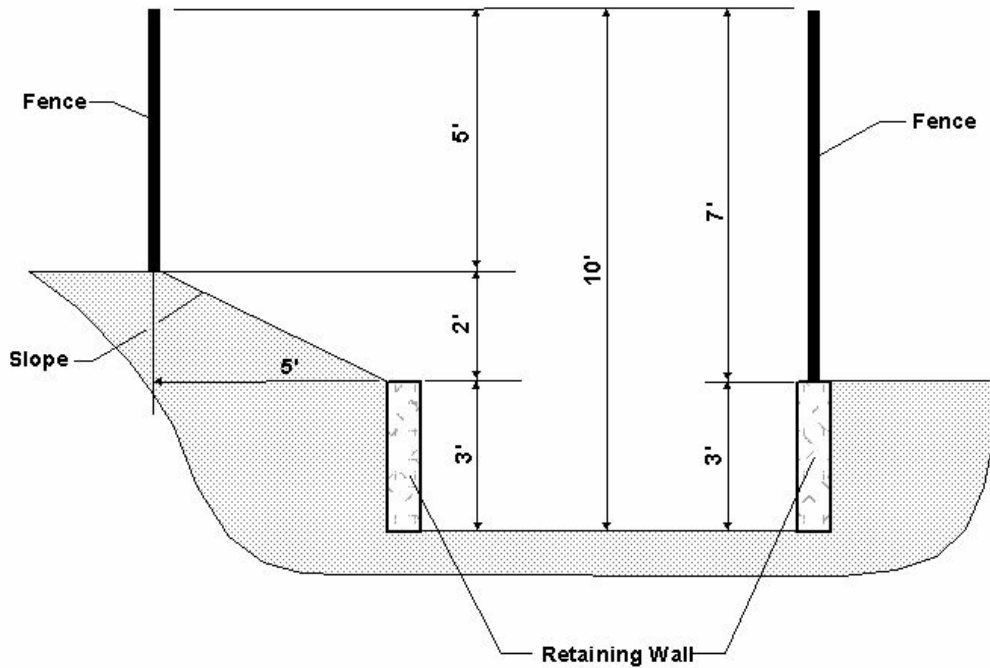
be approved. The Director may require additional notarized statements from neighboring properties if, in his/her opinion, they may be impacted by the fence or wall, as well;

3. Issuance of a building permit.

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

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

Figure 17.30.050.C Example: Retaining Wall/Fence Measurements



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

1. Gates and decorative entryways to a non-county maintained road system subject to the requirements under Section 17.30.060;
2. In RE, RL, AG, PA, AE, AP, FR, and TPZ zones, agricultural fencing as defined in Article 8, may be located within a County-maintained right-of-way or

non-county maintained road easement, provided that the fence is located a minimum of five feet outside of all improved areas, including roadside drainage features and cut or fill slopes. When located within a county-maintained right-of-way or non-county maintained road easement, the property owner shall be required to remove or relocate said fence at the time any work or improvements are being made within the right-of way or at the County's discretion when necessary to ensure the public health, safety, and welfare.

- G. Concertina wire, serpentine wire, barbed wire, razor wire, and other similar fencing materials capable of inflicting significant physical injury shall be prohibited. A Minor Use Permit will be required to allow these materials if it can be demonstrated that the proposed fencing is reasonably necessary to protect persons or property and will not constitute a safety hazard to members of the public conducting themselves in a lawful manner. In no event shall these fencing materials protrude into or over the public right-of-way. These regulations shall not apply to fencing required by court order, or when being used for animal husbandry and/or grazing operations.
- H. Fences and walls not located within any of the required setback or cross-visibility areas are limited in height only by the building height limitations of the zone in which they are located.
- I. A building permit shall be required, in compliance with Chapter 15.16, for any fence over six feet in height, or as otherwise required by Title 15.
- J. Fences or walls shall not exceed the requirements of this Section unless and until a Minor Use Permit is granted in compliance with Section 17.52.020.

17.30.060 Ridgeline Development and 30 Percent Slopes

Reserved

17.30.070 Gates

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

- A. **Single- and Multi-unit Residential Development.** Single- and multi-unit residential dwellings located on one lot are permitted to construct gates across driveways providing the gates are located a minimum of 20 feet from the edge of right-of-way or pavement, will not swing into a County right-of-way or non-county maintained road or alley, are constructed consistent with fire and building codes, and are in compliance with Subsections D.2 to D.5, inclusive, and D.9 below.

- B. Nonresidential Development.** An Administrative Permit (Section 17.52.010) is required to establish gates at nonresidential driveway entrances that will prohibit free access/egress to and from the site by either remaining closed during business hours, such as with manned or automatic toll booths, or when being used to prevent public access after close of business. In addition to requirements under Section 17.52.010, the permit shall be in compliance with Subsections D.1 to D.5, inclusive, and D.9 below.
- C. Residential Subdivisions.** An Administrative Permit shall be required to establish gates across non-county maintained road(s) within a residential subdivision consisting of two or more lots, including condominium developments. An Administrative Permit to establish gates shall not be approved unless the Director finds all of the following:
1. The gate will not impede public access to a public resource, such as a public park, or interfere with existing or planned traffic circulation patterns; and
 2. The project conforms to the standards of Subsection D below.
- D. Design Standards.** The following standards shall be required in the design of gated developments. Deviation from these standards shall require a Conditional Use Permit in compliance with Section 17.52.020.
1. All Administrative Permits shall be subject to the review and approval of the Department of Transportation and the local fire district.
 2. Design and location of gates shall be consistent with Title 12 of the County Code.
 3. Road widths and gate openings shall conform to the minimum requirements of the fire code.
 4. Unobstructed vertical clearance shall be a minimum of 14 feet.
 5. Gates shall be equipped with an emergency access lock system (approved by the fire department) that shall consist of a padlock in series on manual gates or a key switch on automatic gates. Automatic gates shall also be equipped with a receiver to allow remote activation by emergency vehicles to the satisfaction of the Sheriff's Department and the applicable fire department. Automatic gates shall be equipped with a mechanical release and a loop system to keep the gate open as long as traffic is passing through, and shall be designed to remain in the unlocked position during a power failure.
 6. Gated entrances shall be designed in compliance with the El Dorado County Standard Plans Manual as to approach distance between the gate and the road in order to accommodate vehicular stacking, and between the gated entrance and the gate controller to allow vehicles to turn around within the driveway without backing onto the adjacent road.
 7. Where entrance gates will create a dead-end road in excess of 150 feet in length, an area shall be provided along said road to allow fire trucks and equipment to

turn around. The gradient of the road shall be level enough to allow for safe parking of the emergency vehicle when it is necessary to exit the vehicle for manual gate activation.

8. One pedestrian access gate shall be provided at each gated entrance.
9. “Anti-directional” devices at gated entrances and exits, such as metal spikes that can cause tire damage, are prohibited.
10. A maintenance agreement shall be established and recorded for the gated development. The agreement shall identify, and at all times keep in effect, a legal entity responsible for maintaining the gates and associated features.

17.30.080 Maintenance Agreements

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

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

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

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

1. **Draft agreement review.** The applicant shall submit a copy of the proposed maintenance agreement to the Department for review and approval.
2. **Agreement contents.** The items that shall be included in the maintenance agreement are as follows:
 - a. Purpose of the agreement, to include but not be limited to protection of property values.

- b. Legal description of the property.
- c. The scope of the agreement with estimated maintenance, repair, and replacement costs.
- d. Provisions for insurance coverage with reference to the common area and the common improvements. The insured amount must be sufficient to cover the replacement value of the common area and the common improvements.
- e. Allocation of costs per unit on a monthly, semiannual, or annual basis.
- f. Method for owner and tenant notification and the process for levying assessments and liens.
- g. Lien foreclosure plan.
- h. Mortgage protection clause.
- i. Stipulation stating that no alterations to the exterior of a building can be made without approval of all owners and the County, if required by an approved Development Plan Permit.
- j. Method for dispute settlement in the event of a disagreement by the owners with reference to assessments, maintenance, or other provision of the agreement.
- k. Provision that no changes to the maintenance agreement can be made without County review and approval.

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

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

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

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

17.31.010 Purpose

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

17.31.020 Definitions

For the purpose of this chapter, certain words and phrases are construed as defined herein. Words in the singular include the plural, and words in the plural shall include the singular. Words in the present tense shall include the future.

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

3. “Moderate income household” means a household that earns between eighty (80) and one-hundred twenty (120) percent of area median income for El Dorado County, adjusted for family size and updated annually. See Health and Safety Code Section 50093.

- B. “Child care facility” means a child day care facility other than a family day care home, including, but not limited to, infant centers, preschools, extended day care facilities, and school age child care centers.

- C. “Condominium” is an undivided interest in common in a portion of real property coupled with a separate interest in space called a unit, the boundaries of which are described on a recorded final map, parcel map, or condominium plan in sufficient detail to locate all boundaries thereof. The area within these boundaries may be filled with air, earth, or water, or any combination thereof, and need not be physically attached to land except by easements for access and, if necessary, support. See California Civil Code Section 1351(f).

- D. “Density Bonus” means a density increase over the otherwise allowable maximum residential density under the applicable General Plan designation and Zone District.

- E. “Development standard” means a site or construction condition that applies to residential development pursuant to any ordinance, general plan element, specific plan, or other regulation for which the application of would physically preclude the construction of the housing development at the density allowed.

- F. “Incentive” or “concession” represent any of the following and further defined in 17.31.040(B)(2):
 1. Reduction in site development standards or a modification of zoning code requirements or architectural design requirements that exceed the minimum building standards approved by the California Building Standards Commission as provided in Part 2.5 (commencing with Section 18901) of Division 13 of the Health and Safety Code, including, but not limited to, a reduction in the setback and square footage requirements and in the ratio of vehicular parking spaces that would otherwise be required that results in identifiable, financially sufficient, and actual cost reductions;

 2. Other concessions or incentives of a regulatory nature identified in the County’s Incentive Based Affordable Housing policy [note: policy is in development and not yet adopted by the Board of Supervisors], or proposed by the applicant or the county that result in identifiable, financially sufficient and actual cost reductions;

 3. A density bonus incentive does not include the provision of direct financial or land incentives to the applicant by the county, or the waiver of fees or dedication requirements.

- G. “Household” means all persons, related or unrelated, occupying a single housing unit.
- H. “Planned development” means a development (other than a community apartment project, a condominium project, or a stock cooperative) having either or both of the following features:
 - 1. A common area owned either by an association or in common by the owners of the separate interests who possess appurtenant rights to the beneficial use and enjoyment of the common area.
 - 2. A power exists in the association to enforce an obligation of an owner of a separate interest with respect to the beneficial use and enjoyment of the common area by means of an assessment which may become a lien upon the separate interests in accordance with Civil Code Section 1367 or 1367.1.
- I. “Qualifying housing development” means a single project for five or more residential units constructed within the unincorporated area of El Dorado County. For the purpose of calculating a density bonus, the residential units must be on contiguous sites that are the subject of one development application.
- J. “Senior citizen” means a person 62 years of age or older, or 55 years of age or older in a senior citizen housing development. See Civil Code Section 51.3. (Ord. 4816, 2009)

17.31.030 Eligibility for Bonus, Incentives, and/or Concessions

- A. In order to be eligible for a density bonus or other incentive or concession as provided by this chapter, a proposed qualifying housing development shall consist of five (5) or more residential units, either for rent or for sale were at least one unit is affordable to very low, lower, or moderate income households.
- B. A developer shall be granted a density bonus, incentives and/or concessions described in Section 17.31.040 when he or she agrees to provide at least any one of the following:
 - 1. At least five (5) percent of the total number of proposed units for very low income households, as defined in California Health and Safety Code Section 50105;
 - 2. At least ten (10) percent of the total number of proposed units for lower income households, as defined in California Health and Safety Code Section 50079.5;
 - 3. A senior citizen housing development as defined in Section 51.3 of the Civil Code; and/or
 - 4. At least ten (10) percent of the total number of proposed units in a condominium project (as defined in subdivision [f] of Section 1351 of the Civil Code) or in a planned development (as defined in subdivision [k] of Section

- 1351 of the Civil Code) for persons and families of moderate income, as defined by California Health and Safety Code Section 50093.
5. The donation of land sufficient in size to permit development of at least 40 affordable housing units consistent with Government Code Section 65915(h) and section 17.31.040(4) of this Ordinance.
 6. The payment of a fee in lieu of providing affordable housing units as established in this section and section 17.31.040(5) of this Ordinance.
- C. In order to be eligible for a bonus, incentive, and/or concession, the applicant shall ensure that all provisions of this chapter are met.
- D. All eligible developments shall comply with the Fair Housing Act (FHAct) which protects all citizens from discrimination on the basis of race, color, national origin, religion, sex, handicap or familial status (families with children under the age of 18 living with parents or legal guardians; pregnant women and people trying to get custody of children under 18 years of age).
- E. For the purposes of calculating the amount of the density bonus pursuant to 17.31.040, the applicant who requests a density bonus pursuant to this ordinance shall elect whether the bonus shall be awarded on the basis of section B. 1, 2, 3, 4, 5, or 6 above.
- F. "Total units" does not include units added by a density bonus awarded by this chapter or by any other local policy granting a greater density bonus. (Ord. 4816, 2009)

17.31.040 Bonuses, Incentives, and Concessions Allowed

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

A. Density Bonus.

1. The density bonus allowed by this chapter shall consist of an increase of at least twenty (20) percent in the number of dwelling units over the otherwise maximum allowable residential density under the applicable general plan designation and zone district. The amount of density bonus to which an applicant is entitled shall vary according to the amount by which the percentage of affordable housing units exceeds the percentages established in 17.31.030(B). The applicant who requests a density bonus pursuant to this subsection shall elect which bonus shall be awarded based on the subparagraphs below.
 - a. For each one (1) percent increase above five (5) percent in the percentage of units affordable to very low income households, the density bonus shall be increased by two and one-half (2.5) percent up to a maximum of thirty-five (35) percent, as calculated as follows: or

Percent Very Low-Income Units	Percentage Density Bonus
5	20
6	22.5
7	25
8	27.5
9	30
10	32.5
11	35

- b. For each one (1) percent increase above ten (10) percent in the percentage of units affordable to lower income households, the density bonus shall be increased by one and one-half (1.5) percent up to a maximum of thirty-five (35) percent as calculated as follows; or

Percent Low-Income Units	Percentage Density Bonus
10	20
11	21.5
12	23
13	24.5
14	26
15	27.5
16	29
17	30.5
18	32
19	33.5
20	35

- c. A senior citizen housing development as defined in Section 51.3 of the Civil Code or mobile home park that limits residency based on age requirements for housing for older persons pursuant to Section 798.76 or 799.5 of the Civil Code up to a maximum of twenty (20) percent.

- 2. If a proposed development does not meet the requirements of 17.31.030(B) paragraphs (1), (2), or (3), but the applicant proposes to construct a condominium project or planned development in which at least ten (10) percent of the units are reserved for moderate income households, the developer shall be granted a density bonus of at least five (5) percent over the otherwise maximum allowable density under the applicable general plan designation and zone district.

- a. For each one (1) percent increase above ten (10) percent of the percentage of units affordable to moderate income households, the density bonus shall be increased by one (1) percent, up to a maximum of thirty-five (35) percent as calculated as follows;

Percent Moderate-Income Units	Percentage Density Bonus
10	5
11	6
12	7
13	8
14	9
15	10
16	11
17	12
18	13
19	14
20...35	15...35

3. When an applicant proposes to construct a housing development that conforms to 17.31.030(B) and includes a child care facility that will be located on the premises of (either as part of or adjacent to) the project, the County shall grant either of the following consistent with Government Code Sections 65915(i)(2) and (3):
 - a. An additional density bonus that is an amount of square feet of residential space that is equal to or greater than the amount of square feet in the child care facility.
 - b. An additional incentive or concession that contributes significantly to the economic feasibility of the construction of the child care facility.

The County shall require, as a condition of approving the housing development that the following shall occur:

- c. The child care facility shall remain in operation for a period of time that is as long as or longer than the period of time during which the density bonus units are required to remain affordable per this section.

The County shall not be required to provide a density bonus or concession for a child care facility if it finds, based upon substantial evidence, that the community has adequate child care facilities.

4. When an applicant for a qualifying housing development project donates land for the development of affordable housing consistent with Government Code Section 65915(h), he/she shall be entitled to fifteen (15) percent increase above the otherwise maximum allowable density under the applicable general plan designation and zone district.
 - a. For each one (1) percent increase above the minimum ten (10) percent land donation required under Government Code Section 65915(h)(2), the density bonus shall be increased by one (1) percent, up to a maximum of thirty-five (35) percent.

- b. The increase allowed under this section may be combined with any increase in density allowed for under 17.31.030(B), as long as the total increase does not exceed thirty-five (35) percent as calculated as follows:

Percent Very Low-Income Units	Percentage Density Bonus
10	15
11	16
12	17
13	18
14	19
15	20
16	21
17	22
18	23
19	24
20...35	25...35

- c. The transferred land is at least one acre in size or of sufficient size to permit development of at least 40 units, has the appropriate general plan and zoning designation, and is or will be served by adequate public facilities and infrastructure.
 - d. As part of the application, the developer must identify a party that has agreed to assume ownership and management of the donated land.
5. At such time that the Board of Supervisors adopts a fee in lieu for providing the affordable housing units established by 17.31.030, an applicant may choose to pay said fee in lieu of providing affordable housing.
- a. **Determination of Fee.** The amount and calculation of the affordable housing in-lieu fee and the Affordable Housing Trust Fund Guidelines shall be established by resolution of the Board of Supervisors.
 - b. **Timing of payment.** The in-lieu fee shall be calculated at the time of building permit application. The fee shall be paid at the time of issuance of the building permit, unless proof is provided that the required affordable housing units will be constructed on site or that an alternative equivalent action was previously approved in accordance with this ordinance.
6. When an applicant for a qualifying housing development acquires existing market rate dwelling units and enforces price restrictions in compliance with this ordinance on the rental or sale of the existing market rate dwelling units, he/she shall be entitled to fifteen (15) percent increase above the otherwise

maximum allowable density under the applicable general plan designation and zone district. Property must be approved as to the appropriateness of the conversion from market rate to income restricted units to minimize neighborhood impacts and may require design upgrades through the Design Review process, for compliance with current standards and regulations.

7. The density bonus shall not be included when determining the percent of affordable housing units.
8. All density calculations resulting in fractional units shall be rounded up to the next whole number.

B. Incentives or Concessions.

1. Applicants shall receive the incentives or concessions based on the following schedule:
 - a. One incentive or concession for projects that include at least ten (10) percent of the total units for lower income households, at least five (5) percent for very low income households, or at least ten (10) percent for persons and families of moderate income in a condominium or planned development project.
 - b. Two incentives or concessions for projects that include at least twenty (20) percent of the total units for lower income households, at least ten (10) percent for very low income households, or at least twenty (20) percent for persons and families of moderate income in a condominium or planned development project.
 - c. Three incentives or concessions for projects that include at least thirty (30) percent of the total units for lower income households, at least fifteen (15) percent for very low income households, or at least thirty (30) percent for persons and families of moderate income in a condominium or planned development project.
2. A qualifying housing development shall be entitled to the following concessions or incentives at a rate consistent with 17.31.040(B)(1) above.:
 - a. A reduction of 10 percent off-street parking from the required parking limits as listed in California Government Code 65915(p)(1) as long as the development is:
 - (1) Within 750 feet of a public transit stop,
 - (2) Within 1500 feet of an existing shopping center containing three or more separate use tenants,
 - (3) Within 2500 feet of an existing public school, or
 - (4) Exclusively for senior citizens as defined by California Civil Code Section 51.3

And as long as the approving body can make the following findings:

- (1) The intent of the Off-Street Parking and Loading chapter of the Zoning Ordinance is preserved; and
 - (2) The modification will not be detrimental to the public health and safety.
-
- b. A 10 percent reduction in the proportional site and parking lot landscaping standards by a ratio equal to the number of affordable housing units to total housing units within a given project.
 - c. A 10 percent reduction of the open space required by the General Plan or Zoning Ordinance (if any).
 - d. A 50 percent reduction in any setbacks required by the zone district.
 - e. A 15 percent increase in height for multi family qualifying housing developments.
 - f. Waiver of County filing or processing fees on permits and applications in proportion with the percentage of affordable units.
 - g. Approval of mixed use zoning in conjunction with the qualifying housing development if commercial, office, industrial, or other land uses will reduce the cost of the housing development and if the commercial, office, industrial, or other land uses are compatible with the qualifying housing development and the existing or planned development in the area where the proposed qualifying housing development will be located.
 - h. Other regulatory incentives or concessions proposed by the developer or the county that result in identifiable, financially sufficient, and actual cost reductions without adverse effect upon health, safety, and/or the physical environment, consistent with Government Code Section 65915(l).

C. Waiver or Concession of Development Standard.

- 1. In the event an applicant contends that the application of a development standard has the effect of precluding the construction of housing that meets the criteria of subsection 17.31.030(B) of this section, the applicant may apply for a waiver or modification of the development standards. The waiver or modification shall be the minimum necessary to allow the project to be constructed.
- 2. Nothing in this subsection shall be interpreted to require the granting of an incentive that would have a specific adverse impact, as defined in paragraph (2) of subsection (d) of Government Code Section 65589.5, upon the health, safety, or physical environment, and for which there is no feasible method to

satisfactorily mitigate or avoid the specific adverse impact. Nothing in this subsection shall be interpreted to require the granting of a density bonus incentive that would have an adverse impact on any real property that is listed in the California Register of Historical Resources. (Ord. 4816, 2009)

17.31.50 Processing of Requests

- A. Requests for density bonuses, incentives, and/or concessions shall be made as part of and evaluated through the County's existing land use permit processes where such permit(s) is required pursuant to Section 17.10.010, Section 17.14.140, Chapter 17.22, or Section 17.74.115. Where no discretionary permits are otherwise required for a project, consideration of density bonuses, incentives, and/or concessions shall be made through a site plan review application as provided in Section 17.22.300 et.seq.

- B. All requests for density bonuses, incentives, and/or concessions shall be subject to the following:
 - 1. **Supporting Information.** If regulatory concessions are sought, the developer shall include information with the application, based on building industry standards, to substantiate that any requested waiver or modification of zoning or subdivision standards is necessary to make housing units affordable to very low, lower, or moderate income households.

 - 2. **Initial Review.** Bonus, incentive, and/or concession requests shall be included as part of the land use permit application and shall be reviewed by the Planning Director or his/her designee. The Director or his/her designee shall notify the applicant within thirty (30) days of the acceptance of the project permit application as complete whether the project qualifies for the requested additional density, incentive, and/or concession.

 - 3. **Criteria to be Considered.** The requested bonus, incentive, and/or concession shall be reviewed for consistency with the El Dorado County General Plan and other applicable county regulations. Particular attention shall be given to application of Housing Element policies and policies addressing the source and distribution of potable water, the type and scale of available wastewater disposal and treatment, and roadway capacity.

 - 4. **Findings for Approval.**
 - a. In addition to the findings required for approval of the proposed project, support of a density bonus by the Planning Director, Zoning Administrator, Planning Commission, and/or Board of Supervisors, as appropriate, shall also require the following special findings:
 - (1) There are sufficient provisions to guarantee that units will remain affordable in the future, consistent with the requirements of 17.31.060 and the California Government Code Sections 65915(c) and 65915(h)(4).

- (2) Adequate evidence exists to indicate that development of the subject property in compliance with a valid land use permit or entitlement will result in the provision of housing affordable to very low, lower, and moderate income households in a manner consistent with the purpose and intent of this chapter.
 - (3) The number of dwelling units approved by the land use permit or entitlement can be accommodated by existing and/or planned infrastructure, consistent with General Plan requirements for concurrency for such services.
- b. The County shall grant the requested bonus, concession(s), and/or incentive(s) requested by the applicant unless the County makes a written finding, based upon substantial evidence, of either of the following:
- (1) The concession or incentive is not required in order to provide for affordable housing costs, as defined in California Health and Safety Code Section 50052.5, or for rents for the targeted units to be set as specified in California Government Code Section 65915(c); or
 - (2) The concession or incentive would have a specific adverse impact, as defined in paragraph (2) of subdivision (d) of California Government Code Section 65589.5, upon health, safety, the physical environment, or any real property that is listed in the California Register of Historical Resources and for which there is no feasible method to satisfactorily mitigate or avoid the specific adverse impact without rendering the development economically infeasible to very-low, lower, and moderate income households. (Ord. 4816, 2009)

17.31.060 Continued Availability of Affordability

A. Affordability shall be based on the following:

1. Affordable Rental Housing is a rental dwelling for which the total monthly expense (rent plus the standard El Dorado County Housing Authority utility allowance) does not exceed thirty (30) percent of the maximum monthly income limit for Very Low- and Low-income households in El Dorado County as established and updated yearly by the state Department of Housing and Community Development. (California Government Code Section 65915(c)(1))
2. An Affordable Purchase Price is the sales price at which the Affordable unit will be offered to prospective Eligible Buyers. The monthly housing cost factors required to be included in the calculation of the Affordable Housing Price shall be provided by the County based on the average total monthly housing expenses during the first calendar year of a household's occupancy, including but not limited to property taxes, homeowner's insurance, homeowner's association dues, if any, mortgage loan principal and interest,

mortgage insurance, and Mello Roos or other applicable assessments, which are equal to or less than one-twelfth (1/12th) of thirty-five percent (35%) of no greater than one hundred and twenty percent (120%) of Median Family Income, adjusted for Household Size based on an occupancy standard of one-person per bedroom, plus one additional person (for example, a three-bedroom home will be priced based on the income of a four-person family).

- B. The land use permit application for the development project shall include the procedures proposed by the developer to maintain the continued affordability of all very low, lower, and senior citizen units as follows:
 - 1. Maintain affordability for at least thirty (30) years for units that were built with the assistance of county funding, including assistance in the forms of contributions to the cost of infrastructure, write-down of land costs, or construction cost subsidization.
 - 2. Maintain affordability as required by the construction or mortgage financing assistance program, mortgage insurance program, or rental subsidy program, typically for a minimum of thirty (30) years.
- C. Moderate income condominium or planned development units approved and/or constructed pursuant to this chapter shall remain affordable for at least twenty (20) years.
 - 1. If such units are sold within the twenty (20) year affordability time frame, the seller of the unit shall retain the value of any improvements, the down payment, and the seller's proportionate share of appreciation.
 - 2. The County shall recapture its proportionate share of appreciation, which shall then be used within three (3) years for any of the purposes promoting home ownership as described in Health and Safety Code Section 33334.2(e).
- D. Agreement with County. The developer shall be required to enter into an Affordable Housing Agreement with the County. The Agreement shall delineate those concessions to be made by all parties to ensure that affordable housing can be and is constructed and remains available to the residents for a period of time consistent with subsection 17.31.060(B) and (C) above, including that the developer or his/her successor in interest shall not sell, rent, lease, sublet, assign, or otherwise transfer any interests for same without written approval of the El Dorado County Housing Authority, confirming that the cost of the units will remain consistent with the limits established for the affected density bonus. The Agreement shall also establish specific compliance standards and remedies available to the County upon failure by the developer to make the target units available to intended households. (Ord. 4816, 2009)

17.31.070 Location of Bonus Units

Units affordable to very low, lower, or moderate income households constructed pursuant to this chapter shall be approved under a single development application and built within but no farther than one-quarter mile of the boundary of the proposed housing development unless the County and developer agree within the Affordable Housing Agreement to an alternative site for development. (Ord. 4816, 2009)

17.31.080 Time of Construction and Occupancy

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

17.31.090 Design

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

CHAPTER 17.32 – FLOOD DAMAGE PREVENTION

Sections:

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

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

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

B. Findings of Fact.

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

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

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

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

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

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

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

17.32.020 Definitions

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

“A zone” – Area of 100-year flood where base flood elevations and flood hazard factors have

not been determined.

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

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

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

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

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

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

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

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

“Building” – see “structure”.

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

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

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

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

either final site grading or pouring of concrete pads).

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

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

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

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

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

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

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

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

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

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

“Floodway” means the channel of a river or other watercourse and the adjacent land areas that

must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than one foot. Also referred to as “Regulatory floodway”.

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

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

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

“Historic structure” means any structure that is:

1. Listed individually in the National Register of Historic Places (a listing maintained by the Department of Interior) or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register;
2. Certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district;
3. Individually listed on a state inventory of historic places in states with historic preservation programs which have been approved by the Secretary of Interior; or
4. Individually listed on a local inventory of historic places in communities with historic preservation programs that have been certified either by an approved state program as determined by the Secretary of the Interior or directly by the Secretary of the Interior in states without approved programs.

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

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

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

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

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

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

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

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

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

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

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

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

“Recreational vehicle” means a motor home, travel trailer, truck camper, or camping trailer,

with or without motive power, originally designed for human habitation for recreational or emergency occupancy with a living area of 320 square feet or less and bearing the state or federal insignia of approval for recreational vehicles.

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

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

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

“Special flood hazard area (SFHA)” means an area in a floodplain subject to a base flood. In El Dorado County, it is shown on an FHBM or FIRM, and all subsequent amendments and/or revisions, as Zones A, A1-A9, A14, A24, or B, which are defined under “A zone”, “A1-A30 zones” and “B zone”.

“Start of construction” includes substantial improvement and other proposed new development and means the date the building permit was issued, provided the actual start of construction, repair, reconstruction, rehabilitation, addition, placement, or other improvement was within 180 days from the date of the permit. The actual start means either the placement of a manufactured home on a foundation, or the first placement of permanent construction of a structure on a site, such as the pouring of slab or footings, the installation of piles, the construction of columns, or any work beyond the stage of excavation. Permanent construction does not include land preparation, such as clearing, grading, and filling; nor does it include the installation of streets and/or walkways; nor does it include excavation for a basement, footings, piers, or foundation or the erection of temporary forms; nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main structure. For a substantial improvement, the actual start of construction means the first alteration of any wall, ceiling, floor, or other structural part of a building, whether or not that alteration affects the external dimensions of the building.

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

“Substantial damage” means:

1. Damage of any origin sustained by a structure whereby the cost of restoring the structure to its before-damaged condition would equal or exceed 50 percent of the market value of the structure before damage occurred; or
2. Flood-related damages sustained by a structure on two separate occasions during a 10-year period for which the cost of repairs at the time of each such event, on the average, equals or exceeds 25 percent of the market value of the

structure before the damage occurred. This is also known as ‘repetitive loss.

“Substantial improvement” means any reconstruction, rehabilitation, addition, or other improvement of a structure, the cost of which equals or exceeds 50 percent of the market value of the structure, before the “start of construction” of the improvement. This term includes structures which have incurred “substantial damage”, regardless of the actual repair work performed. The term does not, however, include any alteration of a “historic structure” provided that the alteration will not preclude the structure’s continued designation as a “historic structure”. (See Appendix: “Checklist for Determination of Substantial Improvement”)

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

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

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

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

17.32.030 General Provisions

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

- B. Compliance.** Violation of the following requirements (including violations of conditions and safeguards) shall constitute a misdemeanor. Nothing herein shall prevent the County from taking such lawful action as is necessary to prevent or remedy any violation.
 - 1. No structure shall hereafter be located, constructed, extended, converted, nor land altered without full compliance with the terms of this Chapter and other applicable regulations.

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

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

- D. Interpretation.** In the interpretation and application of this Ordinance, all provisions shall be:
1. Considered as minimum requirements;
 2. Liberally construed in favor of the governing body; and
 3. Deemed neither to limit nor repeal any other powers granted under state statutes.
- E. Warning and Disclaimer of Liability.** The degree of flood protection required by this Ordinance is considered reasonable for regulatory purposes and is based on scientific and engineering considerations. Larger floods can and will occur on rare occasions. Flood heights may be increased by man-made or natural causes. This Ordinance does not imply that land outside the special flood hazard areas or uses permitted within such areas will be free from flooding or flood damages. This Ordinance shall not create liability on the part of the County, any officer or employee thereof, the State of California, or the Federal Emergency Management Agency for any flood damages that result from reliance on this Ordinance or any administrative decision lawfully made hereunder.
- F. Severability.** This Chapter and the various parts thereof are hereby declared to be severable. Should any section of this Chapter be declared by the courts to be unconstitutional or invalid, such decision shall not affect the validity of this Chapter as a whole, or any portion thereof other than the Section so declared to be unconstitutional or invalid.

17.32.040 Administration

- A. Designation of the Floodplain Administrator.** The Director of Development Services or authorized representative is appointed to administer, implement, and enforce this chapter by granting or denying development permits in accordance with its provisions.
- B. Duties and Responsibilities of the Floodplain Administrator.** The duties and responsibilities of the Floodplain Administrator shall include, but not be limited to the following:
1. **Permit Review.** Review all development permits to determine that:
 - a. Permit requirements of this Chapter have been satisfied, including determination of substantial improvement and substantial damage of existing structures;
 - b. All other required state and federal permits have been obtained;
 - c. The site is reasonably safe from flooding;

- d. The proposed development does not adversely affect the carrying capacity of areas where base flood elevations have been determined but a floodway has not been designated. This means that the cumulative effect of the proposed development when combined with all other existing and anticipated development will not increase the water surface elevation of the base flood more than one foot at any point within El Dorado County; and
 - e. All Letters of Map Revision (LOMRs) for flood control projects are approved prior to the issuance of building permits. Building permits must not be issued based on Conditional Letters of Map Revision (CLOMRs). Approved CLOMRs allow construction of the proposed flood control project and land preparation as specified in the “start of construction” definition.
2. **Review, Use and Development of Other Base Flood Data.** The Floodplain Administrator shall obtain, review, and reasonably utilize any base flood elevation and floodway data available from a federal agency, such as that provided by the Federal Emergency Management Agency (FEMA) under the Flood Insurance Study for El Dorado County, or state agency or other source, in order to administer Section 17.32.050 “Provisions for Flood Hazard Reduction”. NOTE: A base flood elevation shall be obtained using one of two methods from the FEMA publication, FEMA 265, “Managing Floodplain Development in Approximate Zone A Areas – A Guide for Obtaining and Developing Base (100-year) Flood Elevations” dated July 1995.
3. **Notification of Other Agencies.** The Floodplain Administrator shall perform the following tasks prior to a County permit being issued if, as the result of the permit issuance, the following physical changes will occur:
- a. Alteration or relocation of a watercourse:
 - (1) Notify adjacent communities and the California Department of Water Resources;
 - (2) Submit evidence of such notification to the Federal Insurance Administration, Federal Emergency Management Agency; and
 - (3) Assure that the flood-carrying capacity within the altered or relocated portion of said watercourse is maintained.
 - b. Base Flood Elevation changes based on Subsection 17.32.050.D :
 - (1) Submit, or assure that the permit applicant submits, technical or scientific data to FEMA for a Letter of Map Revision (LOMR). Such submissions are necessary so that upon confirmation of those physical changes affecting flooding conditions, risk premium rates and floodplain management requirements are based on current data.
 - c. Changes in corporate boundaries:
 - (1) Notify FEMA in writing whenever the corporate boundaries have

been modified by annexation or other means, to include a copy of a community map clearly delineating the new corporate limits.

4. **Documentation of Floodplain Development.** Obtain and maintain for public inspection and make available as needed all certifications, records and permits demonstrating compliance with the requirements of this Chapter. In addition, a record of all variance actions, including justification for their issuance, shall be maintained and submitted in the biennial report to FEMA.
5. **Map Determination.** Make interpretations where needed, as to the exact location of the boundaries of the SFHA, where there appears to be a conflict between a mapped boundary and actual field conditions. The person contesting the location of the boundary shall be given a reasonable opportunity to appeal the interpretation as provided in Subsection 17.32.040.D.
6. **Remedial Action.** Take action to remedy violations of this Ordinance as specified in Subsection 17.32.030.B.
7. **Biennial Report.** Every two years, complete and submit a Biennial Report to FEMA describing the County's progress in the previous two years in implementing floodplain management measures and on its needs for re-mapping and technical assistance. Submission of this report is required as part of the County's participation in the NFIP.
8. **Planning.** Assure the General Plan is consistent with floodplain management objectives herein.
9. **Non-conversion of Enclosed Areas Below the Lowest Floor.** To ensure that the areas below the BFE shall be used solely for parking vehicles, limited storage, or access to the building and not be finished for use as human habitation without first becoming fully compliant with the floodplain management Ordinance in effect at the time of conversion, the Floodplain Administrator shall:
 - a. Determine which applicants for new construction and/or substantial improvements have fully enclosed areas below the lowest floor that are five feet or higher;
 - b. Enter into a "NON-CONVERSION AGREEMENT FOR CONSTRUCTION WITHIN FLOOD HAZARD AREAS" or equivalent with the County. The agreement shall be recorded with the County Recorder as a deed restriction. The non-conversion agreement shall be in a form acceptable to the Floodplain Administrator and County Counsel; and
 - c. Have the authority to inspect any area of a structure below the base flood elevation to ensure compliance upon prior notice of at least 72 hours.

- C. Development Permit Process.** All development that requires a building or grading permit within a SFHA shall comply with the following requirements:
1. In addition to the standard submittal information required under the building and/or grading permit application, the applicant shall provide the following minimum information:
 - a. Plans in duplicate, drawn to scale, showing:
 - (1) Location of the regulatory floodway when applicable;
 - (2) Base flood elevation information as specified in Subsection 17.32.040.B(2);
 - (3) Proposed elevation in relation to mean sea level of the lowest floor (including basement) of all structures; and
 - (4) Proposed elevation in relation to mean sea level to which any nonresidential structure will be floodproofed, as required in Subsection 17.32.050.A(3.b) of this Ordinance and detailed in FEMA Technical Bulletin TB 3-93.
 - b. Certification from a registered civil engineer or architect that the nonresidential floodproofed building meets all applicable floodproofing criteria under Section 17.32.050.
 - c. For a crawl-space foundation, location and total net area of foundation openings as required in Subsection 17.32.050.A(3.c) of this Ordinance and detailed in FEMA Technical Bulletins 1-93 and 7-93.
 - d. Description of the extent to which any watercourse will be altered or relocated as a result of proposed development.
 - e. All appropriate certifications, records and permits demonstrating compliance with the requirements of this Chapter.
- D. Appeals.** The Board of Supervisors shall hear and decide appeals when it is alleged there is an error in any requirement, decision, or determination made by the Floodplain Administrator in the enforcement or administration of this Chapter.

17.32.050 Provisions for Flood Hazard Reduction

- A. Standards of Construction.** In all SFHAs, the following standards are required:
1. **Anchoring.** All new and modern construction and substantial improvement of any structure shall be adequately anchored to prevent flotation, collapse or lateral movement of the structure resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy.
 2. **Construction Materials and Methods.** All new and modern construction and substantial improvement of any structure shall be constructed:

- a. With flood-resistant materials and utility equipment resistant to flood damage for areas below the base flood elevation;
- b. Using methods and practices that minimize flood damage; and
- c. With electrical, heating, ventilation, plumbing and air conditioning equipment and other service facilities that are designed and/or located so as to prevent water from entering or accumulating within the components during conditions of flooding.

3. Elevation and Floodproofing.

- a. **Residential Construction.** All new and modern construction and substantial improvement of any residential structure shall have the lowest floor, including basement:
 - (1) In A1-A9, A14 and A24 Zones, elevated 2 feet above the base flood elevation (BFE).
 - (2) In an A zone, without BFEs specified on the FIRM (unnumbered A zone), elevated 2 feet above the base flood elevation. The applicant shall identify the SFHA and BFE in compliance with Subsection 17.32.040.B(2);
 - (3) Manufactured/mobile homes or Temporary Mobile Home/RV with a Hardship Permit (TMA), placed or substantially improved on a site within any SFHA, shall:
 - (a) Be elevated on a permanent foundation such that the lowest floor of the dwelling unit is elevated 2 feet above the BFE, as specified on the FIRM or as determined under Subsection 17.32.040.B(2), and be securely fastened to an adequately anchored foundation system to resist flotation, collapse, and lateral movement.

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

- b. **Nonresidential Construction.** All new and modern construction and substantial improvement of any nonresidential structure shall either be elevated to conform to Subsection 17.32.050.A(3.a) of this paragraph or:
 - (1) Be floodproofed, together with attendant utility and sanitary facilities, below the elevation recommended under Subsection 17.32.050.A(3.a), so that the structure is watertight with walls substantially impermeable to the passage of water;
 - (2) Have structural components capable of resisting hydrostatic and

- hydrodynamic loads and effects of buoyancy; and
- (3) Be certified by a registered civil engineer or architect that the standards of both Subsections 17.32.050.A(3.a) or (3.b) are satisfied. Such certification shall be provided to the Floodplain Administrator.

c. Flood Openings. All new and modern construction and substantial improvements of any structures with fully enclosed areas below the lowest floor (excluding basements) that are usable solely for parking of vehicles, building access or storage, and which are subject to flooding, shall be designed to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of floodwater. Designs for meeting this requirement must meet the following minimum criteria:

- (1) For non-engineered openings:
 - (a) Have a minimum of two openings on different sides having a total net area of not less than one square inch for every square foot of enclosed area subject to flooding;
 - (b) The bottom of all openings shall be no higher than one foot above grade.
 - (c) Openings may be equipped with screens, louvers, valves or other coverings or devices provided that they permit the automatic entry and exit of floodwater; and
 - (d) Buildings with more than one enclosed area must have openings on exterior walls for each area to allow flood water to directly enter; or
- (2) Be certified by a licensed civil engineer or architect.

d. Garages and Low Cost Accessory Structures.

- (1) **Attached Garages.**
 - (a) A garage attached to a residential structure, constructed with the garage floor slab below the BFE, must be designed to allow for the automatic entry of flood waters; see Subsection 17.32.050.A(3.c). Areas of the garage below the BFE must be constructed with flood resistant materials; see Subsection 17.32.050.A(2).
 - (b) A garage attached to a nonresidential structure must meet the above requirements or be dry floodproofed. For guidance on below grade parking areas, see FEMA Technical Bulletin TB-6.
- (2) **Detached Garages and Accessory Structures.**
 - (a) “Accessory structures” used solely for parking, limited storage, or other non-habitable use, may be constructed such that its floor is below the BFE, provided the structure is designed and constructed in accordance with the following requirements:
 - (i) Use of the accessory structure must be limited to non-habitable use;
 - (ii) The portions of the accessory structure located

- below the BFE must be built using flood-resistant materials;
- (iii) The accessory structure must be adequately anchored to prevent flotation, collapse and lateral movement;
 - (iv) Any mechanical and utility equipment in the accessory structure must be elevated or floodproofed to or above the BFE;
 - (v) The accessory structure must comply with floodplain encroachment provisions in Subsection 17.32.050.F; and
 - (vi) The accessory structure must be designed to allow for the automatic entry of flood waters in accordance with Subsection 17.32.050.A(3.c).
- (b) Detached garages and accessory structures not meeting the above standards must be constructed in accordance with all applicable standards in Subsection 17.32.050.A.
- e. Crawlspace Construction.** This Subsection applies to buildings with crawl spaces up to two feet below grade. Below-grade crawl space construction in accordance with the requirements listed below will not be considered basements.
- (1) The building must be designed and adequately anchored to resist flotation, collapse, and lateral movement of the structure resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy. Crawl space construction is not allowed in areas with flood velocities greater than five feet per second unless the design is reviewed by a qualified design professional, such as a licensed engineer or architect;
 - (2) The crawl space is an enclosed area below the BFE and, as such, must have openings that equalize hydrostatic pressures by allowing for the automatic entry and exit of floodwaters. For guidance on flood openings, see FEMA Technical Bulletin 1-93;
 - (3) Portions of the building below the BFE must be constructed with materials resistant to flood damage. This includes not only the foundation walls of the crawl space used to elevate the building, but also any joists, insulation, or other materials that extend below the BFE; and
 - (4) Any building utility systems within the crawl space must be elevated above BFE or designed so that floodwaters cannot enter or accumulate within the system components during flood conditions.
 - (5) Requirements for all below-grade crawl space construction, in addition to the above requirements, to include the following:
 - (a) The interior grade of a crawl space below the BFE must not be more than two feet below the lowest adjacent

exterior grade (LAG), shown as D in figure 3 of Technical Bulletin 11-01;

- (b) The height of the below-grade crawl space, measured from the interior grade of the crawl space to the top of the crawl space foundation wall must not exceed four feet (shown as L in figure 2 of Technical Bulletin 11-01) at any point;
- (c) There must be adequate drainage system that removes floodwaters from the interior area of the crawl space within a reasonable period of time after a flood event, not to exceed 72 hours; and
- (d) The velocity of floodwaters at the site should not exceed five feet per second for any crawl space. For velocities in excess of five feet per second, other foundation types should be used.

B. Standards for Utilities.

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

C. Standards for Subdivisions and Other Proposed Development.

- 1. Creation of new lots which lie entirely within the SFHAs as identified on the most current version of the flood insurance rate maps provided by FEMA or dam failure inundation areas as delineated in dam failure emergency response plans maintained by the County is prohibited pursuant to General Plan Policy 6.4.1.4.
- 2. New lots which are partially within the SFHAs or dam failure inundation areas, as delineated in dam failure emergency response plans maintained by the County, must have sufficient land available outside the FEMA or County designated SFHAs or the dam inundation areas for construction of dwelling units, accessory structures, and septic systems, while meeting all other required development standards, pursuant to General Plan Policy 6.4.1.5.
- 3. All new subdivision proposals and other proposed development, including proposals for manufactures home parks and subdivisions, shall:
 - a. Identify the SFHAs and the BFEs.
 - b. Identify the elevations of the lowest floors of all proposed structures and pads, if applicable, on the final plans.

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

D. Floodways.

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

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

17.32.060 Variance Procedures

A. Nature of Variances. The issuance of a variance is for floodplain management

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

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

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

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

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

vehicles;

10. Expected heights, velocity, duration, rate of rise, and sediment transport of the flood waters expected at the site; and
11. Costs of providing governmental services during and after flood conditions, including maintenance and repair of public utilities and facilities such as sewer, gas, electrical, and water system, and streets and bridges.

C. Provisions.

1. Generally, variances may be issued for new or modern construction, substantial improvement of any structure, and other proposed new development on a lot of one-half acre or less in size adjoining and surrounded by lots with existing structures constructed below the BFE, providing that the procedures of Sections 17.32.040 and 17.32.050 of this Ordinance have been fully considered. As the lot size increases beyond one-half acre, the technical justification required for issuing the variance increases.
2. Variances may be issued for the repair or rehabilitation of “historic structures”, as defined in Section 17.32.020, upon a determination that the proposed repair or rehabilitation will not preclude the structure’s continued designation as an historic structure and the variance is the minimum necessary to preserve the historic character and design of the structure.
3. Variances shall not be issued within any mapped regulatory floodway if any increase in flood levels during the base flood discharge would result.
4. Variances shall only be issued upon a determination that the variance is the “minimum necessary”, considering the flood hazard, to afford relief. “Minimum necessary” means to afford relief with a minimum of deviation from the requirements of this Ordinance. For example, in the case of variances to an elevation requirement, this means the approving authority need not grant permission for the applicant to build at grade, or even to whatever elevation the applicant proposes, but only to that elevation which the approving authority believes will both provide relief and preserve the integrity of the Ordinance.
5. In addition to the findings under Section 17.52.070, variances shall only be issued upon a determination that the granting of a variance will not result in increased flood heights, additional threats to public safety, or extraordinary public expense; and will not create a nuisance (Section 17.32.020), cause fraud and victimization of the public, or conflict with existing laws or ordinances.
6. Upon consideration of the factors of Subsection 17.32.060.C(1) and the purposes of this Ordinance, the Board may attach such conditions to the granting of variances as it deems necessary to further the purpose of this Ordinance.

7. Any applicant to whom a variance is granted shall be given written notice over the signature of the Director that:
 - a. The issuance of a variance to construct a structure below the BFE will result in increased premium rates for flood insurance; and
 - b. Such construction below the BFE increases risks to life and property. It is recommended that a copy of the notice shall be recorded by the Floodplain Administrator in the office of the County Recorder-Clerk and shall be recorded in a manner so that it appears in the chain of title of the affected lot of land.

8. The Floodplain Administrator will maintain a record of all variance actions, including justification for their issuance, and report such variances issued in its biennial report submitted to FEMA.

CHAPTER 17.33 – LANDSCAPING STANDARDS**Sections:**

- 17.33.010 Purpose
- 17.33.020 Applicability
- 17.33.030 Definitions
- 17.33.040 Landscape Plan
- 17.33.050 Landscape Standards
- 17.33.060 Irrigation Standards
- 17.33.070 Maintenance and Protection
- 17.33.080 Non-conforming Landscaping
- 17.33.090 Water Efficient Landscape Plan
- 17.33.100 Water Efficient Landscape Plan Requirements

17.33.010 Purpose

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

17.33.020 Applicability

All ministerial and discretionary development for industrial, research and development, commercial, multi-unit residential, civic, or utility uses shall provide landscaping for all areas of a lot that are not covered by structures, parking areas, walkways, patio areas for public or employee use, and other similar impervious surfaces.

17.30.030 Definitions

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

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

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

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

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

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

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

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

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

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

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

Landscape Area. All the planting areas, turf areas, and water features in a landscape design plan. The landscape area does not include footprints of buildings or structures, sidewalks, driveways, parking lots, decks, patios, gravel or stone walks, other pervious or non-pervious hardscapes, and other non-irrigated areas designated for non-development (e.g., open spaces and existing native vegetation).

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

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

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

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

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

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

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

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

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

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

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

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

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

17.33.040 Landscape Plan

- A. A landscape plan shall be required prior to the issuance of any building permit subject to the requirements of this Chapter. Plans shall include a site plan, grading plan, planting plan, irrigation design plan, and all other details and specifications necessary for a complete landscape plan review, on an application form provided by the Department.

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

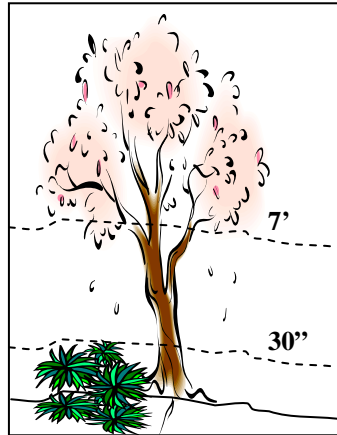
17.33.050 Landscape Standards

Landscaping shall conform to the standards set forth below:

- A. **Landscape Buffers.** Landscaped buffers shall be required along a road frontage, or property under a different ownership or zone, as follows:
 - 1. **Road Frontage.**
 - a. The required buffers along road frontage shall be a minimum of 10 feet in width outside of the right-of-way and exclusive of any curbs or sidewalks, unless otherwise set forth in the development standards for the zone.
 - b. Where industrial, research and development, commercial, civic, or utility uses are located across a county-maintained road from residentially zoned lots and parking is provided facing said lots, either of the following shall be required:
 - (1) An ornamental masonry wall not less than three feet in height from grade shall be installed between the parking spaces and the landscape buffer; or
 - (2) A minimum three foot high landscaped berm may be provided within the buffer area.
 - c. Landscape buffers adjacent to public rights of way or road easements shall maintain line-of-sight visibility subject to the review and approval of the Department of Transportation. No foliage or structural feature between the height of 30 inches and seven feet above grade (Figure

17.33.050.A) shall extend into the cross-visibility area (CVA) defined in Section 17.30.050.B.5 (Fences, Walls, and Retaining Walls):

Figure 17.33.050.A



2. Property Lines.

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

B. General Landscape Requirements.

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

maintain a neat and consistent appearance.

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

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

- 11. The size of plant material shall be the following pot size or equivalent container, such as tree pot, slip, or bare root packaging, as certified by the preparer of the landscape plan:
 - Trees.....5 gallon minimum
 - Shrubs.....1 gallon minimum

- 12. The use of landscape fabric shall be prohibited to allow the rejuvenation and self-sufficiency of the underlying soil.

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

C. Parking Lot Landscaping.

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

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

17.33.060 Irrigation Standards

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

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

17.33.070 Maintenance and Protection

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

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

measures set forth in the Design and Improvement Standards Manual during grading and construction activities.

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

17.33.080 Non-conforming Landscaping

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

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

17.33.090 Water Efficient Landscape Plan

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

permit is required for said landscaping installation.

3. New and rehabilitated cemeteries limited to a Water Efficient Landscape Worksheet (Appendix A), landscape and irrigation maintenance schedule, irrigation audits or surveys, and irrigation water use analysis by the local water district.
4. Existing cemeteries and landscapes limited to irrigation audits or surveys and irrigation water use analysis by the local water district addressing water waste prevention.

B. The following shall be exempt from this Section:

1. Registered local, state, or federal historical sites.
2. Ecological restoration projects where the site is intentionally altered to establish a defined, indigenous, historic ecosystem and that do not require a permanent irrigation system.
3. Mining reclamation projects that do not require a permanent irrigation system.
4. Plant collections, as part of public arboretums and botanical gardens.
5. Commercial agricultural operations.

17.33.100 Water Efficient Landscape Plan Requirements

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

A. Landscape Documentation Package. A Landscape Documentation Package, as provided in Subsection B, shall be submitted to the Department for review and approval prior to permit issuance. A copy of the approved Landscape Documentation Package shall be provided to the property owner or site manager along with any other information normally forwarded to the property owner or site manager as part of the permit process.

B. Elements of the Landscape Documentation Package.

1. Project Information:

- a. Applicant/owner names and contact information;
- b. Site address and Assessor’s Parcel Number (APN);
- c. Total landscape area (in sq ft);
- d. Project type, such as new, rehabilitated, public, private, cemetery,

homeowner-installed;

- e. Water type, such as potable, reclaimed, well; and
- f. Applicant signature and date with statement, “I agree to comply with the requirements of the water efficient landscape ordinance.”

2. Water Efficient Landscape Worksheet. A project applicant shall complete the Water Efficient Landscape Worksheet for the project, as follows:

- a. A hydrozone information table (Appendix A, Section A); and
- b. A water budget calculation (Appendix A, Section B). Water budget calculations shall adhere to the following requirements:
 - (1) For the calculation of the Maximum Applied Water Allowance (MAWA) and Estimated Total Water Use (ETWU), a project applicant shall use the Reference Evapotranspiration (ET_o) value of 47.3 inches per year for El Dorado County (CIMIS Reference Evapotranspiration Zones Map, Department of Water Resources, 1999).
 - (2) The plant factor used (Appendix A, Section B.2) shall be from the Water Use Classification of Landscape Species (WUCOLS). For purposes of this Ordinance, the plant factor shall range from 0 to 0.3 for low water use plants, from 0.4 to 0.6 for moderate water use plants, and from 0.7 to 1.0 for high water use plants.
 - (3) All surface area of water features, as defined in Article 8, shall be included in the high water use hydrozone and temporarily irrigated areas shall be included in the low water use hydrozone.
 - (4) All Special Landscape Areas (SLA), as defined in Section 17.33.030, shall be identified and included in calculating the MAWA. A statement shall be included with the landscape design plan designating recreational areas to be used for such purposes.

3. Landscape Design Plan. For the efficient use of water, a landscape shall be carefully designed and planned for the intended function of the project. A landscape design plan meeting the following requirements shall be submitted as part of the landscape documentation package:

- a. **Plant Selection and Grouping.** Plant selection shall be in compliance with Section 17.33.040 (Landscape Standards) providing the recommended ETWU does not exceed the Maximum Applied Water Allowance and the plants meet the following specifications:
 - (1) Plants having similar water use shall be grouped together in distinct hydrozones with the exception of hydrozones with plants of mixed water use, in compliance with Subparagraph 4.d.(1) below.
 - (2) Plants shall be selected appropriately based upon their

adaptability to the climatic, geologic, and topographical conditions of the site, as well as their horticultural attributes, such as size and invasiveness, in order to minimize damage to property or infrastructure.

- (3) Fire-prone plant materials and highly flammable mulches shall be avoided.
- (4) Soil amendments shall be incorporated according to recommendations of the soil management report and what is appropriate for the plants selected.

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

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

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

a. Irrigation Plan Requirements. An irrigation plan shall be drawn on

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

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

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

- (1) Automatic irrigation controllers utilizing either evapotranspiration or soil moisture sensor data for scheduling in all irrigation systems.
- (2) If the static pressure is above or below the required dynamic pressure of the irrigation system, pressure-regulating devices such as inline pressure regulators, booster pumps, or other devices installed to meet the required dynamic pressure of the irrigation system within the manufacturer's recommended pressure range for optimal performance.
- (3) Sensors (rain, freeze, wind, etc.), either integral or auxiliary, that suspend or alter irrigation operation during unfavorable weather conditions customary for the climate area.
- (4) Manual shut-off valves, such as a gate valve, ball valve, or butterfly valve, as close as possible to the point of connection of the water supply to minimize water loss in case of an emergency,

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

reading of the water supply measured at the point of connection. Pressure and flow reading measurements shall be conducted at the design stage. If the measurements are not available at the design stage, the measurements shall be conducted at installation.

- (6) Conformance to the hydrozones of the landscape design plan.
- (7) The use of low volume irrigation in mulched planting areas to maximize water infiltration into the root zone.

d. Hydrozones.

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

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

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

- (c) to avoid runoff);
 - (c) Number of cycle starts required for each irrigation event to avoid runoff;
 - (d) Amount of applied water scheduled to be applied on a monthly basis;
 - (e) Application rate setting;
 - (f) Root depth setting;
 - (g) Plant type setting;
 - (h) Soil type;
 - (i) Slope factor setting;
 - (j) Shade factor setting; and
 - (k) Irrigation uniformity or efficiency setting.
- f. Landscape and Irrigation Maintenance Schedule.** Landscapes shall be maintained to ensure water use efficiency. A regular maintenance schedule shall be submitted with the Certificate of Completion to include, but not be limited to:
- (1) Routine inspection; adjustment and repair of the irrigation system and its components; aerating and dethatching turf areas; replenishing mulch; fertilizing, pruning, and weeding in all landscape areas; and removing obstruction to emission devices.
 - (2) Repair of all irrigation equipment with the originally installed components or their equivalents.
- g. Irrigation Audit Report or Survey.** For new construction and rehabilitated landscape projects under Section 17.33.090.A, the applicant shall submit the following:
- (1) An irrigation audit report, conducted by a certified landscape irrigation auditor, to the local water district for their review and approval, subject to the exception in Paragraph (4) below. The irrigation audit report may include, but not be limited to irrigation schedule, inspection report, system tune-up schedule, system test with distribution or emission uniformity, and method of reporting overspray or run off that causes overland flow.
 - (2) Where an irrigation survey is allowed in lieu of an audit report in compliance with this Section, or as determined by the local water district, it shall include, but not be limited to inspection, system test, and written recommendations to improve performance of the irrigation system.
 - (3) A filed copy of the approved irrigation audit report or survey, or other form of documentation indicating approval by the local water district, to the Department with the Certificate of Completion.
 - (4) Where a local water district requires otherwise, the applicant shall submit the irrigation audit report and Certificate of Completion to the Department, who will receive and file the documents with the applicable permit. The local water district may request a copy of the report for review and approval prior to

permit signoff or at any time in the future for use as a baseline study in determining compliance with water efficiency standards.

5. **Grading Plan.** For the efficient use of water, grading of a project site shall be designed to minimize soil erosion, runoff, and water waste. As part of a grading permit, the grading plan shall be separate from, but at the same scale as the landscape design plan and shall indicate finished configurations and elevations of the landscape area and stormwater retention improvements, if applicable.

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

6. **Soil Management Report.** In order to reduce runoff and encourage healthy plant growth, a soil management report shall be completed by the project applicant prior to grading, as follows:

- a. Soil samples shall be submitted to a laboratory for analysis and recommendations in accordance with laboratory protocol, including protocols regarding adequate sampling depth for the intended plants.
- b. The project applicant shall submit the soil management report to the Department as part of the Landscape Documentation Package.
- c. The project applicant shall make the soil management report available to the professionals preparing the landscape design plans and irrigation plans to allow them to make any necessary adjustments to the design plans in a timely manner.
- d. The project applicant shall submit documentation verifying implementation of the soil management report recommendations to the Department with the Certificate of Completion.

7. **Certificate of Completion.** The signer of the landscape design plan, the signer of the irrigation plan, or the licensed landscape contractor shall conduct a final field observation and provide a Certificate of Completion to the Department (see Appendix A, Section C), as follows:

- a. The Certificate shall specifically indicate that the landscape project has been installed in compliance with the approved Landscape Documentation Package. Where there have been significant changes made in the field during construction, these “as-built” drawings shall be included with the certification.
- b. The project applicant shall submit the signed Certificate to the Department for review.

- c. The Department shall approve or deny the Certificate. If the Certificate is denied, the Department shall provide information to the project applicant regarding reapplication, appeal, or other assistance.
- d. The project applicant shall ensure that copies of the approved Certificate are submitted to the local water district and property owner or his or her designee.

C. Provisions for Existing Landscapes.

- 1. All existing landscaped areas, one acre or more in size, to which a local water district provides water, including golf courses, green belts, common areas, multi-unit residential development, schools, businesses, parks, cemeteries, and publicly owned landscapes, shall have a landscape irrigation audit at least once every five years. An audit shall not be required if the local water district determines, based on an irrigation water use analysis of meter readings and billing data, that the existing landscape area does not exceed the MAWA for the project site.
- 2. The audit shall be in accordance with the California Landscape Water Management Program, as described in the *Landscape Irrigation Auditor Handbook version 5.5* (Dept. of Water Resources: Water Conservation Office), or with criteria established through a local water district program, whichever is stricter.

CHAPTER 17.34 – OUTDOOR LIGHTING

Sections:

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

17.34.010 Purpose and Intent

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

17.34.020 Definitions

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

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

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

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

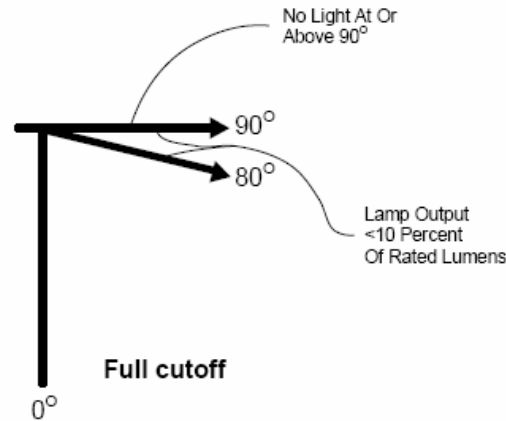
“Flood light” or “Spot light” means any light fixture or lamp that incorporates a reflector or a refractor to concentrate and intensify the light output into a directed beam.

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

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

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

Figure 17.34.020.A



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

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

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

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

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

Table 17.34.020.1

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

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

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

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

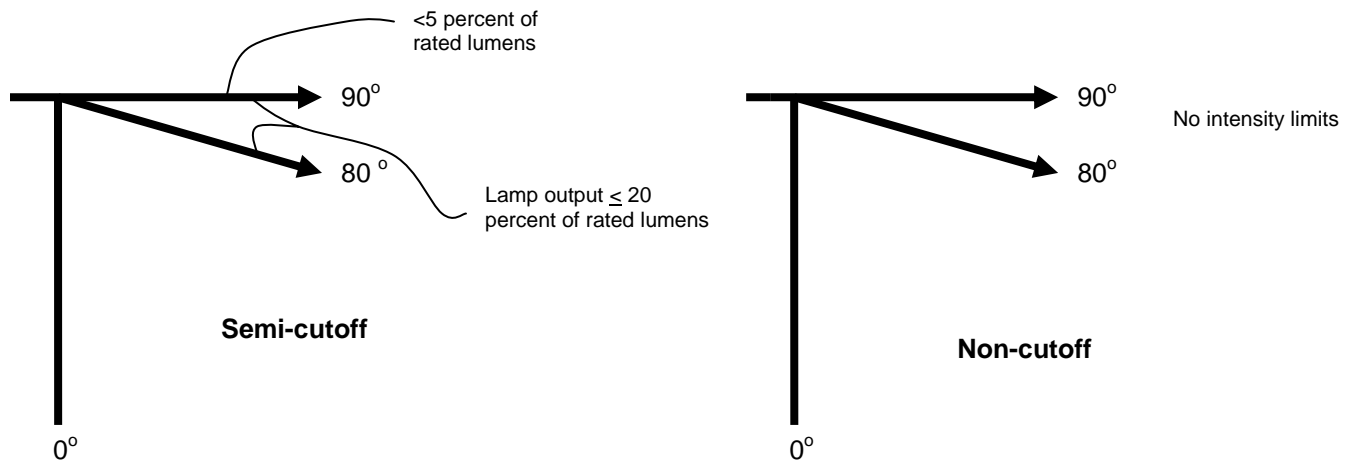
“Luminaire” means the complete lighting system to include the light source and the fixture. Luminaire types consist of bollard or post-top for walkways and ground lighting, pole mounted for roadways and parking lots, soffit and wall systems for structures, and floodlights for building facades, signage,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

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

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

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

Figure 17.34.020.B



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

17.34.030 Lighting Plans Required

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

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

17.34.040 Outdoor Lighting Limits

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

Table 17.34.040.1

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

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

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

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

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

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

17.34.050 Outdoor Lighting Standards

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

1. Pole mounted fixtures shall be limited to a maximum height of 20 feet, as measured from the highest point of the luminaire to the finished grade directly below it.
2. Top-mounted luminaires to illuminate parapet signs shall be limited to a maximum height of 25 feet, as measured at the highest point of the fixture to the finished grade directly below it. Illuminated signs shall also comply with Chapter 17.37 (Signs).

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

Table 17.34.050.1

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

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

- 8. Search lights, laser source, or similar high intensity lighting shall not be permitted except in emergencies by police, fire, or other emergency personnel.
 - 9. Mercury vapor lamps shall be prohibited.
- B. Residential lighting, including single- and multi-unit development, shall conform to the following standards:
- 1. Lighting installation shall be limited to those areas adjacent to buildings, walkways, driveways, or activity areas (swimming pools, spas, outdoor dining areas, barns, and other similar uses) in close proximity to the residence or activity area.
 - 2. An outdoor luminaire shall be full-cutoff if rated greater than 1,000 initial lumens, which is equivalent to one 60 watt incandescent lamp.
 - 3. Security lighting shall be in compliance with Paragraph A.4, above.

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

17.34.060 Exemptions

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

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

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

17.34.070 Effect on Existing Outdoor Lighting

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

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

CHAPTER 17.35 – PARKING AND LOADING

Sections:

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

17.35.010 Purpose and Intent

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

17.35.020 Definitions

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

“**Gross floor area (GFA)**” shall mean total square footage of all areas enclosed within a building.

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

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

17.35.030 Parking Plan Required

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

17.35.040 Off-street Parking and Loading Requirements

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

Table 17.35.040.1 Schedule of Off-Street Vehicle Parking Requirements

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

USE TYPE	PARKING SPACE REQUIREMENTS	PARKING LOT TURNOVER (See 17.35.050.A.3.d)	LOADING BAY INTENSITY (See 17.35.060.A)
Multi-unit (apartments, townhouses and condominiums): Studio/1 bedroom 2 or more bedrooms	1.5 per unit; 2 per unit (minimum 1 covered); plus Guest parking shall be provided for all multi-unit development in the amount of 1 per 4 dwelling units. ¹ Guest spaces shall be marked “Reserved for guests” or “Visitor parking”.	N/A	N/A
Mixed Use: Studio/1 bedroom 2 or more bedrooms Commercial	1 per unit. 1.5 per unit; plus Guest parking shall be provided at 1 space per 4 dwelling units. ¹ Guest spaces shall be marked “Reserved for Residential Guests”. A minimum of 75 percent of the normally required commercial parking as otherwise required in this article if residential spaces are made available to the commercial customers, subject to approval of the review authority.	High ²	Low ³
<p>NOTES:</p> <p>¹The approving authority may reduce or eliminate the required number of guest spaces if: (a) Adequate street parking is available, or (b) The site is within 500 feet of a transit/bus stop.</p> <p>²For commercial portion of mixed use, only.</p> <p>³Or as determined by the review authority based on type of commercial uses.</p>			
Rooming houses, fraternity/sorority housing, or clubs w/sleeping facilities	1 per bedroom; plus 1 per 8 beds.	Low	N/A

USE TYPE	PARKING SPACE REQUIREMENTS	PARKING LOT TURNOVER (See 17.35.050.A.3.d)	LOADING BAY INTENSITY (See 17.35.060.A)
Accessory dwelling units: Secondary dwelling, Temporary mobile home	1 per bedroom, up to 2 maximum. May be in tandem with spaces required for primary residence.	N/A	N/A
Guest house	No additional spaces from that required for the primary residence.	N/A	N/A
Caretaker, Employee housing	1 per unit.	N/A	N/A
Mobile home park	2 per mobile home space, may be in tandem for each space; plus 1 guest space for every 5 units.	N/A	N/A
COMMERCIAL			
Animal services: Kennel	1; plus 1per 5 kennel spaces.	Low	Low
Veterinary clinic	1 per 250 square feet (sf.) of active use area (AUA) exclusive of kennel boarding area.	Medium	Low
Automobile: Sales and rental (For customer and employee use)	1 per 400 sf. of AUA; plus 2 per service bay; plus 1 per 3,000 sf. of outdoor sales lot.	Medium	Low
Repair and service, vehicle fuel sales	3 per service bay; plus 1 per 400 sf. of office/retail AUA.	Medium	Medium
Car wash	2 per washing stall; Drive-through stalls may utilize stacking areas with a length of 24 feet (ft.) as parking spaces.	High	N/A
Bank, financial institution	1 per 250 sf. of AUA; plus 1 per ATM.	High	Low
Barber or beauty shop	2 per chair or station.	High	N/A

USE TYPE	PARKING SPACE REQUIREMENTS	PARKING LOT TURNOVER (See 17.35.050.A.3.d)	LOADING BAY INTENSITY (See 17.35.060.A)
Bar, drinking establishment	1 per 3 seats or equivalent occupancy; plus 1 per 100 sf. of outdoor use area (OUA); plus 1 per 2 employees on maximum shift.	High	Medium
Building supply and lumberyard;	1 per 500 sf. of gross floor area (GFA); plus 1 per 1,000 sf. of OUA.	High	High
Equipment rental	1 per 500 sf of GFA; plus 1 per 2,000 sf. of OUA.	Medium	Low
Funeral home, mortuary	1 per 4 seats or equivalent occupancy; plus 1 for each vehicle maintained on the premises.	Medium	Low
Laundry facilities: Dry Cleaner / Laundry Service (small scale w/o delivery or linen supply services)	1 per 500 sf. of GFA; plus 1 per check stand.	High	Low
Laundromats (self-service)	1 per 2 washers.	High	N/A
Lodging: Bed and Breakfast	1 per guest room; plus required residential parking. (See 17.40.090 for additional requirements)	Low	N/A
Hotel, motel	1.2 per guest room; plus 50% of the parking requirements for internal, accessory uses where conference facilities, meeting rooms, restaurants, and similar uses are provided as a part of the hotel / motel complex.	Medium High - w/restaurant	Low Medium - w/restaurant
Medical services: Hospital	1 per bed based on design capacity. If more than 50 employees on the maximum work shift, 10 percent of required parking shall be designated for carpool/vanpool parking.	High	Medium

USE TYPE	PARKING SPACE REQUIREMENTS	PARKING LOT TURNOVER (See 17.35.050.A.3.d)	LOADING BAY INTENSITY (See 17.35.060.A)
Long term care facility	1 per 4 beds based on design capacity.	Low	Low
Nursery, retail	See “Building Supply and lumberyard”	High	Low
Office: Medical, dental	1 per 200 sf. of AUA.	High	Low
General	1 per 250 sf. of AUA.	Medium	Low
Restaurant: Full service	1 per 300 sf. of dining room area; plus 1 per 2 employees; plus 1 RV space for every 20 parking spaces. When outdoor seating is provided, the first 300 sf. of OUA exempt from parking requirements.	High	Medium
With drive-through	1 per 300 sf. of GFA; plus 1 RV space for every 20 parking spaces. Stacking lane shall be in compliance with Section 17.35.050.H.	High	Medium
Retail sales and service: Food and beverage	1 per 200 sf. of AUA; plus 1 per check stand; plus 1 per 600 sf. of storage area.	High	High
Furniture and appliances	1 per 500 sf. of AUA.	Medium	Medium
General, indoor	1 per 300 sf. of AUA; plus 1 per 600 sf. of storage area.	High	Medium
Shopping center: Neighborhood (less than 15K sf.)	1 per 300 sf. of GFA	High	Medium
Community (15K to 400K sf.)	1 per 400 sf. of GFA	High	Medium
Regional (>400K sf.)	1 per 500 sf. of GFA	Medium	High

USE TYPE	PARKING SPACE REQUIREMENTS	PARKING LOT TURNOVER (See 17.35.050.A.3.d)	LOADING BAY INTENSITY (See 17.35.060.A)
CIVIC/CULTURAL			
Church	1 per 4 seats; plus 1 per Sunday school classroom.	High	N/A
Community assembly, including live theater, banquet hall, sports assembly, or other auditoriums and meeting halls	1 per 3 seats, or 1 per 50 sf. of spectator area if seats not fixed.	High	Low
Library	1 per 2 employees for average day shift staffing; plus 1 per 400 sf. of GFA.	High	Low
Schools: Child daycare center, preschool, nursery school	1 per 8 children; plus 1 space per 2 employees	Medium	Low
Elementary, middle school	3 per classroom; plus 1 per 250 sf. of office/administration area; plus 1 per 100 sf of auditorium.	Medium	Low
High school	10 th grade and below: 3 per classroom; plus 1 per 250 sf. of office / administration area; plus 1 space per 100 sf. of auditorium; plus 11 th grade and above: Additional 1 space per 3 students 16 years and older.	Medium	Low
College	8 per classroom, plus 1 per 35 sf. of auditorium area; or As determined by the review authority.	High	Low
Specialized education, trade school	1 per 75 sf. of GFA; plus 1 per staff member.	High	Low
INDUSTRIAL			

USE TYPE	PARKING SPACE REQUIREMENTS	PARKING LOT TURNOVER (See 17.35.050.A.3.d)	LOADING BAY INTENSITY (See 17.35.060.A)
Industrial, general and specialized	1 per 500 sf. of indoor AUA; plus 1 per 1,000 sf. of indoor storage area; plus 1 per 2,000 sf. of OUA; plus 1 per 5,000 sf. of outdoor storage area.	Low	High
Light manufacturing	1 per 400 sf. of AUA.	Low	High
Research and development	1 per 250 sf. of AUA; plus 1 per 1,000 sf. of indoor storage area; plus 1 per 2,000 sf. of OUA; plus 1 per 5,000 sf. of outdoor storage area.	Low	Medium
Resource extraction	No improved parking required providing sufficient usable area is available to accommodate all employee and visitor vehicles on site.	Low	Low
Storage: Warehouse	1 per 2,000 sf. of GFA for storage area; plus 1 per 500 sf. of AUA for distribution and packing areas; plus 1 per 250 sf. of AUA for office area.	Low	High
Self-storage: w/outdoor access to units (by vehicle drive aisle)	2 spaces.	Low	N/A
w/indoor access to units (or no vehicle drive aisle within 20 feet)	1 space; plus 1 per each 30 units, or fraction thereof.		Low
Wholesaling and Distribution	1 per 1,000 sf. for first 10,000 sf. of AUA; plus 1 per 3,000 sf. of AUA thereafter.	Low	High
RECREATIONAL			
Amusement center, arcade	1 per 200 sf. GFA.	Medium	Medium
Billiard hall	2 per table.	High	N/A

USE TYPE	PARKING SPACE REQUIREMENTS	PARKING LOT TURNOVER (See 17.35.050.A.3.d)	LOADING BAY INTENSITY (See 17.35.060.A)
Bowling Alley	4 per lane; plus 50 percent of requirements for each indoor accessory use.	Medium	Low
Campground, RV park	1 per campsite; plus 1 per every 3 day users as determined by maximum occupancy under a Conditional Use Permit.	Low	N/A
Dance Studio	1 per 200 sf. of AUA (not including waiting room).	High	N/A
Golf course, regulation	4 per hole; plus 1 per driving range tee; plus 50 percent of requirements for each accessory use.	Medium	Low
Golf course, miniature	3 per hole; plus 50 percent of requirements for each accessory use.	High	N/A
Health/Fitness club	1 per 300 sf. of AUA; plus 50% of requirements for each accessory use. Pools and tennis/racquetball courts calculated separately.	High	Low
Marina	1 per 2 boat slips. At least 20% of the spaces shall measure 9ft x 35ft to accommodate vehicles with trailers.	Medium	N/A
Movie theater (indoor)	1 per 3 fixed seats or equivalent occupancy.	High	Low
Park	1 per 1,000 sf. of OUA.	High	N/A
Picnic area	1 per table	Medium	N/A
Riding stable	1 per 4 stalls. At least 20% of the spaces shall measure 9ft x 35ft to accommodate vehicles with horse trailers.	Medium	N/A
River put-in and take-out	1 per 3 day users; plus 1 bus parking space (10ft x 30ft) per 56 day users.	Low	N/A

USE TYPE	PARKING SPACE REQUIREMENTS	PARKING LOT TURNOVER (See 17.35.050.A.3.d)	LOADING BAY INTENSITY (See 17.35.060.A)
Skateboard Park	1 per 1,000 sf. of OUA.	Medium	N/A
Skating/ice rink	1 per 300 sf. of AUA.	Medium	N/A
Ski area	1 per 2.5 users based on total ski lift area capacity.	Low	N/A
Snow Play Area	1 per 1,000 sf. of OUA.	Medium	N/A
Special Events: Outdoor	1 per 2.5 people in attendance	Medium	N/A
Swimming pool (Public or membership)	1 per 200 sf. of pool area; plus 1 per 500 sf. of deck area.	High	N/A
Tennis courts/Racquetball	2 spaces per court; plus 50% of requirements for each accessory use (i.e. Retail sales area)	High	N/A
Trail Head Parking and Staging Area	As determined on a case-by- case basis at the time of development by the appropriate authority.	Medium	N/A
AGRICULTURAL			
Christmas tree farms (U-cut), U-pick produce farms (fruit, pumpkin patch, etc.)	10 per acre.	High	N/A
Farm equipment and supply sales; and Nurseries, wholesale	1 per 500 sf. of GFA; plus 1 per 1,000 sf. of OUA.	High	Low
Packing shed	1 per 1,500 sf. of GFA.	Low	Medium
Produce, seasonal sales	1 per 300 sf. of OUA, with a minimum of 3 spaces.	High	N/A
Ranch marketing (see also commercial and recreational uses, above): Bake shop	1 per 250 sf. of GFA;	High	N/A
Craft sales area	3 per each concession; plus 1 per 200 sf. of AUA.	High	N/A

USE TYPE	PARKING SPACE REQUIREMENTS	PARKING LOT TURNOVER (See 17.35.050.A.3.d)	LOADING BAY INTENSITY (See 17.35.060.A)
Winery, brewery (see also commercial and recreational uses, above): Production, laboratory, storage	1 per 2,000 sf. of AUA; plus 1 per 5,000 sf. of storage.	Low	Low
Tasting Room Bus/Limo parking (10ft x30ft).....	1 per 300 sf of AUA; plus 1 per 2.5 people attending marketing events. 1 space for first 20,000 sf. of winery/tasting room AUA, and 1 space for each additional 20,000 sf, or fraction thereof, afterward.	High	N/A

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

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

17.35.050 Special Parking Requirements and Adjustments

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

A. Increases and Decreases in Requirements. The required number of parking spaces may be increased or decreased by the Director or review authority, as part of a discretionary permit, as follows:

1. The number of parking spaces required by this Chapter may be increased when it is determined that the proposed use would have a parking demand in excess of the requirements of this Chapter.
2. The number of parking spaces required for commercial and industrial uses may be decreased from the requirements of this Chapter where the review authority finds all of the following:

- a. The intent of the parking ordinance is preserved;
 - b. The parking provided is sufficient to serve the use for which it is intended; and
 - c. The modification will not be detrimental to the public health, safety, or welfare.
3. In considering requests for reduction in the number of parking spaces, the review authority shall consider:
- a. Size and type of use or activity;
 - b. Composition and number of tenants;
 - c. Peak traffic and parking loads;
 - d. Rate of turnover based on the following criteria, as applied in Table 17.35.040.1:
 - (1) High intensity areas are those having rapid turnover of less than two hours;
 - (2) Medium intensity areas are those where vehicles are parked from two to four hours;
 - (3) Low intensity areas have minimum turnover and few repeat users, such as long-term and employee parking lots.
 - e. Availability of public transportation including carpools or employer-provided transportation.
 - f. Payment of in-lieu fees authorized by the County Transit Authority for public transportation facilities, if available, or other options that support mass transportation alternatives.
 - g. The extent and effectiveness of a proposed TDM program including its monitoring plan.

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

- 1. Reduction for On-street Parking.** Where on-street parking is available on public streets fronting the subject property, the required off-street parking may be reduced by one space for each available on-street space adjoining the property. Determination of availability of on-street parking shall be made by the review authority after consultation with the Department of Transportation and the local fire district.

2. **Reduction for Rear-lot Parking.** The required off-street parking for commercial and civic uses located in a community region or rural center may be reduced by 10 percent when the project locates the parking area behind the structure(s) so that the parking area is not visible from the road frontage, sidewalks or other pedestrian accessways are available, and a transit stop is within 300 feet of the site.

3. **Shared Parking.** Shared parking shall be permitted as follows:

a. Where two or more nonresidential uses on a single site or adjacent sites are developed, a parking analysis shall be required demonstrating parking demand based on distinct and differing hours of use and peak traffic periods. Table 17.35.050.1 below shall be the default method of calculation, however, variations may be allowed subject to Director review and approval.

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

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

b. Shared parking shall be calculated as follows:

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

Example: Calculating Shared Parking Requirement

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

Office 50
 Retail 75
Restaurant 60

185 Total required spaces

Under shared parking requirements using Table 17.35.050.1:

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

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

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

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

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

availability of the off-site parking facilities for the life of the use that it is intended to serve, in compliance with Chapter 17.65 (Covenant of Easement).

- C. **Handicap Parking.** Parking for the physically handicapped shall be provided as required in the building code, in compliance with the Americans with Disabilities Act (ADA).
- D. **Compact Car Spaces.** Where 10 or more parking spaces are required for commercial, industrial, recreational, or civic uses, compact spaces may be incorporated for up to ten percent of the required spaces. Multi-unit residential developments containing ten or more units may incorporate compact spaces for up to 20 percent of the required visitor parking. All compact parking spaces shall be clearly marked by surface paint or signage reserving each parking space for compact car use, only. Compact spaces shall be evenly distributed throughout the parking lot.
- E. **Carpool/Vanpool.** Voluntary installation of carpool/vanpool parking may be allowed in return for a reduction in total parking requirements as part of a Transportation Demand Management Plan approved by the review authority.
- F. **Motorcycle Parking.** Parking areas accommodating 100 cars or more shall designate five percent of their required parking space for motorcycle use, rounded to the nearest whole number. General space requirements shall measure four feet wide by eight feet long per motorcycle, with adequate maneuvering space around the motorcycle. Two such spaces shall count as one car space.
- G. **Bicycle Parking.** Bicycle racks shall be designed to enable a bicycle to be locked to the rack and shall be installed in a manner that allows adequate access to the bicycle. General space allowances shall measure two feet wide by six feet long per bicycle, with a five foot maneuvering space behind the bicycle. Surfacing shall be consistent with adjacent sidewalk or parking areas. Bicycle parking shall be required for the following development:
 - 1. **Office and Retail Commercial.** One bicycle space per every five required vehicle parking spaces up to the first 25 vehicle spaces. An additional bicycle space is required for every ten additional vehicle spaces or portion thereof. The maximum number of bicycle spaces required is 20, unless more are deemed necessary by the Director for major employment and commercial facilities.
 - 2. **Public Facilities and Civic Centers (Government Offices, Parks, Swimming Pools, Museums and Auditoriums).** 30 percent of the required number of vehicle spaces, to a maximum of 25 bicycle spaces, unless more are deemed necessary by the Director.
 - 3. **Elementary, Middle and High Schools.** One bicycle space per student at 25 percent of peak enrollment.

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

1. Ingress to and egress from a drive-through facility shall be prohibited from driveway(s) directly facing a residential zone.
2. Signage shall be provided to indicate the entrance, exit, and one-way path of drive-through lanes in compliance with Chapter 17.37 (Signs).
3. Lane striping to separate drive-through traffic from parking areas shall be provided from the nearest point of site access, as feasible, to the stacking lane(s).
4. Stacking lane(s) shall be physically separated from other traffic circulation on the site by concrete or asphalt curbing. The stacking lane(s) shall accommodate a minimum of four cars per drive-through window in addition to the car receiving service. The lanes shall be a minimum width of ten feet.

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

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

17.35.060 Material and Passenger Loading/Unloading Areas

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

Table 17.35.060.1 Loading Bay Requirements

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

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

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

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

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

Table 17.35.060.2

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

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

17.35.070 Recreational Vehicle Parking

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

17.35.080 Parking Lot Design Standards

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

- A. **Parking Lot Dimensions.** Parking lot dimensions shall conform to requirements under the El Dorado County Standard Plans Manual, Standard Plan RS-90.
- B. **Controlled Access.** Every parking and loading stall shall be accessible from the drive aisle without displacement of other vehicles.
- C. **Public Road Access.** Except for single-unit residential dwellings, as defined in Article 8, parking stalls shall be designed so as to prohibit the backing of vehicles directly into any public road right-of-way or easement in order to exit the site.
- D. **Vertical Clearance.** Every parking stall and drive aisle shall have a minimum of eight feet vertical clearance.
- E. **Snow Removal Storage.** Parking areas located at the 4,000 foot elevation or higher shall provide snow removal storage areas. Such storage areas shall be equivalent to 10

percent of the surface used for parking and access and shall not utilize any required parking spaces. Landscaping areas may be utilized for this purpose in compliance with Section 17.34.060 (Maintenance and Protection).

- F. **Parking Area Gradient.** All parking areas shall be graded to provide adequate drainage of all surface areas into an on-site drainage improvement or stormwater drainage system, in compliance with the gradient standards in the Land Development Manual (LDM).
- G. **Landscaping Required.** Landscaping shall be required for all parking lots consistent with the requirements set forth in Chapter 17.33 (Landscaping Standards).

17.35.090 Parking Lot Construction Standards

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

Table 17.35.090.1 Parking and Loading Area Surfacing Requirements

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

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

- D. **Directional Arrows and Signage.** Aisles, approach lanes, pedestrian crossings, and loading/unloading areas shall be clearly marked with directional lines, arrows and/or signs to facilitate traffic movement and ensure pedestrian safety.
- E. **Maintenance.** All parking and loading areas, drive aisles, and access drives shall be maintained in good condition and kept free of outside storage and debris.

17.35.100 Non-conforming Parking

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

- A. Whenever the existing use is enlarged, expanded, or intensified, additional parking spaces shall be provided only for the enlargement, expansion, or intensification subject to the standards in this Chapter.
- B. Whenever the existing use is changed to a new use where the parking requirement becomes 50 percent higher, parking for the entire site shall be consistent with the requirements and standards of this Chapter.

CHAPTER 17.36 – SIGNS**Sections:**

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

17.36.010 Exception—Official Public Signs

Sign provisions shall not apply to official public signs located within the public rights-of-way. (Prior code §9430(i)(1))

17.36.020 Exception—Identification Sign

Sign area provisions shall not apply to signs expressing by letter, figures or symbols, direction or identification such as address, name, access or parking, and not exceeding four square feet each. (Prior code §9430(i)(2))

17.36.030 Exception—Wall Signs

Sign area provisions shall not apply to signs using the wall of a building as the surface or attached to the wall of a building, providing the signs do not project more than twelve inches beyond the exterior face of the wall, providing the wall is a non-projecting, integral part of the building and providing the aggregate area of the wall sign does not exceed twenty percent of the total area of the wall; and further provided that the signs shall advertise only such general product, or products, and/or service, or services, as is or are actually sold, dispensed or rendered on the premises. (Prior code §9430(i)(3))

17.36.040 Face Used to Determine Area

Sign area provisions shall apply to the overall display surface of the single largest face of the sign and not to the aggregate of display faces. (Prior code §9430(i)(4))

17.36.050 Location

Signs may be located on the required yards or setbacks, providing they do not constitute a hazard to pedestrians or vehicular traffic, do not conceal from view any public sign or traffic signal and are not located on nor extend onto or project over public right-of-way without having first obtained a written revocable permit from the director of department of transportation to do so. Signs must comply with zoning requirements and shall be allowed only where the county road right-of-way is one hundred feet or more in width and where the traveled way and shoulders do not cover the entire right-of-way. Fees for the permit shall be established, paid and expended as provided in Section 12.08.160. The board of supervisors may appoint one or more local committees to advise and make recommendations to the director of department of transportation and the board of supervisors regarding the issuance of the permits. When any such committee has been appointed by the board of supervisors, the director of department of transportation shall refer pertinent requests for the permits to the appropriate committee for recommendation prior to issuance of the permit. (Ord. 3766 §65, 1987: prior code §9430(i)(5))

17.36.060 Resemblance to Traffic Signs Prohibited

Signs shall not resemble any official traffic or identification signs or signals, or use terms such as "stop" or "danger" in a manner which might create public confusion. (Prior code §9430(i)(6))

17.36.070 Lighting

Lighted signs shall not be blinking and shall be controlled so that visibility of vehicular traffic is not impaired, and objectionable glare is shielded from adjoining residential zones. (Prior code §9430(i)(7))

17.36.080 Moving Signs Prohibited

Moving signs or parts of signs shall not be allowed. (Prior code §9430 (i)(8))

17.36.090 Three-dimensional Signs

Three-dimensional signs shall be allowed, providing they are nonrepresentational. (Prior code §9430(i)(9))

17.36.100 Number Permitted

It shall not be construed that, as a matter of right, the use of more than two signs shall be allowed subject to the exceptions contained in Section 17.36.010 and 17.36.020. (Prior code §9430(i)(10))

17.36.110 Special Use in One District Nontransferable

It shall not be construed that an allowable sign by special use permit in one or more land use districts shall be deemed allowable as a matter of right in any other district or districts not expressly providing for the use. (Prior code §9430(i)(11))

17.36.120 Off-premises Signs

- A. Off-premises signs, not otherwise regulated by this title, may be established by special use permit upon following the procedure set forth in Chapter 17.22.
- B. Prior to the issuance of a special use permit for off-premises signs, the zoning administrator shall consider the location, size and display of the sign for compliance with the policies of the general plan land use element. (Ord. 3414, 1983)

CHAPTER 17.37 – NOISE STANDARDS**Sections:**

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

17.37.010 Purpose and Intent

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

17.37.020 Exemptions

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

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

- maintenance or modification of its facilities.
- G. Bells, chimes, carillons, and similar devices being used for religious purposes or in conjunction with religious services, or for organized public celebrations of public holidays or other publicly celebrated occasions.
- H. Traffic on public roadways, railroad line operations, aircraft in flight, and any other activity where regulation thereof has been preempted by state or federal law.

17.37.030 Applicability

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

17.37.040 Definitions

The following definitions shall apply to this Chapter:

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

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

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

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

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

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

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

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

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

“**Sensitive Receptor**” means a land use in which there is a reasonable degree of sensitivity to noise. Such uses include single- and multi-unit residential dwellings including frequently inhabited outbuildings, schools, hospitals, churches, rest homes, cemeteries, public libraries, and other sensitive uses as determined by the Director.

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

17.37.050 Acoustic Analysis Requirements

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

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

17.37.060 Noise Standards

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

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

Table 17.37.060.1

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

level, dBA						
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1. Each of the noise levels specified above shall be lowered by five dBA for simple tone noises, noises consisting primarily of unamplified speech or music, or for recurring impulsive noises. These noise level standards do not apply to residential units established in conjunction with industrial or commercial uses, such as caretaker dwellings.
 2. The Director can impose noise level standards which are up to 5 dBA less than those specified above, based upon a determination of existing low ambient noise levels in the vicinity of the project site.
 3. The exterior noise level standard shall be applied as follows:
 - a. In Community Regions, at the property line of the receiving property;
 - b. In Rural Centers and Regions, at a point 100 feet away from a sensitive receptor or, if the sensitive receptor is within the Platted Lands (-PL) Combining Zone where the underlying land use designation is consistent with Community Region densities, at the property line of the receiving property; or
 - c. In all areas, at the boundary of a recorded noise easement between affected properties.
- B. Transportation noise shall be subject to the thresholds set forth in Table 17.37.060.2, below:

Table 17.37.060.2

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

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

C. Construction-related noise shall be subject to the noise thresholds set forth in Table 17.37.060.3 below:

Table 17.37.060.3

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

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

17.37.070 Noise Reduction Measures

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

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

17.37.080 Noise Level Measurements

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

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

CHAPTER 17.38 – OAK WOODLAND CONSERVATION**Sections:**

17.38.010	Purpose and Intent
17.38.020	Applications
17.38.030	Exemptions
17.38.040	Exceptions
17.38.050	Oak Woodland Conservation Fee in Lieu of Mitigation
17.38.060	On-site Mitigation
17.38.070	Off site Mitigation or Fee Payment in Lieu of On-site Conservation and Replacement of Oak Canopy
17.38.080	Oak Woodlands Conservation Fee; Formula
17.38.090	Annual Fee Review
17.38.100	Time of Fee Payment
17.38.110	Accounting
17.38.120	Handling
17.38.130	Determination of Retention of Oak Tree Corridors within an Oak Tree Stand
17.38.140	Appeals
17.38.150	Definitions

17.38.010 Purpose and Intent

The purpose of this chapter is to provide protection for native oak woodlands through the establishment of development project mitigation standards for oak canopy removal. It is the intent of this chapter to implement Policy 7.4.4.4 of the General Plan by setting forth standards for oak canopy retention and establishing a mitigation in-lieu fee for oak canopy removal for development projects that will remove oak canopy. It is further the intent to satisfy the provisions of California Public Resources Code §21083.4.

17.38.020 Applications

The provisions of this ordinance shall apply to development projects that meet all of the following criteria:

- A. Result in soil disturbance; and
- B. Remove oak canopy in oak woodlands, as defined in this ordinance; and
- C. Located on parcels that meet one of the following criteria:
 1. Less than or equal to one acre with at least 10% total oak woodland canopy cover; or
 2. Greater than one acre with at least 1% oak woodland canopy cover.

17.38.030 Exemptions

The following types of development are exempt from this ordinance:

- A. Agricultural Cultivation.** The removal of native vegetation, including oaks, for the purposes of producing or processing plant and animal products or the preparation of land for this purpose.
- B. Existing Structure Defensible Space/Fire Safe Measures.** Oak tree removal in the 100-foot defensible space zone around an existing building or structure and fuel modification actions, inside and outside of the 100-foot defensible space zone of an existing structure.
- C. Public Road and Public Utility Projects.** Oak canopy removal necessary to complete County capital improvement projects when the new alignment is dependent on the existing alignment. This exemption applies to road widening and realignments which are necessary to increase capacity, to protect the public's health, and to improve the safe movement of people and goods in existing public road rights-of-way, as well as acquired rights-of-way necessary to complete the project. This exemption shall also apply to removal of oak canopy necessary to comply with the safety regulations of the Public Utilities Commission and necessary to maintain a safe operation of utility facilities. The Director of Transportation shall have the authority to make the determination when an existing alignment restricts alternatives that would otherwise avoid oak canopy loss.

This exemption shall not apply to new roads or utility installation, or to internal circulation roads within new development.

17.38.040 Exceptions

Exceptions to the provisions of this chapter shall apply to the following new development projects as described below.

- A. Affordable Housing.** Development projects that propose a minimum of 10 percent of the dwelling units as income restricted affordable units, as defined by California Health and Safety Code §50052.5, 50053, and 50093, shall be granted a reduction in the amount of oak canopy that is required to be protected, or the amount of conservation in-lieu fee to be paid, as set forth in Table 1, below:

Table 1 Affordable Housing Reduction

Affordable Housing Type (Household Income Level)	% Reduction of Oak Canopy Mitigation for portion of project that is income restricted
Very Low	200%
Lower	100%
Moderate	50%

Example: A project proposes 25% of the units to be affordable in the lower income category. The amount of on-site retention or Conservation Fund In-Lieu Fee may be reduced by 25%. A moderate income project that provides all units at that income level may reduce the retention and/or fee by 50%. A project with 20% very low income units would receive a 40% reduction.

B. Fire Defensible Space Area for New Development Projects. The 100-foot defensible space zone, and fuels modification necessary for implementation of a Fire Safe Plan, is part of the project footprint and oak canopy removed shall be counted in the project total oak canopy removal. Any oak trees that can be safely retained, even if separated from the oak woodland, will count as oak canopy retained.

Because of the ability to safely retain some of the oak canopy within the defensible space, when calculating oak tree canopy loss with new subdivisions and parcel maps, an applicant may assume 80% retention of the oak tree canopy within the defensible space area around building pads or sites; or a site specific analysis of tree removal may be utilized by the applicant instead of the 80% retention assumption.

17.38.050 Oak Woodland Conservation Fee in Lieu of Mitigation

There is hereby established an Oak Woodland Mitigation requirement for removal of oak canopy due to a development project, comprised of on-site and off-site mitigation standards and an oak woodland conservation fee in lieu of such mitigation. The amounts of the fee shall be established by resolution of the Board of Supervisors and shall be based on a formula which includes sufficient revenue to acquire conservation easements within Priority Conservation Areas, manage said lands for the purpose of conserving oak woodland habitat, and the monitoring and reporting on the success of the program.

17.38.060 On-site Mitigation

Oak canopy removed as a result of a development project shall be mitigated consistent with the canopy retention and replanting/replacement requirements, Mitigation Option A, of the Oak Woodlands Management Plan, adopted by resolution of the Board of Supervisors. The canopy retention requirements from the 2004 General Plan Policy 7.4.4.4 are provided in Table 2.

Table 2 Canopy Retention Requirements from Policy 7.4.4.4

Percent Existing Canopy Cover	Canopy Cover to be Retained
80 – 100	60% of existing canopy cover
60 – 79	70% of existing canopy cover
40 – 69	80% of existing canopy cover
20 – 39	85% of existing canopy cover
10 – 19	90% of existing canopy cover
1 – 9 for parcels > 1 acre	90% of existing canopy cover

17.38.070 Off-site Mitigation or Fee Payment in Lieu of On-site Conservation and Replacement of Oak Canopy

In lieu of on-site conservation and replacement of oak canopy as set forth in §17.38.060, an applicant for a development project shall mitigate impacts by exercising one of the following two options:

- A. Pay the appropriate oak woodland conservation fee; or
- B. Acquire and offer to dedicate to the County a conservation easement for off-site oak woodland at a 2:1 ratio of conservation easement area for oak tree canopy area removed in excess of that required to be retained as set forth in §17.38.060.

17.38.080 Oak Woodlands Conservation Fee; Formula

The amount of the fee is based on the following formula: For each acre, or fraction thereof, of oak canopy removed as a result of a development project, in excess of the canopy retention requirements set forth in §17.38.060, the applicant shall pay into the Oak Woodlands Conservation Fund an amount two times the per acre fee, as set forth by resolution of the Board of Supervisors establishing the actual fee amount. When an applicant retains the required amount of oak canopy as set forth in §17.38.060, and elects to pay the fee in lieu of replanting oak trees on-site, the amount for the replacement in-lieu fee shall be equal to the fee amount per acre.

17.38.090 Annual Review

The Board of Supervisors shall annually review the success of the conservation fund in-lieu fee program with regard to the ability to acquire conservation easements on oak woodland habitat, the costs of management and maintenance of oak woodlands, and the amount of the fee. The Board may adjust the fee based on changing land values, acquisition costs, inflation, acreage of oak woodland preserved through conservation easements compared to oak canopy lost due to development, or other applicable factors.

17.38.100 Time of Fee Payment

The fee is due at the time of issuance of first building or grading permit that authorizes construction activity resulting in oak tree canopy removal. The payment of the fee may be phased to reflect the timing of the tree canopy removal. Payment of the fee may be deferred to the building permit phase for that area of subdivision map or planned development that will only be disturbed when improvements are constructed that displace canopy. Payment of fees applicable to road and other infrastructure improvements shall be paid at the time the final map is recorded or a grading or similar permit is issued for said construction activity.

17.38.110 Accounting

The County shall maintain a separate oak woodland conservation fund account for fees collected, and provide an accounting by March 31 of each year. Any person may request an audit of the fund. In addition, the County shall make findings each fifth year following the first deposit into the fund with respect to unexpended portions of the fund, in which the County identifies the purpose to which the fee is to put and demonstrates a reasonable relationship between the fee and the purpose for which it is charged.

17.38.120 Handling

The fee shall be collected by the County Development Services Department. The County Treasurer shall maintain the account. The County Development Services Department shall make recommendations to the Board of Supervisors regarding the expenditures of funds from the account to acquire, monitor, and maintain designated oak woodland conservation land.

17.38.130 Appeals

An appeal from a decision made pursuant to this Ordinance shall be in accordance with the appeals procedures set forth in Chapter 17.08 of the County ordinance code.

17.38.140 Definitions

Whenever the following words are used in this chapter, they shall have the meaning herein ascribed to them.

- A. "California Environmental Quality Act" or "CEQA" means those statutes set forth at California Public Resources Code section 21000 et seq. The "CEQA Guidelines" are set forth at the California Code of Regulations, Title 14, Section 15000 et seq.
- B. "Conservation easement" means a legal agreement a property owner makes to restrict the type and amount of development that may take place on his or her property.

- C. “Defensible space” means the 100-foot area around an existing structure, or to the property line, whichever is closer.
- D. "Development Project" means the division of land into two or more parcels, the construction, reconstruction, conversion, structural alteration, relocation, or enlargement of any structure; any mining, excavation, landfill, or land disturbance; and any use or extension of the use of land, excepting agriculture.
- E. “Oak Canopy” means the foliar cover of an oak tree or trees to the drip line (including twigs, branches, and leaves). Where more than one oak tree’s branches touch or overlap, they form one continuous cover or oak canopy.
- F. “Oak Tree” means a native tree of the genus *Quercus*, of any size or age.
- G. “Oak Woodland” is defined in the Oak Woodland Conservation Act (Fish and Game Code §1361) as an oak stand with greater than ten percent canopy cover or that may have historically supported greater than ten percent canopy cover. For the purposes of this ordinance, the conservation focus is on existing oak woodlands. This definition includes all sizes and ages of the genus *Quercus*.
- H. “Priority Conservation Area” means those areas identified in the Oak Woodland Management Plan identifying oak woodland habitat where willing landowners could be approached to negotiate oak woodland mitigation and acquisition of conservation easements.
- I. “Qualified Professional” means one of the following:
1. **Certified Arborist** is a person certified by the International Society of Arboriculture (ISA), American Society of Consulting Arborists (ASCA), or other recognized professional organization of arborists that provides professional advice and licenses professionals to do physical work on trees.
 2. **Certified Rangeland Manager** is a person licensed by the State of California through the California State Board of Forestry. Certified Rangeland Managers apply scientific principles to the art and science of managing rangelands and are recognized by the California Section, Society for Range Management as meeting the education, experience, and ethical standards for professional rangeland managers.
 3. **Qualified Biologist** is a person who meets qualifications as determined by the Director of Development Services. A qualified biologist has a BA/BS or advanced degree in biological sciences or other degree specializing in the natural sciences, professional or academic experience as a biological field investigator, taxonomic experience and knowledge of plant and animal ecology, familiarity with plants and animals of the area including species of concern, and familiarity with the appropriate County, State, and Federal policies and protocols related to special-status species and biological surveys.

4. **Registered Professional Forester (RPF)** is a person licensed by the State of California to perform professional services that require the application of forestry principles and techniques to the management of forested landscapes. RPFs have an understanding of forest growth, development, and regeneration; forest health; wildfire; soils, geology, and hydrology; wildlife and fisheries biology, and other forest resources.