



Community and Economic Development Planning Division

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PLANNING COMMISSION DATE: September 3, 2024

AGENDA ITEM: #2

APN	Countywide	Fully repeal and replace Title 18 of the Madera County Code
CEQA	ND #2023-33	Negative Declaration SCH #2023080732

REQUEST:

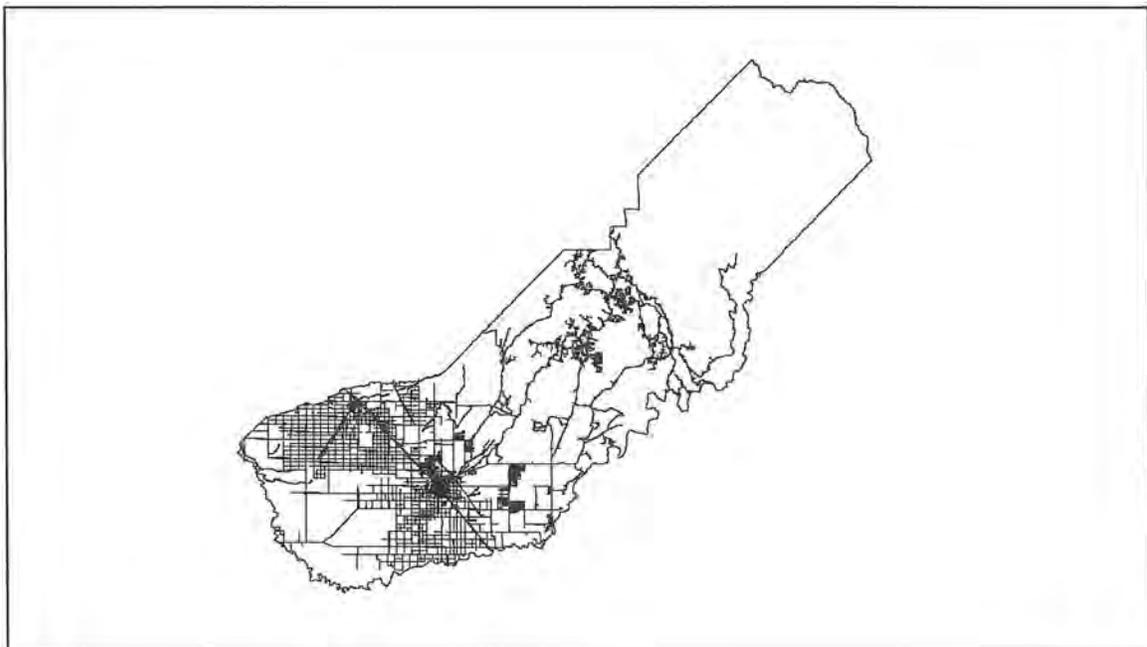
Hearing to consider adopting a Resolution recommending approval to the Board of Supervisors for a Zoning Ordinance to fully repeal and replace Title 18 of the Madera County Code.

LOCATION:

Countywide

ENVIRONMENTAL ASSESSMENT:

A Negative Declaration (ND #2023-33) (Exhibit B) has been prepared and is subject to consideration by the Planning Commission.



RECOMMENDATION: Adopt a resolution recommending approval of a zoning ordinance to fully repeal and replace Title 18 of the Madera County Code and Negative Declaration 2023-33.

BACKGROUND AND PRIOR ACTIONS:

On November 12, 2019, the Board of Supervisors approved a Resolution to authorize the submission of a project application for the SB 2 Planning Grants Program with the goal of speeding up housing production and becoming eligible for grant funding. On June 30, 2020, the County signed an agreement with the State of California Department of Housing and Community Development to utilize SB 2 grant funds for a comprehensive zoning update. Additionally, on April 14, 2020, a Resolution was approved to enlist the services of Mintier Harnish to assist with the Zoning Update.

PROJECT DESCRIPTION:

This staff report outlines the proposal to repeal and replace Title 18 of the Madera County Code, which governs zoning and land use regulations within the county. The proposed update is aimed at modernizing land use regulations to better align with current planning practices, address emerging community needs, and ensure consistency with state laws and regional planning objectives.

ORDINANCES/POLICIES:

Chapter 1.01 of the Madera County Zoning Ordinance outlines code adoption

General Plan Policy 1.A of the Madera County General Plan is to promote the wise, efficient, and environmentally sensitive use of Madera County land to meet the present and future needs of Madera County residents and businesses.

ANALYSIS:

In California, zoning plays a crucial role in land-use planning and regulation. It determines how land in different areas can be used to balance development needs with community interests, environmental protection, and quality of life. Zoning is a tool used by local governments to regulate the use of property in specific geographic zones. It helps manage land development and ensures that different land uses are compatible with each other. Zoning regulations can control various aspects including development standards such as density, building heights, setbacks, lot coverage, architectural and design guidelines, as well as permits and approvals for different activities and developments to ensure compliance with zoning regulations.

The history of zoning in California is linked to the broader context of land-use regulation in the United States. The concept of zoning gained momentum in the early 1900s, and the first comprehensive zoning ordinance in the U.S. was enacted in 1916 in New York City as a response to rapid urbanization. Influenced by this trend, California adopted zoning practices later, with a focus on managing land use to accommodate growth and resolve potential conflicts between different types of land uses.

In 1927, California passed the "City Planning Act," which authorized cities to create zoning ordinances, marking a significant step in formalizing zoning regulations in the state. Following World War II, California saw rapid population

growth and suburban development, making zoning even more crucial in managing these changes and addressing housing, transportation, and environmental conservation issues.

In recent decades, California's zoning regulations have evolved to address modern issues like sustainability, affordable housing, and urban density. The state has introduced various initiatives to promote smart growth and tackle housing shortages.

Madera County's Zoning Code, Title 18, has been in place for several years and has undergone multiple amendments. However, a comprehensive review has identified significant updates necessary to address various issues, including outdated provisions, state regulation inconsistencies, and changes in community needs.

The primary goals for the proposed update are to address the following:

- **Outdated Standards:** Several provisions no longer reflect modern planning practices or community needs.
- **Inconsistencies:** Some sections are inconsistent with state planning laws and regulations.
- **Complexity:** The current code is complex and difficult for staff and the public to navigate.

The proposed update aims to achieve the following main objectives:

- **Modernization:** Update zoning and land use regulations to align with current planning principles and practices.
- **Consistency:** Ensure that the regulations are in line with state and regional planning requirements.
- **Clarity:** Simplify the code to make it more accessible and user-friendly for the public and staff.
- **Flexibility:** Incorporate provisions that allow for adaptation to changing community needs and environmental conditions.

This update will repeal and replace the current Title 18 section of the Madera County Code. The following new sections have been included in the update:

- 18.22.010 - Purpose and Intent of Public and Quasi-Public Zones
- 18.44 - Solid Waste and Recycling
- 18.50.020 – Accessory Dwelling Units (ADU)
- 18.50.160 - Refuse Disposal Facility
- 18.50.180 – Special Event Facility

Several public workshops and stakeholder meetings have taken place to collect input on the proposed changes. The feedback received has been integrated into the draft, and the proposed code has been reviewed by a range of stakeholders, including local developers, environmental groups, and community organizations.

Since the publication of the Draft Zoning Ordinance, which the Commission received earlier this summer, changes have been proposed to the document. These changes are listed in an erratum (Exhibit A). If additional changes are recommended by the Commission, this erratum will be updated again before the Board of Supervisors consideration of the ordinance.

If this project is approved, the applicant will need to submit a check, made out to the County of Madera, for \$2,966.75 to cover the Notice of Determination (CEQA) filing at the Madera County Clerks' office. The amount covers the \$2,916.75 Department of Fish and Wildlife fee that took effect January 1, 2024, and the County Clerk's \$50.00 filing fee. In place of the Fish and Wildlife fee, the applicant may choose to contact the Fresno office of the Department of Fish and Wildlife to apply for a fee waiver. The County Clerk Fee, and Department of Fish and Wildlife Fee (or waiver if approved) is due within five days of approval of this permit.

A draft Negative Declaration (ND #2023-33) SCH #2023080732 has been prepared in compliance with provisions of the California Environmental Quality Act (CEQA).

RECOMMENDATION:

Adopt a Resolution recommending approval to the Board of Supervisors for a Zoning Ordinance to fully repeal and replace Title 18 of the Madera County Code and Negative Declaration (ND #2023-33)

ATTACHMENTS:

1. Resolution
2. Exhibit A, Erratum
3. Exhibit B, Initial Study - Negative Declaration MND #2023-33
4. Draft Zoning Ordinance

BEFORE
THE PLANNING COMMISSION
OF THE COUNTY OF MADERA
STATE OF CALIFORNIA

In the Matter of	)	Resolution No.: <u>PCR 2024-</u>
)	
DEPARTMENT OF COMMUNITY AND	)	RESOLUTION RECOMMENDING
ECONOMIC DEVELOPMENT-	)	APPROVAL TO THE BOARD OF
PLANNING DIVISION	)	SUPERVISORS FOR A ZONING
	)	ORDINANCE TO FULLY REPLACE AND
	)	UPDATE TITLE 18 OF THE MADERA
	)	COUNTY CODE AND A RELATED
	)	NEGATIVE DECLARATION UNDER THE
	)	CALIFORNIA ENVIRONMENTAL QUALITY
_____	)	ACT (CEQA)

WHEREAS, the Madera County Planning Commission has recommended approval to the Board of Supervisors for a Negative Declaration (ND #2023-33) SCH #2023080732 for the comprehensive update; and

WHEREAS, the Madera County Planning Commission recognizes the need to refine the current zoning ordinance, address changes to State law, increase housing supply, and consider changing community needs and opportunities; and

WHEREAS, Title 18 of the Madera County Code governs zoning regulations, land use planning, and development standards within Madera County; and

WHEREAS, the County received funding from the Planning Grants Program to complete the comprehensive update; and

WHEREAS, the current Title 18 contains inconsistencies and outdated provisions that necessitate a comprehensive review and update; and

WHEREAS, the Madera County Planning Department has conducted an extensive review of Title 18 and has proposed a comprehensive new ordinance to address these issues; and

WHEREAS, the proposed zoning ordinance includes updated zoning classifications, revised land use regulations, sustainability initiatives, procedural improvements, and updated design standards; and

WHEREAS, a robust stakeholder engagement process was conducted, including public workshops, community meetings, consultations with key stakeholders, and an online survey to ensure community input was incorporated into the proposed zoning amendments; and

WHEREAS, the proposed zoning ordinance are expected to have positive economic, environmental, and social impacts on Madera County; and

WHEREAS, the Madera County Planning Commission held a duly noticed public hearing on the proposed zoning ordinance amendments and considered all public comments, staff reports, and other relevant materials.

NOW, THEREFORE, BE IT RESOLVED by the Planning Commission finds as follows:

1. The Commission finds that the proposed comprehensive zoning update is consistent with the General Plan and any applicable Area Plan or Specific Plan. The proposed zoning ordinance will bring the General Plan and zoning designation into consistency, ensuring coherent and integrated land use planning across Madera County.

2. The Commission finds that any potentially significant negative impacts to environmental quality and natural resources have been properly evaluated. Under the provisions of the California Environmental Quality Act (CEQA), Section 15074 and the Madera County Environmental Guidelines, the County has determined that this project will not have a significant effect on the environment. The Planning Commission therefore

approves Negative Declaration (ND #2023-33) SCH #2023080732. The foregoing reflects the independent judgment and determination of the Planning Commission.

3. The Commission finds that the proposed zoning ordinance does not violate the spirit or intent of the zoning laws. The proposed zoning ordinance aligns with the goals and objectives outlined in the General Plan, ensuring that land use and development practices are maintained.

4. The Commission finds that the proposed zoning ordinance will not be contrary to the public health, safety, or general welfare of the citizens of Madera County and it supports the overall well-being of the community by adhering to policies that protect public health and safety.

5. The Commission finds that the proposed zoning ordinance will not be hazardous, harmful, noxious, offensive, or a nuisance because of noise, dust, smoke, odor, glare, or similar factors. Adequate policies are included to mitigate potential nuisances, ensuring that the new zoning ordinance does not negatively impact the surrounding environment or community.

6. The Commission finds that the proposed zoning ordinance will not, for any reason, cause a substantial, adverse effect on the property values and general desirability of the properties.

7. As a result of Findings 1 – 6, the comprehensive zoning update and negative declaration are recommended for approval.

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The foregoing Resolution was adopted on a motion by Commissioner _____ and seconded by Commissioner _____, at a regular meeting held before the Madera County Planning Commission on this _____ day of _____ 2024 by the following vote:

- COMMISSIONER MILES-MATTINGLY VOTED: _____
- COMMISSIONER DAL CERRO VOTED: _____
- COMMISSIONER BURDETTE VOTED: _____
- COMMISSIONER PALMER VOTED: _____
- COMMISSIONER ESTRADA VOTED: _____

Tom Burdette, Chairperson

ATTEST:

Secretary of the Planning Commission

Approved as to Legal Form:
COUNTY COUNSEL

By: _____

- **Article 1, Section 18.04.020.B.4.b.** Revise the following provision with the correct cross-reference:
“Exception for State Affordable Housing Density Bonus. The calculation of fractions related to allowed bonus density units for projects eligible for bonus density outlined in Government Code Section 65915 or any successor statute, and Chapter 18.656 (Density Bonuses), any fractional number of units shall be rounded up to the next whole number.”
- **Article 2, Section 18.10.020.B.** Revise the following provision with the correct cross-reference:
“Accessory Uses. Accessory uses in agricultural and resource zones shall be allowed in compliance with Section 18.6850.030 (Accessory Uses).”
- **Article 2, Section 18.10.020, Table 18.10-1 (Agricultural and Resource Zones Allowed Uses and Permit Requirements).** Revise the table to reflect the following land use allowability and applicable permit requirements:
 - “Mining” shall be allowed with a Conditional Use Permit “CUP” in the ARE-20, ARE-40, ARE-80, ARE-160, and ARF zones.
- **Article 2, Section 18.12.020.B.** Revise the following provision with the correct cross-reference:
“Accessory Uses. Accessory uses in rural residential zones shall be allowed in compliance with Section 18.6850.030 (Accessory Uses).”
- **Article 2, Section 18.14.020.B.** Revise the following provision with the correct cross-reference:
“Accessory Uses. Accessory uses in urban residential zones shall be allowed in compliance with Section 18.6850.030 (Accessory Uses).”
- **Article 2, Section 18.16.020.B.** Revise the following provision with the correct cross-reference:
“Accessory Uses. Accessory uses in commercial zones shall be allowed in compliance with Section 18.6850.030 (Accessory Uses).”
- **Article 2, Section 18.16.020, Table 18.16-1 (Commercial Zones Allowed Uses and Permit Requirements).** Revise the table to reflect the following land use allowability and applicable permit requirements:
 - “Commercial Recreation and Entertainment Facility” shall now be allowed with CUP in all commercial zones.
 - “Nursery” shall now be permitted by right “P” in the CUG and CRG zones.
 - “Nursery” shall now be allowed with a Conditional Use Permit “CUP” in the CUM and CRM zones.
 - “Special Event Facility” shall be allowed with a Conditional Use Permit “CUP” in all commercial zones.

- **Article 2, Section 18.18.020.B.** Revise the following provision with the correct cross-reference:
“Accessory Uses. Accessory uses in mixed-use zones shall be allowed in compliance with Section 18.6850.030 (Accessory Uses).”
- **Article 2, Section 18.18.020, Table 18.18-1 (Mixed-Use Zones Allowed Uses and Permit Requirements).** Revise the table to reflect the following land use allowability and applicable permit requirements:
 - “Nursery” shall be allowed with a Zoning Permit “ZP” in the MCM and MCN
- **Article 2, Section 18.20.020.B.** Revise the following provision with the correct cross-reference:
“Accessory Uses. Accessory uses in industrial zones shall be allowed in compliance with Section 18.6850.030 (Accessory Uses).”
- **Article 2, Section 18.20.020, Table 18.20-1 (Industrial Zones Allowed Uses and Permit Requirements).** Revise the table to reflect the following land use allowability and applicable permit requirements:
 - “Retail Sales, General” shall be allowed by-right “P” in the I-L and I-H. Remove the requirement for a Conditional Use Permit in the I-L and I-H.
 - “Research and Development” shall be allowed with a Conditional Use Permit “CUP” in the I-L and I-H zones. Remove the allowance by right “P” in the I-L and I-H.
 - “Cemeteries” shall be allowed with a Conditional Use Permit “CUP” in the I-L and I-H zones.
 - “Special Event Facility” shall be allowed with a Conditional Use Permit “CUP” in the I-L and I-H zones.
- **Article 2, Section 18.22.020.B.** Revise the following provision with the correct cross-reference:
“Accessory Uses. Accessory uses in public and quasi-public zones shall be allowed in compliance with Section 18.6850.030 (Accessory Uses).”
- **Article 2, Section 18.22.020, Table 18.22-1 (Public and Quasi-Public Zones Allowed Uses and Permit Requirements).** Revise the table to reflect the following land use allowability and applicable permit requirements:
 - “Commercial Recreation and Entertainment”
- **Article 2, Section 18.26.030.D.2.a.iv.** Revise the following sentence with the correct cross-reference:
“In addition to the volume of space established in Subparagraph 18.326.030.D.2.a.iv.(1) and (2), below, these spaces include the space above the geometric planes one foot in height for each seven feet in horizontal distance, measured from the sides of all approach

spaces for the entire length of the approach spaces and extending upward and outward to the lines where they intersect the horizontal or conical space geometric planes.”

- **Article 3, Section 18.32.020.C.** Revise the following provision with the correct cross-reference:
“Accessory Dwelling Units. Accessory Dwelling Units, attached or detached, are subject to the standards of Section 18.6850.020 (Accessory Dwelling Units (ADU)).”
- **Article 4, Section 18.50.170.** Strike the short term rental placeholder section:
“~~18.50.170 Short Term Rental **PLACEHOLDER**~~”
- **Article 4, Section 18.50.160.C.3.** Revise the provision to include the correct number of employees required on-site:
“Employees and Hours of Operation. A minimum of one employee shall be present on-site during all hours of operation, which hours shall be subject to the approval of the Planning Director. No refuse disposal shall take place except during the specific hours of operation, with the employee present. [Source: 18.94.110.D, modified]”
- **Article 4, Section 18.56.020.** Revise the following provision to strike the irrelevant cross-reference:
“To be eligible for a density bonus, reduced parking ratios, and other incentives or concessions as provided by this Chapter, a proposed housing development shall comply with the following requirements and shall satisfy all other applicable provisions of this Zoning Ordinance, except as provide by Section 18.56.050 (Allowed Incentives or Concessions), Section 18.56.090 (Reduced Parking Requirement), and Section 18.56.100 (Housing with Child Care facilities) ~~Paragraph 18.50.230.D.2 (Screening)~~.”
- **Article 4, Section 18.68.020.G.1.a.** Revise the Subparagraph as follows:
“a. Detached ADUs shall comply with the following size standards:
 - i. Parcels Under One Acre. Maximum of 1,000 square feet and a maximum of two bedrooms. [Source: NEW] May not exceed 850 square feet if it has fewer than two bedrooms or 1,000 square feet if it has two bedrooms. No more than two bedrooms are allowed. [Source: NEW]
 - ii. Parcels One Acre and Over. No maximum unit size and no maximum number of bedrooms, but in no case shall the size of the unit cause the parcel to exceed the maximum parcel coverages established by the base zone. [Source: NEW]
- **Article 4, Section 18.68.020.F.9.** Revise the Subparagraph as follows:
“9. Impact Fees. No impact fees (including school fees) shall be charged to an accessory dwelling unit that is less than 750 square feet in size. Any impact fee charged to an accessory dwelling unit 750 square feet or greater shall be charged proportionately n compliance with the Master Fee Schedule. For the purposes of this paragraph, impact fees

~~do not include any connection fee or capacity charge for water or sewer service. [Source: NEW]~~

~~i. ADU less than 1,000 square feet. No County impact fees.~~

~~ii. ADU more than 1,000 square feet and less than 1,500 square feet. Eligible for up to a 50 percent reduction in fees.~~

~~iii. ADU more than 1,500 square feet. County impact fees may be required and are to be charged proportionately in relation to the square footage of the primary dwelling.~~

- **Article 6, Section 18.88.050.** Revise the following provision:

~~“All development and use of land for which a permit or other approval has been issued shall be in compliance with the approved drawings and plans and any conditions of approval unless the permit or other approval is revised as provided for in this Section:~~

~~— A. A major amendment to the conditional use permit would be a ten percent increase in size of the facility or conditions of approval and would require approval of the decision makers. Minor Revisions. The Zoning Administrator may authorize minor modifications to an approved permit’s site plan, architecture, or the nature of the approved use only if the changes:~~

~~—1. Are consistent with all applicable provisions of this Zoning Ordinance and the spirit and intent of the original approval;~~

~~—2. Do not involve a feature of the project that was:~~

~~— a. A basis for findings in a Negative Declaration, Mitigated Negative Declaration, or Environmental Impact Report for the project.~~

~~— b. A basis for conditions of approval for the project;~~

~~— c. or A specific consideration by the Review Authority (e.g., the Planning Director, Commission, or Board) in granting the permit or approval;~~

~~—3. Do not involve any expansion or intensification of the use or structure in terms of the area, space, or volume occupied by the use, number of on-site employees, daily vehicle traffic, or business or production output;~~

~~—4. Would not result in a significant effect on the environment; and~~

~~—5. Would not be materially detrimental to other properties or land uses in the area.~~

~~B. A minor revision amendment would be a change in style of facilities or location of buildings. This would require a zoning permit. Major Revisions. A request for revisions to conditions of approval of a discretionary permit, a revision that would affect a condition of approval, or a revision that would intensify a potential impact of the project shall be treated as a new application and shall be decided on by the same Review Authority as the approved permit.~~

- **Article 7, Section 18.100.060.A.** Revise the Subparagraph as follows:

~~“Appointment. The Planning Director, or the Planning Director’s designee, referred to in this Zoning Ordinance as the Planning Director, shall be appointed by the Board of Supervisors County Executive Officer.”~~

- **Article 7, Section 18.100.060.B.1.** Revise the Subparagraph as follows:
“Have the responsibility to perform all of the functions designated by State law and County Code ~~Chapter 2.17 (Office of Development Services) Sections 2.32.100 (Director) and 2.32.110 (Department – Duties);~~”
- **Article 7, Section 18.100.060.B.4.** Revise the Subparagraph as follows:
“Perform other responsibilities assigned by the Board, Commission, or County ~~Administrative Executive~~ Officer; and,”
- **Article 7, Section 18.106.020.1.c.** Revise the Subparagraph to reflect alternative distance requirements:
“Affected Owners. All owners of real property, as shown on the latest County equalized assessment roll, located within a radius of ~~300~~500 feet of the exterior boundaries of the parcel(s) that is the subject of a hearing.”

Article 8, Chapter 120. Revise the following definition:

“Planning Director. Means the ~~Chief of Development Services in accordance with Chapter 2.17 of the Director of the Community and Economic Development Department of~~ Madera County ~~Code~~. [Source: NEW]”



Madera County Zoning Ordinance Change

Initial Study – Negative Declaration

prepared by

County of Madera

200 West 4th Street

Madera, California 93637

Contact: Jamie Bax, Director of Community & Economic Development

prepared with the assistance of

Rincon Consultants, Inc.

7080 North Whitney Ave, Suite #101

Fresno, California 93720

August 2023



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Initial Study

1. Project Title

Madera County Zoning Ordinance Change

2. Lead Agency Name and Address

County of Madera Planning Department
200 West 4th Street Suite 3100
Madera, California 93637

3. Contact Person and Phone Number

Jamie Bax, Director of Community & Economic Development
(559) 675-7821 Ext. 3221

4. Project Sponsor's Name and Address

County of Madera Planning Department
200 West 4th Street Suite 3100
Madera, California 93637

5. Project Location

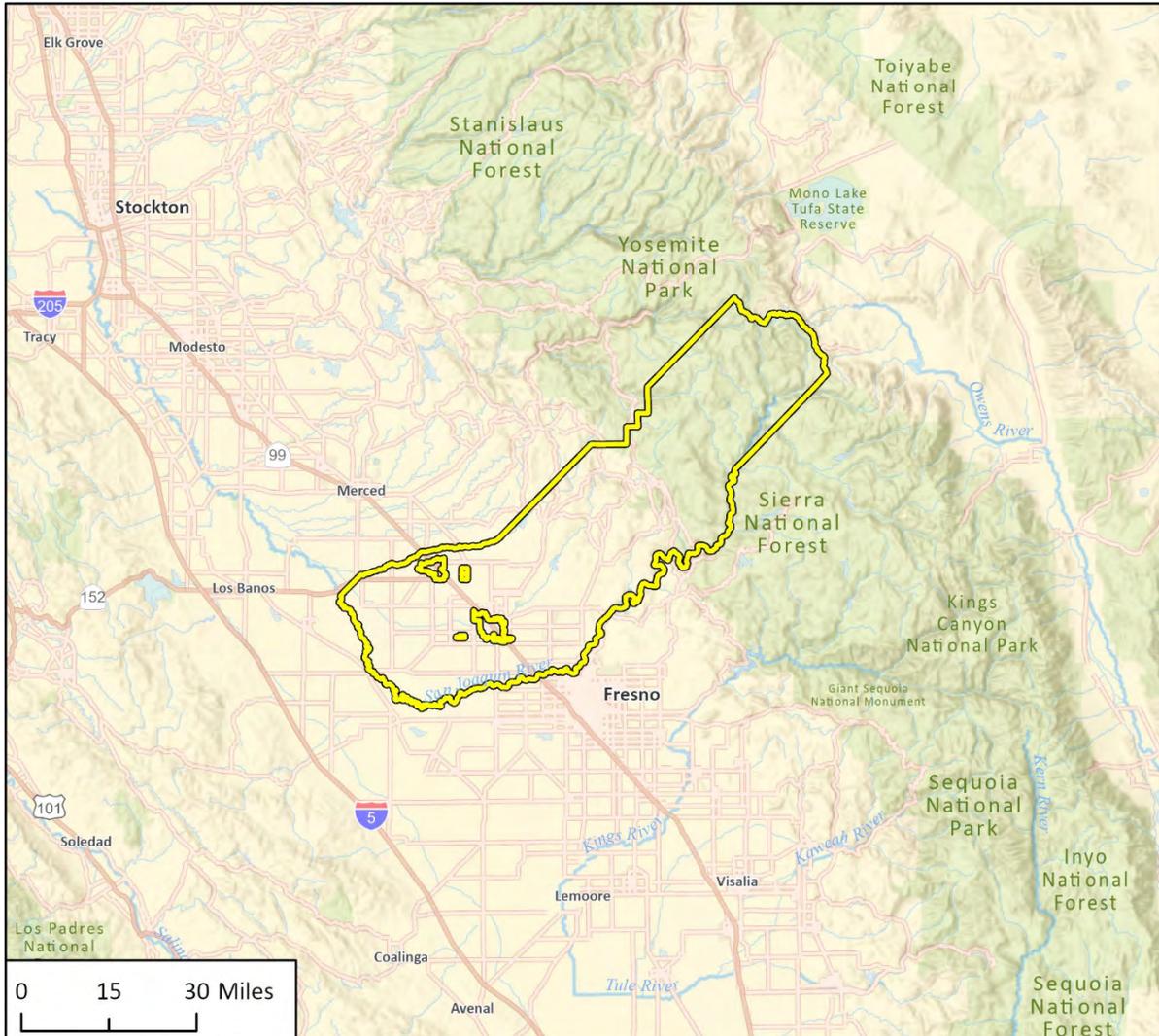
The area affected by the Zoning Ordinance revisions includes unincorporated Madera County. The project's regional location is shown in Figure 1. The Zoning Ordinance change area is bounded by Merced, Mariposa, Mono, and Fresno counties. The project location and surrounding jurisdictional boundaries are shown in Figure 2.

6. Description of Project

This Madera County Zoning Ordinance (MCZO) Change (herein referred to as "revised MCZO") applies to all uses of land and structures, regardless of ownership, within unincorporated Madera County. Zoning regulations are the key tool used to implement General Plan goals and policies related to the use of land, structures, location and form of structures, parking, and similar physical development. The project would amend the County's Title 18, Zoning Ordinance and would implement the goals and policies of the General Plan by regulating the use of land and structures within the County. These changes do not alter the densities or housing allowed under the County General Plan.

County of Madera
Madera County Zoning Ordinance Change

Figure 1 Madera County Regional Location



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Fig 1 Regional Location

 Project Location

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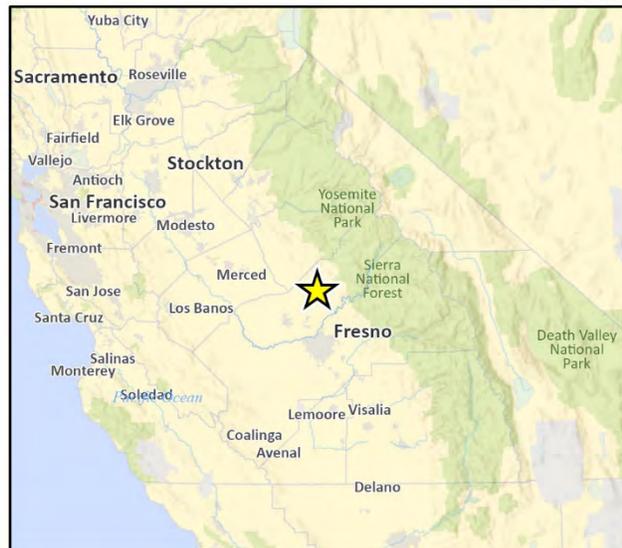
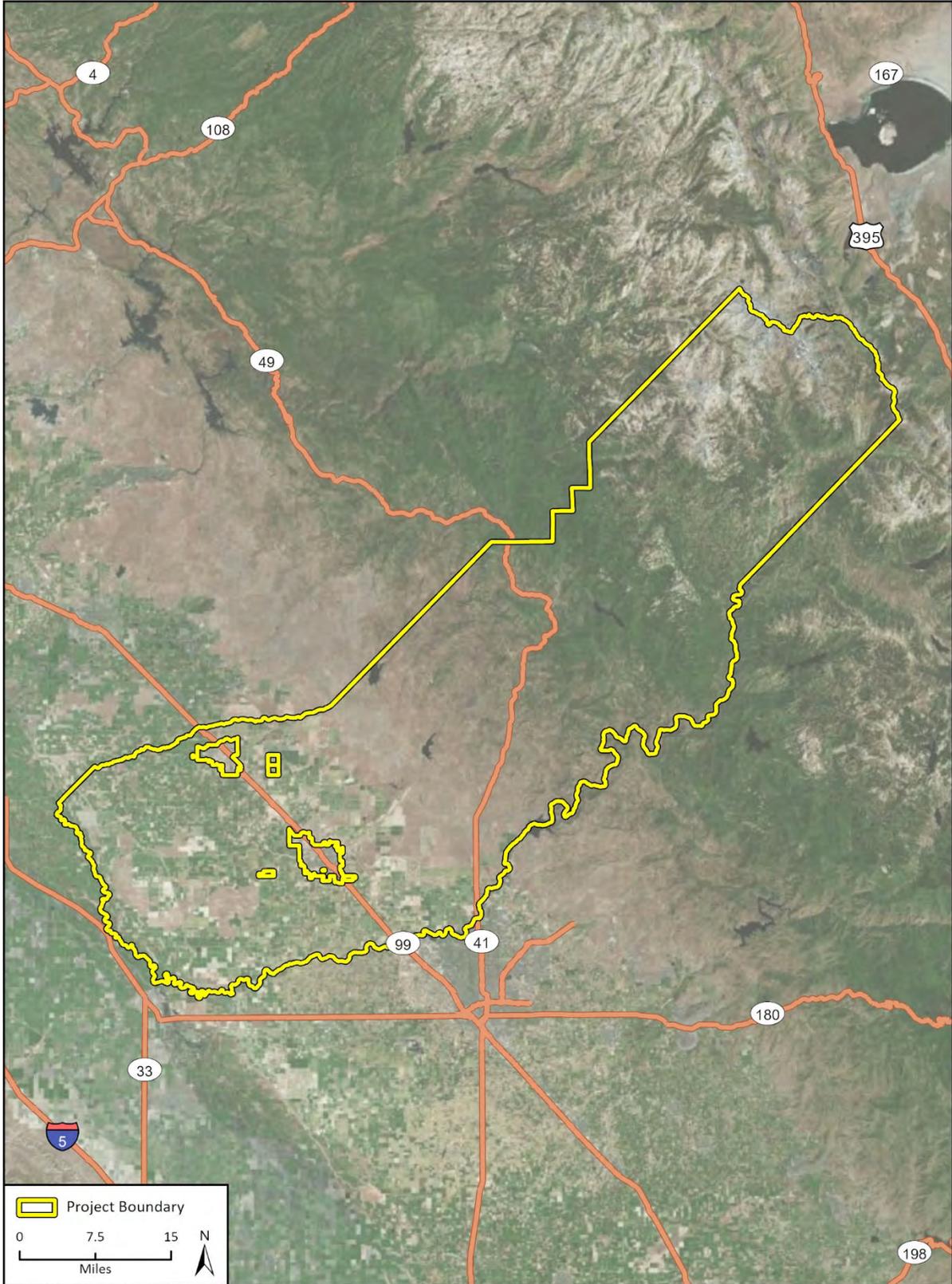


Figure 2 Unincorporated Madera County



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22-13955 EPS
Fig 2 Project Location

Proposed Zoning Changes

The MCZO is organized into eight articles that are further divided into chapters. Each article contains chapters covering specific topics. Some specifics of changes to the Ordinance are identified below. Updates to Articles 1, 5, 6, 7, and 8 do not include updates that could result in physical changes to the environment. Therefore, the analysis herein focuses on changes and revisions to Articles 2, 3 and 4.

Article 1 – Enactment and Applicability. This Article identifies the purpose and applicability of the Zoning Regulations, and rules and procedures of interpretation. The proposed changes would include clarification on the MCZO’s relationship to other statutes, regulations, and policies, including the Madera County General Plan, State Constitution, and Planning and Zoning Law. The update also includes refinement of Zoning Ordinance conflict procedures, new provisions and procedures related to the relationship between the County’s adopted Specific Plans and the overall Zoning Ordinance, and updated tables illustrating the zoning districts that implement General Plan Land Use Designations. These changes provide clarification to the MCZO’s enactment and applicability and would not alter development potential or result in other physical changes to the environment.

Article 2 – Zones, Allowable Uses, and Development and Design Standards. The purpose of this Article is to identify and describe the character and intent of each of the County’s different zones, describe allowed land uses and permit requirements for each, establish, development standards, and identify any supplemental land use regulations applicable to zones. This Article includes use regulations by zone, including the purpose and application of each zone, and zone-specific development standards including density, lot size and dimensions, setbacks, height, and impervious area.

Updates to Article 2 includes revised allowable land uses and associated permit requirements for all land uses. This includes new provisions to comply with State law (e.g., daycare homes, community care facility, wireless telecommunication towers), condensing land uses for simplicity (e.g., retail sales, general commercial, bookstores), and elimination of antiquated land uses.

The revised MCZO would create new objective design standards for commercial zones. Standards include, but are not limited to, objective design standards such as equipment screening, structure orientation, location of structure entrances, and 360-Architectiure. The revised MCZO would also create new equipment screening and loading and service area design standards for the Industrial, Urban or Rural, Light District (I-L) and Industrial, Urban or Rural, Heavy District (I-H) zoning districts. The revised MCZO would also eliminate the following zoning and overlay districts from the MCZO:

- The Mixed-Use Industrial Neighborhood District (MIN) zoning district would be eliminated because no parcels are currently designated MIN.
- The Dairy Operations Standards Overlay District (DOS) and Scenic Highway Overlay District (SHO) and all associated standards and procedures would also be eliminated.
- The Second Unit Overlay District (SUO) and all associated standards and procedures would be eliminated and replaced with Accessory Dwelling Unit (ADU) provisions consistent with State law.
- The Village Core Overlay District (VCO) would be eliminated and replaced with Mixed Use Commercial Multiple Family District (MCM) and Mixed-Use Commercial neighborhood District (MCN).

Article 3 – Regulations and Standards Applicable to All Zones. This Article identifies site development and general development standards for certain uses in all zones, such as (but not limited to) permitted projections into required setbacks, intersection sight distance, height measurement and exceptions, accessory structures, , provisions for fences, walls and hedges, night sky preservation, performance standards related to air quality, energy conservation, water quality, and noise.

Proposed updates to Article 3 would include refined vision setback area standards for clarity; new fences, wall, and hedge standards which regulate height and limitation on fencing materials (i.e., razor wire, barbed wire); revised parking space requirements to match revised land uses in Article 2; new performance standards for air emissions, hazardous materials, noise, odor, outdoor lighting, and vibration; revised sign regulations to remove content driven; and new standards requiring solid waste and recycling enclosures. The updated solid waste and recycling enclosures standards establish required screening, allowed locations, required number and type, and design standards.

Article 4 – Regulations for Specific Land Uses and Activities. The purpose of Article 4 is to establish standards for the location, site planning, development, and operations of certain land uses that are allowed by within individual or multiple zones, and for activities that require special standards to mitigate their potential adverse impacts. This Article includes regulations, performance standards, and restrictions for specific land uses and activities, including ADUs and guest quarters, adult entertainment businesses, alcoholic beverage sales, dog boarding and kennels, bed and breakfast establishments, commercial recreation, convenience stores, electronic game amusement centers, family day care, food trucks, general markets and retail, group housing, high occupancy residential use, home occupations, homeless shelters, homestay rentals, manufacturing, offices uses, outdoor sales, parking as a principal use, pools and pool equipment, recreational vehicles, recycling facilities, safe parking, satellite dish antennas, schools, service and fueling stations, temporary and intermittent uses, utilities, vending machines, and wireless telecommunications facilities.

Article 4 includes revisions and updates to ADU standards to be consistent with State law, new operational and design standards for outdoor dining, new performance and operational standards, new objective design standards for multi-unit dwelling projects, and new wireless telecommunication facility standards. Article 4 also includes new Special Event Facility provisions. Standard regulations for Special Event Facility use include design, operational considerations, performance standards and required studies such as a traffic management plan and subsequent acoustical analysis. Operational standards include, but are not limited to, amplified sound provisions, lighting, public notice, site access, and minimum parcel size.

Article 5 – Nonconformities. This Article addresses nonconforming structures, uses, and lots, including limits on reconstruction, provisions for exceptions, and associated regulations. The revised MCZO does not include changes to Article 5.

Article 6 – Permit Processing Procedures. This Article establishes the overall structure for the application, review, and action on City-required permit applications, and identifies and describes those discretionary permits and other approvals required by the Zoning Ordinance in Table 6-1 (Review Authority). Updates to Article 6 include a new Zoning Clearance procedure, created new Reasonable Accommodations requirements and new Modification standards for applicants. The revised MCZO's changes to Article 6 are procedural and would therefore not alter development potential or result in other physical changes to the environment.

Article 7 – Zoning Ordinance Administration. Article 7 describes the authority and responsibilities of the Board of Supervisors, Planning Commission, Zoning Administrator, and Planning Director in the administration of the Zoning Ordinance. The project does not include changes to Article 7.

Article 8 –This Article provides definitions of the technical and other terms and phrases used in Title 18 (Zoning Ordinance) as a means of providing consistency in its interpretation. The project includes several updated definitions to be consistent. The revised MCZO changes to Article 8 would not alter development potential or result in other physical changes to the environment.

7. Other Public Agencies Whose Approval is Required

The County of Madera is the lead agency for this project and would approve the revised MCZO. No other public agency’s approval is required for the revised MCZO.

8. Have California Native American Tribes Traditionally and Culturally Affiliated with the Project Area Requested Consultation Pursuant to Public Resources Code Section 21080.3.1?

On March 13, 2023, local Native American tribal groups were formally noticed that an Initial Study was being completed for the revised MCZO and invited to provide consultation to the revised MCZO. No tribal representatives requested a formal consultation (refer to Section 18, *Tribal Cultural Resources*).

Environmental Factors Potentially Affected

This project would potentially affect the environmental factors checked below, involving at least one impact that is “Potentially Significant” or “Less than Significant with Mitigation Incorporated” as indicated by the checklist on the following pages.

- | | | |
|--|---|---|
| <input type="checkbox"/> Aesthetics | <input type="checkbox"/> Agriculture and Forestry Resources | <input type="checkbox"/> Air Quality |
| <input type="checkbox"/> Biological Resources | <input type="checkbox"/> Cultural Resources | <input type="checkbox"/> Energy |
| <input type="checkbox"/> Geology/Soils | <input type="checkbox"/> Greenhouse Gas Emissions | <input type="checkbox"/> Hazards & Hazardous Materials |
| <input type="checkbox"/> Hydrology/Water Quality | <input type="checkbox"/> Land Use/Planning | <input type="checkbox"/> Mineral Resources |
| <input type="checkbox"/> Noise | <input type="checkbox"/> Population/Housing | <input type="checkbox"/> Public Services |
| <input type="checkbox"/> Recreation | <input type="checkbox"/> Transportation | <input type="checkbox"/> Tribal Cultural Resources |
| <input type="checkbox"/> Utilities/Service Systems | <input type="checkbox"/> Wildfire | <input type="checkbox"/> Mandatory Findings of Significance |

Determination

Based on this initial evaluation:

- I find that the proposed project COULD NOT have a significant effect on the environment, and a NEGATIVE DECLARATION will be prepared.
- I find that although the proposed project could have a significant effect on the environment, there will not be a significant effect in this case because revisions to the project have been made by or agreed to by the project proponent. A MITIGATED NEGATIVE DECLARATION will be prepared.
- I find that the proposed project MAY have a significant effect on the environment, and an ENVIRONMENTAL IMPACT REPORT is required.
- I find that the proposed project MAY have a “potentially significant impact” or “less than significant with mitigation incorporated” impact on the environment, but at least one effect (1) has been adequately analyzed in an earlier document pursuant to applicable legal standards, and (2) has been addressed by mitigation measures based on the earlier analysis as described on attached sheets. An ENVIRONMENTAL IMPACT REPORT is required, but it must analyze only the effects that remain to be addressed.

County of Madera
Madera County Zoning Ordinance Change

- I find that although the proposed project could have a significant effect on the environment, because all potential significant effects (a) have been analyzed adequately in an earlier EIR or NEGATIVE DECLARATION pursuant to applicable standards, and (b) have been avoided or mitigated pursuant to that earlier EIR or NEGATIVE DECLARATION, including revisions or mitigation measures that are imposed upon the proposed project, nothing further is required.

Jamie Bax

8/30/23

Signature

Date

Jamie Bax

CED Director

Printed Name

Title

Environmental Checklist

1 Aesthetics

	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less than Significant Impact	No Impact
Except as provided in Public Resources Code Section 21099, would the project:				
a. Have a substantial adverse effect on a scenic vista?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b. Substantially damage scenic resources, including but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c. In non-urbanized areas, substantially degrade the existing visual character or quality of public views of the site and its surroundings? (Public views are those that are experienced from a publicly accessible vantage point). If the project is in an urbanized area, would the project conflict with applicable zoning and other regulations governing scenic quality?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d. Create a new source of substantial light or glare that would adversely affect daytime or nighttime views in the area?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

a. *Would the project have a substantial adverse effect on a scenic vista?*

The Land Use Element (LUE) of the General Plan contains the following policies related to visual and scenic resources within the County:

Policy 1.H.1: The County shall require that new development in scenic rural areas is planned and designed to avoid locating structures along ridgelines, on steep slopes, or in other highly-visible locations, except under the following conditions:

- Such a location is necessary to avoid hazards; or
- The proposed construction will incorporate design and screening measures to minimize the visibility of structures and graded areas

Policy IH.3: The County shall require that new development on hillsides employ design, construction, and maintenance techniques that:

- Preserve and enhance the hillsides;

- b. Ensure that development near or on portions of hillsides do not cause or worsen natural hazards such as erosion, sedimentation, fire, or water quality concerns;
- c. Include erosion and sediment control measures including temporary vegetation sufficient to stabilize disturbed areas;
- d. Minimize risk to life and property from slope failure, landslides, and flooding; and
- e. Maintain the character and visual quality of the hillside

The revised MCZO would include updates to fences, wall, and hedge performance standards which regulate height and limitation on fencing materials within Article 4. As described in Chapter 18.34.010 of the revised MCZO, the regulations for fence, walls, and hedges are designed to ensure that these elements do not unnecessarily block visibility and sunlight and are designed to provide aesthetic enhancement of the County.

The revised MCZO include updates that would further protect scenic resources within the County. For example, Section 18.58.040 in Article 4 requires all telecommunication facilities to be designed to minimize opportunities for vandalism, graffiti, and other conditions that would result in hazardous conditions, visual blight, or attractive nuisances and that the permittee shall be responsible for maintaining the site and facilities free from graffiti.

In addition, the existing MCZO required ADUs to comply with the development and design standards, including height, of the primary dwelling. The revised MCZO contains new ADU height requirements in Section 18.50.020 pertaining to ADU height. Single story attached and detached ADUS shall not exceed 16 feet in height above grade while two story ADUs shall not exceed the maximum allowable height for the zone in which it is located. The County will be able to approve or deny ADU design and height based on Section 18.50.020.6. through the issuance of Building Permits.

The revised MCZO also includes revisions to agricultural accessory structure heights. Agricultural accessory structures in zone AR-5 are permitted a maximum height of 40 feet under the project as compared to 15 feet under existing conditions and accessory structures in ARE zones and zone ARF are permitted a maximum height of 60 feet under the project as compared to 15 feet under existing conditions. The General Plan does not outline designated scenic vistas within the County. Therefore, the height increase to agricultural accessory structure height would not result in an impact to scenic vistas. n

The revised MCZO does not allow development on new sites beyond what is identified in the General Plan but instead alters the development standards of identified sites. Future development consistent with LUE and revised MCZO would be required to comply with local, State, and federal laws and policies, and all applicable permitting requirements of the regulatory and oversight agencies intended to address potential impacts to scenic resources. Implementation of existing LUE policies and oversight by the County through the issuance of building permits would reduce impacts to scenic vistas to less than significant.

LESS THAN SIGNIFICANT IMPACT

- b. *Would the project substantially damage scenic resources, including but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway?*

There are no officially designated scenic highways in the region (California Department of Transportation [Caltrans] 2018). Therefore, the revised MCZO would not substantially damage scenic resources within a state scenic highway. The revised MCZO would not result in an impact to state scenic highways.

NO IMPACT

- c. *Would the project, in non-urbanized areas, substantially degrade the existing visual character or quality of public views of the site and its surroundings? (Public views are those that are experienced from a publicly accessible vantage point). If the project is in an urbanized area, would the project conflict with applicable zoning and other regulations governing scenic quality?*

The revised MCZO area, including communities of Ahwahnee, Bass Lake, Coarsegold, and Oakhurst, is classified as a non-urbanized area. The revised MCZO does not include any updates or amendments that would be inconsistent with existing General Plan policies and architectural guidelines in place to protect visual character. Examples of General Plan policies that pertain to the visual character of the County include the following:

- Policy 1.H.1:** The County shall require that new development in scenic rural areas is planned and designed to avoid locating structures along ridgelines, on steep slopes, or in other highly-visible locations, except under the following conditions:
- a. Such a location is necessary to avoid hazards; or
 - b. The proposed construction will incorporate design and screening measures to minimize the visibility of structures and graded areas.
- Policy 1.H.3:** The County shall require that new development on hillsides employ design, construction, and maintenance techniques that:
- a. Preserve and enhance the hillsides;
 - b. Ensure that development near or on portions of hillsides do not cause or worsen natural hazards such as erosion, sedimentation, fire, or water quality concerns;
 - c. Include erosion and sediment control measures including temporary vegetation sufficient to stabilize disturbed areas;
 - d. Minimize risk to life and property from slope failure, landslides, and flooding; and
 - e. Maintain the character and visual quality of the hillside.

Chapter 18.58 of Article 4 includes zoning regulations for the design, placement, and operation of wireless telecommunication facilities within the County to reduce impacts to visual and aesthetic resources. Proposed revisions to Chapter 18.58 are intended to protect visual resources consistent with the goals, objectives, and polices in the General Plan. Specifically, the revisions would strongly encourage wireless telecommunications providers to configure all facilities in a way that minimizes displeasing aesthetics through careful design, siting, landscaping, screening, and innovative stealth techniques.

Telecommunication facilities would require a zoning permit for stealth facilities in commercial, industrial, and agricultural zones, a conditional use permit for new facilities in residential/mixed used zones, commercial zones, industrial zones, public, quasi-public, and open space zones, and agricultural zones, and a conditional use permit for stealth facilities in residential/mixed used zones, public, quasi-public, and open space zones, and agricultural zones. Co-located facilities would be allowed by right in all zones and small cell/microcell facilities in a right of way would require an encroachment permit. For telecommunication facilities that are co-located and therefore allowed by right, the revised MCZO requires that the facility that the telecommunication is co located with complies with all zoning regulations, was previously subject to discretionary review, and has an adopted CEQA document, and the co-location facility incorporates all required mitigation measures specified therein. With implementation of permits subject to the County Review and compliance with co-location facility requirements, the revised MCZO would not degrade the County's existing visual character.

In addition, the revised MCZO includes new ADU regulations that require ADUs to be designed and constructed to match the existing dwelling(s) architecturally and aesthetically in terms of exterior materials and colors, building elements, structure mass, and roof pitch. The revised MCZO ADU regulations would create visually consistent existing dwellings with new ADUs within the County. The revised MCZO does not include changes that would conflict with General Plan policies. The revised MCZO, by itself, does not propose or authorize any development, and would continue to provide for the protection of the County's scenic resources. Therefore, the revised MCZO would not have a substantial adverse effect on visual character. Impacts would be less than significant.

LESS THAN SIGNIFICANT IMPACT

- d. *Would the project create a new source of substantial light or glare that would adversely affect daytime or nighttime views in the area?*

The revised MCZO would include new performance lighting standards for land uses in compliance with Chapter 18.40.080, which outlines general lighting performance standards. These lighting performance standards are included in the current MCZO, but the revised MCZO provides clarification for new land use's performance lighting standards. Chapter 18.40.080 requires the use of blinking, flashing, or unusually high-intensity or bright lights would be prohibited, and all lighting fixtures must be appropriate to the use they are serving, in terms scale, intensity, and height. The revised MCZO includes new development and operational standards for Special Event Facilities. Chapter 18.50.180 under the revised MCZO requires all exterior/outdoor lighting for Special Event Facilities to be located adequately shielded, and directed so that no direct light falls outside the parcel line, or onto the public roadway, in compliance with Chapter 18.40.080.

The revised MCZO includes Chapter 18.50.130, Outdoor Dining, which provides new location and operational standards for outdoor dining areas to ensure compatibility with surrounding use. The Chapter requires that the proximity of outdoor dining and seating areas to places of worship, hospitals, public schools, and residential uses shall be considered by the Review Authority before approval. Proper mitigation measures shall be applied to eliminate potential impacts related to glare and light.

The revised MCZO, by itself, does not propose or authorize any development. The revised MCZO does not involve development of projects with light sources. Therefore, the revised MCZO itself would not involve other changes that could result in create a new source of substantial light or glare that would adversely affect daytime or nighttime views in the area.

LESS THAN SIGNIFICANT IMPACT

2 Air Quality

	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less than Significant Impact	No Impact
Would the project:				
a. Conflict with or obstruct implementation of the applicable air quality plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b. Result in a cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment under an applicable federal or state ambient air quality standard?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c. Expose sensitive receptors to substantial pollutant concentrations?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d. Result in other emissions (such as those leading to odors) adversely affecting a substantial number of people?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Environmental Setting

The County of Madera is located in the San Joaquin Valley Air Basin (SJVAB). SJVAB is approximately 250 miles long and averages 35 miles wide and is the second largest air basin in the state. The SJVAB is defined by the Sierra Nevada in the east (8,000 to 14,000 feet in elevation), the Coast Ranges in the west (averaging 3,000 feet in elevation), and the Tehachapi mountains in the south (6,000 to 8,000 feet in elevation) (County of Madera 2010). The valley is basically flat with a slight downward gradient to the northwest. The valley opens to the sea at the Carquinez Straits where the San Joaquin-Sacramento Delta empties into San Francisco Bay. The San Joaquin Valley, thus, could be considered a “bowl” open only to the north.

SJVAB has an “Inland Mediterranean” climate averaging over 260 sunny days per year. The valley floor is characterized by warm, dry summers and cooler winters. For the entire Valley, high daily temperature readings in summer average 95 degrees Fahrenheit (County of Madera 2010). Temperatures below freezing are unusual. Average high temperatures in the winter are in the 50s, but highs in the 30s and 40s can occur on days with persistent fog and low cloudiness. The average daily low temperature is 45 degrees Fahrenheit (County of Madera 2010).

Average precipitation is approximately 12 inches per year with the majority of rainfall recorded during the winter and spring months (County of Madera 2010). The summer and fall do not usually experience any precipitation which contributes to overall decline of air quality for the region. Lack of precipitation allows for ambient particles to continue existing within the air basin further exacerbating the air quality of the region.

Overview of Air Pollution

The federal and State Clean Air Acts mandate the control and reduction of certain air pollutants. Under these laws, the U.S. Environmental Protection Agency and the California Air Resources Board (CARB) have established the National Ambient Air Quality Standards (NAAQS) and the California Ambient Air Quality Standards for “criteria pollutants” and other pollutants. Some pollutants are emitted directly from a source (e.g., vehicle tailpipe, an exhaust stack of a factory, etc.) into the atmosphere, including carbon monoxide, volatile organic compounds (VOC)/reactive organic gases (ROG),¹ nitrogen oxides (NO_x), particulate matter with diameters of ten microns or less (PM₁₀) and 2.5 microns or less (PM_{2.5}), sulfur dioxide, and lead. Other pollutants are created indirectly through chemical reactions in the atmosphere, such as ozone, which is created by atmospheric chemical and photochemical reactions primarily between ROG and NO_x. Secondary pollutants include oxidants, ozone, and sulfate and nitrate particulates (smog). Air pollutants can also be generated by the natural environment, such as when high winds suspend fine dust particles or when wildfires release fine particulate matter.

Air pollutant emissions are generated primarily by stationary and mobile sources. Stationary sources can be divided into two major subcategories:

- Point sources occur at a specific location and are often identified by an exhaust vent or stack. Examples include boilers or combustion equipment that produce electricity or generate heat.
- Area sources are widely distributed and include such sources as residential and commercial water heaters, painting operations, lawn mowers, agricultural fields, landfills, and some consumer products.

Mobile sources refer to emissions from motor vehicles, including tailpipe and evaporative emissions, and can also be divided into two major subcategories:

- On-road sources that may be legally operated on roadways and highways
- Off-road sources include aircraft, ships, trains, and self-propelled construction equipment

Air Quality Standards and Attainment

Federal and State standards have been established for six criteria pollutants, including ozone, carbon monoxide (CO), nitrogen dioxide (NO₂), sulfur dioxide (SO₂), particulates less than 10 and 2.5 PM₁₀ and PM_{2.5}, and lead (Pb).

As mentioned above, Madera County is located in the SJVAB, which is under the jurisdiction of the San Joaquin Valley Air Pollution Control District (SJVAPCD). SJVAPCD is required to monitor air pollutant levels to ensure that air quality standards are met and, if they are not met, to develop strategies to meet the standards. Depending on whether the standards are met or exceeded, the local air basin is classified as being in “attainment” or “non-attainment.” The Basin is currently in non-attainment for the federal and State 8-hour ozone standards, the State 1-hour ozone standard (severe non-attainment), State and federal PM_{2.5} standards, and the State PM₁₀ standard. The Basin is in attainment or unclassified for all other standards. SJVAPCD has prepared and adopted a number of Air Quality Management Plans (AQMPs) for ozone (e.g., 2022 Plan for the 2015 8-Hour Standard) and particulate matter (e.g., 2018 PM_{2.5} Plan for the San Joaquin Valley) (SJVAPCD 2022;

¹ CARB defines VOC and ROG similarly as, “any compound of carbon excluding carbon monoxide, carbon dioxide, carbonic acid, metallic carbides or carbonates, and ammonium carbonate,” with the exception that VOC are compounds that participate in atmospheric photochemical reactions. For the purposes of this analysis, ROG and VOC are considered comparable in terms of mass emissions, and the term ROG is used in this IS-MND.

2018). The health effects associated with criteria pollutants for which the Basin is in non-attainment are described in Table 1.

Table 1 Health Effects Associated with Non-Attainment Criteria Pollutants

Pollutant	Adverse Effects
Ozone	(1) Short-term exposures: (a) pulmonary function decrements and localized lung edema in humans and animals and (b) risk to public health implied by alterations in pulmonary morphology and host defense in animals; (2) long-term exposures: risk to public health implied by altered connective tissue metabolism and altered pulmonary morphology in animals after long-term exposures and pulmonary function decrements in chronically exposed humans; (3) vegetation damage; and (4) property damage.
Inhalable particulate matter (PM ₁₀)	(1) Excess deaths from short-term and long-term exposures; (2) excess seasonal declines in pulmonary function, especially in children; (3) asthma exacerbation and possibly induction; (4) adverse birth outcomes including low birth weight; (5) increased infant mortality; (6) increased respiratory symptoms in children such as cough and bronchitis; and (7) increased hospitalization for both cardiovascular and respiratory disease (including asthma). ^a
Fine Inhalable particulate matter (PM _{2.5})	(1) Excess deaths from short- and long-term exposures; (2) excess seasonal declines in pulmonary function, especially in children; (3) asthma exacerbation and possibly induction; (4) adverse birth outcomes, including low birth weight; (5) increased infant mortality; (6) increased respiratory symptoms in children, such as cough and bronchitis; and (7) increased hospitalization for both cardiovascular and respiratory disease, including asthma. ^a

^a More detailed discussions on the health effects associated with exposure to suspended particulate matter can be found in the following documents: EPA, Air Quality Criteria for Particulate Matter, October 2004.
Source: USEPA 2018

State Regulations

The California Green Building Standards Code (CALGreen Code) (California Code of Regulations, Title 24, Part 11) was adopted by the California Building Standards Commission in 2013 and became effective in January 2014. The Code applies to all new constructed residential, nonresidential, commercial, mixed-use, and State-owned facilities, including schools and hospitals. CALGreen Code is comprised of Mandatory Residential and Nonresidential Measures and more stringent Voluntary Measures (TIERs I and II).

Mandatory Measures are required to be implemented on all new construction projects and consist of a wide array of green measures concerning project site design, water use reduction, improvement of indoor air quality, and conservation of materials and resources. CALGreen Code refers to Title 24, Part 6 compliance with respect to energy efficiency; however, it encourages 15 percent energy use reduction over that required in Part 6. Voluntary Measures are optional, more stringent measures that may be used by jurisdictions to enhance their commitment towards green and sustainable design and achievement of Assembly Bill (AB) 32 goals. Under TIERs I and II, all new construction projects are required to reduce energy consumption by 15 percent and 30 percent, respectively, below the baseline required under the California Energy Commission, as well as implement more stringent green measures than those required by mandatory code.

Local Regulations and Policies

SJVAPCD is responsible for formulating and implementing the AQMPs for the Basin. The SJVAPCD Air Quality Guidelines for General Plan documents was most recently revised in June 2005. SJVAPCD published its technical guidance document, Guidance for Assessing and Mitigating Air Quality Impacts, for reviewing air quality impacts in the Basin under CEQA in March 2015. In addition,

SJVACPD has established a number of regulations to reduce air pollutant emissions from construction of land use projects under Regulation VIII (Fugitive PM₁₀ Prohibitions). The purpose of Regulation VIII is to reduce ambient concentrations of fine particulate matter (PM₁₀) by requiring actions to prevent, reduce or mitigate anthropogenic fugitive dust emissions. Regulation VIII identifies general requirements under Rule 8011, as well as those for construction, demolition excavation, extraction, and other earthmoving activities (Rule 8021), bulk materials (Rule 8031), carryout and trackout (Rule 8041), open areas (Rule 8051), paved and unpaved roads (Rule 8061), unpaved vehicle/equipment traffic areas (Rule 8071), and agricultural sources (Rule 8081).

Air Quality Thresholds

SJVAPCD provides guidance for analyzing the significance of a project's air quality impacts in its publication *Guidance for Assessing and Mitigating Air Quality Impacts* (SJVAPCD 2015). The document includes two separate quantitative thresholds; one to analyze criteria pollutant emissions and the other to analyze ambient air quality impacts. Table 2 summarizes these two thresholds. Projects that emit pollutants at levels below SJVAPCD criteria pollutant significance thresholds and the ambient air quality screening threshold would not violate or contribute to a violation of an ambient air quality standard and are considered to have a less than significant individual impact to air quality. In addition, projects with emissions below significance thresholds for criteria pollutants would be determined to "not conflict or obstruct implementation of the District's air quality plan," as stated in section 7.12 of SJVAPCD's guidance document.

SJVAPCD also provides guidance on assessing a project's cumulative impacts on air quality. A project would have a considerable contribution to a significant cumulative impact if it exceeds significance thresholds for criteria pollutant emissions. A project would not have a considerable contribution to cumulative impacts if all three of the following conditions are met:

- Project emissions are below significance thresholds for criteria pollutant emissions, and
- Project emissions are below ambient air quality standards, and
- The sum of emissions from the project and other planned and pending projects in the project area do not exceed ambient air quality standards

Table 2 SJVAPCD Thresholds of Significance – Criteria Pollutant Emissions

Pollutant/Precursor	Construction Emissions (tons/year)	Operational Emissions (tons/year)
CO	100	100
Nitrogen Oxides (NO _x)	10	10
Reactive Organic Gases (ROG)	10	10
Sulfur Oxides (SO _x)	27	27
PM ₁₀	15	15
PM _{2.5}	15	15
Ambient Air Quality--Screening Threshold		
Maximum emission of any criteria pollutant	100 pounds/day	
Source: SJVAPCD 2015		

a. Would the project conflict with or obstruct implementation of the applicable air quality plan?

SJVAPCD adopted the 2018 PM_{2.5} Plan for the San Joaquin Valley in November 2018. The PM_{2.5} Plan includes a strategy to attain the federal health-based 1997, 2006, and 2012 NAAQS for fine particulate matter (PM_{2.5}) as expeditiously as practicable (SJVAPCD 2018). In addition, the District adopted the 2022 Ozone Plan for the San Joaquin Valley in December 2022. This plan satisfies Clean Air Act requirements and ensures expeditious attainment of the 70 parts per billion 8-hour ozone standard (SJVAPCD 2022). The 2018 PM_{2.5} Plan and 2022 Ozone Plan are comprehensive planning documents intended to provide guidance to SJVAPCD and other local agencies on how to attain and maintain the state standards for ozone and PM_{2.5}. The documents present a detailed description of the sources and pollutants which impact the jurisdiction, future air quality impacts to be expected under current growth trends, and an appropriate control strategy for reducing ozone precursor emissions, thereby improving air quality.

The Air Quality Element of the County’s General Plan includes the following goals and policies which would be implemented through the Zoning Regulations Update, including the following:

Goal A1: Achieve effective communication, cooperation, coordination, and education in developing and implementing countywide and regional programs to improve air quality and reduce potential climate change impacts.

Policy A1.1.1: As recommended in ARB’s Climate Change Adopted Scoping Plan (December 2008), the County establishes an initial goal of reducing greenhouse gas emissions from its internal governmental operations and land use activities within its authority to be consistent with ARB’s adopted reduction targets for the year 2020. The County will also work with MCTC to ensure that it achieves its proportionate fair share reduction in greenhouse gas emissions as may be identified under the provisions of SB 375 (2008 Chapter 728) for any projects or activities requiring approval from MCTC.

Policy A1.1.2: Consult with the SJVAPCD and MCTC during CEQA review of discretionary projects having the potential for causing adverse air quality, transportation, and climate change impacts. Participate in the SJVAPCD Climate Change Action Plan implementation.

Goal B1: Improve Air Quality, Land Use and Transportation Planning integration and reduce impacts through appropriate project location, design and application of best available technologies.

Policy B1.1.1: Minimize air quality and potential climate change impacts through project review, evaluation, and conditions of approval when planning the location and design of land uses and transportation systems needed to accommodate expected County population growth. Integrate decisions on land use and development locations with the SJV Blueprint.

Policy B1.1.2: Submit transportation improvement projects to be included in regional transportation plans (RTP, RTIP, CMP, etc.) that are found to be consistent with the air quality and climate change goals and policies of the General Plan.

Policy B1.1.3: Consult with MCTC and transit providers during the planning stages of land use and transportation projects to assess project impacts on long range transit plans and ensure that potential impacts are avoided.

Policy B1.1.4: During project review, approval, and implementation, work with Caltrans, ARB, SJVAPCD, and MCTC to minimize the air quality, mobility, and social impacts of large scale transportation projects on existing communities and planned sensitive land uses.

Goal C1: Use Air Quality Assessment and Mitigation programs and resources of the SJVAPCD and other agencies to minimize air pollution, related public health effects, and potential climate change impacts within the County.

Policy C1.1.1: Assess and mitigate project air quality impacts using analysis methods and significance thresholds recommended by the SJVAPCD and require that projects do not exceed established SJVAPCD thresholds.

Policy C1.1.2: Assess and mitigate project greenhouse gas/climate change impacts using analysis methods and significance thresholds as defined or recommended by the SJVAPCD, MCTC or California Air Resources Board (ARB) depending on the type of project involved.

Policy C1.1.3: Ensure that air quality and climate change impacts identified during CEQA review are minimized and consistently and fairly mitigated at a minimum, to levels as required by CEQA.

Policy C1.1.4: Identify and maintain an on-going inventory of the cumulative transportation, air quality, and climate change impacts of all general plan amendments approved during each year.

Policy C1.1.6: Encourage and support the development of innovative and effective mitigation measures and programs to reduce air quality and climate change impacts through proactive coordination with the SJVAPCD, project applicants, and other knowledgeable and interested parties.

Policy C1.1.3: Ensure that air quality and climate change impacts identified during CEQA review are minimized and consistently and fairly mitigated at a minimum, to levels as required by CEQA.

The revised MCZO includes several proposed modifications to reduce potential air quality impacts to further the implementation of the General Plan goals and policies. Specifically, proposed revisions to Article 3 include clarifications regarding air emissions through Section 18.40.040 which states that uses, activities, and processes within the county shall not operate in a manner that emit excessive dust, fumes, smoke, or particulate matter, unless authorized under federal, State, or local law.

The revised MCZO, by itself, does not propose or authorize any development. Future development proposed in Madera County would be required to conform with Municipal Code which includes all applicable regulations and SJVACPD policies and programs that relate to air quality and consistency with both the 2018 PM_{2.5} Plan and the 2022 Ozone Plan. Therefore, the revised MCZO would not conflict with or obstruct implementation of an air quality plan. Impacts would be less than significant.

LESS THAN SIGNIFICANT IMPACT

- b. Would the project result in a cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment under an applicable federal or state ambient air quality standard?*
- c. Would the project expose sensitive receptors to substantial pollutant concentrations?*

The Air Quality Element of the County's General Plan includes the following goal and policies which would be implemented through the revised MCZO, including the following:

Goal F1: Minimize exposure of the public to hazardous air pollutant emissions, particulates and noxious odors from freeways, major arterial roadways, industrial, manufacturing, and processing facilities.

Policy F1.1.1: Locate residential development projects and projects categorized as sensitive receptors an adequate distance from existing and potential sources of hazardous emissions such as major transportation corridors, industrial sites, and hazardous material locations in accordance with the provisions of ARB's Air Quality and Land Use Handbook.

Policy F1.1.2: Locate new air pollution point sources such as, but not limited to industrial, manufacturing, and processing facilities an adequate distance from residential areas and other sensitive receptors in accordance with the provisions of ARB's Air Quality Land Use Handbook.

Policy F2.1.1: Coordinate with the SJVAPCD to ensure that construction, grading, excavation and demolition activities within County's jurisdiction are regulated and controlled to reduce particulate emissions to the maximum extent feasible.

Policy F2.1.2: Require all access roads, driveways, and parking areas serving new commercial and industrial development are constructed with materials that minimize particulate emissions and are appropriate to the scale and intensity of use.

The revised MCZO would be consistent with the programs and policies outlined within the General Plan and would not facilitate new areas for development beyond what has been identified by the General Plan. The revised MCZO would not involve changes in zoning that would result in a cumulatively considerable net increase of any criteria pollutant or expose sensitive receptors to a substantial pollutant concentration. Impacts would be less than significant.

LESS THAN SIGNIFICANT IMPACT

- d. *Would the project result in other emissions (such as those leading to odors) adversely affecting a substantial number of people?*

Table 6 of SJVAPCD's 2015 Guidance for Assessing and Mitigating Air Quality Impacts lists land uses associated with odor complaints (SJVAPCD 2015). The uses in the table include wastewater treatment facilities, sanitary landfills, transfer stations, manufacturing plants, food processing facilities, and dairy operations, as well as other industrial uses. During construction activities, heavy equipment and vehicles would emit odors associated with vehicle and engine exhaust and during idling. However, these odors would be temporary and would cease upon completion.

The revised MCZO includes Chapter 18.40.070, Odor, within Article 3, which states that no use shall emit any offensive odor off-site based on typical human reaction except normal odor associated with certain uses that are allowed in agricultural areas (i.e., animal confinement facilities). The Environmental Health Division shall determine whether the off-site odor is offensive or causes a nuisance. This standard does not apply to existing agricultural and right-to-farm land uses. Therefore, the revised MCZO would not result in other emissions (such as those leading to odors) adversely affecting a substantial number of people. Impacts would be less than significant.

LESS THAN SIGNIFICANT IMPACT

3 Agriculture and Forestry Resources

	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less than Significant Impact	No Impact
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Would the project:

a. Convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland), as shown on maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural use?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b. Conflict with existing zoning for agricultural use or a Williamson Act contract?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c. Conflict with existing zoning for, or cause rezoning of, forest land (as defined in Public Resources Code Section 12220(g)); timberland (as defined by Public Resources Code Section 4526); or timberland zoned Timberland Production (as defined by Government Code Section 51104(g))?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d. Result in the loss of forest land or conversion of forest land to non-forest use?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e. Involve other changes in the existing environment which, due to their location or nature, could result in conversion of Farmland to non-agricultural use or conversion of forest land to non-forest use?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

- a. *Would the project convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland), as shown on maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural use?*

Farmland is present within the County (Department of Conservation [DOC] 2023). The LUE includes several policies specific to open space and agricultural protection, including but not limited to the following:

Policy 5.A.1: The County shall maintain agriculturally designated areas for agricultural uses and direct urban uses to designated new growth areas, existing communities, and/or cities.

- Policy 5.A.3:** The County shall seek to ensure that new development and public works projects do not encourage further expansion of urban uses into designated agricultural areas.
- Policy 5.A.9:** The County shall encourage infill development in urban areas as an alternative to expanding urban boundaries into agriculturally designated areas.

The revised MCZO would be consistent with the programs and policies outlined within the General Plan and would not authorize new areas for development beyond what has been identified by the General Plan. The revised MCZO would not involve changes in zoning that would convert Farmland, nor would it facilitate development that could convert Farmland to non-agricultural use. Impacts would be less than significant.

LESS THAN SIGNIFICANT IMPACT

- b. Would the project conflict with existing zoning for agricultural use or a Williamson Act contract?*

The revised MCZO does not include changes to the MCZO that would conflict with existing agricultural zoning or a Williamson Act contract. Proposed revisions to Article 4 include clarifications to winery land uses development and operational standards and states that winery land uses under Williamson Act contract shall comply with all applicable State regulations. In addition, the revised MCZO includes a new Special Facility Event Land Use, which is expressly prohibited on parcels subject to a Land Conservation or Williamson Act contract. The revised MCZO, by itself, does not propose or authorize any development, and would continue to provide for the protection of the County's Williamson Act contract parcels. No impact would occur.

NO IMPACT

- c. Would the project conflict with existing zoning for, or cause rezoning of, forest land (as defined in Public Resources Code Section 12220(g)); timberland (as defined by Public Resources Code Section 4526); or timberland zoned Timberland Production (as defined by Government Code Section 51104(g))?*
- d. Would the project result in the loss of forest land or conversion of forest land to non-forest use?*

The General Plan includes several policies specific to forest resources, including but not limited to the following:

- Policy 1.H.4:** The County shall work with federal and state agencies to conserve forest wilderness and recreation areas.
- Policy 5.B.1:** The County shall encourage the sustained productive use of forest land as a means of providing open space and conserving other natural resources.
- Policy 5.B.2.:** The County shall discourage development that conflicts with timberland management.

The revised MCZO would be consistent with the programs and policies outlined within the General Plan. The revised MCZO does not involve the rezoning of any land zoned as forest land, timberland, or Timberland production. The revised MCZO, by itself, does not propose or authorize any development and would not permit development on forest land resulting in the conversion of forest land to non-forest use. No impact would occur.

NO IMPACT

- e. *Would the project involve other changes in the existing environment which, due to their location or nature, could result in conversion of Farmland to non-agricultural use or conversion of forest land to non-forest use?*

The revised MCZO would be consistent with the programs and policies outlined within the General Plan as described above in Threshold *a*, and would not authorize new areas for development beyond what has been identified by the General Plan or lead to other land being converted to non-agricultural use. The revised MCZO, by itself, does not propose or authorize any development. The revised MCZO does not involve rezoning of Farmland or forest land. As future development is proposed, the County will be required to ensure consistency with the General Plan. None of the updates included in the revised MCZO would convert land classified as Farmland to non-agricultural use or forest land to a non-forest use. Therefore, the revised MCZO itself would not involve other changes that could result in conversion of additional Farmland to non-agricultural use or conversion of forest land to non-forest use. No impact would occur.

NO IMPACT

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4 Biological Resources

	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less than Significant Impact	No Impact
Would the project:				
a. Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Wildlife or U.S. Fish and Wildlife Service?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b. Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, or regulations, or by the California Department of Fish and Wildlife or U.S. Fish and Wildlife Service?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c. Have a substantial adverse effect on state or federally protected wetlands (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d. Interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
e. Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
f. Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

- a. *Would the project have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Wildlife or U.S. Fish and Wildlife Service?*

The Agricultural and Natural Resources Element includes policies and programs related to special status species. These policies include:

- Policy 5.E.4:** The County shall support preservation of the habitats of rare, threatened, endangered, and/or other special status species. The County shall consider developing a formal habitat conservation plan in consultation with federal and state agencies, as well as other resource conservation organizations. Such a plan would provide a mechanism for the acquisition and management of lands supported by threatened and endangered species.
- Policy 5.E.8:** The County shall ensure close monitoring of pesticide use in areas adjacent to habitats of special status plants and animals.
- Policy 5.E.9:** The County shall promote effective methods of ground squirrel control on croplands bordering sensitive habitat that do not place kit foxes and other special-status species at risk.
- Policy 5.E.10:** Prior to approval of discretionary development permits involving parcels within a significant ecological resource area, the County shall require, as part of the environmental review process, a biotic resources evaluation of the sites by a qualified biologist. The evaluation shall be based upon field reconnaissance performed at the appropriate time of year to determine the presence or absence of rare, threatened, or endangered species of plants or animals. Such evaluation will consider the potential for significant impact on these resources and will either identify feasible measures to mitigate such impacts or indicate why mitigation is not feasible.

The revised MCZO would be consistent with the programs and policies outlined within the General Plan and would not authorize new areas for development beyond what has been identified by the General Plan. The revised MCZO would not involve changes that would have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Wildlife or U.S. Fish and Wildlife Service. No impact would occur.

NO IMPACT

- b. *Would the project have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, or regulations, or by the California Department of Fish and Wildlife or U.S. Fish and Wildlife Service?*

The Agricultural and Natural Resources Element includes policies and programs related to riparian habitat. These policies include:

- Policy 5.C.2:** The County shall minimize sedimentation and erosion through control of grading, cutting of trees, removal of vegetation, placement of roads and bridges, and use of off-road vehicles. The County shall discourage grading activities during the

rainy season, unless adequately mitigated, to avoid sedimentation of creeks and damage to riparian habitat.

Policy 5.D.4: The County shall require riparian protection zones around natural watercourses. Riparian protection zones shall include the bed and bank of both low and high flow channels and associated riparian vegetation, the band of riparian vegetation outside the high flow channel, and buffers of 100 feet in width as measured from the top of bank of unvegetated channels and 50 feet in width as measured from the outer edge for the canopy of riparian vegetation. Exceptions may be made in existing developed areas where existing development and lots are located within the setback areas.

Policy 5.D.6: The County shall require new private or public developments to preserve and enhance existing native riparian habitat unless public safety concerns require removal of habitat for flood control or other public purposes. In cases where new private or public development results in modification or destruction of riparian habitat for purposes of flood control, the developers shall be responsible for creating new riparian habitats within or near the project area at a ratio of 3:1 acres of new habitat for every acre destroyed.

Policy 5.E.10: Prior to approval of discretionary development permits involving parcels within a significant ecological resource area, the County shall require, as part of the environmental review process, a biotic resources evaluation of the sites by a qualified biologist. The evaluation shall be based upon field reconnaissance performed at the appropriate time of year to determine the presence or absence of rare, threatened, or endangered species of plants or animals. Such evaluation will consider the potential for significant impact on these resources and will either identify feasible measures to mitigate such impacts or indicate why mitigation is not feasible.

Policy 5.F.3: The County shall support the preservation of outstanding areas of natural vegetation, including, but not limited to, oak woodlands, riparian areas, and vernal pools.

Policy 5.H.1: The County shall support the preservation and enhancement of natural land forms, natural vegetation, and natural resources as open space. To the extent feasible, the County shall permanently protect as open space areas of natural resource value, including wetlands preserves, riparian corridors, woodlands, and floodplains.

The revised MCZO would be consistent with the programs and policies outlined within the General Plan and would not authorize new areas for development beyond what has been identified by the General Plan. The revised MCZO would not involve changes in zoning that would result in an impact to riparian, wetland, and other sensitive communities and habitats. Therefore, the revised MCZO would not result in any significant impacts to riparian and other sensitive communities and habitats. Impacts would be less than significant.

LESS THAN SIGNIFICANT IMPACT

- c. *Would the project have a substantial adverse effect on state or federally protected wetlands (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means?*

The Agricultural and Natural Resources Element includes policies and programs related to wetlands. These policies include:

- Policy 5.D.1:** The County shall comply with the wetlands policies of the U.S. Army Corps of Engineers, the U.S. Fish and Wildlife Service, and the California Department of Fish and Wildlife. Coordination with these agencies at all levels of project review shall continue to ensure that appropriate mitigation measures and the concerns of these agencies are adequately addressed.
- Policy 5.D.2:** The County shall require new development to mitigate wetland loss in both regulated and non-regulated wetlands through any combination of avoidance, minimization, or compensation. The County shall support mitigation banking programs that can provide the opportunity to mitigate impacts to rare, threatened, and endangered species and/or the habitat which supports these species in wetland and riparian areas.
- Policy 5.D.3:** The County shall require development to be designed in such a manner that pollutants and siltation will not significantly adversely affect the value or function of wetlands.
- Policy 5.D.7:** The County shall support the management of wetland and riparian plant communities for passive recreation, groundwater recharge, nutrient catchment, and wildlife habitats. Such communities shall be restored, where possible

The revised MCZO would be consistent with the programs and policies outlined within the General Plan and would not authorize new areas for development beyond what has been identified by the General Plan. The revised MCZO would not involve changes in zoning that would result in an impact to riparian, wetland, and other sensitive communities and habitats. Therefore, the revised MCZO would not result in any significant impacts to wetlands. Impacts would be less than significant.

LESS THAN SIGNIFICANT IMPACT

- d. *Would the project interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites?*

The Agricultural and Natural Resources Element includes policies and programs related to migratory fish and wildlife species. These policies include:

- Policy 5.E.1:** The County shall identify and protect critical nesting and foraging areas, important spawning grounds, migratory routes, waterfowl resting areas, oak woodlands, wildlife movement corridors, and other unique wildlife habitats critical to protecting and sustaining wildlife populations.

The revised MCZO would be consistent with the programs and policies outlined within the General Plan and would not authorize new areas for development beyond what has been identified by the General Plan. The revised MCZO would not involve changes in zoning that would result in an impact to wildlife movement. Therefore, the revised MCZO would not result in any significant impacts to wetlands. Impacts would be less than significant.

LESS THAN SIGNIFICANT IMPACT

- e. *Would the project conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?*

The Agricultural and Natural Resources Element includes policies and programs related to tree preservation and protection. These policies include:

Policy 5.F.4: The County shall ensure that landmark trees are preserved and protected.

Development within the County is subject to existing policies and programs identified in the General Plan, including the Natural Resources Element. The County does not currently have an adopted tree preservation policy or ordinance. The revised MCZO would not modify or conflict with these existing policies pertaining to tree preservation.

The revised MCZO would be consistent with the programs and policies outlined within the General Plan and would not authorize new areas for development beyond what has been identified by the General Plan. The revised MCZO would not involve changes in zoning that would conflict with any local policies or ordinances protecting biological resources. Therefore, the revised MCZO would not result in any significant impacts to wetlands. Impacts would be less than significant.

LESS THAN SIGNIFICANT IMPACT

- f. *Would the project conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan?*

Madera County, and therefore the revised MCZO area, is not located within the boundaries of any habitat conservation plans or natural community conservation plan area (California Department of Fish and Wildlife [CDFW] 2019). No impact would occur.

NO IMPACT

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5 Cultural Resources

	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less than Significant Impact	No Impact
Would the project:				
a. Cause a substantial adverse change in the significance of a historical resource pursuant to §15064.5?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b. Cause a substantial adverse change in the significance of an archaeological resource pursuant to §15064.5?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c. Disturb any human remains, including those interred outside of formal cemeteries?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

- a. *Would the project cause a substantial adverse change in the significance of a historical resource pursuant to §15064.5?*

A historical resource is defined in Section 15064.5(a) of the CEQA Guidelines as a resource listed in or eligible for listing in the California Register of Historical Resources (CRHR); a resource included in a local register of historical resources; or any object, building, structure, site, area, place, record or manuscript determined to be historically significant or significant in the architectural, engineering, scientific, economic, agricultural, educational, social, political, military or cultural annals of California. Historic resources in the County are subject to the policies and regulations contained in the General Plan, Recreational and Cultural Resources Element. These policies and regulations also identify the review process for actions proposed within potentially historic areas (see County General Plan EIR Chapter 6, Cultural Resources, Table 6-2 Potential Sites of Local Historic Significance) (County of Madera 1995c).

The Recreational and Cultural Resources Element includes goals and policies and programs related to historical resources. While these goals and policies aim to protect historic resources, they do not on their own protect historic resources. Nonetheless, these policies include:

Goal 4.D: To identify, protect, and enhance Madera County's important historical, archaeological, paleontological, and cultural sites and their contributing environment.

Policy 4.D.2: The County shall coordinate with the cities and advisory councils in the county to promote the preservation and maintenance of Madera County's paleontological, archaeological, and historical resources.

Policy 4.D.6: The County shall encourage the preservation of the original architectural character of significant historic structures and districts. To this end, the County shall use the State Historic Building Code.

Policy 4.D.8: The County shall support the registration of cultural resources in appropriate landmark designations (i.e., National Register of Historic Places, California Historical Landmarks, Points of Historical Interest, or Local Landmark). The County shall assist private citizens seeking these designations for their property.

As described in Policy 4.D.6, the County utilizes the State Historic Building Code. The State Historic Building code requires is intended to save California’s architectural heritage by recognizing the unique construction issues inherent in maintaining and adaptively reusing historic buildings (Office of Historic Preservation 2023). The revised MCZO would not adopt regulations that would interfere with the implementation of the State Historic Building Code and would include regulations that would further protect historic resources in the County.

Chapter 18.56 of Article 4 of the revised MCZO implements Government Code Section 65915, which requires the County to provide incentives for affordable housing, senior housing, and childcare facilities. Chapter 18.56.050 would further protect historic resources within the County. As described in Chapter 18.56.050 of the revised MCZO, the County shall grant the incentive or concession requested by the applicant unless there is a finding that the incentive or concession would have an adverse impact on any property that is listed in the CRHR and for which there is no feasible method to satisfactorily mitigate or avoid the impact without rendering the development unaffordable to low-income and moderate-income households. Therefore, the revised MCZO would not result in properties listed in the CRHR. In addition, Chapter 18.50.020 of Article 4 of the revised MCZO describes regulations for ADUs within the County. Chapter 18.50.020.G.5e states that additional parking for ADUs is not required if the ADU is located within a historic district. Therefore, the revised MCZO would not facilitate additional development within historic districts that may affect historical resources.

The revised MCZO, itself, does not authorize development. The revised MCZO would be consistent with the programs and policies outlined within the General Plan and would not facilitate new areas for development beyond what has been identified by the General Plan. The revised MCZO would not involve changes in zoning that would conflict with any local policies or ordinances protecting cultural resources. Therefore, the revised MCZO would not result in any significant impacts to historical resources. Impacts would be less than significant.

LESS THAN SIGNIFICANT IMPACT

b. Would the project cause a substantial adverse change in the significance of an archaeological resource pursuant to §15064.5?

The Recreational and Cultural Resources Element includes goals and policies and programs related to archaeological resources. These policies include:

Goal 4.D: To identify, protect, and enhance Madera County's important historical, archaeological, paleontological, and cultural sites and their contributing environment.

Policy 4.D.2: The County shall coordinate with the cities and advisory councils in the county to promote the preservation and maintenance of Madera County's paleontological, archaeological, and historical resources.

Policy 4.D.3: The County shall require that discretionary development projects identify and protect from damage, destruction, and abuse, important historical, archaeological, paleontological, and cultural sites and their contributing environment.

Policy 4.D.4: The County shall, within its power, maintain confidentiality regarding the locations of archaeological sites in order to preserve and protect these resources from vandalism and the unauthorized removal of artifacts. If significant archaeological and cultural resources are open to the public, the County shall control public access to prevent damage or vandalism.

Policy 4.D.7: The County will use existing legislation and propose local legislation for the identification and protection of cultural resources and their contributing environment.

The revised MCZO would be consistent with the programs and policies outlined within the General Plan. The revised MCZO, by itself, does not propose or authorize any development, and would continue to provide for the protection of the County's archaeological resources. The revised MCZO would not make any changes to the Recreational and Cultural Resources Element and would not allow new development in areas where such development is prohibited under the General Plan. Therefore, impacts would be less than significant.

LESS THAN SIGNIFICANT IMPACT

c. *Would the project disturb any human remains, including those interred outside of formal cemeteries?*

The revised MCZO would not conflict with Health and Safety Code Section 7050.5. Health and Safety Code Section 7050.5 declares that, in the event of the discovery of human remains outside of a dedicated cemetery, all ground disturbance must cease, and the county coroner must be notified. Section 7052 establishes a felony penalty for mutilating, disinterring, or otherwise disturbing human remains, except by relatives. Adherence to existing federal, State and County policies and programs will address these impacts by requiring the study of site-specific resources, identification of significant resources present within a given project site, requirements to avoid significant resources and requirements to mitigate any impacts to these resources through project design, monitoring and Native American consultation.

The revised MCZO, by itself, does not propose or authorize any development, and would continue to provide for the protection of the County's human remains. The revised MCZO would not make any changes to the Recreational and Cultural Resources Element and would not allow new development in areas where such development is prohibited under the General Plan. Therefore, impacts would be less than significant.

LESS THAN SIGNIFICANT IMPACT

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6 Energy

	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less than Significant Impact	No Impact
Would the project:				
a. Result in a potentially significant environmental impact due to wasteful, inefficient, or unnecessary consumption of energy resources, during project construction or operation?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b. Conflict with or obstruct a state or local plan for renewable energy or energy efficiency?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Environmental Setting

California is one of the lowest per capita energy users in the United States, ranked 48th in among states, due to its energy efficiency programs and mild climate. In 2020, California consumed 524 million barrels of petroleum, 2,075 billion cubic feet of natural gas, and one million short tons of coal in 2020 (United States Energy Information Administration [EIA] 2022). The single largest end-use sector for energy consumption in California is transportation (34 percent), followed by industrial (24.6 percent), residential (21.8 percent), and commercial (19.6 percent) (EIA 2022).

Most of California’s electricity is generated in state with approximately 30 percent imported from the Northwest and Southwest in 2020; however, the state relies on out-of-state natural gas imports for nearly 90 percent of its supply (California Energy Commission [CEC] 2022 and EIA 2022). In addition, approximately 33 percent of California’s electricity supply comes from renewable energy sources, such as wind, solar photovoltaic, geothermal, and biomass (CEC 2022). In 2018, Senate Bill 100 accelerated the state’s Renewable Portfolio Standards Program, codified in the Public Utilities Act, by requiring electricity providers to increase procurement from eligible renewable energy and zero-carbon resources to 33 percent of total retail sales by 2020, 60 percent by 2030, and 100 percent by 2045.

To reduce statewide vehicle emissions, California requires all motorists to use California Reformulated Gasoline, which is sourced almost exclusively from in-state refineries. Gasoline is the most used transportation fuel in California with 15.3 billion gallons sold in 2019 and is used by light-duty cars, pickup trucks, sport utility vehicles, and aviation. Diesel is the second most used fuel in California with 3.1 billion gallons sold in 2019 and is used primarily by heavy duty-trucks, delivery vehicles, buses, trains, ships, boats and barges, farm equipment, and heavy-duty construction and military vehicles (California Department of Tax and Fee Administration 2020).

Energy consumption is directly related to environmental quality in that the consumption of nonrenewable energy resources releases criteria air pollutant and greenhouse gas (GHG) emissions into the atmosphere. The environmental impacts of air pollutant and GHG emissions associated with

the project's energy consumption are discussed in detail in Section 3, *Air Quality*, and Section 8, *Greenhouse Gas Emissions*, respectively.

Future land use projects would be required to undergo project-specific evaluation to quantify specific impacts to energy consumption, which would occur during the permitting process for that project. As the criteria needed to assess these impacts are only available to the County upon submittal of a specific project proposal, any quantitative analysis would be speculative at this time. All projects would be required to conform to local, State, and federal regulations governing energy consumption reduction.

- a. *Would the project result in a potentially significant environmental impact due to wasteful, inefficient, or unnecessary consumption of energy resources, during project construction or operation?*

The Air Quality Element of the County's General Plan includes the following goal and policies which would be implemented through the Zoning Regulations Update, including the following:

Goal E1: Minimize air emissions and potential climate change impacts related to energy consumption in the County.

Policy E1.1.1: Initiate and sustain ongoing efforts with local water and energy utilities and developers to establish and implement voluntary incentive based programs to encourage the use of energy efficient designs and equipment in new and existing development projects within the County.

AQ Policy E1.1.2: Initiate and sustain ongoing efforts with agriculture, the building industry, water and energy utilities and the SJVAPCD to promote enhanced energy conservation and sustainable building standards for new construction.

AQ Policy E1.1.3: Work with local water and energy utilities and the building industry to develop or revise County design standards relating to solar orientation of building occupancies, water use, landscaping, reduction in impervious surfaces, parking lot shading and such other measures oriented towards reducing energy demand.

Policy E1.1.4: Actively promote the more efficient location of industries within the County which are labor intensive, utilize cogeneration or renewable sources of energy, support and enhance agricultural activities, and are consistent with other policies of the General Plan.

Policy E1.1.5: County staff will proactively work with the Cooperative Agricultural Extension office, California Energy Commission, local water and energy utilities, the agricultural industry, and other potential partners to seek funding sources and implement programs which reduce water and energy use, reduce air emissions and reduce the creation of greenhouse gases.

The revised MCZO would be consistent with the programs and policies outlined within the General Plan and would not facilitate new areas for development beyond what has been identified by the General Plan. The revised MCZO itself would not result in development and would therefore not result in energy consumption. Impacts would be less than significant.

LESS THAN SIGNIFICANT IMPACT

- b. *Would the project conflict with or obstruct a state or local plan for renewable energy or energy efficiency?*

Currently, the County does not have a local plan for renewable energy or energy efficiency. However, future land uses would be required to comply with State energy efficiency regulations and standards, including CALGreen building code requirements, and compliance with these requirements would be assessed during the project permitting and review process. As such, the revised MCZO would not conflict with or obstruct a plan for renewable energy or energy efficiency and would not conflict with a plan for renewable energy and energy efficiency. Impacts would be less than significant.

LESS THAN SIGNIFICANT IMPACT

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7 Geology and Soils

	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less than Significant Impact	No Impact
Would the project:				
a. Directly or indirectly cause potential substantial adverse effects, including the risk of loss, injury, or death involving:				
1. Rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
2. Strong seismic ground shaking?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
3. Seismic-related ground failure, including liquefaction?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
4. Landslides?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b. Result in substantial soil erosion or the loss of topsoil?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c. Be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the project, and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction, or collapse?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d. Be located on expansive soil, as defined in Table 18-1-B of the Uniform Building Code (1994), creating substantial direct or indirect risks to life or property?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
e. Have soils incapable of adequately supporting the use of septic tanks or alternative wastewater disposal systems where sewers are not available for the disposal of wastewater?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
f. Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

- a.1. Would the project directly or indirectly cause potential substantial adverse effects, including the risk of loss, injury, or death involving rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault?*
- a.2. Would the project directly or indirectly cause potential substantial adverse effects, including the risk of loss, injury, or death involving strong seismic ground shaking?*

The General Plan EIR concluded that with implementation of the policies and programs of the General Plan, there would be no significant adverse seismic and geologic impacts to (County of Madera 1995c). There is no known seismic fault rupture in Madera County. Regional faults that could result in strong ground shaking include the San Andreas Fault approximately 45 miles west of the County line.

The California Building Code (CBC) includes seismic policies in Chapter 16, Structural Design. Chapter 16 of the CBC is intended to establish minimum design requirements so that the structural components of buildings are proportioned to resist the loads that are likely to be encountered in an earthquake in order to protect life and property. Specifically, Section 1613a discusses earthquake loads and seismic design categories. The revised MCZO would not include updates that would be inconsistent with the CBC.

The revised MCZO would be consistent with the programs and policies outlined within the General Plan and the CBC. The revised MCZO would not authorize new areas for development beyond what has been identified by the General Plan. The revised MCZO would not involve changes in zoning that would directly or indirectly cause potential substantial adverse effects, including the risk of loss, injury, or death involving rupture of a known earthquake fault or strong seismic ground shaking. Impacts would be less than significant.

LESS THAN SIGNIFICANT IMPACT

- a.3. Would the project directly or indirectly cause potential substantial adverse effects, including the risk of loss, injury, or death involving seismic-related ground failure, including liquefaction?*

The General Plan EIR concluded that Madera County is not at risk of liquefaction (County of Madera 1995c). The revised MCZO would not authorize new areas for development beyond what has been identified by the General Plan. The revised MCZO would not involve changes in zoning that would directly or indirectly cause potential substantial adverse effects, including the risk of loss, injury, or death involving seismic related ground failure, including liquefaction. No impact would occur.

NO IMPACT

- a.4. Would the project directly or indirectly cause potential substantial adverse effects, including the risk of loss, injury, or death involving landslides?*

The General Plan EIR indicates that the mountainous part of the County contains several areas which have been classified as having moderate risk of landsliding, generally located on the west side of State Route 49 west of Oakhurst and around Coarsegold, and east of Millerton Lake and around O'Neals (County of Madera 1995c). The General Plan EIR concluded that with full implementation of the policies and programs of the General Plan, there would be no significant adverse seismic and geologic impacts, including landslides.

General Plan includes policies related to landslides include:

- Policy 1.H.3:** The County shall require that new development on hillsides employ design, construction, and maintenance techniques that:
- a. Preserve and enhance the hillsides;
 - b. Ensure that development near or on portions of hillsides do not cause or worsen natural hazards such as erosion, sedimentation, fire, or water quality concerns;
 - c. Include erosion and sediment control measures including temporary vegetation sufficient to stabilize disturbed areas;
 - d. Minimize risk to life and property from slope failure, landslides, and flooding; and
 - e. Maintain the character and visual quality of the hillside
- Policy 6.A.1:** The County shall require the preparation of a soils engineering and geologic-seismic analysis prior to permitting development in areas prone to geological or seismic hazards (i.e., groundshaking, landslides, liquefaction, critically expansive soils).
- Policy 6.A.2:** In landslide hazard areas, the County shall prohibit avoidable alteration of land in a manner that could increase the hazard, including concentration of water through drainage, irrigation, or septic systems; removal of vegetative cover; and steepening of slopes and undercutting the bases of slopes. Areas of known landslides should be designated for open space uses.
- Policy 6.A.3:** The County shall limit development in areas of steep or unstable slopes to minimize hazards from landslides. Development will be prohibited in areas with slopes of 30 percent or more unless it can be demonstrated by a registered engineer or registered engineering geologist that such development will not present a public safety hazard.

The revised MCZO would be consistent with the General Plan policies discussed above intended to prevent adverse effects of landslides. Specifically, in accordance with Policy 6.A.2, areas of known landslides would be designated for Open Space. The revised MCZO is consistent with Policy 6.A.2 and would not rezone Open Space areas. Additionally, the revised MCZO would be consistent with Policy 6.A.3, which prohibits development in areas with slopes of 30 percent or more unless it is demonstrated that this development would not be a public safety hazard. The revised MCZO would not involve changes that would permit development on slopes of 30 percent or more.

The revised MCZO would not facilitate new areas for development beyond what has been identified by the General Plan. The revised MCZO would not involve changes in zoning that would directly or indirectly cause potential substantial adverse effects, including the risk of loss, injury, or death involving landslides. Impacts would be less than significant.

LESS THAN SIGNIFICANT IMPACT

b. Would the project result in substantial soil erosion or the loss of topsoil?

The County requires submittal of grading and erosion control permits, and the completion of detailed soils reports and ensures that the project design follows the recommendation in the report

and plan. The General Plan EIR concluded there were several General Plan policies and goals that would address loss of topsoil and erosion:

- Policy 1.H.2:** The County shall require that new development incorporates sound soil conservation practices and minimizes land alterations. Land alterations should comply with the following guidelines:
- a. Limit cuts and fills;
 - b. Limit grading to the smallest practical area of land;
 - c. Limit land exposure to the shortest practical amount of time;
 - d. Replant graded areas to ensure establishment of plant cover before the next rainy season;
 - e. Create grading contours that blend with the natural contours on site or look like contours that would naturally occur; and
 - f. Prohibit overgrazing.

- Policy 1.H.3:** The County shall require that new development on hillsides employ design, construction, and maintenance techniques that:
- a. Preserve and enhance the hillsides;
 - b. Ensure that development near or on portions of hillsides do not cause or worsen natural hazards such as erosion, sedimentation, fire, or water quality concerns;
 - c. Include erosion and sediment control measures including temporary vegetation sufficient to stabilize disturbed areas;
 - d. Minimize risk to life and property from slope failure, landslides, and flooding; and
 - e. Maintain the character and visual quality of the hillside.

- Policy 5.H.2:** The County shall require that new development be designed and constructed to preserve the following types of areas and features as open space to the maximum extent feasible:
- a. High erosion hazard areas
 - b. Scenic and trail corridors;
 - c. Streams and streamside vegetation;
 - d. Wetlands;
 - e. Other significant stands of vegetation;
 - f. Wildlife corridors; and
 - g. Any areas of special ecological significance

The revised MCZO, by itself, does not propose or authorize any development. The revised MCZO would not facilitate new areas for development beyond what has been identified by the General Plan. The revised MCZO would not conflict with General Plan policies or the CBC. The revised MCZO would not involve changes in zoning that would result in substantial soil erosion or the loss of topsoil. Impacts would be less than significant.

LESS THAN SIGNIFICANT IMPACT

- c. *Would the project be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the project, and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction, or collapse?*
- d. *Would the project be located on expansive soil, as defined in Table 18-1-B of the Uniform Building Code (1994), creating substantial direct or indirect risks to life or property?*

As described in the General Plan EIR, the risk of subsidence in the County is considered to be very low due to the county's geologic conditions (County of Madera 1995c). However, there are General Plan policies that address the risk of geological or seismic hazards such as landslides, lateral spreading, subsidence, liquefaction, or collapse such as:

- Policy 1.H.2:** The County shall require that new development incorporates sound soil conservation practices and minimizes land alterations. Land alterations should comply with the following guidelines:
- a. Limit cuts and fills;
 - b. Limit grading to the smallest practical area of land;
 - c. Limit land exposure to the shortest practical amount of time;
 - d. Replant graded areas to ensure establishment of plant cover before the next rainy season;
 - e. Create grading contours that blend with the natural contours on site or look like contours that would naturally occur; and
 - f. Prohibit overgrazing.
- Policy 1.H.3:** The County shall require that new development on hillsides employ design, construction, and maintenance techniques that:
- a. Preserve and enhance the hillsides;
 - b. Ensure that development near or on portions of hillsides do not cause or worsen natural hazards such as erosion, sedimentation, fire, or water quality concerns;
 - c. Include erosion and sediment control measures including temporary vegetation sufficient to stabilize disturbed areas;
 - d. Minimize risk to life and property from slope failure, landslides, and flooding; and
 - e. Maintain the character and visual quality of the hillside.
- Policy 6.A.1:** The County shall require the preparation of a soils engineering and geologic-seismic analysis prior to permitting development in areas prone to geological or seismic hazards (i.e., groundshaking, landslides, liquefaction, critically expansive soils).
- Policy 6.A.2:** In landslide hazard areas, the County shall prohibit avoidable alteration of land in a manner that could increase the hazard, including concentration of water through drainage, irrigation, or septic systems; removal of vegetative cover; and steepening of slopes and undercutting the bases of slopes. Areas of known landslides should be designated for open space uses.

Policy 6.A.3: The County shall limit development in areas of steep or unstable slopes to minimize hazards from landslides. Development will be prohibited in areas with slopes of 30 percent or more unless it can be demonstrated by a registered engineer or registered engineering geologist that such development will not present a public safety hazard

Additionally, CBC Chapter 18 provides requirements for soil investigation and site preparation for receiving a foundation for new development. The revised MCZO does not conflict with these General Plan policies or the CBC. In addition, the revised MCZO includes CBC provisions for Specific Land Uses in Article 4. For example, Chapter 18.50.180.5.G of the revised MCZO requires all structures and facilities for Special Event Facility land uses to comply with the CBC.

The revised MCZO, by itself, does not propose or authorize any development. The revised MCZO would not conflict with General Plan policies or the CBC. The revised MCZO would not involve changes in zoning that would result in a project being located on a geologic unit or soil that is unstable, or that would become unstable as a result of the project, and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction, or collapse or result in a project be located on expansive soil that would create substantial direct or indirect risks to life or property. Impacts would be less than significant.

LESS THAN SIGNIFICANT IMPACT

e. Would the project have soils incapable of adequately supporting the use of septic tanks or alternative wastewater disposal systems where sewers are not available for the disposal of wastewater?

The revised MCZO, by itself, does not propose or authorize any development. The revised MCZO would not conflict with General Plan policies pertaining to septic tanks or the Local Agency Management Program for Onsite Wastewater Treatment Systems (OWTS). The OWTS program is designed to protect groundwater sources and surface water bodies from contamination through the proper design, placement, installation, maintenance, and assessment of individual OWTS. This plan develops minimum standards for the treatment and ultimate disposal of sewage through the use of OWTS in Madera County to protect water quality and public health. The revised MCZO would be consistent with this program and would not include incompatible zone changes. As discussed above, CBC Chapter 18 requires a soil investigation to ensure soils on site can support septic tanks or alternative wastewater disposal systems. The revised MCZO would not conflict with the CBC.

The revised MCZO, by itself, does not propose or authorize any development. The revised MCZO would not conflict with General Plan policies or the CBC. The revised MCZO would not involve changes in zoning that would result in a project located on soils incapable of adequately supporting the use of septic tanks or alternative wastewater disposal systems where sewers are not available for the disposal of wastewater. No impact would occur.

NO IMPACT

f. Would the project directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?

The General Plan contains policies that protect paleontological resources such as:

Policy 4.D.2: The County shall coordinate with the cities and advisory councils in the County to promote the preservation and maintenance of Madera County's paleontological, archaeological, and historical resources.

Policy 4.D.3: The County shall require that discretionary development projects identify and protect from damage, destruction, and abuse, important historical, archaeological, paleontological, and cultural sites and their contributing environment.

The revised MCZO would be consistent with these General Plan policies. It is possible that there are undiscovered paleontological resources within the Madera County; however, the revised MCZO does not propose or authorize any development and would not impact paleontological resources or unique geologic features. Therefore, impacts would be less than significant.

LESS THAN SIGNIFICANT IMPACT

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8 Greenhouse Gas Emissions

	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less than Significant Impact	No Impact
Would the project:				
a. Generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b. Conflict with an applicable plan, policy, or regulation adopted for the purpose of reducing the emissions of greenhouse gases?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Environmental Setting

Gases that absorb and re-emit infrared radiation in the atmosphere are called greenhouse gases (GHG). The gases that are widely seen as the principal contributors to human-induced climate change include carbon dioxide (CO₂), methane (CH₄), nitrous oxides (N₂O), fluorinated gases such as hydrofluorocarbons and perfluorocarbons, and sulfur hexafluoride. Water vapor is excluded from the list of GHGs because it is short-lived in the atmosphere and its atmospheric concentrations are largely determined by natural processes, such as oceanic evaporation. GHGs are emitted by both natural processes and human activities. Of these gases, CO₂ and CH₄ are emitted in the greatest quantities from human activities. Emissions of CO₂ are largely by-products of fossil fuel combustion, and CH₄ results from off-gassing associated with agricultural practices and landfills. Different types of GHGs have varying global warming potentials (GWP), which are the potential of a gas or aerosol to trap heat in the atmosphere over a specified timescale (generally 100 years). Because GHGs absorb different amounts of heat, a common reference gas (CO₂) is used to relate the amount of heat absorbed to the amount of the GHG emissions, referred to as carbon dioxide equivalent (CO₂e), and is the amount of a GHG emitted multiplied by its GWP. CO₂ has a 100-year GWP of one. By contrast, CH₄ has a GWP of 28, meaning its global warming effect is 28 times greater than that of CO₂ on a molecule per molecule basis (Intergovernmental Panel on Climate Change [IPCC] 2014a).²

The accumulation of GHGs in the atmosphere regulates Earth's temperature. Without the natural heat-trapping effect of GHGs, the Earth's surface would be about 33 degrees Celsius (°C) cooler. However, emissions from human activities, particularly the consumption of fossil fuels for electricity production and transportation, have elevated the concentration of GHGs in the atmosphere beyond the level of naturally occurring concentrations.

² The IPCC's (2014a) *Fifth Assessment Report* determined that methane has a GWP of 28. However, modeling of GHG emissions was completed using the California Emissions Estimator Model version 2016.3.2, which uses a GWP of 25 for methane, consistent with the IPCC's (2007) *Fourth Assessment Report*.

Regulatory Framework

In response to climate change, California implemented Assembly Bill (AB) 32, the “California Global Warming Solutions Act of 2006.” AB 32 required the reduction of statewide GHG emissions to 1990 emissions levels (essentially a 15 percent reduction below 2005 emission levels) by 2020 and the adoption of rules and regulations to achieve the maximum technologically feasible and cost-effective GHG emissions reductions. On September 8, 2016, the Governor signed Senate Bill 32 into law, extending AB 32 by requiring the State to further reduce GHG emissions to 40 percent below 1990 levels by 2030 (the other provisions of AB 32 remain unchanged). On December 14, 2017, the CARB adopted the 2017 Scoping Plan, which provides a framework for achieving the 2030 target. The 2017 Scoping Plan relies on the continuation and expansion of existing policies and regulations, such as the Cap-and-Trade Program and the Low Carbon Fuel Standard, and implementation of recently adopted policies and legislation, such as SB 1383 (aimed at reducing short-lived climate pollutants including methane, hydrofluorocarbon gases, and anthropogenic black carbon) and SB 100. The 2017 Scoping Plan also puts an increased emphasis on innovation, adoption of existing technology, and strategic investment to support its strategies. As with the 2013 Scoping Plan Update, the 2017 Scoping Plan does not provide project-level thresholds for land use development. Instead, it recommends local governments adopt policies and locally appropriate quantitative thresholds consistent with a statewide per capita goal of six metric tons (MT) of CO₂e by 2030 and two MT of CO₂e by 2050 (CARB 2017).

- a. *Would the project generate GHG emissions, either directly or indirectly, that may have a significant impact on the environment?*
- b. *Would the project conflict with an applicable plan, policy, or regulation adopted for the purpose of reducing the emissions of greenhouse gases?*

The revised MCZO is one of the principal tools for implementing the General Plan and will advance GHG reduction goals as mandated by the State through AB 32 and SB 375. The revised MCZO includes increased design standards, new design guidelines, and the imposition of general site regulations that would support the State GHG reduction goals. The Air Quality Element of the County’s General Plan includes the following goal and policies which would be implemented through the revised MCZO, including the following:

Goal G1: Reduce Madera County’s proportionate contribution of greenhouse gas emissions and the potential impact that may result on climate change from internal governmental operations and land use activities within its authority.

Policy G1.1.1: As recommended in ARB’s Climate Change Adopted Scoping Plan (December 2008), the County establishes an initial goal of reducing greenhouse gas emissions from its internal governmental operations and land use activities within its authority to be consistent with ARB’s adopted reduction targets for the year 2020. The County will also work with MCTC to ensure that it achieves its proportionate fair share reduction in greenhouse gas emissions as may be identified under the provisions of SB 375 (2008 Chapter 728) for any projects or activities requiring approval from MCTC.

Policy G1.1.2: Progress in meeting the goals specified in AQ Policy G1.1.1 will be monitored and reported to the Board of Supervisors in the Annual Progress Report required by Government Code Section 65400(a)(2). Should the Board determine that sufficient progress is not being made to achieve the identified goals, or that proposed measures are ineffective or insufficient in meeting the goals, additional measures will be adopted as necessary.

It should be noted that the County does not have a qualified Climate Action Plan (CAP) but has adopted measures within the Municipal Code to reduce the County's carbon footprint, such as Municipal Code Section 13.56.040(B) which requires extensive tree canopy in parking lots to reduce heat island effects and improve carbon sequestration. The State is also moving forward with climate change initiatives, such as requiring solar installations on new development which began in 2020, which will be applied to new developments. New strategies in the revised MCZO include items such as alternative parking area designs which achieve green building objectives like those under the LEED Green Building Rating System, and parking reductions based on shared parking facilities.

The revised MCZO would be consistent with the programs and policies outlined within the General Plan, and would not authorize new areas for development beyond what has been identified by the General Plan. As noted above, the General Plan facilitates GHG reductions through policies and plan review. The revised MCZO would be consistent with the County General Plan and impacts would be less than significant.

LESS THAN SIGNIFICANT IMPACT

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9 Hazards and Hazardous Materials

	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less than Significant Impact	No Impact
Would the project:				
a. Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b. Create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c. Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within 0.25 mile of an existing or proposed school?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d. Be located on a site that is included on a list of hazardous material sites compiled pursuant to Government Code Section 65962.5 and, as a result, would it create a significant hazard to the public or the environment?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
e. For a v located in an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project result in a safety hazard or excessive noise for people residing or working in the project area?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
f. Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
g. Expose people or structures, either directly or indirectly, to a significant risk of loss, injury, or death involving wildland fires?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

- a. *Would the project create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials?*
- b. *Would the project create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment?*

The Health and Safety Element includes policies and programs for development near known hazardous material users, or construction in areas with existing hazardous materials, that could expose individuals to health risks (County of Madera 1995b). These policies include:

Policy 6.G.1: The County shall ensure that the use and disposal of hazardous materials in the county complies with local, state, and federal safety standards

Policy 6.G.2: The County shall encourage source reduction, recycling, and on-site treatment of hazardous wastes to reduce hazardous waste generation and disposal.

Policy 6.G.3: The County shall discourage the development of residences or schools near known hazardous waste disposal or handling facilities.

In addition to existing plans, policies, and programs summarized above, the revised MCZO includes several proposed modifications to further reduce potential impacts, consistent with the LUE. Article 4 of the revised MCZO includes clarifications regarding hazards and hazardous materials, which would provide further protections for the public. This includes updates to performance standards for hazardous materials. The revised MCZO requires that hazardous materials only be allowed in zones which allow restricted storage facilities and is prohibited in personal storage facilities. The revised MCZO would not facilitate development which would create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment. The revised MCZO would not conflict with existing General Plan policies nor State and federal regulations applicable to public safety and exposure to hazards and hazardous materials. Impacts would be less than significant.

LESS THAN SIGNIFICANT IMPACT

- c. *Would the project emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within 0.25 mile of an existing or proposed school?*

The Health and Safety Element of the General Plan includes the following policy related to hazards in the vicinity of a school site (County of Madera 1995b):

Policy 6.G.3: The County shall discourage the development of residences or schools near known hazardous waste disposal or handling facilities.

The General Plan EIR determined that implementation of the General Plan, along with the County Hazardous Waste Management Plan, would increase the County's commitment to monitoring and control of hazardous materials and would reduce impacts to a less than significant level (County of Madera 1995a).

The revised MCZO, by itself, does not propose or authorize any development. The proposed changes do not conflict with existing General Plan policies nor state and federal regulations applicable to public safety and exposure to hazards and hazardous materials. The revised MCZO would be consistent with applicable General Plan policies and state and federal regulations address hazardous and hazardous materials. The revised MCZO would not facilitate development that would emit

hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within 0.25 mile of an existing or proposed school. Impacts would be less than significant.

LESS THAN SIGNIFICANT IMPACT

- d. *Would the project be located on a site that is included on a list of hazardous material sites compiled pursuant to Government Code Section 65962.5 and, as a result, would it create a significant hazard to the public or the environment?*

The revised MCZO would be consistent with the programs and policies outlined within the General Plan and would not authorize new areas for development beyond what has been identified by the General Plan. The revised MCZO, by itself, does not propose or authorize any development. The revised MCZO does not involve changes to the MCZO that would permit projects and land uses to be located on hazardous material sites. Therefore, no impact would occur.

LESS THAN SIGNIFICANT IMPACT

- e. *For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project result in a safety hazard or excessive noise for people residing or working in the project area?*

The General Plan EIR determined that the General Plan is consistent with the Madera County Airport Land Use Compatibility Plan, and the Sierra National Forest Land and Resource Management Plan, and the San Joaquin River Parkway Plan. Noise impacts related to airports or aircraft on noise-sensitive land uses were determined to be a less than significant (Madera County 1995a).

The revised MCZO, by itself, does not propose or authorize any development. The revised MCZO would not involve changes in zoning that would convert result in a safety hazard or excessive noise for people residing or working in the project area. No impact would occur.

NO IMPACT

- f. *Would the project impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan?*

The revised MCZO would be consistent with and required to comply with the County of Madera Emergency Operations Plan (EOP) which outlines how the County will respond to an emergency such as wildfire or flooding. The revised MCZO includes new emergency access requirements. Section 18.50.180.G.2 requires that any special event facility be connected to a public road and to comply with State Fire Safe Regulations, including maximum allowed dead-end road length, turnarounds, and turnouts.

The revised MCZO would be consistent with General Plan programs and policies related to emergency response and evacuation and would not authorize new areas for development beyond what has been identified by the General Plan, nor facilitate development that would impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan. The revised MCZO, by itself, does not propose or authorize any development. Therefore, the revised MCZO would not impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan. No impact would occur.

NO IMPACT

- g. Would the project expose people or structures, either directly or indirectly, to a significant risk of loss, injury, or death involving wildland fires?*

The Health and Safety Element of the General Plan includes the following policies related to hazards associated with wildland fires, including but not limited to the following (County of Madera 1995b):

Policy 6.C.1: The County shall ensure that development in high-fire-hazard areas is designed and constructed in a manner that minimizes the risk from fire hazards and meets all applicable state and county fire standards. In areas with high or extreme wildfire hazards, the County shall limit parcel sizes to 22 acres or larger or encourage clustered or planned residential development with on-site fire suppression measures.

Policy 6.C.2: The County shall require that discretionary permits for new development in fire hazard areas be conditioned to include requirements for fire-resistant vegetation, cleared fire breaks, or a long-term comprehensive fuel management program. Fire hazard reduction measures shall be incorporated into the design of development projects in fire hazard areas.

The revised MCZO, by itself, does not propose or authorize any development. The proposed changes to the MCZO do not conflict with existing General Plan policies nor state and federal regulations applicable to fire risk. The revised MCZO would not conflict with General Plan policies, and applicable regulations, standards and design standards of the General Plan, Municipal Code, Universal Fire Code, and CBC regulations that address fire safety. The revised MCZO would not expose people or structures, either directly or indirectly, to a significant risk of loss, injury, or death involving wildland fires. Impacts would be less than significant.

LESS THAN SIGNIFICANT IMPACT

10 Hydrology and Water Quality

	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less than Significant Impact	No Impact
Would the project:				
a. Violate any water quality standards or waste discharge requirements or otherwise substantially degrade surface or ground water quality?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b. Substantially decrease groundwater supplies or interfere substantially with groundwater recharge such that the project may impede sustainable groundwater management of the basin?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c. Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river or through the addition of impervious surfaces, in a manner which would:				
(i) Result in substantial erosion or siltation on- or off-site;	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
(ii) Substantially increase the rate or amount of surface runoff in a manner which would result in flooding on- or off-site;	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
(iii) Create or contribute runoff water which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff; or	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
(iv) Impede or redirect flood flows?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d. In flood hazard, tsunami, or seiche zones, risk release of pollutants due to project inundation?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
e. Conflict with or obstruct implementation of a water quality control plan or sustainable groundwater management plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

- a. *Would the project violate any water quality standards or waste discharge requirements or otherwise substantially degrade surface or ground water quality?*

The General Plan includes policies and programs for point and non-point sources of contamination that has the potential to affect water quality, including:

Policy 5.C.1: The County shall protect preserve areas with groundwater recharge capabilities and minimize placement of potential sources of pollution in such areas.

Policy 5.C.3: The County shall require new development of facilities near rivers, creeks, reservoirs, or substantial groundwater recharge areas to mitigate any potential impacts of release of pollutants in flood waters, flowing river, stream, creek, or reservoir waters.

Policy 5.C.8: The County shall protect groundwater resources from contamination and further overdraft by encouraging water conservation efforts and supporting the use of surface water for urban and agricultural uses wherever feasible.

The revised MCZO would be consistent with the policies outlined in the General Plan. The revised MCZO would not facilitate new areas for development beyond what has been identified by the General Plan. The revised MCZO, by itself, does not propose or authorize any development. The revised MCZO does not involve changes to the MCZO that would violate any water quality standards or waste discharge requirements or otherwise substantially degrade surface or ground water quality. Impacts would be less than significant.

LESS THAN SIGNIFICANT IMPACT

- b. *Would the project substantially decrease groundwater supplies or interfere substantially with groundwater recharge such that the project may impede sustainable groundwater management of the basin?*

The General Plan includes policies to address impacts related to groundwater percolation and recharge and the altering of existing drainage patterns, including the following:

Policy 5.C.1: The County shall protect preserve areas with groundwater recharge capabilities and minimize placement of potential sources of pollution in such areas.

Policy 5.C.7: The County shall protect groundwater resources from contamination and further overdraft by encouraging water conservation efforts and supporting the use of surface water for urban and agricultural uses wherever feasible.

Future development in Madera County would be required to comply with the Madera County Groundwater Sustainability Plan (GSP) which controls the sustainable management of the area's groundwater and sets sustainability goals for the management of the Madera Subbasin.

The revised MCZO, by itself, does not propose or authorize any development. Future development proposed in Madera County would be required to conform to all applicable regulations that address drainage, storm water runoff, and groundwater management including the aforementioned general plan policies and the Madera County Groundwater Sustainability Plan. The revised MCZO would be consistent with these policies and plans. Therefore, impacts would be less than significant.

LESS THAN SIGNIFICANT IMPACT

- c.(i) *Would the project substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river or through the addition of impervious surfaces, in a manner which would result in substantial erosion or siltation on- or off-site?*
- c.(ii) *Would the project substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river or through the addition of impervious surfaces, in a manner which would substantially increase the rate or amount of surface runoff in a manner which would result in flooding on- or off-site?*
- c.(iii) *Would the project substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river or through the addition of impervious surfaces, in a manner that would create or contribute runoff water which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff?*
- c.(iv) *Would the project substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river or through the addition of impervious surfaces, in a manner which would impede or redirect flood flows?*

The County of Madera General Plan includes the following policies related to hydrology and water quality:

- Policy 3.E.1:** The County shall provide for expansion and development of storm drainage systems to meet the needs of existing and planned development.
- Policy 3.E.2:** The County shall require new development to pay its fair share of the costs of Madera County storm drainage and flood control improvements.
- Policy 3.E.3:** The County shall encourage project designs that minimize drainage concentrations and impervious coverage and maintain, to the extent feasible, natural site drainage conditions.
- Policy 3.E.4:** The County shall preserve creeks and rivers, as feasible, to maintain existing floodplain capacity. The County shall continue to require a drainage permit for any project that would potentially alter a watercourse.
- Policy 3.E.5:** Future drainage system discharges shall comply with applicable State and Federal pollutant discharge requirements.
- Policy 3.E.6:** The County shall encourage the use of natural stormwater drainage systems to preserve and enhance natural features.
- Policy 5.C.3:** The County shall require new development of facilities near rivers, creeks, reservoirs, or substantial groundwater recharge areas to mitigate any potential impacts of release of pollutants in flood waters, flowing river, stream, creek, or reservoir waters.

The revised MCZO, by itself, does not propose or authorize any development. Future development proposed in Madera County would be required to conform to all applicable regulations that address drainage, storm water runoff, erosion, flooding, and pollution including the County Standard Plans and Specifications such as:

- Engineering Standard E5A: Site Drainage

- Engineering Standard E5B and E5C Alternate Lot Drainage
- Engineering Standard E6: Drain Well Detail

These standards would ensure that future development in the County does not alter existing drainage patterns such that erosion, flooding, or additional pollution would occur. The revised MCZO would be consistent with the programs and policies outlined within the General Plan and the CBC. The revised MCZO would not authorize new areas for development beyond what has been identified by the General Plan. The revised MCZO would not involve changes in zoning that would substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river or through the addition of impervious surfaces, in a manner which would result in substantial erosion or siltation on- or off-site, in flooding on- or off-site, existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff, impede or redirect flood flows. Impacts would be less than significant.

LESS THAN SIGNIFICANT IMPACT

- d. *In flood hazard, tsunami, or seiche zones, would the project risk release of pollutants due to project inundation?*

The LUE includes several policies related to flooding and flood management, including:

- Policy 3.E.2:** The County shall require that new development provide protection from the 100-year flood at a minimum.
- Policy 3.E.3:** The County shall continue to implement floodplain zoning and undertake other actions required to comply with state floodplain requirements and maintain County eligibility under the Federal Flood Insurance Program.
- Policy 6.B.4:** The County shall require that all development within areas subject to 100-year floods be designed and constructed in a manner so as not to divert floodwater onto adjacent property or to increase flood hazards to other areas.

As described in the Background Report for the General Plan, seiches, a seismically induced wave in a reservoir, lake, or harbor, are not considered to be a safety concern in Madera County, based on historic experience (County of Madera 1995a) Madera County is not located within a tsunami zone, so the risk of tsunamis are not a threat and would not risk release of pollutants due to project inundation (DOC 2022).

The revised MCZO, by itself, does not propose or authorize any development and is not in conflict with implementation of the GSP or General Plan policies related to flooding and flood management. Future development proposed in Madera County would be required to conform to General Plan policies and the Madera County Code of Ordinances. Impacts would be less than significant.

LESS THAN SIGNIFICANT IMPACT

- e. *Would the project conflict with or obstruct implementation of a water quality control plan or sustainable groundwater management plan?*

The County of Madera overlies the Madera Groundwater Subbasin. The Madera Subbasin is managed by the Madera Subbasin Groundwater Sustainability Plan (GSP). This plan sets sustainability and groundwater quality goals for the subbasin and includes projects and plans which implement these goals to preserve groundwater quality. The revised MCZO would be consistent

with the GSP. Additionally, the Madera County General Plan includes the following policies related to groundwater quality:

- Policy 3.D.3:** The County shall permit on-site sewage treatment and disposal on parcels where all current regulations can be met; where parcels have the area, soils, and other characteristics that permit such disposal facilities without threatening surface or groundwater quality or posing any other health hazards; and where community sewer service is not available and cannot be provided.
- Policy 3.F.3:** The County shall ensure that solid waste disposal facilities do not violate state standards for contamination of surface or groundwater.
- Policy 5.C.1:** The County shall protect preserve areas with groundwater recharge capabilities and minimize placement of potential sources of pollution in such areas.
- Policy 5.C.3:** The County shall require new development of facilities near rivers, creeks, reservoirs, or substantial groundwater recharge areas to mitigate any potential impacts of release of pollutants in flood waters, flowing river, stream, creek, or reservoir waters.
- Policy 5.C.8:** The County shall protect groundwater resources from contamination and further overdraft by encouraging water conservation efforts and supporting the use of surface water for urban and agricultural uses wherever feasible.

The revised MCZO, by itself, does not propose or authorize any development and is not in conflict with implementation of the GSP or General Plan policies related to groundwater quality. Future development proposed in Madera County would be required to conform to the Madera County Sustainable Groundwater Management Plan and the aforementioned general plan policies. Impacts would be less than significant.

LESS THAN SIGNIFICANT IMPACT

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11 Land Use and Planning

	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less than Significant Impact	No Impact
Would the project:				
a. Physically divide an established community?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b. Cause a significant environmental impact due to a conflict with any land use plan, policy, or regulation adopted for the purpose of avoiding or mitigating an environmental effect?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

a. Would the project physically divide an established community?

The revised MCZO would not involve rezoning or facilitate new development that would divide an established community. The revised MCZO, by itself, does not propose or authorize any development. The revised MCZO does not include any actions that would result in the division of an established community or neighborhood in the County, but rather provides the regulations and standards that guide how future development would be designed. Therefore, no impact would occur.

NO IMPACT

b. Would the project cause a significant environmental impact due to a conflict with any land use plan, policy, or regulation adopted for the purpose of avoiding or mitigating an environmental effect?

The revised MCZO is limited to an update to the County’s zoning regulations, pursuant to the County’s General Plan. All updates to the revised MCZO would be consistent with the General Plan. The revised MCZO, by itself, does not propose or authorize any development. The revised MCZO does not include any actions that would result in an incompatibility with an adopted plan but would rather further implement the goals and policies outlined in the General Plan. Therefore, no impact would occur.

NO IMPACT

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12 Mineral Resources

	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less than Significant Impact	No Impact
Would the project:				
a. Result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the state?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b. Result in the loss of availability of a locally important mineral resource recovery site delineated on a local general plan, specific plan, or other land use plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

- a. *Would the project result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the state?*
- b. *Would the project result in the loss of availability of a locally important mineral resource recovery site delineated on a local general plan, specific plan, or other land use plan?*

The Agricultural and Natural Resources Element includes policies for mineral resources. These policies include:

- Policy 5.1.2:** The County shall discourage the development of incompatible land uses in areas that have been identified as having potentially significant mineral resources, except where the California Department of Mines and Geology agrees that economic or environmental considerations make mineral extraction infeasible.
- Policy 5.1.3:** The County shall discourage the development of any uses that would be incompatible with adjacent mining operations or would restrict future extraction of significant mineral resources.

The revised MCZO would not involve changes to mineral resource recovery sites or alter or displace any mineral resource activities. The revised MCZO would make revisions, additions, corrections, and clarifications to various sections of the Zoning Regulations to ensure consistency and successful implementation of the Agricultural and Natural Resources Element. The revised MCZO would not allow new development in areas where such development is prohibited under the General Plan. Therefore, the revised MCZO would have no impact on mineral resources.

NO IMPACT

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13 Noise

	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less than Significant Impact	No Impact
Would the project result in:				
a. Generation of a substantial temporary or permanent increase in ambient noise levels in the vicinity of the project in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b. Generation of excessive groundborne vibration or groundborne noise levels?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c. For a project located within the vicinity of a private airstrip or an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project expose people residing or working in the project area to excessive noise levels?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

- a. *Would the project result in generation of a substantial temporary or permanent increase in ambient noise levels in the vicinity of the project in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies?*

The revised MCZO would not conflict with General Plan LUE policies pertaining to noise nor would it conflict with the Madera County noise ordinance. The revised MCZO includes several proposed modifications to further reduce potential impacts resulting from noise levels, consistent with the LUE. Article 4 of the revised MCZO includes clarifications regarding noise levels, which would provide further protections for the public and would implement the goals and policies of the LUE. The revised MCZO includes updates to performance standards for noise levels which include revisions to operational noise levels to home occupation, requiring special equipment or additional regulations for the control of vibrations in Concrete Manufacturing and Transit Mix (heavy industrial), and requiring a Traffic Management Plan for Special Event Facilities which includes an acoustical analysis that identifies the sources and types of noise expected to be generated, projected community noise equivalent level at all parcel lines and the nearest sensitive receptors, and proposed noise attenuation strategies, including limitations on hours and days of operations. In addition, Chapter 18.40.060 of the revised MCZO states that no use or activity shall create noise levels that exceed the standards established in the General Plan and requires that an acoustic analysis shall be required for any proposed use which could create or be subject to a noise exposure that exceeds the standards established in the General Plan.

The revised MCZO would not conflict with General Plan LUE policies pertaining to noise nor would it conflict with the Madera County noise ordinance. The revised MCZO, by itself, does not propose or authorize any development and would generate a substantial temporary or permanent increase in ambient noise levels in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies. Impacts would be less than significant.

LESS THAN SIGNIFICANT IMPACT

- b. *Would the project result in generation of excessive groundborne vibration or groundborne noise levels?*

The LUE includes the following policies related to vibration:

Policy 7.A.9: Vibration perception threshold: The minimum ground or structure-borne vibrational motion necessary to cause a normal person to be aware of the vibration by such direction means as, but not limited to, sensation by touch or visual observation of moving objects. The perception threshold shall be presumed to be a motion velocity of one-tenth (0.1) inches per second over the range of one to one hundred Hz. (Resolution No. 2010-043)

Policy 7.A.10: Operation or permitting the operation of any device that creates a vibration which is above the vibration perception threshold of an individual at the location where the sensitivity exists such as the property line of a residential development or from the location of residence constructed on agricultural property. (Resolution No. 2010-043)

The revised MCZO includes several proposed modifications to reduce potential impacts resulting from groundborne vibration or groundborne noise levels, consistent with the LUE. Article 4 of the revised MCZO includes updated regulations for concrete manufacturing and transit mix (heavy industrial) land uses. As outlined in the revised MCZO, the Madera County Planning Director may require special equipment or additional regulations for the control of dust, noise, and vibrations which would provide further protections for the public against excessive groundborne vibration or groundborne noise levels.

The revised MCZO, by itself, does not propose or authorize any development. The revised MCZO would not conflict with existing policies and standards related to groundborne noise or vibration. Therefore, potential impacts related to vibration would be less than significant.

LESS THAN SIGNIFICANT IMPACT

- c. *For a project located within the vicinity of a private airstrip or an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project expose people residing or working in the project area to excessive noise levels?*

The General Plan and Municipal Code protect sensitive receptors from noise impacts through policies and plan review. For example, General Plan Policy 6.7 requires the County to review all development projects within the overflight zones of County airports for consistency with applicable airport comprehensive land use plans (CLUPs). The revised MCZO would not allow new development in areas where such development is prohibited under the LUE.

The revised MCZO would not involve changes to mineral resource recovery sites or alter or displace any mineral resource activities. The revised MCZO would make revisions, additions, corrections, and

clarifications to various sections of the MCZP to ensure consistency and successful implementation of the Agricultural and General Plan. The revised MCZO would not allow new development in areas where such development is prohibited under the General Plan. Therefore, the revised MCZO would have not expose people residing or working in the project area to excessive noise levels. Impacts would be less than significant.

LESS THAN SIGNIFICANT IMPACT

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14 Population and Housing

	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less than Significant Impact	No Impact
Would the project:				
a. Induce substantial unplanned population growth in an area, either directly (e.g., by proposing new homes and businesses) or indirectly (e.g., through extension of roads or other infrastructure)?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b. Displace substantial numbers of existing people or housing, necessitating the construction of replacement housing elsewhere?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

- a. *Would the project induce substantial unplanned population growth in an area, either directly (for example, by proposing new homes and businesses) or indirectly (for example, through extension of roads or other infrastructure)?*
- b. *Would the project displace substantial numbers of existing people or housing, necessitating the construction of replacement housing elsewhere?*

The revised MCZO would not result in direct or indirect population growth beyond anticipated growth in the region and as identified in the General Plan. Therefore, the revised MCZO is consistent with projected and planned growth. The revised MCZO would not facilitate new development that would displace existing people or housing. No impacts to population and housing would occur.

NO IMPACT

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15 Public Services

	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less than Significant Impact	No Impact
a. Would the project result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, or the need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for any of the public services:				
1 Fire protection?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
2 Police protection?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
3 Schools?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
4 Parks?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
5 Other public facilities?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

a.1. *Would the project result in substantial adverse physical impacts associated with the provision of new or physically altered fire protection facilities, or the need for new or physically altered fire protection facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives?*

a.2. *Would the project result in substantial adverse physical impacts associated with the provision of new or physically altered police protection facilities, or the need for new or physically altered police protection facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives?*

a.3. *Would the project result in substantial adverse physical impacts associated with the provision of new or physically altered schools, or the need for new or physically altered schools, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios or other performance objectives?*

a.4. *Would the project result in substantial adverse physical impacts associated with the provision of new or physically altered parks, or the need for new or physically altered parks, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios or other performance objectives?*

a.5. *Would the project result in substantial adverse physical impacts associated with the provision of other new or physically altered public facilities, or the need for other new or physically altered public facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives?*

The Public Facilities and Services Element and Recreational and Cultural Resources Element contains policies related to maintain acceptable service ratios or performance objectives for fire protection facilities, police protection facilities, schools, parks, or other public facilities:

- Policy 3.G.1:** The County shall ensure the provision of effective law enforcement, fire, and emergency medical services to unincorporated areas.
- Policy 3.G.2:** The County shall reserve adequate sites for sheriff, fire, and emergency medical facilities in unincorporated locations in Madera County.
- Policy 3.G.5:** The County shall limit development to very low densities in areas where emergency response times will average more than 20 minutes.
- Policy 3.H.3:** The County shall require that new fire stations be located to achieve a service level capability consistent with existing and planned land uses.
- Policy 3.H.4:** The County shall require new development to develop or fund fire protection facilities that, at a minimum, maintain the above service level standards.
- Policy 3.I.4:** The County shall include schools among those public facilities and services that are considered an essential part of the infrastructure and shall work with local school districts to see that facilities and services are provided to meet educational needs.
- Policy 3.I.7:** Specific plan and area plans shall identify school facilities required to serve the development encompassed by the plans and shall provide a mechanism to ensure that the school facilities will be available concurrent with the need for the facilities.
- Policy 4.A.2:** The County shall promote the continued and expanded use of national forest, national park, and wilderness areas to meet the recreational needs of Madera County residents.
- Policy 4.A.4:** The County shall strive to achieve and maintain a standard of three acres of improved parkland per 1,000 population.

As described in Section 14, *Population and Housing*, the revised MCZO would not directly or indirectly increase the population in the County. As such, the revised MCZO would not generate additional demand for public services. Therefore, the revised MCZO would not result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, or the need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for any of the public services, fire protection, police protection, schools, parks, or other public facilities. No impact would occur.

NO IMPACT

16 Recreation

	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less than Significant Impact	No Impact
a. Would the project increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b. Does the project include recreational facilities or require the construction or expansion of recreational facilities which might have an adverse physical effect on the environment?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

- a. *Would the project increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated?*
- b. *Does the project include recreational facilities or require the construction or expansion of recreational facilities which might have an adverse physical effect on the environment?*

The revised MCZO, by itself, does not propose or authorize any development, including recreational facilities. As described in Section 14, *Population and Housing*, the revised MCZO would not directly or indirectly increase the population in the County. Therefore, the revised MCZO would not result in an increase in population that would increase the use of existing neighborhood and regional parks or other recreational facilities.

The revised MCZO includes new recreational vehicle campground development and operational standards within Article 4. The update outlines minimum park parcel size for recreational vehicle camping, density, and other operational requirements such as parking, signage, and sewer systems. These updates would not generate new development of recreational vehicle campgrounds; rather they would clarify design requirements for such proposed uses. In addition, as the revised MCZO would not facilitate development, it would not result in an impact to recreational facilities or require the construction or expansion of new recreational facilities. Therefore, the revised MCZO would not result in substantial adverse impacts on parks. Impacts would be less than significant.

LESS THAN SIGNIFICANT IMPACT

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17 Transportation

	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less than Significant Impact	No Impact
Would the project:				
a. Conflict with a program, plan, ordinance or policy addressing the circulation system, including transit, roadway, bicycle and pedestrian facilities?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b. Conflict or be inconsistent with CEQA Guidelines section 15064.3, subdivision (b)?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c. Substantially increase hazards due to a geometric design feature (e.g., sharp curves or dangerous intersections) or incompatible use (e.g., farm equipment)?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d. Result in inadequate emergency access?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

- a. *Would the project conflict with a program, plan, ordinance, or policy addressing the circulation system, including transit, roadway, bicycle, and pedestrian facilities?*
- b. *Would the project conflict or be inconsistent with CEQA Guidelines section 15064.3, subdivision (b)?*

The Transportation and Circulation Element contains the following policies and that pertain to new development and traffic circulation within the County:

Policy 2.A.20: The County shall require proposed new development projects to analyze their contribution to increased traffic and to implement improvements necessary to address the increase and provide for alternative transportation modes.

Policy 2.A.21: The County shall require all new developments to provide their fair share of roadway facilities for alternative transportation modes to serve the development and to reduce automobile demand.

The revised MCZO includes several proposed modifications to minimize impacts with the circulation system and vehicle miles traveled (VMT), consistent with the Transportation and Circulation Element and the Madera County Transportation Commission Regional Transportation Plan (RTP) Sustainable Communities Strategy (SCS).

Proposed revisions to Article 4 of the MCZO includes updated operational standards for land use traffic levels and application procedures for several land uses which require an evaluation of traffic. For example, the revised MCZO requires agritourism land uses to have access from a road(s) which have adequate capacity for existing traffic and the traffic generated by the proposed agritourism use, as determined by the Planning Director or Public Works Director. Moreover, proposed

operational standards for home occupation require that home occupation shall not generate pedestrian or vehicle traffic exceeding the normal amount in the zone. The revised MCZO includes a new section in Article 4 regarding refuse disposal facilities. The intent of this section is to ensure compatibility with surrounding uses and ensure public health and safety. To ensure compatibility, applications for refuse disposal facilities will be approved, conditionally approved, or denied based upon, among other things, consideration of the potential effects of the proposed facility on a variety of factors including, roadways, traffic, and existing and potential future land uses in the vicinity. The revised MCZO also includes similar standards for Special Event Facility applications which are required to include a Traffic Management Plan and the location and description of the width and surfacing of roadway(s) that access the site up to the nearest major collector or arterial.

The modified Residential, Townhouse Zone (RT) under the revised MCZO is intended to be applied on subdivided blocks with alleys that are within or close to highly urbanized areas, transit areas. The RT Zone, as outlined in Article 4, shall include sidewalks as part of an overall pedestrian network and would promote the Transportation and Circulation Element policies and the Madera County RTP SCS.

The revised MCZO would not conflict with a program, plan, ordinance, or policy addressing the circulation system. The revised MCZO itself would not facilitate development beyond that identified in the General Plan, and therefore would not generate vehicle trips that could result in impacts. Further, the revised MCZO includes several proposed modifications to minimize impacts with the circulation system and VMT. Therefore, the revised MCZO would not conflict with a program, plan, ordinance or policy addressing the circulation system, including transit, roadway, bicycle and pedestrian facilities or CEQA Guidelines section 15064.3, subdivision (b). No impact would occur.

NO IMPACT

- c. *Would the project substantially increase hazards due to a geometric design feature (e.g., sharp curves or dangerous intersections) or incompatible use (e.g., farm equipment)?*

The Transportation and Circulation Element contains policies that pertain to the design of streets:

Policy 2.B.1: The County shall require new streets within unincorporated communities to be designed and constructed to serve all users. This includes:

- a. creating multi-modal street connections in order to establish a comprehensive, integrated, and connected transportation network for all modes of travel;
- b. minimizing curb cuts along non-local streets to improve safety and capacity;
- c. planting street trees adjacent to curbs and between the street and sidewalk to provide a buffer between pedestrians and vehicular traffic, where appropriate;
- d. constructing sidewalks and bike lanes on both sides of streets, where feasible;
- e. including parking options to provide a buffer between pedestrians and vehicular traffic, where appropriate;
- f. coordinating with local jurisdictions and the Madera County Transportation Commission to ensure multimodal connections are established and maintained between jurisdictions; and

- g. incorporating traffic-calming devices such as roundabouts, bulb-outs at intersections, and traffic tables into the transportation system where appropriate to improve safety and encourage travel by active transportation modes.

Policy 2.B.4: The County shall require new streets within unincorporated communities to be designed and constructed to serve all users. This includes:

- a. creating multi-modal street connections in order to establish a comprehensive, integrated, and connected transportation network for all modes of travel;
- b. minimizing curb cuts along non-local streets to improve safety and capacity;
- c. planting street trees adjacent to curbs and between the street and sidewalk to provide a buffer between pedestrians and vehicular traffic, where appropriate;
- d. constructing sidewalks and bike lanes on both sides of streets, where feasible;
- e. including parking options to provide a buffer between pedestrians and vehicular traffic, where appropriate;
- f. coordinating with local jurisdictions and the Madera County Transportation Commission to ensure multimodal connections are established and maintained between jurisdictions; and
- g. incorporating traffic-calming devices such as roundabouts, bulb-outs at intersections, and traffic tables into the transportation system where appropriate to improve safety and encourage travel by active transportation modes.

The revised MCZO includes several proposed modifications to minimize potential hazards due to a geometric design feature or incompatible uses. The revised MCZO would include revisions to Article 4 regarding Concrete Manufacturing and Transit Mix (heavy industrial) land uses operational standards. Heavy industrial land uses would be required to provide additional roadway and highway width sufficient to provide for the safe traffic control at the entrance to the site used to provide for safe entrance and exit. The revised MCZO would therefore reduce impacts associated with geometric design features or incompatible uses associated with heavy industrial roadway entrances.

The revised MCZO would be consistent with the programs and policies outlined within the General Plan as described above and would not facilitate new areas for development beyond what has been identified by the General Plan or lead to development of roadways with geometric design features or incompatible uses. Impacts would be less than significant.

LESS THAN SIGNIFICANT IMPACT

- d. Would the project result in inadequate emergency access?*

The Health and Safety Element contains the following policies related to emergency access within the County:

Policy 6.B.19: The County shall require that areas protected from flooding by levees be designed to provide multiple escape routes for residents and access for emergency services in the event of a levee or dam failure.

Policy 6.C.5: The County shall require development to have adequate access for fire and emergency vehicles and equipment. All major subdivisions shall have two points of ingress and egress.

Policy 6.C.8: The County shall work with local fire protection agencies, the California Department of Forestry and Fire Protection, and the U.S. Forest Service to promote the maintenance of existing fuel breaks and emergency access routes for effective fire suppression.

Goal 6.E: To ensure the maintenance of an emergency action plan to effectively prepare for, respond to, recover from, and mitigate the effects of natural or technological disasters.

The revised MCZO includes several proposed modifications to reduce potential impacts to emergency access, consistent with the Health and Safety Element. Proposed revisions to Article 4 of the MCZO include clarifications to outdoor dining operations and special event facilities. Specifically, outdoor dining and seating areas shall not obstruct vehicular or pedestrian traffic flow. Proposals for Special Event Facilities must include a Traffic Management Plan which describes ingress and egress locations and provisions for the unimpeded movement of emergency vehicles. Therefore, the revised MCZO would help ensure adequate emergency access within the County.

The revised MCZO, by itself, does not propose or authorize any development beyond areas what has been identified by the General Plan. Therefore, the revised MCZO would not result in inadequate emergency access. Impacts would be less than significant.

LESS THAN SIGNIFICANT IMPACT

18 Tribal Cultural Resources

	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less than Significant Impact	No Impact
<p>Would the project cause a substantial adverse change in the significance of a tribal cultural resource, defined in a Public Resources Code Section 21074 as either a site, feature, place, or cultural landscape that is geographically defined in terms of the size and scope of the landscape, sacred place, or object with cultural value to a California Native American tribe, and that is:</p>				
<p>a. Listed or eligible for listing in the California Register of Historical Resources, or in a local register of historical resources as defined in Public Resources Code Section 5020.1(k)?</p>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<p>b. A resource determined by the lead agency, in its discretion and supported by substantial evidence, to be significant pursuant to criteria set forth in subdivision (c) of Public Resources Code Section 5024.1? In applying the criteria set forth in subdivision (c) of Public Resources Code Section 5024.1, the lead agency shall consider the significance of the resource to a California Native American tribe.</p>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

On July 1, 2015, Assembly Bill 52 (AB 52) was enacted, expanding CEQA by defining a new resource category, “tribal cultural resources.” AB 52 states, “a project with an effect that may cause a substantial adverse change in the significance of a tribal cultural resource is a project that may have a significant effect on the environment” (PRC Section 21084.2). It further states the lead agency shall establish measures to avoid impacts altering the significant characteristics of a tribal cultural resource, when feasible (PRC Section 21084.3).

PRC Sections 21074 (a)(1)(A-B) define tribal cultural resources as “sites, features, places, cultural landscapes, sacred places, and objects with cultural value to a California Native American tribe” and are:

1. Listed or eligible for listing in the CRHR or in a local register of historical resources as defined in PRC Section 5020.1(k); or
2. A resource determined by the lead agency, in its discretion and supported by substantial evidence, to be significant pursuant to criteria set forth in PRC Section 5024.1(c). In applying

these criteria, the lead agency shall consider the significance of the resource to a California Native American tribe.

AB 52 also establishes a formal consultation process for California tribes regarding those resources. The consultation process must be completed before a CEQA document can be certified or adopted. Under AB 52, lead agencies are required to “begin consultation with a California Native American tribe that is traditionally and culturally affiliated with the geographic area of the proposed project.” Native American tribes to be included in the process are those having requested notice of projects proposed in the jurisdiction of the lead agency.

On March 13, 2023, the County distributed AB 52 consultation letters for the proposed project, including project information, a map, and County contact information, to four Native American tribes. The AB 52 consultation letters were sent, via certified mail, to the following tribal governments:

- Dumna Wo Wah Tribal Government
- Table Mountain Rancheria
- Chowchilla Yokuts Tribe
- Picayune Rancheria of the Chuckchansi Indians

Under AB 52, Native American tribes have 30 days to respond and request further project information and formal consultation; however, none of the contacted tribes responded within 30 days of mailing of the letters. Accordingly, AB 52 consultation is complete for the project.

Would the project cause a substantial adverse change in the significance of a tribal cultural resource as defined in Public Resources Code Section 21074 that is listed or eligible for listing in the California Register of Historical Resources, or in a local register of historical resources as defined in Public Resources Code Section 5020.1(k)?

The revised MCZO, by itself, does not propose or authorize any development that could result in a substantial adverse change in the significance of a tribal cultural resource. Future land use development in the County would be required to conform to federal, State, and local guidelines and requirements that address historical, archaeological, and tribal cultural resources. The requirements may include identification of significant resources present within a given project site, requirements to avoid significant resources and requirements to mitigate any impacts to these resources through project design, tribal consultation, monitoring, and Native American consultation. The revised MCZO would not conflict with these existing requirements. Therefore, impacts would be less than significant.

LESS THAN SIGNIFICANT IMPACT

- b. *Would the project cause a substantial adverse change in the significance of a tribal cultural resource as defined in Public Resources Code 21074 that is a resource determined by the lead agency, in its discretion and supported by substantial evidence, to be significant pursuant to criteria set forth in subdivision (c) of Public Resources Code Section 5024.1?*

Representatives from four Native American Tribes identified by the Native American Heritage Commission (NAHC) were contacted in support to during preparation of this IS-ND. No response was received from the Native American Tribes contacted during consultation. Therefore, the project would not cause a substantial adverse change in the significance of a tribal cultural resource as

defined in PRC Section 21074 that is listed or eligible for listing in the CRHR, or in a local register of historical resources as defined in PRC Section 5020.1(k) or that is a resource determined by the County (the lead agency), in its discretion and supported by substantial evidence, to be significant pursuant to criteria set forth in PRC Section 5024.1(c). No impact would occur.

LESS THAN SIGNIFICANT IMPACT

19 Utilities and Service Systems

	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less than Significant Impact	No Impact
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Would the project:

a. Require or result in the relocation or construction of new or expanded water, wastewater treatment or storm water drainage, electric power, natural gas, or telecommunications facilities, the construction or relocation of which could cause significant environmental effects?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b. Have sufficient water supplies available to serve the project and reasonably foreseeable future development during normal, dry and multiple dry years?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c. Result in a determination by the wastewater treatment provider which serves or may serve the project that it has adequate capacity to serve the project's projected demand in addition to the provider's existing commitments?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d. Generate solid waste in excess of State or local standards, or in excess of the capacity of local infrastructure, or otherwise impair the attainment of solid waste reduction goals?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
e. Comply with federal, state, and local management and reduction statutes and regulations related to solid waste?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

a. *Would the project require or result in the relocation or construction of new or expanded water, wastewater treatment or storm water drainage, electric power, natural gas, or telecommunications facilities, the construction or relocation of which could cause significant environmental effects?*

The Public Facilities and Services Element includes goals and policies ensuring that development would maintain adequate levels of service for utilities. These policies include:

Goal 3.A: To ensure the timely development of public facilities and to maintain an adequate level of service to meet the needs of existing and future development.

- Policy 3.A.1:** The County shall ensure through the development review process that adequate public facilities and services are available to serve new development. The County shall not approve new development where existing facilities are inadequate unless the applicant can demonstrate that all necessary public facilities will be installed or adequately financed and maintained (through fees or other means).
- Policy 3.A.3:** The County shall require new urban development to be served by community sewer and water systems where such systems are available or can feasibly be provided.
- Policy 3.A.4:** The County shall discourage expansion of rural communities unless necessary services can be provided.
- Policy 3.A.5:** The County shall require detailed public facility planning as part of the area plans for designated new growth areas.

The revised MCZO includes several modifications that would reduce potential impacts related to public facilities. Proposed Article 4, Chapter 18.58 of the revised MCZO includes new wireless telecommunication facility standards in compliance with State law, including design and development standards. This would help provide for the orderly and efficient development of wireless telecommunication facilities in compliance with the State and federal laws within the County. The revised MCZO does not include any updates regarding water, wastewater, storm water, electric, or natural gas infrastructure.

The revised MCZO would be consistent with the programs and policies outlined within the General Plan and would not authorize new areas for development beyond what has been identified by the General Plan. Therefore, the revised MCZO would not require or result in the relocation or construction of new or expanded water, wastewater treatment or storm water drainage, electric power, natural gas, or telecommunications facilities, and impacts would be less than significant.

LESS THAN SIGNIFICANT IMPACT

- b. Would the project have sufficient water supplies available to serve the project and reasonably foreseeable future development during normal, dry and multiple dry years?*

The revised MCZO, by itself, does not propose or authorize any development. Furthermore, the revised MCZO would not increase the population of Madera County beyond that envisioned in the General Plan. As such, the revised MCZO would not result in increased water usage.

The Public Facilities and Services Element includes the following goal and corresponding policies to ensure that the County considers immediate and long-term water supply during development review:

- Goal 3.C:** To ensure the availability of an adequate and safe water supply and the maintenance of high quality water in water bodies and aquifers used as sources of domestic and agricultural water supply.
- Policy 3.C.1:** The County shall approve new development only if an adequate water supply to serve such development is demonstrated.
- Policy 3.C.3:** The County shall limit development in areas identified as having severe water table depression to uses that do not have high water usage or to uses served by a surface water supply.

- Policy 3.C.4:** The County shall require that water supplies serving new development meet state water quality standards.
- Policy 3.C.6:** The County shall promote efficient water use and reduced water demand by:
- a. Requiring water-conserving design and equipment in new construction;
 - b. Encouraging water-conserving landscaping and other conservation measures;
 - c. Encouraging retrofitting existing development with water-conserving devices; and
 - d. Encouraging use of recycled or grey water for landscaping.
- Policy 3.C.7:** The County shall promote the use of reclaimed wastewater to offset the demand for new water supplies.
- Policy 3.C.8:** The County shall support opportunities for groundwater users in problem areas to convert to surface water supplies.
- Policy 3.C.9:** The County shall promote the use of surface water for agricultural use to reduce groundwater table reductions.
- Policy 3.C.10:** The County shall implement policies and procedures stated in the County adopted “AB3030 Groundwater Management Plan” for the Chowchilla, Delta-Mendota, and Madera Basins. (Resolution No. 2004-080).

The revised MCZO includes revisions to further conserve water within the County. This includes Chapter 13.56 of the revised MCZO which requires water efficient landscaping for new construction and establishes landscape area criteria such as development of irrigation and planting plans. The revised MCZO would be consistent with the programs and policies outlined within the General Plan and would not facilitate new areas for development. Therefore, the revised MCZO would not result in increased water demand. Impacts would be less than significant.

LESS THAN SIGNIFICANT IMPACT

- c. *Would the project result in a determination by the wastewater treatment provider which serves or may serve the project that it has adequate capacity to serve the project’s projected demand in addition to the provider’s existing commitments?*

The Public Facilities and Services Element includes the following goal and corresponding policies to ensure that the County considers wastewater demand:

- Goal 3.D:** To ensure adequate wastewater collection and treatment and the safe disposal of liquid and solid waste.
- Policy 3.D.1:** The County shall limit the expansion of urban communities to areas where community wastewater treatment systems can be provided. In areas with no public wastewater treatment systems, the County shall limit development to densities that can safely be developed with on-site systems.
- Policy 3.D.2:** The County shall promote efficient water use and reduced wastewater system demand by:
- a. Requiring water-conserving design and equipment in new construction;
 - b. Encouraging retrofitting with water-conserving devices; and;

- c. Designing wastewater systems to minimize inflow and infiltration, to the extent economically feasible.

Policy 3.D.3: The County shall permit on-site sewage treatment and disposal on parcels where all current regulations can be met; where parcels have the area, soils, and other characteristics that permit such disposal facilities without threatening surface or groundwater quality or posing any other health hazards; and where community sewer service is not available and cannot be provided.

Policy 3.D.4: The County shall require that the development, operation, and maintenance of on-site disposal systems complies with the requirements and standards of the County Department of Environmental Health.

The revised MCZO includes revisions to further conserve water within the County. This includes Chapter 13.96 of the revised MCZO which regulates the use of sewers owned by Madera County including the allocation, acquisition, and transfer of sewer units and the sewer main extension. The revised MCZO would be consistent with the programs and policies outlined within the General Plan and would not facilitate new areas for development beyond what has been identified by the General Plan and would therefore not result in increased demands on wastewater treatment providers. Impacts would be less than significant.

LESS THAN SIGNIFICANT IMPACT

- d. *Would the project generate solid waste in excess of State or local standards, or in excess of the capacity of local infrastructure, or otherwise impair the attainment of solid waste reduction goals?*
- e. *Would the project comply with federal, state, and local management and reduction statutes and regulations related to solid waste?*

The Public Facilities and Services Element includes the following goal and corresponding policies to ensure that the County considers solid waste demand:

Goal 3.F: To ensure the safe and efficient disposal or recycling of solid waste generated in Madera County.

Policy 3.F.1: The County shall require waste collection in all new urban and suburban development.

Policy 3.F.2: The County shall promote maximum use of solid waste source reduction, recycling, composting, and environmentally-safe transformation of wastes.

Policy 3.F.3: The County shall ensure that solid waste disposal facilities do not violate state standards for contamination of surface or groundwater.

Policy 3.F.4: The County shall promote the siting of new solid waste collection and transfer facilities in locations as close as practical to the areas they serve.

Policy 3.F.5: The County shall ensure that landfills and transfer stations are buffered from incompatible development.

Policy 3.F.6: The County shall require that all new development complies with applicable provisions of the Madera County Integrated Waste Management Plan.

Policy 3.F.7: The County shall encourage the development of regional and community-based recycling facilities in heavy commercial and industrial areas.

Policy 3.F.8: The County shall encourage businesses to use recycled products in their manufacturing processes and consumers to buy recycled products.

The revised MCZO includes several proposed modifications to reduce potential impacts regarding solid waste and recycling facilities and implement the Public Facilities and Services Element goals and policies. Proposed revisions to Article 3, Chapter 18.44 of the MCZO include new standards to ensure adequate solid waste and recycling collection, storage, and distribution locations to serve the residents of the County. This would help provide for the orderly and efficient development and operation of solid waste facilities in compliance with the State and federal laws within the County.

The revised MCZO would be consistent with the programs and policies outlined within the General Plan as described above and would not facilitate new areas for development beyond what has been identified by the General Plan or lead to excess generation of solid waste. Therefore, the revised MCZO would not generate solid waste in excess of State or local standards, or in excess of the capacity of local infrastructure, or otherwise impair the attainment of solid waste reduction goals. Impacts would be less than significant.

LESS THAN SIGNIFICANT IMPACT

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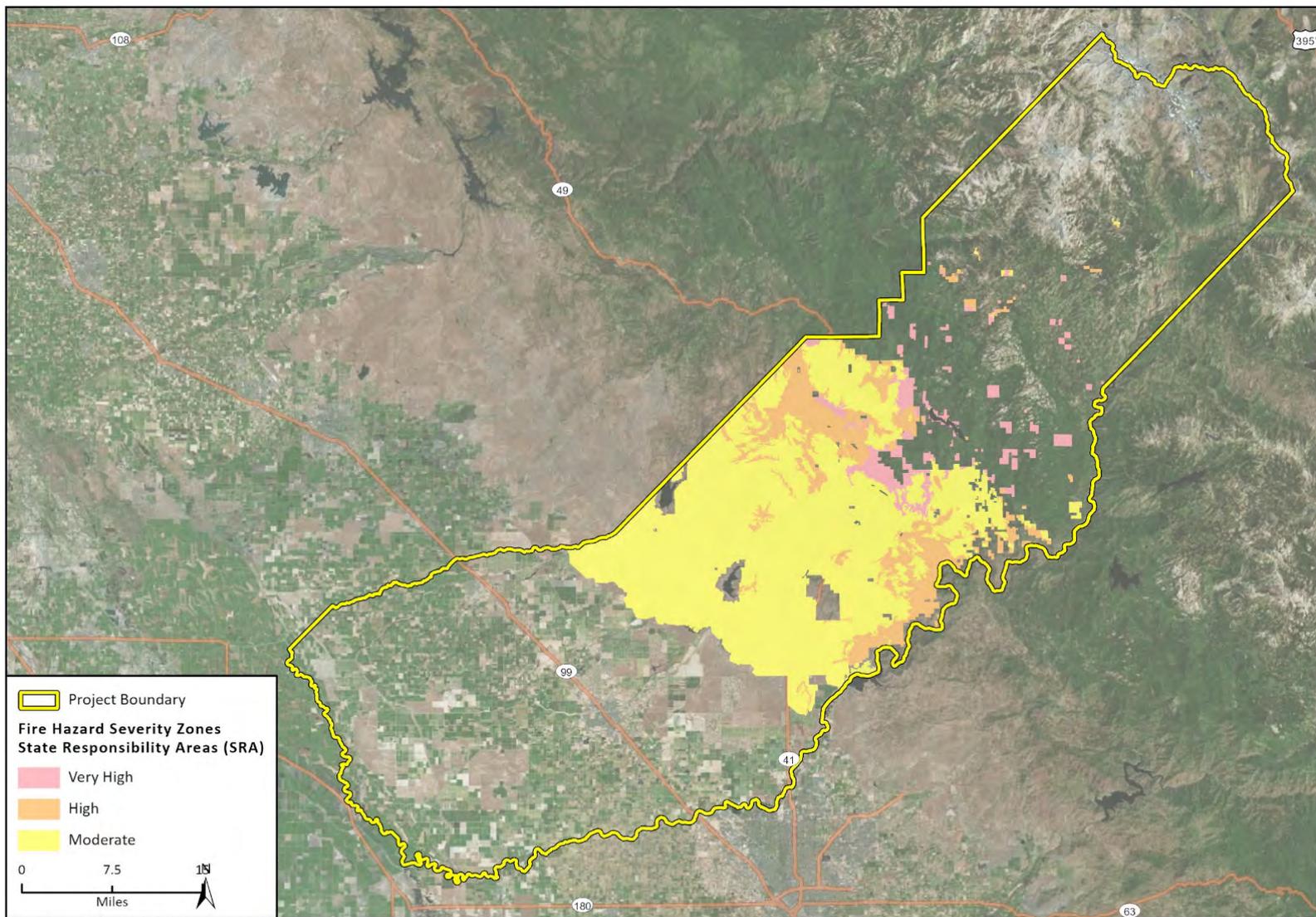
20 Wildfire

	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less than Significant Impact	No Impact
If located in or near state responsibility areas or lands classified as very high fire hazard severity zones, would the project:				
a. Substantially impair an adopted emergency response plan or emergency evacuation plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b. Due to slope, prevailing winds, and other factors, exacerbate wildfire risks and thereby expose project occupants to pollutant concentrations from a wildfire or the uncontrolled spread of a wildfire?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c. Require the installation or maintenance of associated infrastructure (such as roads, fuel breaks, emergency water sources, power lines or other utilities) that may exacerbate fire risk or that may result in temporary or ongoing impacts to the environment?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d. Expose people or structures to significant risks, including downslopes or downstream flooding or landslides, as a result of runoff, post-fire slope instability, or drainage changes?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

a. *If located in or near state responsibility areas or lands classified as very high fire hazard severity zones, would the project substantially impair an adopted emergency response plan or emergency evacuation plan?*

The County contains a small amount of land classified as Very High Fire Hazard Severity Zones (VHFHSZs) and as State Responsibility Areas (SRAs) (California Department of Forestry and Fire Protection [CAL FIRE] 2007). The fire hazard severity zones and their locations within the county using this data are shown in Figure 3.

Figure 3 Fire Hazard Severity Zones in SRAs



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Additional data provided by CalFire, 2007.

22-13955 EPS
Fig 3 Madera County Fire Hazard Severity Zones in SRA

The revised MCZO would be consistent with and required to comply with the County of Madera Emergency Operations Plan (EOP) which outlines how the county will respond to an emergency such as wildfire. Specifically, the revised MCZO includes Section 18.50.180.G.2 which requires access to any special event facility to be connected to a public road and to comply with State Fire Safe Regulations, including maximum allowed dead-end road length, turnarounds, and turnouts as well as general modifications throughout that provides clarification to the previously adopted zoning ordinance as they relate to wildfire. The revised MCZO also includes new and modified sections addressing fire protection in campgrounds.

The revised MCZO does not impair either the EOP or CWPP. The revised MCZO, by itself, does not propose or authorize any development. Impacts would be less than significant.

LESS THAN SIGNIFICANT IMPACT

- b. If located in or near state responsibility areas or lands classified as very high fire hazard severity zones, would the project, due to slope, prevailing winds, and other factors, exacerbate wildfire risks and thereby expose project occupants to pollutant concentrations from a wildfire or the uncontrolled spread of a wildfire?*
- d. If located in or near state responsibility areas or lands classified as very high fire hazard severity zones, would the project expose people or structures to significant risks, including downslopes or downstream flooding or landslides, as a result of runoff, post-fire slope instability, or drainage changes?*

The County contains lands classified as VHFHSZs and as SRAs (CAL FIRE 2007). The revised MCZO, by itself, does not propose or authorize any development. Future land development in the County would be required to comply with the following General Plan policies to reduce wildfire hazards:

- Policy 3.H.5:** The County shall ensure that all proposed developments are reviewed for compliance with fire safety standards by responsible local fire agencies per the Uniform Fire Code and other state and local ordinances.
- Policy 6.A.2:** In landslide hazard areas, the County shall prohibit avoidable alteration of land in a manner that could increase the hazard, including concentration of water through drainage, irrigation, or septic systems; removal of vegetative cover; and steepening of slopes and undercutting the bases of slopes. Areas of known landslides should be designated for open space uses.
- Policy 6.A.3:** The County shall limit development in areas of steep or unstable slopes to minimize hazards from landslides. Development will be prohibited in areas with slopes of 30 percent or more unless it can be demonstrated by a registered engineer or registered engineering geologist that such development will not present a public safety hazard.
- Policy 6.C.1:** The County shall ensure that development in high-fire-hazard areas is designed and constructed in a manner that minimizes the risk from fire hazards and meets all applicable state and county fire standards. In areas with high or extreme wildfire hazards, the County shall limit parcel sizes to 22 acres or larger or encourage clustered or planned residential development with on-site fire suppression measures.

- Policy 6.C.2:** The County shall require that discretionary permits for new development in fire hazard areas be conditioned to include requirements for fire-resistant vegetation, cleared fire breaks, or a long term comprehensive fuel management program. Fire hazard reduction measures shall be incorporated into the design of development projects in fire hazard areas.
- Policy 6.C.3:** New development shall be required to have water systems that meet County fire flow requirements. Where minimum fire flow is not available to meet County standards, alternate fire protection measures, including sprinkler systems, shall be identified and may be incorporated into development if approved by the appropriate fire protection agency.
- Policy 6.C.4:** The County shall review project proposals to identify potential fire hazards and prevent or mitigate such hazards to acceptable levels of risk.
- Policy 1.H.3:** The County shall require that new development on hillsides employ design, construction, and maintenance techniques that:
- a. Preserve and enhance the hillsides;
 - b. Ensure that development near or on portions of hillsides do not cause or worsen natural hazards such as erosion, sedimentation, fire, or water quality concerns;
 - c. Include erosion and sediment control measures including temporary vegetation sufficient to stabilize disturbed areas;
 - d. Minimize risk to life and property from slope failure, landslides, and flooding; and
 - e. Maintain the character and visual quality of the hillside.

Additionally, as discussed in Section 7, *Geology and Soils*, the revised MCZO would be required to comply with Policy 6.A.2 and 6.A.3. of the General Plan, listed above, which restricts development on areas of known landslides and on slopes of 30 percent or more unless it can be shown this development would not create a public safety hazard. The revised MCZO does not facilitate new areas of development that would be inconsistent with the General Plan.

The revised MCZO includes modifications for drainage in tent and vehicle campgrounds, and mobile home parks. These modifications would require tent and vehicle campgrounds, as well as mobile home parks, to have drainage plans in compliance with Title 17 (Subdivisions). This would further ensure impacts related to drainage changes and flooding resulting from wildfire would be less than significant.

LESS THAN SIGNIFICANT IMPACT

- c. *If located in or near state responsibility areas or lands classified as very high fire hazard severity zones, would the project require the installation or maintenance of associated infrastructure (such as roads, fuel breaks, emergency water sources, power lines or other utilities) that may exacerbate fire risk or that may result in temporary or ongoing impacts to the environment?*

The revised MCZO itself does not authorize new areas for development beyond what has been identified by the General Plan. The revised MCZO itself would not authorize development that would require the installation or maintenance of associated infrastructure (such as roads, fuel

County of Madera
Madera County Zoning Ordinance Change

breaks, emergency water sources, power lines or other utilities) that may exacerbate fire risk.
Therefore, no impact would occur.

NO IMPACT

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21 Mandatory Findings of Significance

	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less than Significant Impact	No Impact
Does the project:				
a. Have the potential to substantially degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, substantially reduce the number or restrict the range of a rare or endangered plant or animal or eliminate important examples of the major periods of California history or prehistory?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b. Have impacts that are individually limited, but cumulatively considerable? (“Cumulatively considerable” means that the incremental effects of a project are considerable when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects)?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c. Have environmental effects which will cause substantial adverse effects on human beings, either directly or indirectly?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

a. *Does the project have the potential to substantially degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, substantially reduce the number or restrict the range of a rare or endangered plant or animal or eliminate important examples of the major periods of California history or prehistory?*

The revised MCZO would make revisions, additions, corrections, and clarifications to various sections of the MCZO to ensure consistency and successful implementation of the General Plan. The revised MCZO does not facilitate any development. Therefore, its adoption would not in itself significantly degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, reduce the number or restrict the range of a rare or

endangered plant or animal, or eliminate important examples of the major periods of California history or prehistory. Impacts would be less than significant.

LESS THAN SIGNIFICANT IMPACT

- b. *Does the project have impacts that are individually limited, but cumulatively considerable? (“Cumulatively considerable” means that the incremental effects of a project are considerable when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects)?*

The project involves the adoption of the revised MCZO, which guides future development. No specific development projects would occur as a result of the revised MCZO and therefore, the revised MCZO, in itself, would not result in cumulative impacts. Furthermore, cumulative impacts associated with future development have been evaluated at a program level in the General Plan EIR. Since the project would not allow new development in areas where such development is prohibited under the LUE, adopting the revised MCZO would not create new cumulative impacts or increase the significance of cumulative impacts identified in the General Plan EIR. No impact would occur.

NO IMPACT

- c. *Does the project have environmental effects which will cause substantial adverse effects on human beings, either directly or indirectly?*

As identified throughout the analysis herein, the revised MCZO would not have an environmental effect that would cause substantial adverse effects on human beings either directly or indirectly. Impacts would be less than significant.

LESS THAN SIGNIFICANT IMPACT

References

Bibliography

- California Department of Fish and Wildlife (CDFW). 2019. California Natural Community Conservation Plans. <https://nrm.dfg.ca.gov/FileHandler.ashx?DocumentID=68626> (accessed February 2023).
- California Department of Forestry and Fire Protection [CAL FIRE]. 2007. https://osfm.fire.ca.gov/media/6700/fhszs_map20.pdf (accessed March 2023).
- California Department of Transportation (Caltrans). 2018. California State Scenic Highway System Map. <https://caltrans.maps.arcgis.com/apps/webappviewer/index.html?id=465dfd3d807c46cc8e8057116f1aaca> (accessed February 2023).
- Department of Conservation (DOC). 2022. California Tsunami Maps and Data. <https://www.conservation.ca.gov/cgs/tsunami/maps> (accessed February 2023).
- _____. 2023. California Important Farmland Finder. <https://maps.conservation.ca.gov/DLRP/CIFF/>(accessed February 2023).
- Office of Historic Preservation. 2023. State Historical Building Code (SHBC). https://ohp.parks.ca.gov/?page_id=21410 (accessed March 2023).
- California Air Resources Board (CARB). 2017. California’s 2017 Climate Change Scoping Plan. December 14, 2017. https://www.arb.ca.gov/cc/scopingplan/scoping_plan_2017.pdf (accessed February 2023).
- California Energy Commission (CEC). 2022. Total System Electric Generation. <https://www.energy.ca.gov/data-reports/energy-almanac/california-electricity-data/2020-total-system-electric-generation> (accessed February 2023).
- California Department of Tax and Fee Administration. 2022. <https://www.cdtfa.ca.gov/taxes-and-fees/spftrpts.htm> (accessed February 2023).
- Madera, County of. Madera, County of. 1995a. General Plan Background Report. <https://online.encodeplus.com/regs/maderacounty-ca-gp/doc-viewer.aspx?secid=539#secid-539>. (accessed March 2023).
- _____. 1995b. General Plan. <https://online.encodeplus.com/regs/maderacounty-ca-gp/doc-viewer.aspx?secid=339#secid-326>. (accessed March 2023).
- _____. 1995c. General Plan EIR. <https://www.maderacounty.com/home/showpublisheddocument/2854/63648065356960000> (accessed March 2023).
- _____. 2010. General Plan Air Quality Element. <https://www.maderacounty.com/government/community-economic-development-department/divisions/planning-division/planning-forms-and-documents/-folder-269>. (accessed March 2023).

- Madera Regional Water Management Group (RWMG). 2014. Integrated Regional Water Management. <https://www.maderacountywater.com/regional-water-management-group/>. (accessed March 2023).
- San Joaquin Valley Air Pollution Control District (SJVAPCD). 2015. Guidance for Assessing and Mitigating Air Quality Impacts. March 19, 2015. <http://www.valleyair.org/transportation/GAMAQI.pdf> (accessed March 2023).
- _____. 2018. 2018 PM 2.5 Plan for the San Joaquin Valley. <https://ww2.valleyair.org/rules-and-planning/air-quality-plans/particulate-matter-plans/2018-pm-2-5-plan-for-the-san-joaquin-valley/>. (accessed February 2023).
- _____. 2022. 2022 Ozone Plan for the San Joaquin Valley. <https://ww2.valleyair.org/rules-and-planning/air-quality-plans/ozone-plans/2022-ozone-plan-for-the-san-joaquin-valley/>. (accessed February 2023).
- United States Environmental Protection Agency (USEPA). 2018. Criteria Air Pollutants. <https://www.epa.gov/criteria-air-pollutants> (accessed March 2023).

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MADERA
COUNTY

TITLE 18

ZONING

ADOPTED: _____, 202__ | BOARD OF SUPERVISORS ORDINANCE NO. ____-

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Article 1 – Enactment and Applicability

Title 18 – Zoning Ordinance

PUBLIC REVIEW DRAFT

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Chapter 18.02

**Purpose and Applicability of the
Zoning Ordinance**



Chapter 18.02 Purpose and Applicability of the Zoning Ordinance

18.02.010 Title

Title 18 of the Madera County Municipal Code shall be known and cited as the “Madera County Zoning Ordinance”, “Zoning Ordinance of the County of Madera”, “Zoning Ordinance”, or “this Ordinance”.

18.02.020 Purpose, Intent, and Authority

- A. **Purpose.** This Zoning Ordinance is intended to carry out the policies of the General Plan and promote and protect the public health, safety, comfort, convenience, prosperity, and general welfare of the County. More specifically, the purpose of this Zoning Ordinance is as follows:
1. To guide and regulate the future growth and development in County;
 2. To protect the character and social and economic stability of residential, commercial, mixed use, industrial, and other private and public areas within the County, and to ensure the orderly and beneficial development of these areas;
 3. To prevent danger to public safety resulting from the locating of structures, and their use, and the use of land, adjacent to streets and highways which are a part of the Circulation Element of the General Plan, or which are important thoroughfares, in a manner which prevents interference with existing or prospective traffic movements on County streets and highways;
 4. To ensure long-term preservation and conservation of land used for productive agriculture, potential agricultural land, and agricultural-support facilities;
 5. To provide adequate air, sunlight, privacy, and convenience of access to property, and to ensure safety from fire, flooding, and other dangers; and
 6. To prevent overcrowding and congestion on the land.
- B. **Authority.** This Zoning Ordinance is enacted based on the authority vested in the County and the State, including but not limited to the State Constitution, Planning and Zoning Law (California Government Code Section 65000), Subdivision Map Act (California Government Code Section 66410), California Environmental Quality Act (California Public Resources Code Section 21000), the California Health and Safety Code, and the County Code.



18.02.030 Applicability

This Zoning Ordinance applies to all uses of land and structures, subdivisions, and development, regardless of ownership, within the unincorporated area of the County.

- A. **Compliance Required.** No land shall be used, and no structure shall be constructed, occupied, enlarged, altered, demolished, or moved in any zone, except in compliance with the provisions of this Zoning Ordinance, including the development and performance standards identified, and any permit issued in compliance with the identified. The temporary or transitory nature of a use does not exempt it from this requirement.
- B. **Subdivision.** A subdivision of land proposed within the County after the effective date of the ordinance adopting this Zoning Ordinance shall comply with the minimum parcel size requirements of Article 2 (Zones, Allowable Land Uses, and Development Standards), other applicable requirements of this Zoning Ordinance, and Title 17 (Subdivisions).
- C. **Continuation of an Existing Land Use.** An existing land use is lawful and not in violation of this Zoning Ordinance only when operated and maintained in compliance with applicable provisions of this Zoning Ordinance and any condition(s) imposed by a discretionary permit, including Article 5 (Nonconformities). However, the requirements of this Zoning Ordinance are not retroactive in their effect on a land use that was lawfully established before the effective date of the ordinance adopting this Zoning Ordinance or any applicable amendment, except as otherwise provided by Article 5 (Nonconformities).
- D. **Minimum Requirements.** The provisions of this Zoning Ordinance shall be considered the minimum requirements for the promotion of the public health, safety, and general welfare. When this Zoning Ordinance provides for discretion on the part of a Review Authority, the discretion may be exercised to impose more stringent requirements, as determined by the Review Authority to be necessary to promote orderly land use and development and the other purposes of this Zoning Ordinance.
- E. **Conflicting Requirements.** The regulations of this Zoning Ordinance and requirements or conditions imposed in compliance with this Zoning Ordinance shall not supersede any other regulations or requirements adopted or imposed by the Board, the State, or any Federal agency that has jurisdiction by law over uses and development authorized by this Zoning Ordinance. All uses and development authorized by this Zoning Ordinance shall comply with all other regulations and requirements. Where conflict occurs between the provisions of the Zoning Ordinance and any other County ordinance, chapter, resolution, guideline, or regulation, the more restrictive provisions shall control, unless otherwise specified.

- F. **Other Requirements.** Nothing in this Zoning Ordinance eliminates the need for obtaining other permits required by the County, or a permit approval, or entitlement required by another applicable special district or agency, or other approvals required by the regulations of a State or Federal agency. The County shall not issue any permit, Business License, or other approval if the structure or land use would violate the provisions of this Zoning Ordinance. Permits issued in error shall be void.

18.02.040 Relationship to Prior Ordinances

The provisions of this Zoning Ordinance, as it existed before the effective date of Ordinance No. TBD, are repealed and superseded as provided in the ordinance enacting this Zoning Ordinance. No provision of this Zoning Ordinance shall validate or legalize any land use, structure, or subdivision constructed, created, established, or maintained in violation of the County's Zoning Ordinance as they existed before repeal by the ordinance enacting this Zoning Ordinance, except as addressed by nonconformities created by this Zoning Ordinance, in compliance with Article 5 (Nonconformities).

18.02.050 Relationship to General Plan

This Zoning Ordinance implements the goals and policies of the General Plan by regulating the use of land and structures within the County. This Zoning Ordinance and the General Plan shall be consistent with one another. Any permit, license, or approval issues contained in this Zoning Ordinance shall be consistent with the General Plan and all applicable specific and area plans. In any case where there is a conflict between this Zoning Ordinance and the General Plan, the General Plan shall control.

18.02.060 Relationship to Specific Plans and Area Plans

- A. **Zoning Ordinance as an Implementation Method.** This Zoning Ordinance is a method used by the County to implement the goals, policies, and actions of any adopted Specific Plan or Area Plan.
1. **Specific Plan or Area Plan.** A Specific Plan or Area Plan is a comprehensive, long-range, general policy statement for an identified limited area of the County. The Specific Plan or Area Plan designates appropriate locations and densities/intensities for agricultural, residential, mixed use, commercial, industrial, public, and open space uses for that limited area.
 2. **Zoning Ordinance.** In compliance with Government Code Section 65455, all zoning, tentative maps, parcel maps, and public works projects shall be consistent with adopted Specific Plans and Area Plans for that limited area.



- B. **Consistency with the Adopted Specific Plans or Area Plans.** The Board intends that this Zoning Ordinance be consistent with the adopted specific plans and/or area plans, and that any development, land use, or subdivision approved in compliance with this Zoning Ordinance shall also be consistent with the adopted specific plan or area plan for that limited area. A proposed use is considered to be compatible, conforming, and consistent with the adopted specific plan or area plan when all of the following conditions exist:
1. **Compatible.** The proposed use is compatible with the description of the Land Use designation in which the use is located, as shown by the Land Use Map, and as described in the text of the specific plan or area plan;
 2. **Conformance.** The proposed use is in conformance with the goals, policies, programs, and maps, and the intent of the specific plan or area plan; and
 3. **Consistent.** The proposed use is to be established and maintained in a manner which is consistent with the specific plan or area plan and all applicable provisions contained in the specific plan or area plan.
- C. **Where Inconsistencies Exist.** Where inconsistencies do exist between the specific plan or area plan and this Zoning Ordinance, the Zoning Ordinance shall control the use and development of the land until the Board adopts an amendment to achieve consistency with the existing or current specific plan or area plan.

18.02.070 Effect of Zoning Map Amendments on Projects in Progress

The following provisions determine how the requirements of this Zoning Ordinance will apply to a development project that is in progress at the time this Zoning Ordinance or an amendment goes into effect.

- A. **Application Complete.** A planning permit application which has been accepted by the Planning Division as complete before the effective date of this Zoning Ordinance or any amendment, shall be processed in compliance with the requirements of Article 6 (Permit Processing Procedures) in effect when the application was accepted as complete.
- B. **Project Under Construction.** A project for which a Building Permit has been issued may be completed and used in accordance with the plans, specifications, and permits on which Building Permit was granted, provided at least one inspection has been requested and posted for the primary structure on the site where the permit is issued and provided construction is diligently pursued and completed within 12 months of permit issuance.

18.02.080 Severability, Partial Invalidation of Zoning Ordinance

If any portion of this Zoning Ordinance is held to be invalid, unconstitutional, or unenforceable by a court of competent jurisdiction, the determination shall not affect the validity of the remaining portions of this Zoning Ordinance. The Board hereby declares that this Zoning Ordinance and each article, chapter, section, subsection, subparagraph, sentence, clause, phrase, and portion is adopted without regard to the fact that one or more portions of this Zoning Ordinance may be declared invalid, unconstitutional, or unenforceable.



Chapter 18.04

**Interpretation of the Zoning
Ordinance**



Chapter 18.04 Interpretation of the Zoning Ordinance

18.04.010 Purpose

The purpose of this Chapter is to specify the authority and procedures for clarifying any ambiguity in the regulations of this Zoning Ordinance, and to ensure its consistent interpretation and application.

18.04.020 Rules of Interpretation

- A. **Authority.** The Planning Director has the authority to interpret the provisions of this Zoning Ordinance in compliance with [Section 18.04.030 \(Procedures for Interpretation\)](#), below. Whenever the Planning Director determines that the meaning or applicability of a Zoning Ordinance requirement is subject to interpretation, the Planning Director shall issue a written interpretation. The Planning Director may also refer any issue of interpretation to the Zoning Administrator for a determination. A decision of the Planning Director may be appealed in compliance with [Chapter 18.108 \(Appeals\)](#).
- B. **Terminology.** When used in this Zoning Ordinance, the following rules apply to all provisions of this Zoning Ordinance:
1. **Language.** When used in this Zoning Ordinance, the words "shall," "must," "will," "is to," and "are to" are always mandatory. "Should" is not mandatory but is strongly recommended and "may" is permissive.
 2. **Tense.** The present tense includes the past and future tense, and the future tense includes the present.
 3. **Number.** The singular number includes the plural number, and the plural the singular, unless the natural construction of the words indicate otherwise.
 4. **Fractions.** Whenever this Zoning Ordinance requires consideration of distances, parking spaces, dwelling units, or other aspects of development or the physical environment expressed in numerical quantities, and the result of a calculation contains a fraction of a whole number, the results will be rounded as follows:
 - a. **General Rounding.** Fractions equal to one-half (0.5) or greater shall be rounded up to the nearest whole number and fractions less than one-half (0.5) shall be rounded down to the nearest whole number, except as otherwise provided.

- B. **Request for Interpretation.** Any party may file a request for an interpretation or determination of this Zoning Ordinance with the Planning Director and shall include with the request the specific provisions in question and any other information necessary to assist the Planning Director in the review.
- C. **Record of Interpretation/Determination.** All interpretations and determinations by the Planning Director and Planning Commission shall be made in writing, and a permanent record of the interpretations and determinations shall be kept.
- D. **Appeals.** Any interpretation or determination of this Zoning Ordinance by the Planning Director or Planning Commission may be appealed in compliance with **Chapter 18.108 (Appeals)**.

18.04.040 Uses Not Classified

- A. **Use Not Listed is Not Allowed.** If a proposed use of land is not specifically listed in Article 2 (Zones, Allowable Uses, and Development Standards), the use shall not be allowed, except as provided in Subsection B, below.
- B. **Planning Director's Determination.** Based on the authority granted in **Section 18.04.030 (Procedures for Interpretation)**, above, the Planning Director may determine that a proposed land use that is not listed in Article 2 (Zones, Allowable Uses, and Development Standards) may be allowed. In making this determination, the Planning Director shall first make all of the following findings:
 - 1. The characteristics of, and activities associated with, the proposed use are equivalent to those of one or more of the uses listed in the zone as allowable, and will not involve a greater level of activity, population density, intensity, dust, emissions, noise, odor, parking, traffic generation, or similar impacts than the uses listed in the zone;
 - 2. The proposed use will meet the purpose/intent of the zone that is applied to the location of the use;
 - 3. The proposed use will be consistent with the goals, objectives, and policies of the General Plan and/or any applicable specific plan or area plan; and
 - 4. The proposed use is not listed as allowable in any other zone.
- C. **Applicable Standards and Permit Requirements.** When the Planning Director determines that a proposed but unlisted use is equivalent to a listed use, the proposed use will be treated in the same manner as the listed use in determining where the use is allowed, what permits are required, and what standards and requirements of this Zoning Ordinance apply.

18.04.050 Illustrations

In case of a conflict between the Zoning Ordinance text and any diagram, illustration, or image contained in this Zoning Ordinance, the text shall control.

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Chapter 18.06

Zones and Zoning Map



Chapter 18.06 Zones and Zoning Map

18.06.010 Purpose and Intent

This Chapter establishes the zones applied to property located within the County and adopts the County's Zoning Map.

18.06.020 Establishment of Zones

- A. **General.** The County is divided into zones to allow for the orderly, planned development of the County and to implement the General Plan. [Table 18.06-1 \(Zones Implementing the General Plan\)](#), below identifies all of the zones adopted by the County. All zones shall be listed and appropriately designated on the County's Zoning Map.
- B. **Base Zones.** Every parcel shall have a base zone that establishes the primary type and intensity of land use allowed, along with development regulations for that particular type and intensity of land use.

**Table 18.06-1
Zoning Implementing the General Plan**

Zone/General Plan Land Use Designation Correspondence		
Zone		General Plan Land Use Designation Implemented by Zone
Agricultural and Resource Zones		
AR-5	Agricultural, Rural, Five Acre	Rural Estates Residential (RER)
ARE-20	Agricultural, Rural, Exclusive	Agricultural Exclusive (AE) Agriculture (A)
ARE-40		
ARE-80		
ARE-160		
ARF	Agricultural, Rural, Foothill	Rural Estates Residential (RER) Rural Residential (RR)
MR	Mineral Resource	Agriculture (A) Open Space (OS)
TP	Timber Preserve	Agricultural Exclusive (AE) Agriculture (A)
Rural Residential Zones		
RM	Residential, Mountain, Family	Agriculture (A) Very Low Density Residential (VLDR)
RMS	Residential, Mountain, Single-Unit Dwelling	Agriculture (A) Very Low Density Residential (VLDR)
RRM	Residential, Rural, Multi-Unit Dwelling	Low Density Residential (LDR)
RRS-1	Residential, Rural, Single Unit Dwelling	Agriculture (A)

**Table 18.06-1
 Zoning Implementing the General Plan**

Zone/General Plan Land Use Designation Correspondence		
Zone		General Plan Land Use Designation Implemented by Zone
RRS-2, 2.5, 3		Agriculture Residential (AR)
RRS-5		Rural Estates Residential (RER)
RRS-10		Rural Residential (RR) Very Low Density Residential (VLDR) Low Density Residential (LDR)
Urban Residential Zones		
RUS	Residential, Urban, Single-Unit Dwelling	Low Density Residential (LDR) Medium Density Residential (MDR)
RX	Residential, Small Parcel	Mixed Use Core (MUC)
RT	Residential, Townhouse	Mixed Use Core (MUC)
RUM	Residential, Urban, Multi-Unit Dwelling	Medium Density Residential (MDR) High Density Residential (HDR)
Commercial Zones		
CRH	Commercial, Rural, Highway	Highway Service Commercial (HSC)
CRR	Commercial, Rural, Restricted	Neighborhood Commercial (NC)
CRM	Commercial, Rural, Median	Community Commercial (CC)
CRG	Commercial, Rural, General	Heavy Commercial (HC)
CUR	Commercial, Urban, Restricted	Neighborhood Commercial (NC)
CUM	Commercial, Urban, Median	Community Commercial (CC)
CUG	Commercial, Urban, General	Heavy Commercial (HC)
Mixed Use Zones		
MCN	Mixed-Use, Commercial Neighborhood	Mixed Use Core (MUC)
MCM	Mixed-Use, Commercial Multi-Unit	Mixed Use Core (MUC)
Industrial Zones		
I-L	Industrial, Light	Light Industrial (LI)
I H	Industrial, Heavy	Heavy Industrial (HI)
Public and Quasi-Public Zones		
OS	Open Space	Open Space (OS)
POS	Public Open Space	Open Space (OS)
IA	Institution Area	Public Institutional (PI)
Planned Development Zone		
PD	Planned Development	All

18.06.030 Zoning Map

The boundaries, designations, and locations of the zones established by this Zoning Ordinance shall be shown upon the map(s) entitled "Zoning Map for Madera County" and referred to in this Zoning Ordinance as the Zoning Map. This Zoning Ordinance, together with the Zoning Map, is hereby adopted in compliance with current State planning, zoning, and development laws. Changes in the boundaries of any identified zones shall be made by ordinance.

18.06.040 Rights-of-Way and Vacated Boundary Lines

Where a public street or alley is officially abandoned or vacated, the property encompassed by areas associated with the abandoned/vacated street or alley shall be included within the zone of the adjoining property. If the adjoining properties are in different zones, the boundary lines shall be the centerline of the former street or alley and the extension of the side setback lines of the abutting properties. In the event the street, alley, or right-of-way was a boundary between two or more different zone, the new zone boundary shall be the property line that is created by the abandonment or vacation.

18.06.050 Determination of Boundaries

Zone boundaries shall be determined by measurement from, and as shown on, the Zoning Map and in case of any questions as to the interpretation of boundary lines, the Planning Director shall interpret the map.

- A. Unless otherwise indicated or dimensioned on the maps, the zone boundaries are parcel lines existing at the time of the adoption of the Zoning Map; section, quarter section, or sixteenth section lines; or the right-of-way line of streets, highways, or alleys.
- B. Unless otherwise indicated or dimensioned on the maps, the zone boundaries are parcel lines existing at the time of the adoption of the Zoning Map; section, quarter section, or sixteenth section lines; or the right-of-way line of streets, highways, or alleys.
- C. Unless otherwise indicated or dimensioned on the maps, the zone boundaries are parcel lines existing at the time of the adoption of the Zoning Map; section, quarter section, or sixteenth section lines; or the right-of-way line of streets, highways, or alleys.

18.06.060 Uncertainty of Boundaries

If there is uncertainty about the location of a zone boundary shown on the Zoning Map, the Planning Director shall determine the precise location of the boundary in the following manner, except as provided in **Section 18.06.040 (Rights-of-Way and Vacated Boundary Lines)**, above:

- A. **Line Shall be the Zone Boundary.** Where a zone or area boundary approximately follows a parcel line, street line, or alley line, the parcel line, street centerline, or alley centerline, it shall be construed as the zone boundary.
- B. **Use of Scale.** Where a zone or area boundary divides a parcel and the boundary line location is not specified by distances indicated on the Zoning Map, the location of the boundary shall be determined by using the scale appearing on the map.

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Article 2 – Zones, Allowable Uses, and
Development Standards

Chapter 18 – Zoning Ordinance

PUBLIC REVIEW DRAFT

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Chapter 18.10

Agricultural and Resource Zones



Chapter 18.10 Agricultural and Resource Zones

18.10.010 Purpose and Intent of Agricultural and Resource Zones

- A. **Purpose.** The purpose of this Chapter is to describe the character and intent of each of the County's agricultural and resource zones, describe allowed land uses and permit requirements, establish development standards, and identify any supplemental land use regulations applicable to agricultural and resource zones. [Source: NEW]
- B. **Intent.** The intent of this Chapter is to provide for areas in the County that are rural in character or areas that can accommodate a wide range of agriculture, agriculture-related, and resource uses. [Source: 18.53.010, modified]
- C. **Zone Purpose Statements.** The purpose of the individual agriculture and resource zones and the manner in which they are applied are as follows: [Source: NEW]
1. **AR-5 – Agricultural, Rural, Five Acre Zone.** The purpose of the Agricultural, Rural, Five Acre Zone (AR-5) is to provide for areas in the County that accommodate agriculture and agriculture-related uses, such as animal husbandry and horticulture. The AR-5 zone is characterized by small scale agricultural operations on smaller parcels. The maximum residential density for this zone is two dwelling units per parcel. The maximum FAR for nonresidential uses in this zone is 0.10. This zone implements the Rural Estates Residential (RER) land use designation in the General Plan. [Source: 18.54.010, modified]
 2. **ARE – Agricultural, Rural, Exclusive Zones.** The purpose of the Agricultural, Rural, Exclusive Zones (ARE-20, 40, 80, 160) are to provide for areas in the County that can accommodate a wide range of agricultural uses and support services on larger parcels. The ARE zones are characterized by large scale agriculture and agricultural support operations, such as feed lots, dairies, and by-product processing. The ARE zones are categorized by minimum parcel size as follows: ARE-20, ARE-40, ARE-80, and ARE-160. The maximum residential density for the ARE zones is two dwelling units per parcel. The maximum FAR for nonresidential uses in these zones is 0.05. The ARE zones implements the Agricultural Exclusive (AE) and Agricultural (A) land use designations in the General Plan. [Source: 18.56, 58, and 60, modified]
 3. **ARF – Agricultural, Rural, Foothill Zone.** The purpose of the Agricultural, Rural, Foothill Zone (ARF) is to provide for foothill areas in the County that accommodate a variety of uses, including single-unit residential, agriculture, and agritourism. The maximum residential density for this zone is 0.50 dwelling units per acre. The maximum FAR for nonresidential uses in this zone is 0.40. This zone implements the Rural Estates Residential (RER) and Rural Residential (RR) land use designations in the General Plan. [Source: 18.64.010, modified]

4. **MR – Mineral Resource Zone.** The purpose of the Mineral Resource Zone (MR) is to provide for and preserve areas in the County which have been designated by the State of California as Significant Mineral Resource Areas, or which contain mineral resources. This zone is characterized by operations that extract and process rock, sand, gravel, and similar materials. The maximum density for this zone is 0.05 dwelling units per acre. The maximum FAR for nonresidential uses in this zone is 0.10. This zone implements the Agriculture (A) and Open Space (OS) land use designations in the General Plan. [Source: NEW]
5. **TP – Timber Preserve Zone.** The purpose of the Timber Preserve Zone (TP) is to provide for and preserve areas in the County that are suitable for the growing and harvesting of timber, and for uses which are an integral part of a timber management operation. Agricultural uses and operations, such as horticulture and animal husbandry, are also allowed in this zone. The maximum density for this zone is two dwelling units per parcel. The maximum FAR for nonresidential uses in this zone is 0.10. This zone implements the Agricultural Exclusive (AE) and Agricultural (A) land use designations in the General Plan. [Source: NEW]

18.10.020 Land Use Regulations and Allowable Uses

- A. **Table 18.10-1 Agricultural and Resource Zones Allowed Uses and Permit Requirements.** Table 18.10-1 (Agricultural and Resource Zones Allowed Uses and Permit Requirements) indicates the uses allowed within each agricultural and resource zone and any permits required to establish the use, in compliance with Article 6 (Permit Processing Procedures) and Article 7 (Zoning Ordinance Administration). [Source: NEW]
- B. **Accessory Uses.** Accessory uses in agricultural and resource zones shall be allowed in compliance with Section 18.68.030 (Accessory Uses). [Source: 18.53.020.A, modified]
- C. **Additional Regulations.** Where the last column in the Table 18.10-1 (Agricultural and Resource Zones Allowed Uses and Permit Requirements) includes a chapter or section number, the regulations in the referenced chapter or section shall apply to the use. Provisions in other sections of Title 18 or adopted Specific or Area Plans may also apply. [Source: NEW]
- D. **Definitions.** See Article 8 (Definitions) for land use definitions and explanations. [Source: NEW]
- E. **Uses Not Listed.** Uses not in Table 18.10-1 (Agricultural and Resource Zones Allowed Uses and Permit Requirements) shall be reviewed by the Zoning Administrator to determine if the use is similar to those listed and appropriate in this zone and if so, what type of permit is required, in compliance with Section 18.04.040 (Uses Not Classified), otherwise any use not listed is prohibited. [Source: 18.53.020.B, modified]

- F. **Williamson Act Compliance.** In addition to the land use and development standards established in this Chapter and Zoning Ordinance, all properties subject to Williamson Act Contract, shall also comply with the State program. [Source: 18.94.190, modified]
- G. **Zoning Clearance Required.** Each land use specified in **Table 18.10-1 (Agricultural and Resource Zones Allowed Uses and Permit Requirements)** as allowed with a “P” as a use allowed-by-right shall require the issuance of a Zoning Clearance in compliance with **Chapter 18.74 (Zoning Clearance)** before establishment. If the establishment of an allowed-by-right use includes construction activities (e.g., additions, alterations, new construction, reconstruction, or remodeling) the issuance of a Building Permit shall constitute as a Zoning Clearance. [Source: NEW]

**Table 18.10-1
Agricultural and Resource Zones Allowed Uses and Permit Requirements**

Land Use	Permit Requirement by Zone								Additional Regulations
	AR-5	ARE-20	ARE-40	ARE-80	ARE-160	ARF	MR	TP	
Key: P Allowed by Right; ZP = Zoning Permit; (-) = Not Allowed CUP Conditional Use Permit									
Agricultural and Resource Uses									
Agriculture Recycling	CUP	CUP	CUP	CUP	CUP	CUP	-	-	
Agriculturally Oriented Service	CUP	CUP	CUP	CUP	CUP	CUP	-	-	
Agriculture, Animal Husbandry	P	P	P	P	P	P	P	P	
Agriculture, Dairy	-	CUP	CUP	CUP	CUP	-	-	-	
Agriculture, Horticulture	P	P	P	P	P	P	P	P	
Agritourism	-	CUP	CUP	CUP	CUP	-	-	-	
Feed Lot	-	CUP	CUP	CUP	CUP	-	-	-	18.10.040.B.2
Mine, Quarry, and Gravel Pit	-	-	-	-	-	-	CUP	CUP	18.10.040.B.3
Stable, Private	P	P	P	P	P	P	P	P	
Stable, Public	P	ZP	ZP	ZP	ZP	P	ZP	ZP	
Timber Growing and Harvesting	-	-	-	-	-	-	-	P	
Industrial, Manufacturing, and Processing Uses									
Industrial, Hazardous	-	-	-	-	-	-	CUP	-	
Winery, Micro	ZP	ZP	ZP	ZP	ZP	ZP	-	-	
Winery, Small	CUP	CUP	CUP	CUP	CUP	CUP	-	-	
Winery, Large	CUP	CUP	CUP	CUP	CUP	CUP	-	-	
Recreation, Education, and Public Assembly Uses									
Campground	CUP	CUP	CUP	CUP	CUP	CUP	-	-	
Cemetery	CUP	CUP	CUP	CUP	CUP	CUP	-	-	18.10.040.B.1



**Table 18.10-1
Agricultural and Resource Zones Allowed Uses and Permit Requirements**

Key: P Allowed by Right; ZP = Zoning Permit; (-) = Not Allowed CUP Conditional Use Permit									
Land Use	Permit Requirement by Zone								Additional Regulations
	AR-5	ARE-20	ARE-40	ARE-80	ARE-160	ARF	MR	TP	
Commercial Recreation and Entertainment Facility, Restricted	-	CUP	CUP	CUP	CUP	CUP	-	-	
Commercial Recreation and Entertainment Facility, Outdoor	-	CUP	CUP	CUP	CUP	CUP	-	-	
Public or Quasi-Public Use	CUP	CUP	CUP	CUP	CUP	CUP	CUP	CUP	
Special Event Facility	CUP	CUP	CUP	CUP	CUP	CUP	-	-	
Residential Uses									
Accessory Dwelling Unit	P	P	P	P	P	P	-	P	
Accessory Structure	P	P	P	P	P	P	-	P	
Child Day Care Home	P	P	P	P	P	P	-	-	Gov. Code Section 1597.30-1597.622
Community Care Facility, Large	CUP	CUP	CUP	CUP	CUP	CUP	-	-	
Community Care Facility, Small	P	P	P	P	P	P	-	-	California Welfare and Institutions Code Sections 5115 – 5120
Cottage Industry	P	P	P	P	P	P	-	P	
Employee Housing, Agriculture	P	P	P	P	P	P	-	-	
Home Occupation	P	P	P	P	P	P	-	P	
Single-Unit Dwelling	P	P	P	P	P	P	-	P	
Retail, Service, and Office Uses									
Construction Trailer/Temporary Contractor’s Office	ZP	ZP	ZP	ZP	ZP	ZP	ZP	ZP	
Kennel and Animal Boarding	CUP	CUP	CUP	CUP	CUP	CUP	-	-	
Produce Stand, Large	ZP	ZP	ZP	ZP	ZP	ZP	-	-	18.68.150
Produce Stand, Small	P	P	P	P	P	P	-	-	18.68.150
Veterinary Clinic	CUP	CUP	CUP	CUP	CUP	CUP	-	-	
Utility, Transportation, and Communication Uses									
Airstrip	-	CUP	CUP	P	P	-	CUP	CUP	
Solar Energy Generation Facility	CUP	CUP	CUP	CUP	CUP	CUP	-	-	18.10.040.A.3
Refuse Disposal Facility	CUP	CUP	CUP	CUP	CUP	CUP	CUP	-	
Utility Facility and Infrastructure	P	P	P	P	P	P	P	P	

**Table 18.10-1
Agricultural and Resource Zones Allowed Uses and Permit Requirements**

Key: P Allowed by Right; ZP = Zoning Permit; (-) = Not Allowed CUP Conditional Use Permit									
Land Use	Permit Requirement by Zone								Additional Regulations
	AR-5	ARE-20	ARE-40	ARE-80	ARE-160	ARF	MR	TP	
Wireless Telecommunication Facility, Towers	CUP	CUP	CUP	CUP	CUP	CUP	-	-	

18.10.030 Development Standards

- A. **Table 18.10-2 Agricultural and Resource Zones Development Standards.** The intent of the agricultural and resource zones development standards table is to clearly and precisely establish the basic site and structure regulations that apply to all developments in each of the agricultural and resource zones. The table also indicates where additional site and structure requirements, including, but not limited to, off-street parking, landscaping, signs, fences and walls, and performance standards, apply to agricultural and resource zones. [Source: 18.53.030, modified]
- B. **Additional Regulations.** Where the “Additional Regulations” row in the **Table 18.10-2 (Agricultural and Resource Zones Development Standards)** includes a chapter or section number, the regulations in the referenced chapter or section shall apply to the use. Provisions in other sections of Title 18 or adopted Specific or Area Plans may also apply. [Source: NEW]
- C. **Density.** Maximum density standards shall be consistent with the General Plan or applicable Area Plan or Specific Plan. [Source: NEW]



**Table 18.10-2
Agricultural and Resource Zones Development Standards**

Zone	Development Feature (minimum unless otherwise specified)							
	Parcel Area (acres)	Structure Coverage (max. percent)	Height (max. ft.)	Parcel Dimensions		Setbacks		
				Width (ft.)	Depth (ft.)	Front (ft.)	Side (ft.)	Rear (ft.)
AR-5	4 ½	10	35	200	n/a	25	10	20
ARE-20	18	5	35	200	n/a	25	10	20
ARE-40	36	5	35	600	n/a	25	10	20
ARE-80	80	5	35	400	n/a	25	10	20
ARE-160	160	5	35	400	n/a	25	10	20
ARF	2 ½	40	35	100	n/a	25	10	20
MR	n/a	20	60	n/a	n/a	n/a	n/a	n/a
TP	160	5	35	600	n/a	25	10	20
Other Applicable Regulations	18.10.040.A.4		-	-	-	-	-	-

Additional Regulations	
Regulation	Section or Chapter
Accessory Dwelling Units	Section 18.68.020
Accessory Structures	Chapter 18.32
Fences and Walls	Chapter 18.34
Height Measurements and Exceptions	Section 18.30.030
Landscaping	Chapter 18.36
Multi-Unit Dwelling Design Standards	Chapter 18.52
Off-Street Parking Regulations and Design Standards	Chapter 18.38
Performance Standards	Chapter 18.40
Setbacks – Measurements and Requirements	Section 18.30.040
Sign Regulations	Chapter 18.42

18.10.040 Other Applicable Standards

In addition to the standards specified in Article 3 (Regulations Applicable to All Zones) and Article 4 (Standards for Specific Land Uses), the following regulations shall be applicable in the specific agricultural and resource zones: [Source: NEW]

- A. **Development Standards.** Agricultural and resources zones shall comply with the following additional development standards.
 - 1. **Agricultural Accessory Structure Height.** Agricultural accessory structures in the following agricultural and resource zones are allowed a maximum structure height as follows: [Source: 18.53.030, modified]
 - a. **AR-5 zone:** 40 feet.

- b. **ARE (20, 40, 80) zones:** 60 feet.
 - c. **ARF zone:** 60 feet.
2. **MR Zone Structure Height.** Structures over 60 feet in height on parcels zoned MR require the approval of a Conditional Use Permit, in compliance **Chapter 18.82 (Conditional Use Permits)**. [Source: 18.46.040, modified]
3. **Solar Energy Generation Facility.** Where allowed in **Table 18.10-1 (Agricultural and Resource Zones Allowed Uses and Permit Requirements)**, Solar Energy Generation Facilities shall comply with the following regulations: [Source: 18.94.180, modified]
- a. **Structure Coverage Exception.** The maximum structure coverage standards established in **Table 18.10-2 (Agricultural and Resource Zones Development Standards)**, shall not apply to solar energy generation facilities. [Source: 18.94.180.A, modified]
 - b. **Maximum Height Exception.** The maximum height structure standards established in **Table 18.10-2 (Agricultural and Resource Zones Development Standards)**, shall not apply to solar energy generation facilities. [Source: 18.94.180.B, modified]
4. **TP Zone Minimum Parcel Area.** As established in **Table 18.10-2 (Agricultural and Resource Zones Development Standards)**, the minimum parcel size for the TP zone is 160 acres. In the event a parcel does not to comply with this requirement, a parcel owner(s) shall take the following measures to satisfy the minimum parcel size requirement: [Source: 18.75.040, modified]
- a. The owners of abutting parcels that are under 160 acres, shall submit a Joint Forest Management Plan prepared or approved by a State licensed Registered Professional Forester, and
 - b. The owners of the abutting parcels shall jointly enter into a binding contract with the County to manage and harvest timber on the subject parcels, in compliance with the following:
 - i. Owners of the subject parcels shall be bound by the provisions of the approved Joint Forest Management Plan and binding contract for a minimum period of 10 years.
 - ii. Such action shall be approved by a four-fifths vote of the full Board.
- B. **Land Use Regulations.** Agricultural and resources zones shall comply with the following additional land use regulations.

1. **Cemetery.** Cemeteries, mausoleums, and other similar structures and/or land uses, shall only be allowed on parcels one acre or greater in size. These land uses are prohibited on parcels less than one acre in size. [Source: 18.94.040.B, modified]
2. **Feed Lot.** Feed lot land uses shall comply with the following.
 - a. The minimum parcel size for a feed lot shall be five acres. [Source: 18.94.050.B]
 - b. No structure other than one used for residence purposes shall be closer than 50 feet to the parcel line of an adjoining parcel in a residential zone. [Source: 18.94.050.C]
3. **Surface Mining Operations.** Surface mining operations on parcels zoned MR require the approval of a Conditional Use Permit, in compliance **Chapter 18.82 (Conditional Use Permits)**. [Source: 18.46.010.C.1, modified]

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Chapter 18.12

Rural Residential Zones



Chapter 18.12 Rural Residential Zones

18.12.010 Purpose and Intent of Rural Residential Zones

- A. **Purpose.** The purpose of this Chapter is to describe the character and intent of the County's rural residential zones, describe allowed uses and permit requirements, establish development standards, and identify and supplemental land use regulations applicable to rural residential zones. [Source: NEW]
- B. **Intent.** The intent of this Chapter is to provide for areas in the County that are rural in character and can accommodate low density residential and limited agricultural uses. The land use regulations and development standards for rural residential zones are intended to be less restrictive than urban residential zones due to the availability of larger parcel sizes and minimal potential for land use conflicts. [Source: 18.11.010, modified]
- C. **Zone Purpose Statements.** The purpose of the individual rural residential zones and the manner in which they are applied are as follows: [Source: NEW]
1. **RM – Residential, Mountain, Family Zone.** The purpose of the Residential, Mountain, Family Zone (RM) is to provide for areas in the County that accommodate single-unit dwellings and limited agricultural uses on a range of parcels sizes. Due to the availability of larger parcels sizes and rural-mountain character, the land use regulations and development standards in the RM zone are intended to be less restrictive than urban residential zones. The maximum residential density for this zone is two dwelling units per acre. The maximum FAR for nonresidential uses in this zone is 0.30. This zone implements the Agriculture (A) and Very Low Density Residential (VLDR) land use designations in the General Plan. [Source: 18.11.090, modified]
 2. **RMS – Residential, Mountain, Single-Unit Dwelling Zone.** The purpose of the Residential, Mountain, Single-Unit Dwelling Zone (RMS) is to provide for areas in the County that accommodate single-unit dwellings in a rural-mountain setting. Due to the rural-mountain character of the RMS zone, land use regulations and development standards are intended to be less restrictive than urban residential zones. The maximum residential density for this zone is two dwelling units per acre. The maximum FAR for nonresidential uses in this zone is 0.30. This zone implements the Agriculture (A) and Very Low Density Residential (VLDR) land use designations in the General Plan. [Source: 18.11.050, modified]

3. **RRM – Residential, Rural, Multi-Unit Dwelling Zone.** The purpose of the Residential, Rural, Multi-Unit Dwelling Zone (RRM) is to provide for areas in the County that accommodate single-unit and multi-unit residential uses in a rural setting. The RRM zone is characterized by single-unit and multi-unit dwellings on larger parcels. The maximum residential density for this zone is 7.50 dwelling units per acre. The maximum FAR for nonresidential uses in this zone is 0.30. This zone implements the Low Density Residential (LDR) land use designation in the General Plan. [Source: 18.11.080, modified]
4. **RRS – Residential, Rural, Single-Unit Dwelling Zones.** The purpose of the Residential, Rural, Single-Unit Dwelling Zones (RRS-1, 2, 2 ½, 3, 5, 10) is to provide for areas in the County that accommodate single-unit dwellings on large parcels. These zones are characterized by rural areas, where the retention of low-density residential development is desired. The RRS zones are defined as follows: RRS-1, RRS-2, RRS-2 ½, RRS-3, RRS-5, and RRS-10. The maximum residential density for the RRS zones ranges from 0.50 to 7.50 dwelling units per acre. The maximum FAR for nonresidential uses in these zones ranges from 0.10 to 0.30. The RRS zones implement the Agriculture (A), Agriculture Residential (AR), Rural Estate Residential (RER), Rural Residential (RR), Very Low Density Residential (VLDR), and Low Density Residential (LDR) land use designations in the General Plan. [Source: 18.11.040, modified]

18.12.020 Land Use Regulations and Allowable Uses

- A. **Table 18.12-1 Rural Residential Zones Allowed Uses and Permit Requirements.** Table 18.12-1 (Rural Residential Zones Allowed Uses and Permit Requirements) indicates the uses allowed within each rural residential zone and any permits required to establish the use, in compliance with Article 6 (Permit Processing Procedures) and Article 7 (Zoning Ordinance Administration). [Source: NEW]
- B. **Accessory Uses.** Accessory uses in rural residential zones shall be allowed in compliance with Section 18.68.030 (Accessory Uses). [Source: 18.53.020.A, modified]
- C. **Additional Regulations.** Where the last column in the Table 18.12-1 (Rural Residential Zones Allowed Uses and Permit Requirements) includes a chapter or section number, the regulations in the referenced chapter or section shall apply to the use. Provisions in other sections of Title 18 or adopted Specific or Area Plans may also apply. [Source: NEW]
- D. **Definitions.** See Article 8 (Definitions) for land use definitions and explanations. [Source: NEW]

- E. **Uses Not Listed.** Uses not in **Table 18.12-1 (Rural Residential Zones Allowed Uses and Permit Requirements)** shall be reviewed by the Zoning Administrator to determine if the use is similar to those listed and appropriate in this zone and if so, what type of permit is required, in compliance with **Section 18.04.040 (Uses Not Classified)**, otherwise any use not listed is prohibited. [Source: 18.11.100.D, modified]
- F. **Williamson Act Compliance.** In addition to the land use and development standards established in this Chapter and Zoning Ordinance, all properties subject to Williamson Act Contract, shall also comply with the State program. [Source: 18.94.190, modified]
- G. **Zoning Clearance Required.** Each land use specified in **Table 18.12-1 (Rural Residential Zones Allowed Uses and Permit Requirements)** as allowed with a “P” as a use allowed-by-right shall require the issuance of a Zoning Clearance in compliance with **Chapter 18.74 (Zoning Clearance)** before establishment. If the establishment of an allowed-by-right use includes construction activities (e.g., additions, alterations, new construction, reconstruction, or remodeling) the issuance of a Building Permit shall constitute as a Zoning Clearance [Source: NEW]

**Table 18.12-1
Rural Residential Zones Allowed Uses and Permit Requirements**

Key: P Allowed by Right; ZP = Zoning Permit; (-) = Not Allowed CUP Conditional Use Permit								
Land Use	Permit Requirement by Zone							Additional Regulations
	RM	RMS	RRM	RRS-1	RRS- 2, 2 ½, 3	RRS-5	RRS-10	
Agricultural and Resource Uses								
Agriculturally Oriented Service	CUP	-	-	-	-	-	-	
Agriculture, Horticulture	P	P	-	-	-	-	-	
Animal Keeping	P	-			P	P	P	18.68.050
Stable, Private	P	P	-	-	P	P	P	
Timber Growing and Harvesting	ZP	-	-	-	-	-	-	
Recreation, Education, and Public Assembly Uses								
Campground	CUP		-	-	-	CUP	CUP	
Cemetery	CUP	CUP	CUP	CUP	CUP	CUP	CUP	18.12.040.B.1
Commercial Recreational and Entertainment Facility, Outdoor	CUP	CUP	-	-	-	-	CUP	
Place of Assembly	CUP	CUP	CUP	CUP	CUP	CUP	CUP	
Public or Quasi-Public Use	CUP	CUP	CUP	CUP	CUP	CUP	CUP	



**Table 18.12-1
Rural Residential Zones Allowed Uses and Permit Requirements**

Land Use	Permit Requirement by Zone							Additional Regulations
	RM	RMS	RRM	RRS-1	RRS- 2, 2 ½, 3	RRS-5	RRS-10	
Key: P Allowed by Right; ZP = Zoning Permit; (-) = Not Allowed CUP Conditional Use Permit								
Residential Uses								
Accessory Dwelling Unit	P	P	P	P	P	P	P	
Accessory Structure	P	P	P	P	P	P	P	18.12.040.A.2 18.32
Bed and Breakfast Inn, Multi-Unit Dwelling	-	-	CUP	-	-	-	-	
Bed and Breakfast Inn, Single-Unit Dwelling	CUP	CUP	CUP	CUP	CUP	CUP	CUP	
Child Day Care Home	P	P	P	P	P	P	P	Gov. Code Section 1597.30- 1597.622
Community Care Facility, Large	CUP	CUP	CUP	CUP	CUP	CUP	CUP	
Community Care Facility, Small	P	P	P	P	P	P	P	California Welfare and Institutions Code Sections 5115 – 5120
Cottage Industry	P	P	P	P	P	P	P	
Home Occupation	P	P	P	P	P	P	P	
Low Barrier Navigation Center	P	P	P	P	P	P	P	Gov. Code Section 65660- 65668
Mobile Home Park	CUP	CUP	CUP	CUP	CUP	CUP	CUP	
Multi-Unit Dwelling	-	-	P	-	-	-	-	18.52
Single-Unit Dwelling	P	P	P	P	P	P	P	
Supportive Housing	P	P	P	P	P	P	P	Gov. Code Section 65651
Transitional Housing	P	P	P	P	P	P	P	Gov. Code Section 65651
Retail, Service, and Office Uses								
Construction Trailer/ Temporary Contractor’s Office	ZP	ZP	ZP	ZP	ZP	ZP	ZP	
Kennel and Animal Boarding		-	-	-	-	-	-	
Stable, Public	CUP		-	-	-	-	-	
Veterinary Clinic	CUP		-	-	-	-	-	
Utility, Transportation, and Communication Uses								
Airstrip	CUP		-	-	-	-	-	

**Table 18.12-1
Rural Residential Zones Allowed Uses and Permit Requirements**

Land Use	Permit Requirement by Zone							Additional Regulations
	RM	RMS	RRM	RRS-1	RRS- 2, 2 ½, 3	RRS-5	RRS-10	
Utility Facility and Infrastructure	P	P	P	P	P	P	P	

18.12.030 Development Standards

- A. **Table 18.12-2 Rural Residential Zones Development Standards.** The intent of the rural residential zones development standards table is to clearly and precisely establish the basic site and structure regulations that apply to all developments in each of the rural residential zones. The table also indicates where additional site and structure requirements, including, but not limited to, off-street parking, landscaping, signs, fences and walls, and performance standards, apply to rural residential zones. [Source: 18.11.120, modified]
- B. **Additional Regulations.** Where the “Additional Regulations” row in the **Table 18.12-2 (Rural Residential Zones Development Standards)** includes a chapter or section number, the regulations in the referenced chapter or section shall apply to the use. Provisions in other sections of Title 18 or adopted Specific or Area Plans may also apply. [Source: NEW]

**Table 18.12-2
Rural Residential Zones Development Standards**

Zone	Development Feature (minimum unless otherwise specified)							
	Parcel Area (acres)	Structure Coverage (max. percentage)	Height (max. ft.)	Parcel Dimensions		Setbacks		
				Width (ft.)	Length to width ratio (max)	Front (ft.)	Side (ft.)	Rear (ft.)
RM	2	40	40	120	3:1	25	10	20
RMS	1	40	35	120	3:1	25	10 5/10	20
RRM	1	35	40	n/a	3:1	25	10 25	20
RRS-1	1	40	35	120	3:1	25	10	20



**Table 18.12-2
Rural Residential Zones Development Standards**

Zone	Development Feature (minimum unless otherwise specified)							
	Parcel Area (acres)	Structure Coverage (max. percentage)	Height (max. ft.)	Parcel Dimensions		Setbacks		
				Width (ft.)	Length to width ratio (max)	Front (ft.)	Side (ft.)	Rear (ft.)
RRS- 2, 2 ½, 3	2, 2.25, 2.7	20	35	200, 250, 250	3:1	25	10	20
RRS-5	4.5	20	35	270	3:1	25	10	20
RRS-10	9	20	35	400	3:1	25	10	20
Other Applicable Regulations			18.12.040.A.1				18.12.040.A.3, 18.12.040.A.4	

Additional Regulations	
Regulation	Section or Chapter
Accessory Dwelling Units	Section 18.68.020
Accessory Structures	Chapter 18.32
Fences and Walls	Chapter 18.34
Height Measurements and Exceptions	Section 18.30.030
Landscaping Standards	Chapter 18.36
Multi-Unit Dwelling Objective Design Standards	Chapter 18.52
Off-Street Parking Regulations and Design	Chapter 18.38
Performance Standards	Chapter 18.40
Setback Measurements and Exceptions	Section 18.30.040
Sign Regulations	Chapter 18.42

18.12.040 Other Applicable Standards

In addition to the standards specified in Article 3 (Regulations Applicable to All Zones) and Article 4 (Standards for Specific Land Uses), the following regulations shall be applicable in the specific rural residential zones: [Source: NEW]

- A. **Development Standards.** Rural residential zones shall comply with the following additional development standards.
 1. **Agricultural Accessory Structure Height.** Maximum agricultural accessory structure height in the RM and RMS zones is 60 feet. [Source: 18.11.120, modified]
 2. **Agricultural Accessory Structure Location.** In all rural residential zones, agricultural accessory structures specifically used for the keeping of animals (i.e., pens, coops, stables, barns) shall comply with the following: [Source: 18.11.100, footnote 3, modified]

- a. Comply with the minimum setback standards established in **Table 18.12-2 (Rural Residential Zones Development Standards)**.
 - b. Not be constructed within 50 feet of any structure designed for human habitation.
 3. **RMS Zone, Bass Lake Development.** RMS zoned parcels at Bass Lake that are less than one acre in size shall provide a minimum five-foot side setback on one side of the parcel, and a minimum 10-foot side setback on the remaining side. Parcels zoned RMS at Bass Lake that are one acre or larger, shall comply with the side setback requirements established in **Table 18.12-2 (Rural Residential Zones Development Standards)**.
 4. **RRM Zone Side Setback Standards.** Minimum side setbacks in the RRM zone vary depending on the type of residential dwelling proposed. The minimum side setbacks in the RRM zone shall be applied as follows:
 - a. **Single-Unit Dwelling.** Single-unit dwellings in the RRM zone shall provide a minimum 10-foot side setback on either side of the parcel.
 - b. **Multi-Unit Dwelling.** Multi-unit dwellings in the RRM zone shall provide a minimum 25-foot side setback on either side of the parcel.
- B. **Land Use Regulations.** Rural residential zones shall comply with the following additional land use regulations.
1. **Cemetery.** Cemeteries, mausoleums, and other similar structures and/or land uses, shall only be allowed on parcels one acre or greater in size. These land uses are prohibited on parcels less than one acre in size. [Source: 18.94.040.B, modified]
 2. **Single-Unit Dwelling Rental.** The rental of an entire single-unit dwelling, regardless of the tenure or length of tenancy, is an allowed use in all rural residential zones. [Source: 18.11.100.C, modified]
 3. **Uses to be Conducted Indoors.** All uses allowed in the rural residential zones, as established in **Table 18.12-2 (Rural Residential Zones Development Standards)**, shall be conducted entirely within an enclosed structure unless the use is traditionally conducted outdoors. [Source: 18.11.100.B, modified]

Chapter 18.14

Urban Residential Zones



Chapter 18.14 Urban Residential Zones

18.14.010 Purpose and Intent of Urban Residential Zones

- A. **Purpose.** The purpose of this Chapter is to describe the purpose and intent of the County’s urban residential zones, describe allowed uses and permit requirements, establish development standards, and identify supplemental land use regulations applicable to urban residential zones. [Source: NEW]
- B. **Intent.** The intent of this Chapter is to provide for areas in the County that are urban in character and can accommodate residential uses of various densities on parcels of one acre or less. [Source: 18.11.010, modified]
- C. **Zone Purpose Statements.** The purpose of the individual urban residential zones and the manner in which they are applied are as follows: [Source: NEW]
1. **RUS – Residential, Urban, Single-Unit Dwelling Zone.** The purpose of the Residential, Urban, Single-Unit Dwelling Zone (RUS) is to provide for areas in the urbanized County that accommodate low density residential uses on parcels with a minimum parcel size of 4,500 square feet. The maximum residential density for this zone is 12 dwelling units per acre. The maximum FAR for nonresidential uses in this zone is 0.30. This zone implements the Low Density Residential (LDR) and Medium Density Residential (MDR) land use designations in the General Plan. [Source: 18.11.020, modified]
 2. **RX – Residential, Small Parcel Zone.** The purpose of the Residential, Small Parcel Zone (RX) is to provide for areas in the urbanized County that accommodate both attached and detached single-unit dwellings on parcels 3,000 square feet. The RX zone is intended to provide an alternative to multi-unit residential developments where single-unit residential developments could be developed at similar densities. The RX zone is only allowed when used in conjunction with the Village Core Overlay Zone (VCO). The maximum residential density for the RX zone is 14.5 dwelling units per acre. The maximum FAR for nonresidential uses in this zone is 0.80. This zone implements that Mixed Use Core (MUC) land use designation in the General Plan. [Source: 18.11.030, modified]

3. **RT – Residential, Townhouse Zone.** The purpose of the Residential, Townhouse Zone (RT) is to provide for areas in the urbanized County that accommodate attached, single-unit dwellings on small parcels with alley access. The RT zone encourages more urbanized, single-unit dwellings at densities that are typical of multi-unit dwelling zones. The RT zone provides transition opportunities between low density neighborhoods and higher density multi-unit dwelling neighborhoods, and in some instances may replace multi-unit dwelling zones at similar densities. This zone is intended to be applied on subdivided blocks with alleys that are within or close to highly urbanized areas, transit areas. The RT zone is only allowed when used in conjunction with the Village Core Overlay Zone (VCO). The maximum residential density for the RT zone is 22 dwelling units per acre. The maximum FAR for nonresidential uses in this zone is 0.50. This zone implements that Mixed Use Core (MUC) land use designation in the General Plan. [Source: 18.11.060, modified]
4. **RUM – Residential, Urban, Multi-Unit Dwelling Zone.** The purpose of the Residential, Urban, Multi-Unit Dwelling Zone (RUM) is to provide for areas in the urbanized County that accommodate multi-unit dwellings. The maximum residential density for this zone is 25 dwelling units per acre. The maximum FAR for nonresidential uses in this zone is 0.40. This zone implements the Medium Density Residential (MDR) and High Density Residential (HDR) land use designations in the General Plan. [Source: 18.11.070, modified]

18.14.020 Land Use Regulations and Allowable Uses

- A. **Table 18.14-1 Urban Residential Zones Allowed Uses and Permit Requirements.** Table 18.14-1 (Urban Residential Zones Allowed Uses and Permit Requirements) indicates the uses allowed within each urban residential zone and any permits required to establish the use, in compliance with Article 6 (Permit Processing Procedures) and Article 7 (Zoning Ordinance Administration).
- B. **Accessory Uses.** Accessory uses in urban residential zones shall be allowed in compliance with Section 18.68.030 (Accessory Uses). [Source: 18.53.020.A, modified]
- C. **Additional Regulations.** Where the last column in the Table 18.14-1 (Urban Residential Zones Allowed Uses and Permit Requirements) includes a chapter or section number, the regulations in the referenced chapter or section shall apply to the use. Provisions in other sections of Title 18 or adopted Specific or Area Plans may also apply. [Source: NEW]
- D. **Definitions.** See Article 8 (Definitions) for land use definitions and explanations. [Source: NEW]

- E. **Uses Not Listed.** Uses not in Table 18.14-1 (Urban Residential Zones Allowed Uses and Permit Requirements) shall be reviewed by the Zoning Administrator to determine if the use is similar to those listed and appropriate in this zone and if so, what type of permit is required, in compliance with Section 18.04.040 (Uses Not Classified), otherwise any use not listed is prohibited. [Source: 18.11.100.D, modified]
- F. **Zoning Clearance Required.** Each land use specified in Table 18.14-1 (Urban Residential Zones Allowed Uses and Permit Requirements) as allowed with a “P” as a use allowed-by-right shall require the issuance of a Zoning Clearance in compliance with Chapter 18.74 (Zoning Clearance) before establishment. If the establishment of an allowed-by-right use includes construction activities (e.g., additions, alterations, new construction, reconstruction, or remodeling) the issuance of a Building Permit shall constitute as a Zoning Clearance [Source: NEW]

**Table 18.14-1
Urban Residential Zones Allowed Uses and Permit Requirements**

Land Use	Permit Requirement by Zone				Additional Regulations
	RUS	RX	RT	RUM	
Key: P Allowed by Right; ZP = Zoning Permit; (-) = Not Allowed CUP Conditional Use Permit					
Recreation, Education, and Public Assembly Uses					
Cemetery	-	-	-	CUP	18.14.040.A
Place of Assembly	CUP	-	CUP	CUP	
Public or Quasi-Public Use	CUP	CUP	CUP	CUP	
Residential Uses					
Accessory Dwelling Unit	P	P	P	P	
Accessory Structure	P	P	P	P	
Bed and Breakfast Inn, Multi-Unit Dwelling	-	-	-	CUP	
Bed and Breakfast Inn, Single-Unit Dwelling	CUP	-	-	CUP	
Child Day Care Home	P	P	P	P	Gov. Code Section 1597.30-1597.622
Community Care Facility, Large	CUP	-	-	CUP	
Community Care Facility, Small	P	P	P	P	California Welfare and Institutions Code Sections 5115 – 5120
Cottage Industry	P	P		P	
Home Occupation	P	P	P	P	
Low Barrier Navigation Center	P	P	P	P	Gov. Code Section 65660-65668
Mobile Home Park	CUP	-	-	CUP	



**Table 18.14-1
Urban Residential Zones Allowed Uses and Permit Requirements**

Key: P Allowed by Right; ZP = Zoning Permit; (-) = Not Allowed CUP Conditional Use Permit					
Land Use	Permit Requirement by Zone				Additional Regulations
	RUS	RX	RT	RUM	
Multi-Unit Dwelling	-	-	CUP	P	18.52
Single-Unit Dwelling	P	P	P	P	
Supportive Housing	P	P	P	P	Gov. Code Section 65651
Transitional Housing	P	P	P	P	Gov. Code Section 65651
Retail, Service, and Office Uses					
Construction Trailor/ Temporary Contractor’s Office	ZP	ZP	ZP	ZP	
Utility, Transportation, and Communication Uses					
Utility Facility and Infrastructure	P	P	P	P	

18.14.030 Development Standards

- A. **Table 18.12-2 Urban Residential Zones Development Standards.** The intent of the urban residential zones development standards table is to clearly and precisely establish the basic site and structure regulations that apply to all developments in each of the urban residential zones. The table also indicates where additional site and structure requirements, including, but not limited to, off-street parking, landscaping, signs, fences and walls, and performance standards, apply to urban residential zones. [Source: 18.53.030, modified]
- B. **Additional Regulations.** Where the “Additional Regulations” row in the **Table 18.12-2 (Urban Residential Zones Development Standards)** includes a chapter or section number, the regulations in the referenced chapter or section shall apply to the use. Provisions in other sections of Title 18 or adopted Specific or Area Plans may also apply. [Source: NEW]

**Table 18.14-2
Urban Residential Zones Development Standards**

Zone	Development Feature (minimum unless otherwise specified)								
	Parcel Area (sq. ft.)	Structure Coverage (max. percent)	Height (max. ft.)	Parcel Dimensions			Setbacks		
				Width (ft.)	Depth (ft.)	Length to width ratio (max.)	Front (ft.)	Side (ft.)	Rear (ft.)
RUS	4,500	80	35	50	n/a	3:1	25	3.5	10
RX	3,000	80	35	35	50	n/a	15	5	10
RT	2,200	75	40	25	80	n/a	5	0/5	3
RUM	n/a	80	40	65	n/a	3:1	25	5	10
Other Applicable Regulations									
Additional Regulations									
Regulation						Section or Chapter			
Accessory Dwelling Units						Section 18.68.020			
Accessory Structures						Chapter 18.32			
Fences and Walls						Chapter 18.34			
Height Measurements and Exceptions						Section 18.30.030			
Landscaping Standards						Chapter 18.36			
Multi-Unit Dwelling Objective Design Standards						Chapter 18.52			
Off-Street Parking Regulations and Design						Chapter 18.38			
Performance Standards						Chapter 18.40			
Setback Measurements and Exceptions						Section 18.30.040			
Sign Regulations						Chapter 18.42			

18.14.040 Other Applicable Standards

In addition to the standards specified in Article 3 (Regulations Applicable to All Zones) and Article 4 (Standards for Specific Land Uses), the following regulations shall be applicable in the specific urban residential zones: [Source: NEW]

- A. **Cemetery.** Cemeteries, mausoleums, and other similar structures and/or land uses, shall only be allowed on parcels one acre or greater in size. These land uses are prohibited on parcels less than one acre in size. [Source: 18.94.040.B, modified]
- B. **Single-Unit Dwelling Rental.** The rental of an entire single-unit dwelling, regardless of the tenure or length of tenancy, is an allowed use in all urban residential zones. [Source: 18.11.100.C, modified]

- C. **Uses to be Conducted Indoors.** All uses allowed in the urban residential zones, as established in **Table 18.12-2 (Urban Residential Zones Development Standards)**, shall be conducted entirely within an enclosed structure unless the use is traditionally conducted outdoors. [Source: 18.11.100.B, modified]

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Chapter 18.16

Commercial Zones

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Chapter 18.16 Commercial Zones

18.16.010 Purpose and Intent of Commercial Zones

- A. **Purpose.** The purpose of this Chapter is to describe the character and intent of the County's commercial zones, describe allowed uses and permit requirements, establish development standards, and identify and supplemental land use regulations applicable to commercial zones. [Source: NEW]
- B. **Intent.** The intent of this Chapter is to provide for areas in the County that accommodate a wide variety of retail, service, and vehicle-oriented uses related to the needs of residents and tourists. Single-unit and multi-unit residential developments are allowed in commercial zones when determined to be compatible with adjoining uses. [Source: NEW]
- C. **Zone Purpose Statements.** The purpose of the individual commercial zones and the manner in which they are applied are as follows: [Source: NEW]
1. **CRH – Commercial, Rural, Highway Zone.** The purpose of the Commercial, Rural, Highway Zone (CRH) is to provide for areas in the rural County that accommodate retail and service uses primarily serving the traveling public. Appropriate uses in this zone include hotels, motels, and vehicle fueling stations. The uses in this zone are intended to have immediate access from major arterials or highways. The maximum FAR for this zone is 0.20. This zone implements the Highway Service Commercial (HSC) land use designation in the General Plan. [Source: NEW]
 2. **CRR – Commercial, Rural, Restricted Zone.** The purpose of the Commercial, Rural, Restricted Zone (CRR) is to provide for areas in the rural County that accommodate limited retail sales uses, including restricted retail sales, and single- and multi-unit residential development. The maximum FAR for this zone is 0.20. This zone implements the Neighborhood Commercial (NC) land use designation in the General Plan. [Source: NEW]
 3. **CRM – Commercial, Rural, Median Zone.** The purpose of the Commercial, Rural, Median Zone (CRM) is to provide for areas in the rural County that accommodate retail, service, and office uses, in addition to single unit residential. The maximum FAR for this zone is 0.20. This zone implements the Community Commercial (CC) land use designation in the General Plan. [Source: NEW]

4. **■ CRG – Commercial, Rural, General Zone.** The purpose of the Commercial, Rural, General Zone (CRG) is to provide for areas in the rural County that accommodate a wide variety of residential, retail, service, and vehicle oriented uses. The maximum FAR for this zone is 0.20. This zone implements the Heavy Commercial (HC) land use designation in the General Plan. [Source: NEW]
5. **■ CUR – Commercial, Urban, Restricted Zone.** The purpose of the Commercial, Urban, Restricted Zone (CUR) is to provide for areas in the urbanized County that accommodate limited retail sales uses, including restricted retail sales, and low- and high- density residential development. The maximum FAR for this zone is 0.20. This zone implements the Neighborhood Commercial (NC) land use designation in the General Plan. [Source: NEW]
6. **■ CUM – Commercial, Urban, Median Zone.** The purpose of the Commercial, Urban, Median Zone (CRM) is to provide for areas in the rural County that accommodate retail, service, office, and vehicle-oriented uses, in addition to single unit residential. The maximum FAR for this zone is 0.30. This zone implements the Community Commercial (CC) land use designation in the General Plan. [Source: NEW]
7. **■ CUG – Commercial, Urban, General Zone.** The purpose of the Commercial, Rural, General Zone (CRG) is to provide for areas in the rural County that accommodate a wide variety of residential, retail, and service uses. The maximum FAR for this zone is 0.50. This zone implements the Heavy Commercial (HC) land use designation in the General Plan. [Source: NEW]

18.16.020 Land Use Regulations and Allowable Uses

- A. **Table 18.16-1 Commercial Zones Allowed Uses and Permit Requirements.** Table 18.16-1 (Commercial Zones Allowed Uses and Permit Requirements) indicates the uses allowed within each commercial zone and any permits required to establish the use, in compliance with Article 6 (Permit Processing Procedures) and Article 7 (Zoning Ordinance Administration). [Source: NEW]
- B. **Accessory Uses.** Accessory uses in commercial zones shall be allowed in compliance with Section 18.68.030 (Accessory Uses). [Source: NEW]
- C. **Additional Regulations.** Where the last column in the Table 2-7 (Commercial Zones Allowed Uses and Permit Requirements) includes a chapter or section number, the regulations in the referenced chapter or section shall apply to the use. Provisions in other sections of Title 18 or adopted Specific or Area Plans may also apply. [Source: NEW]
- D. **Definitions.** See Article 8 (Definitions) for land use definitions and explanations. [Source: NEW]

- E. **Uses Not Listed.** Uses not in Table 2-7 (Commercial Zones Allowed Uses and Permit Requirements) shall be reviewed by the Zoning Administrator to determine if the use is similar to those listed and appropriate in this zone and if so, what type of permit is required, in compliance with Section 18.04.040 (Uses Not Classified), otherwise any use not listed is prohibited. [Source: NEW]
- F. **Zoning Clearance Required.** Each land use specified in Table 18.16-1 (Commercial Zones Allowed Uses and Permit Requirements) as allowed with a “P” as a use allowed-by-right shall require the issuance of a Zoning Clearance in compliance with Chapter 18.74 (Zoning Clearance) before establishment. If the establishment of an allowed-by-right use includes construction activities (e.g., additions, alterations, new construction, reconstruction, or remodeling) the issuance of a Building Permit shall constitute as a Zoning Clearance [Source: NEW]

**Table 18.16-1
Commercial Zones Allowed Uses and Permit Requirements**

Key: P Allowed by Right; ZP Zoning Permit; (-) = Not Allowed CUP Conditional Use Permit								
Land Use	Permit Requirement by Zone							Additional Regulations
	CRH	CRR	CRM	CRG	CUR	CUM	CUG	
Industrial, Manufacturing, and Processing Uses								
Contractor Storage Yard	-	-	CUP	P	-	CUP	P	
Brewery	-	-	-	CUP	-	-	CUP	
Industrial, Minor	-	-	CUP	P	-	CUP	P	
Outdoor Storage	-	-	CUP	CUP	-	CUP	CUP	
Recycling Facility	-	CUP	CUP	CUP	-	CUP	-	
Warehousing and Distribution	-	-	CUP	P	-	CUP	P	
Winery, Small	-	-	-	P	-	-	P	
Wrecking or Dismantling Yard	-	-	-	CUP	-	-	-	18.68.230
Recreation, Education, and Public Assembly Uses								
Cemetery	CUP	CUP	CUP	CUP	CUP	CUP	CUP	18.16.040.C
Commercial Recreational and Entertainment Facility, Indoor	CUP	CUP	ZP	ZP	CUP	ZP	ZP	
Commercial Recreational and Entertainment Facility, Outdoor	CUP	ZP	ZP	ZP	ZP	ZP	ZP	
Place of Assembly	CUP	CUP	CUP	CUP	CUP	CUP	CUP	
Public or Quasi-Public Use	CUP	CUP	CUP	CUP	CUP	CUP	CUP	
School, College and University	CUP	CUP	CUP	CUP	CUP	CUP	CUP	



**Table 18.16-1
Commercial Zones Allowed Uses and Permit Requirements**

Key: P Allowed by Right; ZP Zoning Permit; (-) = Not Allowed CUP Conditional Use Permit								
Land Use	Permit Requirement by Zone							Additional Regulations
	CRH	CRR	CRM	CRG	CUR	CUM	CUG	
School, Technical and Vocational	CUP	ZP	ZP	ZP	ZP	ZP	ZP	
Residential Uses								
Accessory Dwelling Unit	-	P	P	P	P	P	P	
Cottage Industry	-	P	P	P	P	P	P	
Home Occupation	-	P	P	P	P	P	P	
Multi-Unit Dwelling	-	CUP	CUP	CUP	P	CUP	CUP	18.52
Single-Unit Dwelling	-	P	ZP	ZP	P	ZP	ZP	
Retail, Service, and Office Uses								
Adult Entertainment Business	-	-	-	CUP	-	-	CUP	18.16.040.B
Alcoholic Beverage Sales	-	CUP	P	P	CUP	P	P	
Bank and Financial Institution	-	-	P	P	-	P	P	
Bar	-	CUP	P	P	CUP	P	P	
Building Materials and Lumber Sales	-	-	CUP	P	-	CUP	CUP	
Child Day Care Facility	-	ZP	ZP	ZP	ZP	ZP	ZP	
Construction Trailer/Temporary Contractor’s Office	ZP	ZP	ZP	ZP	ZP	ZP	ZP	
Emergency Shelter	-	-	P	-	P	-	-	
Equipment Sales and Rental Facilities	-	-	CUP	P	-	CUP	P	
Feed and Seed Store	-	-	CUP	-P	-	CUP	-P	
Hotel/Motel	P	P	P	P	P	P	P	
Kennel and Animal Boarding	CUP	-	CUP	CUP	-	CUP	CUP	
Mixed-Use	-	-	CUP	-	-	CUP	-	
Mortuary/Funeral Home	-	CUP	CUP	CUP	CUP	CUP	CUP	
Office	-	P	P	P	P	P	P	
Outdoor Dining	P	P	P	P	P	P	P	
Personal Service, General	-	P	P	P	P	P	P	
Personal Service, Restricted	-	-	CUP	CUP	-	CUP	CUP	
Research and Development	-	CUP	CUP	CUP	CUP	CUP	CUP	

**Table 18.16-1
Commercial Zones Allowed Uses and Permit Requirements**

Land Use	Permit Requirement by Zone							Additional Regulations
	CRH	CRR	CRM	CRG	CUR	CUM	CUG	
Key: P Allowed by Right; ZP Zoning Permit; (-) = Not Allowed CUP Conditional Use Permit								
Restaurant	P	P	P	P	P	P	P	
Retail Sales, General	CUP	P	P	P	P	P	P	
Retail Sales, Restricted	-	CUP	P	P	CUP	P	P	
Storage Facility, Personal	-	-	CUP	CUP	-	CUP	CUP	
Urgent Care Facility	-	ZP	P	P	ZP	P	P	
Veterinary Clinic	-	CUP	CUP	CUP	CUP	CUP	CUP	
Utility, Transportation, and Communication Uses								
Utility Facility and Infrastructure	P	P	P	P	P	P	P	
Wireless Telecommunication Facility, Tower	CUP	CUP	CUP	CUP	CUP	CUP	CUP	
Vehicle Oriented Uses								
Vehicle Fueling Station	P	-	CUP	P	-	CUP	P	
Vehicle Rental Facility	P	ZP	P	P	ZP	P	P	
Vehicle Repair and Service, Major	-	-	CUP	P	-	CUP	P	
Vehicle Repair and Service, Minor	-	-	CUP	P	-	CUP	P	
Vehicle Sales, New and Used	P	P	P	P	P	P	P	

18.16.030 Development Standards

- A. **Table 18.16-2 Commercial Zones Development Standards.** The intent of the commercial zones development standards table is to clearly and precisely establish the basic site and structure regulations that apply to all developments in each of the commercial zones. The table also indicates where additional site and structure requirements, including, but not limited to, off-street parking, landscaping, signs, fences and walls, and performance standards, apply to commercial zones. [Source: NEW]

- B. **Additional Regulations.** Where the “Additional Regulations” row in the **Table 18.16-2 (Commercial Zones Development Standards)** includes a chapter or section number, the regulations in the referenced chapter or section shall apply to the use. Provisions in other sections of Title 18 or adopted Specific or Area Plans may also apply. [Source: NEW]

**Table 18.16-2
Commercial Zones Development Standards**

Zone	Development Feature (minimum unless otherwise specified)								
	Parcel Area	Dwelling Structure Coverage (max. percent)	Total Structure Coverage (max. percent)	Height (max. ft.)	Parcel Dimensions		Setbacks		
					Width (ft.)	Length to width ratio (max.)	Front (ft.)	Side (ft.)	Rear (ft.)
CRH	1 acre	20	40	35	120	3:1	25	10	20
CRR	1 acre	20	40	35	120	3:1	25	10	20
CRM	1 acre	2	40	35	120	3:1	25	10	20
CRG	1 acre	20	40	35	120	3:1	25	10	20
CUR	6,000 sq. ft.	30	60	35	60	3:1	15	5	10
CUM	6,000 sq. ft.	40	80	35	50	3:1	15	5	10
CUG	6,000 sq. ft.	50	90	35	50	3:1	15	5	10
Other Applicable Regulations									
Additional Regulations									
Regulation					Section or Chapter				
Accessory Dwelling Units					Section 18.68.020				
Accessory Structures					Chapter 18.32				
Fences and Walls					Chapter 18.34				
Height Measurements and Exceptions					Section 18.30.030				
Landscaping Standards					Chapter 18.36				
Multi-Unit Dwelling Objective Design Standards					Chapter 18.52				
Off-Street Parking Regulations and Design					Chapter 18.38				
Performance Standards					Chapter 18.40				
Setback Measurements and Exceptions					Section 18.30.040				
Sign Regulations					Chapter 18.42				

18.16.040 Other Applicable Standards

In addition to the standards specified in Article 3 (Regulations Applicable to All Zones) and Article 4 (Standards for Specific Land Uses), the following regulations shall be applicable in the specific commercial zones: [Source: NEW]

- A. **Design Standards.** The following design standards shall apply to all commercial zones: [Source: NEW]

1. **360 Architecture.** All new and/or remodeled non-residential structures shall implement 360° architecture by continuing consistent architectural design and application on all sides and viewing angles of the structure. [Source: NEW]
 2. **Color Palettes.** All new and remodeled structures shall include at least one primary, one secondary, and two accent colors. [Source: NEW]
 3. **Structure Entrances.** Structure entrances along the primary structure facade shall directly face and open up to the adjoining street. [Source: NEW]
 4. **Structures that Engage the Street.** New development shall be oriented to actively engage and complement the public realm through such features as structure orientation, setbacks, facade articulations, window glazing, and location of parking. [Source: NEW]
 5. **Blank Walls.** New development shall have a maximum of 10 percent use of blank walls (i.e., facades without glazing or windows) along a primary frontage. Structures shall have a minimum of 20 percent use of blank walls (i.e., facades without glazing or windows) along a secondary frontage. [Source: NEW]
 6. **Loading and Service Areas.** All loading and service areas shall be integrated into the overall structure composition. [Source: NEW]
 7. **Equipment Screening.** New development shall screen all mechanical equipment, venting, heating and air conditioning ducts, water meters, and electrical boxes from public view. [Source: NEW]
- B. **Adult Entertainment Businesses.** Adult entertainment businesses shall be located a minimum of 1,000 from another adult entertainment business or County identified sensitive receptor as defined in Article 8 (Definitions). [Source: NEW]
- C. **Cemetery.** Cemeteries, mausoleums, and other similar structures and/or land uses, shall only be allowed on parcels one acre or greater in size. These land uses are prohibited on parcels less than one acre in size. [Source: 18.94.040.B, modified]
- D. **Vehicle Fueling Station.** No fuel pump, underground fuel tank, or other accessory equipment shall be closer than 25 feet to any setback line. [Source: 18.94.020 and 18.94.170 modified]

Chapter 18.18

Mixed-Use Zones



Chapter 18.18 Mixed-Use Zones

18.18.010 Purpose and Intent of Mixed-Use Zones

- A. **Purpose.** The purpose of this Chapter is to describe the character and intent of the County’s mixed-use zones, describe allowed uses and permit requirements, establish development standards, and identify and supplemental land use regulations applicable to mixed-use zones. [Source: NEW]
- B. **Intent.** The intent of this Chapter is to provide for areas in the County accommodate mixed-use development that includes a variety of residential, commercial, office, and public and quasi-public uses on parcels of varying size. [Source: NEW]
- C. **Zone Purpose Statements.** The purpose of the individual mixed-use zones and the manner in which they are applied are as follows: [Source: NEW]
1. **MCN – Mixed-Use, Commercial Neighborhood Zone.** The purpose of the Mixed-Use, Commercial, Neighborhood Zone (MCN) is to provide for areas in County that accommodate a compatible mix of uses, including single-unit dwellings, retail, office, and service uses. The County encourages the integration of commercial and/or office uses that are compatible with traditional neighborhood residential development. The maximum FAR for this zone is 1.0. This zone implements the Mixed-Use Core (MUC) land use designation in the General Plan. [Source: NEW]
 2. **MCM – Mixed-Use, Commercial Multi-Unit Zone.** The purpose of the Mixed-Use, Commercial, Multi-Unit Zone (MCM) is to provide for areas in County that accommodate a compatible mix of uses, including multi-unit dwellings, retail, office, and service uses. The intent of this zone is to provide development standards that encourage pedestrian-oriented structure frontages through a mix of compact development patterns and high-quality design. The County encourages the vertical and/or horizontal integration of commercial and/or office uses that are compatible with medium and high-density residential development. The maximum FAR for this zone is 1.0. This zone implements the Mixed-Use Core (MUC) land use designation in the General Plan. [Source: NEW]

18.18.020 Land Use Regulations and Allowable Uses

- A. **Table 18.18-1 Mixed-Use Zones Allowed Uses and Permit Requirements.** Table 18.18-1 (Mixed-Use Zones Allowed Uses and Permit Requirements) indicates the uses allowed within each mixed-use zone and any permits required to establish the use, in compliance with Article 6 (Permit Processing Procedures) and Article 7 (Zoning Ordinance Administration). [Source: NEW]

- B. **Accessory Uses.** Accessory uses in mixed-use zones shall be allowed in compliance with **Section 18.68.030 (Accessory Uses)**. [Source: 18.53.020.A, modified]
- C. **Additional Regulations.** Where the last column in the **Table 18.18-1 (Mixed-Use Zones Allowed Uses and Permit Requirements)** includes a chapter or section number, the regulations in the referenced chapter or section shall apply to the use. Provisions in other sections of Title 18 or adopted Specific or Area Plans may also apply. [Source: NEW]
- D. **Definitions.** See Article 8 (Definitions) for land use definitions and explanations. [Source: NEW]
- E. **Uses Not Listed.** Uses not in **Table 18.18-1 (Mixed-Use Zones Allowed Uses and Permit Requirements)** shall be reviewed by the Zoning Administrator to determine if the use is similar to those listed and appropriate in this zone and if so, what type of permit is required, in compliance with **Section 18.04.040 (Uses Not Classified)**, otherwise any use not listed is prohibited. [Source: 18.11.100.D, modified]
- F. **Zoning Clearance Required.** Each land use specified in **Table 18.18-1 (Mixed-Use Zones Allowed Uses and Permit Requirements)** as allowed with a “P” as a use allowed-by-right shall require the issuance of a Zoning Clearance in compliance with **Chapter 18.74 (Zoning Clearance)** before establishment. If the establishment of an allowed-by-right use includes construction activities (e.g., additions, alterations, new construction, reconstruction, or remodeling) the issuance of a Building Permit shall constitute as a Zoning Clearance. [Source: NEW]

**Table 18.18-1
 Mixed-Use Zones Allowed Uses and Permit Requirements**

Key: P Allowed by Right; ZP = Zoning Permit; (-) = Not Allowed CUP Conditional Use Permit			
Land Use	Permit Requirement by Zone		Additional Regulations
	MCN	MCM	
Industrial, Manufacturing, and Processing Uses			
Recycling Facility	CUP	-	
Recreation, Education, and Public Assembly Uses			
Commercial Recreational and Entertainment Facility, Indoor	CUP	CUP	
Place of Assembly	CUP	CUP	
Public or Quasi-Public Use	CUP	CUP	
School, College and University	CUP	CUP	
School, Private	CUP	CUP	

**Table 18.18-1
Mixed-Use Zones Allowed Uses and Permit Requirements**

Key: P Allowed by Right; ZP = Zoning Permit; (-) = Not Allowed CUP Conditional Use Permit			
Land Use	Permit Requirement by Zone		Additional Regulations
	MCN	MCM	
School, Technical and Vocational	CUP	CUP	
Residential Uses			
Cottage Industry	P	-	
Home Occupation	P	P	
Low Barrier Navigation Center	P	P	Gov. Code Section 65660-65668
Multi-Unit Dwelling	-	P	18.18.040.B.2 18.52
Single-Unit Dwelling	P	-	18.18.040.B.1
Retail, Service, and Office Uses			
Bank and Financial Institution	P	P	
Bar	CUP	P	
Child Day Care Facility	ZP	ZP	
Construction Trailer/Temporary Contractor's Office	ZP	ZP	
Hotel/Motel	-	CUP	
Office	P	P	
Outdoor Dining	P	P	
Personal Service, General	P	P	
Personal Service, Restricted	CUP	CUP	
Restaurant	P	P	
Retail Sale, General	P	P	
Retail Sale, Restricted	CUP	CUP	
Urgent Care Facility	P	P	
Veterinary Clinic	CUP	CUP	
Utility, Transportation, and Communication Uses			
Utility Facility and Infrastructure	P	P	
Vehicle Oriented Uses			
Vehicle Rental Facility	P	P	



18.18.030 Development Standards

- A. **Table 18.18-2 Mixed-Use Zones Development Standards.** The intent of the mixed-use zones development standards table is to clearly and precisely establish the basic site and structure regulations that apply to all developments in each of the mixed-use zones. The table also indicates where additional site and structure requirements, including, but not limited to, off-street parking, landscaping, signs, fences and walls, and performance standards, apply to mixed use zones. [Source: NEW]
- B. **Additional Regulations.** Where the “Additional Regulations” row in the **Table 18.18-2 (Mixed-Use Zones Development Standards)** includes a chapter or section number, the regulations in the referenced chapter or section shall apply to the use. Provisions in other sections of Title 18 or adopted Specific or Area Plans may also apply. [Source: NEW]

**Table 18.18-2
Mixed-Use Zones Development Standards**

Zone	Development Feature (minimum unless otherwise specified)								
	Parcel Area (sq. ft.)	Total Structure Coverage (max. percent)	Height (max. ft.)	Parcel Dimensions			Setbacks		
				Width (ft.)	Street Frontage (ft.)	Length to Width Ratio (max.)	Front (ft.)	Side (ft.)	Rear (ft.)
MCN	2,500	100	35	25	25	4:1	10	0 min. 10 max.	10
MCM	2,500	100	40	25	25	4:1	5 min. 15 max.	0 min. 10 max.	10
Other Applicable Regulations		18.18.040. A.2							
Additional Regulations									
Regulation					Section or Chapter				
Accessory Dwelling Units					Section 18.68.020				
Accessory Structures					Chapter 18.32				
Fences and Walls					Chapter 18.34				
Height Measurements and Exceptions					Section 18.30.030				
Landscaping Standards					Chapter 18.36				
Multi-Unit Dwelling Objective Design Standards					Chapter 18.52				
Off-Street Parking Regulations and Design					Chapter 18.38				
Performance Standards					Chapter 18.40				
Setback Measurements and Exceptions					Section 18.30.040				
Sign Regulations					Chapter 18.42				

18.18.040 Other Applicable Standards

In addition to the standards specified in Article 3 (Regulations Applicable to All Zones) and Article 4 (Standards for Specific Land Uses), the following regulations shall be applicable in the specific mixed-use zones: [Source: NEW]

- A. **Development Standards.** Mixed-use zones shall comply with the following additional development standards.
1. **Ground Floor Restriction.** Residential uses and required associated parking spaces are prohibited on the ground floor in the front half of the parcel. The front half of a mixed-use zoned parcel shall be reserved for commercial and/or office uses. [Source:18.27.010.A.6.a, modified]
 2. **Maximum Structure Coverage.** All mixed-use zoned parcels are allowed a maximum 100 percent structure coverage after complying with all setbacks established in **Table 18.18-2 (Mixed-Use Zones Development Standards)**. [Source: NEW]
 3. **Mixed Use Development Types.** All mixed-use zoned parcels shall implement vertical mixed use development types when a mixture of uses is proposed in the same structure. When uses are intended to be in separate structures, horizontal mixed use development type shall be allowed. See Article 8 (Definitions). [Source: NEW]
- B. **Land Use Regulations.** Mixed-use zones shall comply with the following additional land use regulations.
1. **Single-Unit Dwellings in MCN Zone.** Single-unit dwellings are allowed in the MCN zone only when in combination with a retail, service, and/or office use. [Source: 18.27.010.A.6]
 2. **Multi-Unit Dwellings in MCM Zone.** Multi-unit dwellings are allowed in the MCM zone only when in combination with a retail, service, and/or office use. [Source: 18.37.010.A.6.a]

Chapter 18.20

Industrial Zones



Chapter 18.20 Industrial Zones

18.20.010 Purpose and Intent of Industrial Zones

- A. **Purpose.** The purpose of this Chapter is to describe the character and intent of the County's industrial zones, describe allowed uses and permit requirements, establish development standards, and identify and supplemental land use regulations applicable to industrial zones. [Source: NEW]
- B. **Intent.** The intent of this Chapter is to provide for areas in the County that accommodate a wide variety of light and heavy industrial uses, such as assembly, manufacturing, processing, and warehousing uses. [Source: NEW]
- C. **Zone Purpose Statements.** The purpose of the individual industrial zones and the manner in which they are applied are as follows: [Source: NEW]
1. **I-L – Industrial, Light Zone.** The purpose of the Industrial, Light Zone (I-L) is to provide for areas in the County that accommodate light industrial uses, fabricating, processing, wholesale distributing, and warehousing uses. Light industrial uses are typically low-intensity, low-impact light fabrication and assembly-type manufacturing, as well as office and research and development facilities. The maximum FAR for this zone is 0.20. This zone implements the Light Industrial (LI) land use designation in the General Plan. [Source: NEW]
 2. **I-H – Industrial, Heavy Zone.** The purpose of the Industrial, Heavy Zone (I-H) is to provide areas in the County that accommodate a wide variety of industrial operations of with the appropriate design and development standards to ensure protection of the public interest and surrounding land uses. Heavy industrial uses are higher intensity manufacturing, warehouse, and storage uses. Due to the potential for environmental impacts and land use conflicts, this zone shall be located away from residential zones. The maximum FAR for this zone is 0.20. This zone implements the Heavy Industrial (HI) land use designation in the General Plan. [Source: NEW]

18.20.020 Land Use Regulations and Allowable Uses

- A. **Table 18.20-1 Industrial Zones Allowed Uses and Permit Requirements.** Table 18.20-1 (Industrial Zones Allowed Uses and Permit Requirements) indicates the uses allowed within each industrial zone and any permits required to establish the use, in compliance with Article 6 (Permit Processing Procedures) and Article 7 (Zoning Ordinance Administration). [Source: NEW]
- B. **Accessory Uses.** Accessory uses in industrial zones shall be allowed in compliance with Section 18.68.030 (Accessory Uses). [Source: NEW]

- C. **Additional Regulations.** Where the last column in **Table 18.20-1 (Industrial Zones Allowed Uses and Permit Requirements)** includes a chapter or section number, the regulations in the referenced chapter or section shall apply to the use. Provisions in other sections of Title 18 or adopted Specific or Area Plans may also apply. [Source: NEW]
- D. **Definitions.** See Article 8 (Definitions) for land use definitions and explanations. [Source: NEW]
- E. **Uses Not Listed.** Uses not in **Table 18.20-1 (Industrial Zones Allowed Uses and Permit Requirements)** shall be reviewed by the Zoning Administrator to determine if the use is similar to those listed and appropriate in this zone and if so, what type of permit is required, in compliance with **Section 18.04.040 (Uses Not Classified)**, otherwise any use not listed is prohibited. [Source: NEW]
- F. **Zoning Clearance Required.** Each land use specified in **Table 18.20-1 (Industrial Zones Allowed Uses and Permit Requirements)** as allowed with a “P” as a use allowed-by-right shall require the issuance of a Zoning Clearance in compliance with **Chapter 18.74 (Zoning Clearance)** before establishment. If the establishment of an allowed-by-right use includes construction activities (e.g., additions, alterations, new construction, reconstruction, or remodeling) the issuance of a Building Permit shall constitute as a Zoning Clearance [Source: NEW]

**Table 18.20-1
 Industrial Zones Allowed Uses and Permit Requirements**

Key: P Allowed by Right; ZP Zoning Permit; (-) = Not Allowed CUP Conditional Use Permit			
Land Use	Permit Requirement by Zone		Additional Regulations
	I-L	I H	
Industrial, Manufacturing, and Processing Uses			
Accessory Structure	P	P	18.20.040.B.2
Contractor Storage Yard	P	P	
Brewery	P	P	
Distillery	P	P	
Industrial, Major	CUP	P	
Industrial, Minor	P	P	
Junkyard	CUP	CUP	
Outdoor Storage	P	P	
Refuse Disposal Facility	CUP	CUP	
Storage Facility, Restricted	CUP	CUP	
Storage Facility, Personal	ZP	ZP	
Warehousing and Distribution	P	P	

**Table 18.20-1
Industrial Zones Allowed Uses and Permit Requirements**

Land Use	Permit Requirement by Zone		Additional Regulations
	I-L	I H	
Key: P Allowed by Right; ZP Zoning Permit; (-) = Not Allowed CUP Conditional Use Permit			
Winery, Small	P	P	
Winery, Large	CUP	CUP	
Wrecking or Dismantling Yard	CUP	CUP	
Recreation, Education, and Public Assembly Uses			
Commercial Recreational and Entertainment Facility, Outdoor	CUP	CUP	
Public or Quasi-Public Use	CUP	CUP	
Residential Uses			
Single-Unit Dwelling	ZP	ZP	
Retail, Service, and Office Uses			
Adult Entertainment Establishment	CUP	-	
Building Material and Lumber Sales	CUP	P	
Construction Trailer/Temporary Contractor's Office	ZP	ZP	
Emergency Shelter	P	-	
Equipment Sales and Rental Facility	P	P	
Kennel and Animal Boarding	CUP	-	
Office	P	-	
Personal Service, General	P	-	
Personal Service, Restricted	CUP	-	
Recycling Facility	P	P	
Research and Development	P	P	
Retail Sales, General	CUP	CUP	
Retail Sales, Restricted	CUP	CUP	
Utility, Transportation, and Communication Uses			
Airport	CUP	CUP	
Solar Energy Generation Facility	CUP	CUP	18.20.040.C
Utility Facility and Infrastructure	P	P	
Wireless Telecommunication Facility, Tower	ZP	ZP	
Vehicle Oriented Uses			
Vehicle Rental Facility	P	P	
Vehicle Repair and Service, Major	ZP	P	

**Table 18.20-1
Industrial Zones Allowed Uses and Permit Requirements**

Key:	P Allowed by Right; ZP Zoning Permit; (-) = Not Allowed		
	CUP Conditional Use Permit		
Vehicle Repair and Service, Minor	P	P	

18.20.030 Development Standards

- A. **Table 18.20-2 Industrial Zones Development Standards.** The intent of the industrial zones development standards table is to clearly and precisely establish the basic site and structure regulations that apply to all developments in each of the industrial zones. The table also indicates where additional site and structure requirements, including, but not limited to, off-street parking, landscaping, signs, fences and walls, and performance standards, apply to industrial zones. [Source: NEW]
- B. **Density.** Maximum density standards shall be consistent with the General Plan or applicable Area Plan or Specific Plan. [Source: NEW]

**Table 18.20-2
Industrial Zones Development Standards**

	1	20	80	60	120	Industrial Uses: 4:1	25	10	20
						All Other Uses: 3:1			
	1	20	80	60	120	Industrial Uses: 4:1	25	10	20
						All Other Uses: 3:1			
Additional Regulations									
Regulation	Section or Chapter								
Accessory Dwelling Units	Section 18.68.020								
Accessory Structures	Chapter 18.32								
Fences and Walls	Chapter 18.34								
Height Measurements and Exceptions	Section 18.30.030								
Landscaping Standards	Chapter 18.36								
Off-Street Parking Regulations and Design	Chapter 18.52								

Performance Standards	Chapter 18.38
Setback Measurements and Exceptions	Chapter 18.40
Sign Regulations	Section 18.30.040

18.20.040 Other Applicable Standards

In addition to the standards specified in Article 3 (Regulations Applicable to All Zones) and Article 4 (Standards for Specific Land Uses), the following regulations shall be applicable in the specific industrial zones: [Source: NEW]

- A. **Design Standards.** The following design standards shall apply to all industrial zones: [Source: NEW]
1. **Loading and Service Areas.** All loading and service areas shall be integrated into the overall structure composition. [Source: NEW]
 2. **Equipment Screening.** New development shall screen all mechanical equipment, venting, heating and air conditioning ducts, water meters, and electrical boxes from public view. [Source: NEW]
- B. **Development Standards.** Industrial zones shall comply with the following additional development standards.
1. **Structure Coverage for Uses Other than Industrial.** With the exception of accessory structures (see **Subsection C**, below), the maximum structure height for uses other than industrial in the industrial zones, shall be 35 feet, unless otherwise determined by the Planning Director. [Source:18.42.040.E.1, modified]
 2. **Accessory Structures in the I-L and I-H Zones.** Accessory structures in the I-L and I-H zones are allowed a maximum height of 60 feet. [Source: 18.42.030.B, modified]
- C. **Solar Energy Generation Facility.** Where allowed in **Table 18.20-1 (Industrial Zones Allowed Uses and Permit Requirements)**, solar energy generation facilities shall be exempt from the maximum height structure standards established in **Table 18.20-2 (Industrial Zones Development Standards)**. [Source: 18.94.180.B, modified]

Chapter 18.22

Public and Quasi-Public Zones



Chapter 18.22 Public and Quasi-Public Zones

18.22.010 Purpose and Intent of Public and Quasi-Public Zones

- A. **Purpose.** The purpose of this Chapter is to describe the character and intent of the County’s public and quasi-public zones, describe allowed uses and permit requirements, establish development standards, and identify and supplemental land use regulations applicable to public and quasi-public zones. [Source: NEW]
- B. **Intent.** The intent of this Chapter is to provide for areas in the County that accommodate a range of recreational, educational, agricultural, utility, and public infrastructure uses. Land uses in these zones are oriented to the public for their enjoyment and benefit. [Source: NEW]
- C. **Zone Purpose Statements.** The purpose of the individual public and quasi-public zones and the manner in which they are applied are as follows: [Source: NEW]
1. **OS – Open Space Zone.** The purpose of the Open Space Zone (OS) is to provide for areas in the County that accommodate low-intensity agricultural uses, recreational and educational opportunities, and utility and transportation uses. Limited residential uses have a maximum density of one dwelling unit per two acres. The maximum FAR for nonresidential uses in this zone is 0.10. This zone implements the Open Space (OS) land use designation in the General Plan. [Source: NEW]
 2. **POS – Public Open Space Zone.** The purpose of the Public Open Space Zone (POS) is to provide for areas in the County that accommodate publicly owned uses, agriculture, and forestry. Example land uses include airports, public transportation, public infrastructure, sustained yield forestry, and grazing land. The maximum FAR for nonresidential uses in this zone is 0.10. This zone implements the Open Space (OS) land use designation in the General Plan. [Source: NEW]
 3. **IA – Institution Area Zone.** The purpose of the Institution Area Zone (IA) is to provide for areas in the County that accommodate a variety of public and institutional uses. Example uses include schools, hospitals, places of assembly, and government buildings. The maximum FAR for nonresidential uses in this zone is 0.90. This zone implements the Public Institutional (PI) land use designation in the General Plan. [Source: NEW]

18.22.020 Land Use Regulations and Allowable Uses

- A. **Table 18.22-1 Public Quasi-Public Zones Allowed Uses and Permit Requirements.** Table 18.22-1 (Public Quasi-Public Zones Allowed Uses and Permit Requirements) indicates the uses allowed within each public and quasi-public zone and any permits required to establish the use, in compliance with Article 6 (Permit Processing Procedures) and Article 7 (Zoning Ordinance Administration). [Source: NEW]
- B. **Accessory Uses.** Accessory uses in public and quasi-public zones shall be allowed in compliance with Section 18.68.030 (Accessory Uses). [Source: NEW]
- C. **Additional Regulations.** Where the last column in the Table 18.22-1 (Public Quasi-Public Zones Allowed Uses and Permit Requirements) includes a chapter or section number, the regulations in the referenced chapter or section shall apply to the use. Provisions in other sections of Title 18 or adopted Specific or Area Plans may also apply. [Source: NEW]
- D. **Definitions.** See Article 8 (Definitions) for land use definitions and explanations. [Source: NEW]
- E. **Uses Not Listed.** Uses not in Table 18.22-1 (Public Quasi-Public Zones Allowed Uses and Permit Requirements) shall be reviewed by the Zoning Administrator to determine if the use is similar to those listed and appropriate in this zone and if so, what type of permit is required, in compliance with Section 18.04.040 (Uses Not Classified), otherwise any use not listed is prohibited. [Source: NEW]
- F. **Zoning Clearance Required.** Each land use specified in Table 18.22-1 (Public Quasi-Public Zones Allowed Uses and Permit Requirements) as allowed with a “P” as a use allowed-by-right shall require the issuance of a Zoning Clearance in compliance with Chapter 18.74 (Zoning Clearance) before establishment. If the establishment of an allowed-by-right use includes construction activities (e.g., additions, alterations, new construction, reconstruction, or remodeling) the issuance of a Building Permit shall constitute as a Zoning Clearance [Source: NEW]

Table 18.22-1
Public Quasi-Public Zones Allowed Uses and Permit Requirements

Land Use	Permit Requirement by Zone			Additional Regulations
	OS	POS	IA	
Key: P Allowed by Right; ZP = Zoning Permit; (-) = Not Allowed CUP Conditional Use Permit				
Agricultural and Resource Uses				
Agriculture, Animal Husbandry	P	P	-	18.22.040.B.2
Agriculture, Horticulture	P	P	-	18.22.040.B.2
Timber Growing and Harvesting	-	P	-	
Industrial, Manufacturing, and Processing Uses				
Refuse Disposal Facility	CUP	-	-	
Recreation, Education, and Public Assembly Uses				
Campground	CUP	-	-	
Cemetery	-	-	CUP	18.22.040.B.1
Commercial Recreation and Entertainment Facility, Restricted	CUP	-	-	
Commercial Recreational and Entertainment Facility, Outdoor	CUP	-	-	
Place of Assembly	-	-	ZP	
Public or Quasi-Public Use	CUP	CUP	P	
School, College and University	-	-	CUP	
School, Private	-	-	CUP	
School, Technical and Vocational	-	-	CUP	
Residential Uses				
Accessory Structure	-	P	-	18.22.040.A.1.a
Caretaker Housing	-	-	ZP	
Cottage Industry	P	-	-	
Home Occupation	P	-	-	
Single-Unit Dwelling	ZP	-	-	
Retail, Service, and Office Uses				
Child Day Care Facility	-	-	ZP	
Construction Trailer/Temporary Contractor's Office	ZP	ZP	ZP	
Hospital	-	-	P	
Mortuary/Funeral Home	-	-	CUP	
Research and Development	-	-	CUP	
Stable, Public	CUP	-	-	

**Table 18.22-1
 Public Quasi-Public Zones Allowed Uses and Permit Requirements**

Land Use	Permit Requirement by Zone			Additional Regulations
	OS	POS	IA	
Key: P Allowed by Right; ZP = Zoning Permit; (-) = Not Allowed CUP Conditional Use Permit				
Utility, Transportation, and Communication Uses				
Airport	CUP	P	-	
Airstrip	CUP	P	-	
Solar Energy Generation Facility	CUP	CUP	-	
Utility Facility and Infrastructure	P	P	P	
Wireless Telecommunication Facility, Tower	CUP	CUP	CUP	

18.22.030 Development Standards

- A. **Table 18.22-2 Public Quasi-Public Zones Development Standards.** The intent of the public and quasi-public zones development standards table is to clearly and precisely establish the basic site and structure regulations that apply to all developments in each of the public and quasi-public zones. The table also indicates where additional site and structure requirements, including, but not limited to, off-street parking, landscaping, signs, fences and walls, and performance standards, apply to public and quasi-public zones. [Source: NEW]
- B. **Additional Regulations.** Where the “Additional Regulations” row in the **Table 18.22-2 (Public Quasi-Public Zones Development Standards)** includes a chapter or section number, the regulations in the referenced chapter or section shall apply to the use. Provisions in other sections of Title 18 or adopted Specific or Area Plans may also apply. [Source: NEW]

**Table 18.22-2
Public Quasi-Public Zones Development Standards**

Zone	Development Feature (minimum unless otherwise specified)							
	Parcel Area (acres)	Dwelling Structure Coverage (max. percent)	Total Structure Coverage (max. percent)	Height (max. ft.)	Parcel Width (ft.)	Setbacks		
						Front (ft.)	Side (ft.)	Rear (ft.)
OS	5	10	10	35	120	25	10	20
POS	n/a	10	10	n/a	n/a	n/a	n/a	n/a
IA	1	50	90	60	120	25	10	20
Additional Regulations								
Regulation					Section or Chapter			
Accessory Structures					Chapter 18.32			
Fences and Walls					Chapter 18.34			
Height Measurements and Exceptions					Section 18.30.030			
Landscaping Standards					Chapter 18.36			
Off-Street Parking Regulations and Design					Chapter 18.38			
Performance Standards					Chapter 18.40			
Setback Measurements and Exceptions					Section 18.30.040			
Sign Regulations					Chapter 18.42			

18.22.040 Other Applicable Standards

In addition to the standards specified in Article 3 (Regulations Applicable to All Zones) and Article 4 (Standards for Specific Land Uses), the following regulations shall be applicable in the specific public and quasi-public zones: [Source: NEW]

- A. **Development Standards.** Public and quasi-public zones shall comply with the following additional development standards.
1. **IA Zone.** In addition to the standards established in [Table 18.22-2 \(Public Quasi-Public Zones Development Standards\)](#), uses in the IA zone shall comply with the following:
 - a. **Accessory Structure Height.** Accessory structures in the IA zone are allowed a maximum height of 60 feet. [Source: 18.48.030, modified]
 - b. **Parcel Length to Width Ratio.** The maximum parcel length to width ratio for parcels zoned IA, shall be determined by the Planning Director. [Source: 18.48.040.C, modified]
 2. **Solar Energy Generation Facility.** Where allowed in [Table 18.22-1 \(Public Quasi-Public Zones Allowed Uses and Permit Requirements\)](#), solar energy generation facilities shall comply with the following regulations: [Source: 18.94.180, modified]

- a. **Protection of Natural Resources.** In the OS zone, consideration shall first be given to the protection of parks and/or natural resources protected by any local, State, or Federal agency. [Source: 18.94.180.C, modified]
 - b. **Structure Coverage Exception.** The maximum structure coverage standards established in Table 18.22-2 (Public Quasi-Public Zones Development Standards), shall not apply to solar energy generation facilities. [Source: 18.94.180.A, modified]
 - c. **Maximum Height Exception.** The maximum height structure standards established Table 18.22-2 (Public Quasi-Public Zones Development Standards), shall not apply to solar energy generation facilities. [Source: 18.94.180.B, modified]
- B. **Land Use Standards.** Public and quasi-public zones shall comply with the following additional land use standards.
1. **Cemetery.** Cemeteries, mausoleums, and other similar structures and/or land uses, shall only be allowed on parcels one acre or greater in size. These land uses are prohibited on parcels less than one acre in size. [Source: 18.94.040.B, modified]
 2. **Agricultural Uses in POS Zone.** Animal husbandry and horticulture agricultural uses on parcels zoned POS shall only be allowed on parcels 40 acres or more in size. [Source:18.52.010]

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Chapter 18.24

Planned Development Zone



Chapter 18.24 Planned Development Zone

18.24.010 Purpose

- A. **Purpose.** The purpose of this Chapter is to describe the character and intent of the County's planned development zone, describe allowed uses and permit requirements, establish development standards, and identify and supplemental land use regulations applicable to the planned development zone. [Source: NEW]
- B. **Purpose of the Planned Development Zone.** The purpose of the Planned Development Zone (PD) is to encourage and facilitate the creative and innovative use of land which may otherwise be limited or prohibited elsewhere in the County. The PD zone is designed to allow diversity in the relationship between structures and open spaces to create unique, interesting physical environments that maximize usable open space, while preserving the public health, safety, and welfare. All development standards in a PD zone shall be consistent with the underlying General Plan land use designation applicable to the area in which the property is located. [Source: 18.67.150, modified]

18.24.020 Land Use Regulations and Allowable Uses

- A. **Allowed Uses.** Uses consistent with the General Plan land use designation applicable to the subject property and which will not conflict with the public health, safety and welfare may be allowed in the PD zone, subject to a Conditional Use Permit, in compliance with **Chapter 18.82 (Conditional Use Permits)**. [Source: 18.67.020 and 030, modified]
- B. **Prohibited Uses.** Uses inconsistent with the underlying General Plan land use designation applicable to the subject parcel are prohibited in the PD zone [Source: 18.67.040, modified]

18.24.030 Development Standards

Development standards for the PD zone shall comply with the conditions of approval of the Conditional Use Permit and the following standards: [Source: 18.67.150, modified]

- A. **General Plan Consistency.** Development in the PD zone shall be consistent with the goals and policies of the General Plan and with the uses and density or intensity standards of the General Plan land use designation applicable to the area in which the subject property is located. [Source: 18.67.150.A, modified]

- B. **Development and Use Types.** Development in the PD zone shall include innovative and creative mix of land uses, site plans, and structure design that is not typically possible in traditional zones. In making this determination, the County shall consider the following factors: [Source: 18.67.150.B, modified]
1. Appropriateness of the use(s) at the proposed location;
 2. The mix of housing types and costs;
 3. Provision of open space and other community amenities;
 4. Compatibility of uses and structures within the development;
 5. Use of innovative technology and materials;
 6. Overall contribution to the enhancement of the built environment, and
 7. Creativity in site design and mix of land uses.

18.24.040 Conditional Use Permit Application

- A. **Application and Permit Initiation.** The PD zone application process and required Conditional Use Permit shall only be submitted/initiated by the property owner or their authorized representative, in compliance with **Chapter 18.82 (Conditional Use Permits)**. [Source: 18.67.130, modified]

18.24.050 Previously Approved Uses

Uses that were established and approved in a PD zone before August 20, 2019, are not subject to the Conditional Use Permit requirements of this Chapter. In the event a property owner(s) requests any changes, modifications, or revisions to the previously approved uses, a Conditional Use Permit shall be required in compliance with **Chapter 18.82 (Conditional Use Permits)** and the provisions of this Chapter. [Source 18.67.180]

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Chapter 18.26

Overlay Zones



Chapter 18.26 Overlay Zones

18.26.010 Purpose and Intent of Overlay Zones

- A. **Purpose.** The purpose of this Chapter is to describe the character and intent of the County's overlay zones, describe allowed uses and permit requirements, establish development standards, and identify and supplemental land use regulations applicable overlay zones. [Source: 18.76.010, modified]
- B. **Intent.** The intent of this Chapter is to establish areas in the County where certain land uses are allowed but which do not fit well into the general arrangement of zone boundaries or zoning regulations. [Source: 18.76.010, modified]
- C. **Overlay Zone Purpose Statements.** The purpose of the individual overlay zones and the manner in which they are applied are as follows: [Source: NEW]
1. **AAO – Airport and Airspace Overlay Zone.** The purpose of the Airport and Airspace Overlay Zone (AAO) is to provide regulations and designate areas subject to airport-related hazards. The intent of these regulations is to restrict land uses and provide additional development stands to protect the public health safety, and general welfare. [Source: NEW]
 2. **MHA – Manufactured Housing Architectural Review Overlay Zone.** The purpose of the Manufactured Housing Architectural Review Overlay Zone (MHA) is to provide for areas in the County that allow the placement of and regulate the installation of manufactured homes. The intent of this overlay zone is to provide affordable and diversified housing opportunities within the Country while establishing and maintaining appropriate development standards and review. [Source: NEW]

18.26.020 Land Use Regulations and Allowable Uses

- A. **Allowed Uses and Permit Requirements.** All specific standards, allowable uses, and regulations of the base zone with which the overlay zone is combines shall be enforced, except as modified by an Overlay Zone. [Source: NEW]
- B. **Additional Regulations.** Additional regulations in the references chapter or section shall apply to the given use or zone. Provisions in other sections of Title 18 or adopted Specific or Area Plans may also apply. [Source: NEW]
- C. **Definitions.** See Article 8 (Definitions) for land use definitions and explanations. [Source: NEW]

- D. **Uses Not Listed.** Uses not listed below shall be reviewed by the Zoning Administrator to determine if the use is similar to those listed and appropriate in this zone and if so, what type of permit is required, in compliance with **Section 18.04.040 (Uses Not Classified)**, otherwise any use not listed is prohibited. [Source: NEW]
- E. **Zoning Clearance Required.** Each land use specified in the following Subsection as allowed with a “P” as a use allowed-by-right shall require the issuance of a Zoning Clearance in compliance with **Chapter 18.74 (Zoning Clearance)** before establishment. If the establishment of an allowed-by-right use includes construction activities (e.g., additions, alterations, new construction, reconstruction, or remodeling) the issuance of a Building Permit shall constitute as a Zoning Clearance. [Source: NEW]
- F. **AAO – Airport and Airspace Overlay Zone.**
1. **Allowed Uses.** Any use allowed in the underlying base zone, except for those uses listed in **Paragraph 18.26.020.F.2**, below. [Source: 18.78.010, modified]
 2. **Prohibited Uses.** Prohibited uses in the AAO zone include: [Source: 18.78.010.A]
 - a. Uses creating electrical or electronic interference with communication or guidance devices used by aircraft or ground control;
 - b. Uses creating glare, smoke, dust, or similar factors interfering with aircraft operation to and from the runways or on the runways and taxiways of the airport; and
 - c. Uses requiring structures that are in excess of the height limits established in **Paragraph 18.26.030.D.2 (Height Limits)**.
- G. **MHA – Manufactured Housing Architectural Review Overlay Zone.** Allowed, conditionally allowed, and prohibited uses shall be established by the underlying base zone. [Source: 18.84.010.A, modified]

18.26.030 Development Standards

- A. **Overlay Zones Development Standards.** The intent of the following overlay zones development standards is to clearly and precisely establish the basic site and structure regulations that apply to all developments in each of the overlay zones. All specific standards, allowable uses, and regulations of the base zone with which the overlay zone is combined shall be enforced, except as modified by these provisions. [Source: NEW]
- B. **Conflicts.** If a development standard established by this Section conflicts with a development standard of the underlying base zone, the development standard established by this Section shall prevail. [Source: NEW]

- C. **Density.** Maximum density standards shall be consistent with the General Plan or applicable Area Plan or Specific Plan. [Source: NEW]
- D. **AAO – Airport and Airspace Overlay Zone.** Parcels zones AAO shall comply with the following development standards.
1. **Structure Location.** No residential structure may be located within 100 feet of the projected centerline of any instrumented runway for a distance of one mile from each end of the corresponding runway. [Source: 18.78.020]
 2. **Height Limits.** In order to protect the safety of aircraft as well as facilities and people on the ground, the following height limitations are imposed. [Source: NEW]
 - a. **Structure and Tree Height Limited.** No structure or tree shall be erected, altered, allowed to grow, or maintained in any space created in the AAO Overlay Zone. Dimensions are established for each of the spaces. The following spaces constitute the parts of the AAO zone: [Source: 18.78.030.A]
 - i. **Instrument Approach Space.** A volume of space above geometric planes one foot in height for each 50 feet in horizontal distance beginning at a line 200 feet from, and at the elevation of each end of the instrument runway and extending to 10,200 feet from each end of that runway; thence one foot in height for each 40 feet in horizontal distance to a line 50,200 feet from each end of that runway. The geometric planes are 1,000 feet wide at the end nearest the runway and widen symmetrically to 16,000 feet at the farthest end. [Source: 18.78.030.A.1]
 - ii. **Non-instrument Approach Space.** A volume of space above one foot in height for each 20 feet in horizontal distance beginning at a line 200 from, and at the elevation of, each end of the non-instrument runway and extending to a line 10,200 feet from each end of that runway. The geometric planes are 500 feet wide and centered on the extended centerline of the runway at the end nearest the runway and widen symmetrically to 3,500 feet at the farthest end. [Source: 18.78.030.A.2]

- iii. **Transition Spaces.** A volume of space above geometric planes one foot in height for each seven feet in horizontal distance beginning at a line 250 feet from, parallel to, and at the elevation of, the centerline of non-instrument runways, extending 200 feet beyond each end thereof; and 500 feet from and parallel to, and at the elevation of the centerline of, the instrument runway, extending 200 feet beyond each end thereof, and extending to a height of 150 feet above the airport elevation. Such geometric planes continue outward and upward to an intersection with the base geometric plane of the horizontal space. [Source: 18.78.030.A.3]
- iv. In addition to the volume of space established in **Subparagraph 18.36.030.D.2.a.iv.(1) and (2)**, below, these spaces includes the space above the geometric planes one foot in height for each seven feet in horizontal distance, measured from the sides of all approach spaces for the entire length of the approach spaces and extending upward and outward to the lines where they intersect the horizontal or conical space geometric planes. Further, the volume of space includes the space above the projection of the geometric planes defining the instrument approach space through and beyond the plane defining the conical space and further, above one foot for each seven feet of horizontal distance beginning at the sides of the instrument approach space and extending a horizontal distance of five thousand feet from the side of the instrument approach space. [Source: 18.78.030]
 - (1) **Horizontal Space.** A volume of space above a circular geometric plane 150 feet above the airport elevation, centered on the airport reference point and 20,000 feet in diameter. [Source: 18.78.030.A.4]
 - (2) **Conical Space.** A volume of space above an inverted truncated conical geometric surface one foot in height for each 20 feet in horizontal distance beginning at the periphery of the geometric plane defining the horizontal space and extending upward and outward to a horizontal distance of 15,000 feet from the airport reference point. [Source: 18.78.030.A.4]
- b. **Overlay of Defined Spaces.** Where an area is overlaid by more than one defined space, the more restrictive limitation shall prevail. Otherwise, maximum allowed structure heights corresponding to the requirements of the underlying base zone shall be required. [Source: 18.78.030.B]

3. **Other Development Standards.** Excluding the standards established in Paragraphs 18.26.030.D.1 and 2, above, all other development standards in the AAO zone (i.e., parcel dimensions, structure coverage, setbacks) shall be established by the underlying base zone. [Source: 18.78.040 and 050, modified]
- E. **MHA – Manufactured Housing Architectural Review Overlay Zone.** Development standards for the MHA zone shall be established and shall comply with the development standards in the underlying base zone. In addition to the standards established in the underlying base zone, all manufactured housing in the MHA zone shall comply with the following standards: [Source: 18.84.020, 030, 040, modified]
1. **Roof Overhang:** minimum 12 inches;
 2. **Unit Dimensions:** minimum 20 feet wide;
 3. **Skirting Standard.** If the manufactured home is raised above ground level, the design, manufacture and installation of the manufactured home shall include perimeter skirting matching the home’s siding material. The skirting shall be installed prior to issuance of a certificate of occupancy. [Source: NEW]

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Article 3 – Regulations Applicable to All
Zones

Chapter 18 – Zoning Ordinance

PUBLIC REVIEW DRAFT

January 2023

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Chapter 18.30

**Site Planning and Development
Standards**



Chapter 18.30 Site Planning and Development Standards

18.30.010 Purpose

The purpose of this Chapter is to ensure that development is consistent with the General Plan, complies with the standards of this Chapter, produces an environment that is harmonious with existing and future development, and protects the use and enjoyment of neighboring properties.

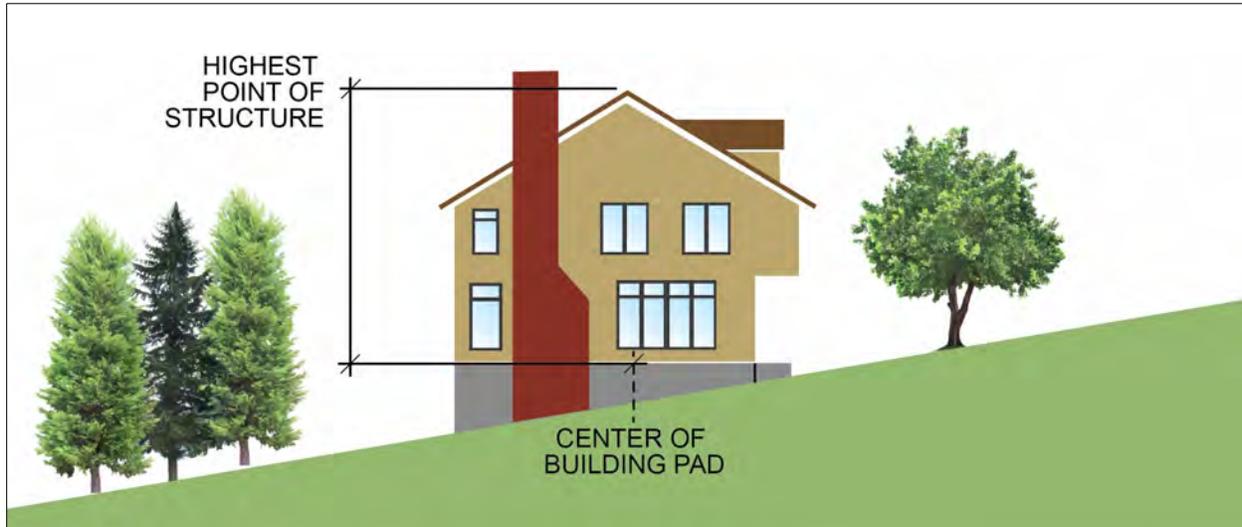
18.30.020 Applicability

- A. The standards in this Chapter apply to all zones.
- B. These standards shall be considered in combination with the standards for each zone in Article 2 (Zones, Allowable Uses, and Development Standards), and Article 4 (Standards for Specific Land Uses). Where there may be a conflict, the standards specific to the zone or specific land use shall override the general standards in this Chapter.
- C. All structures, additions to structures, and uses shall conform to the standards of this Chapter as determined applicable by the Planning Director.

18.30.030 Height Measurement and Exceptions

- A. **Maximum Height Allowed.** The height of structures shall not exceed the standards established by the applicable zone in Article 2 (Zones, Allowable Uses, and Development Standards), except as otherwise provided in this Section.
- B. **Height Measurement.** Height shall be measured as the vertical distance from the center of the building pad to the highest point of the structure. See [Figure 18.30-1 \(Height Measurement\)](#).

**Figure 18.30-1
Height Measurement**



- C. **Allowed Structure Height Increases.** The maximum structure height in the development standards established by Article 2 (Zones, Allowable Uses, and Development Standards) may be increased as specified by this Section, provided the increase shall not conflict with the conditions of an approved discretionary permit or limitations to the AAO Overlay Zone (See Chapter 18.26 (Overlay Zones)).
1. The following structures shall be excepted from the height regulations of all zones.
 - a. Chimneys and flues.
 - b. Accessory farm structures, but not to exceed 60 feet in height.
 - c. Cooling towers, elevators, fire towers, monuments, penthouses, stacks, scenery lofts, tanks, water towers, ornamental towers, spires or broadcasting towers, masts, aerials, transmission towers and necessary mechanical appurtenances.
 2. The maximum height of any structure may be increased by up to 10 feet, providing all required setbacks are increased by one foot for each foot the building exceeds the height limit of the zone in which it is located.

18.30.040 Setbacks – Measurement and Requirements

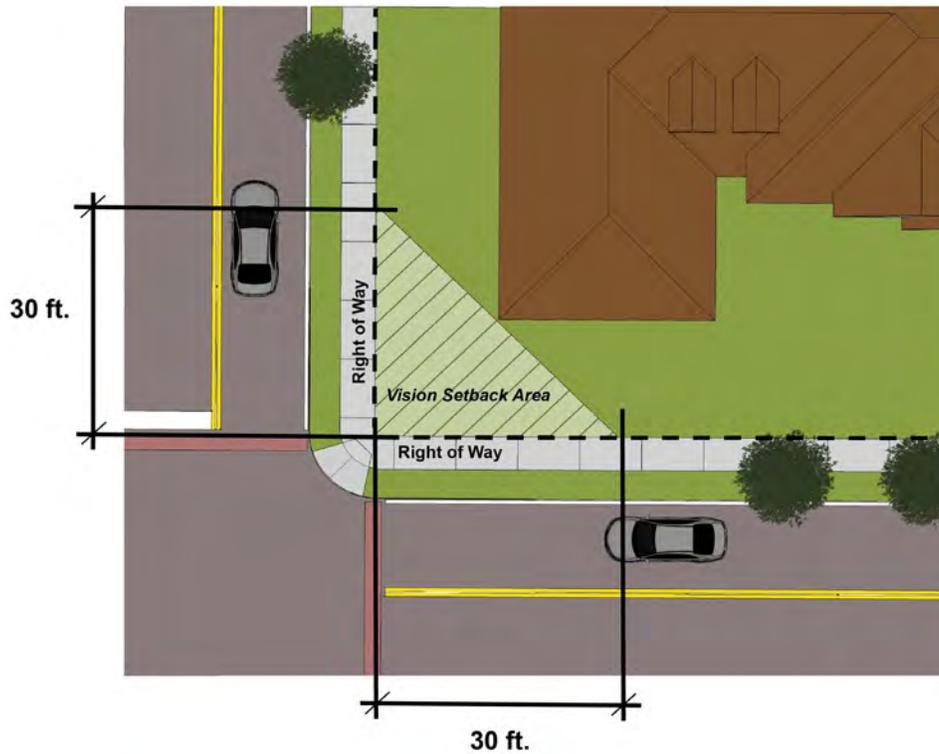
- A. **Applicability.** This Section establishes standards to ensure the provision of open areas around structures for visibility and traffic safety; access to and around structures; fire safety, access to natural light and ventilation; separation of incompatible land uses; and space for privacy, landscaping, and recreation.

- B. **Measurement of Setbacks.** Setbacks shall be measured at right angles from the nearest point of the corresponding front, side, or rear parcel line or, when abutting a street or highway, the base setback line, except as follows:
1. **Irregular Parcel.** In the case of an irregularly shaped parcel, where the rear property line is narrower than the front, a 10-foot line drawn within the parcel, parallel to, and most distant from the front parcel line shall be considered the rear parcel line for the purpose of measuring the required rear setback.
- C. **Required Setbacks.** In addition to any setback required in compliance with Article 2 (Zones, Allowable Uses, and Development Standards) or other provision of this Zoning Ordinance, the following setback requirements apply.
1. **State Responsibility Fire Protection Areas.** All parcels one acre and larger, located in State Responsibility Fire Protection Areas (SRAs), shall comply with the setback requirements of State Public Resources Code 4290, Section 1276.01(A) for building and accessory structure setbacks from property lines and/or center of the road [PCR 4290, Section 1276.01(A)]. The Fire Department may grant an exception to setbacks for fire safe standards only, and not to any other setback required in compliance with this Zoning Ordinance. Any approvals from the Fire Department for exceptions to the requirements of Public Resources Code 4290, shall be provided in writing to the Engineering Services Division before to the approval of a Building Permit. Parcels less than one acre in size shall provide the same practical effect as specified by Public Resources Code 4290, Section 1276.01(B) and determined by the Fire Department.
 2. **Attached Structures.** Required setbacks apply to the ends of rows of attached structures.
 3. **Vision Setback Areas.** Vision setback areas at driveways and the intersections of public streets or highways with a street, highway, or railroad established by the following vision setback lines shall be kept clear of visual obstructions from the height of three feet to eight feet, measured from the elevation of the center point of the intersection, except for necessary highway and traffic signs, public utility lines, and open fences through which there is clear vision. Plant material which obscures safe vision of the approaches to the intersection is prohibited.

a. **Required Vision Setback Area.** Vision setback areas shall be provided on parcels as follows:

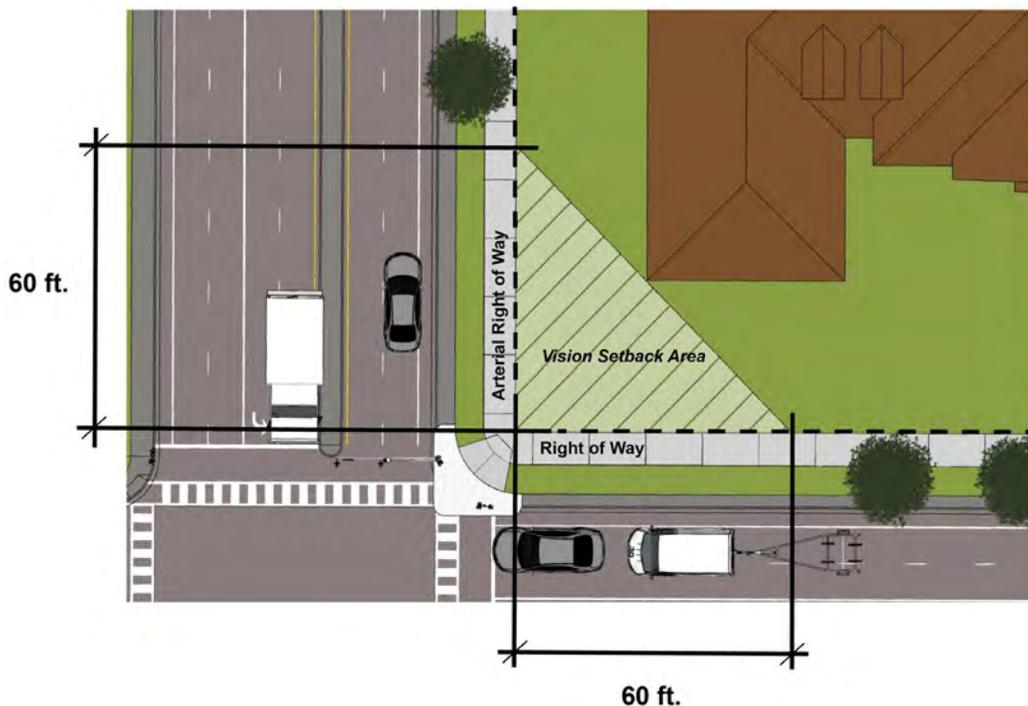
i. **Parcels Abutting a Local or Collector Street.** On corner parcels abutting a local or collector street, the vision setback area shall be formed by a 90-degree triangle with two side measuring 30 feet along the back of both the front and side row-of-way lines, said length beginning at their intersection, and a third side connecting the two ends running diagonally across the parcel. See [Figure 18.30-2 \(Local and Collector Street – Vision Setback Area\)](#).

Figure 18.30-2
Local and Collector Street - Vision Setback Area



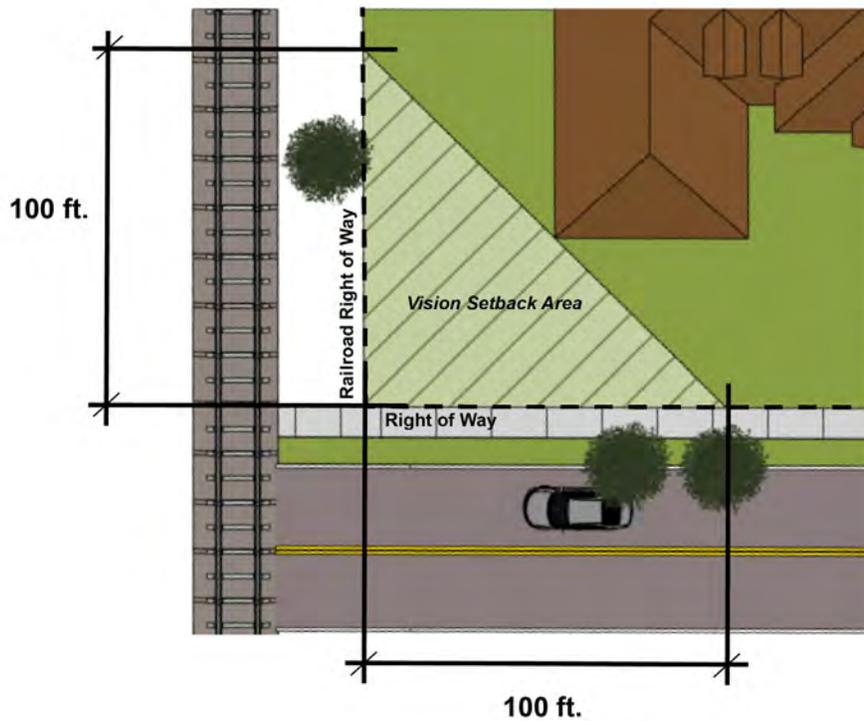
- ii. **Parcels Abutting a Highway, Expressway, Arterial or Wright-of-Way 100-Foot or Greater in Width.** On corner parcels abutting a highway, expressway, arterial street, or any other right-of-way 100-feet in width or greater, the vision setback area shall be formed by a 90-degree triangle with two side measuring 60 feet along the back of both the front and side row-of-way lines, said length beginning at their intersection, and a third side connecting the two ends running diagonally across the parcel. See [Figure 18.30-3 \(Highway, Expressway, Arterial, or ROW's 100-foot or Greater in Width – Vision Setback Area\)](#).

Figure 18.30-3
Highway, Expressway, Arterial, or ROW's 100-foot or Greater
in Width – Vision Setback Area



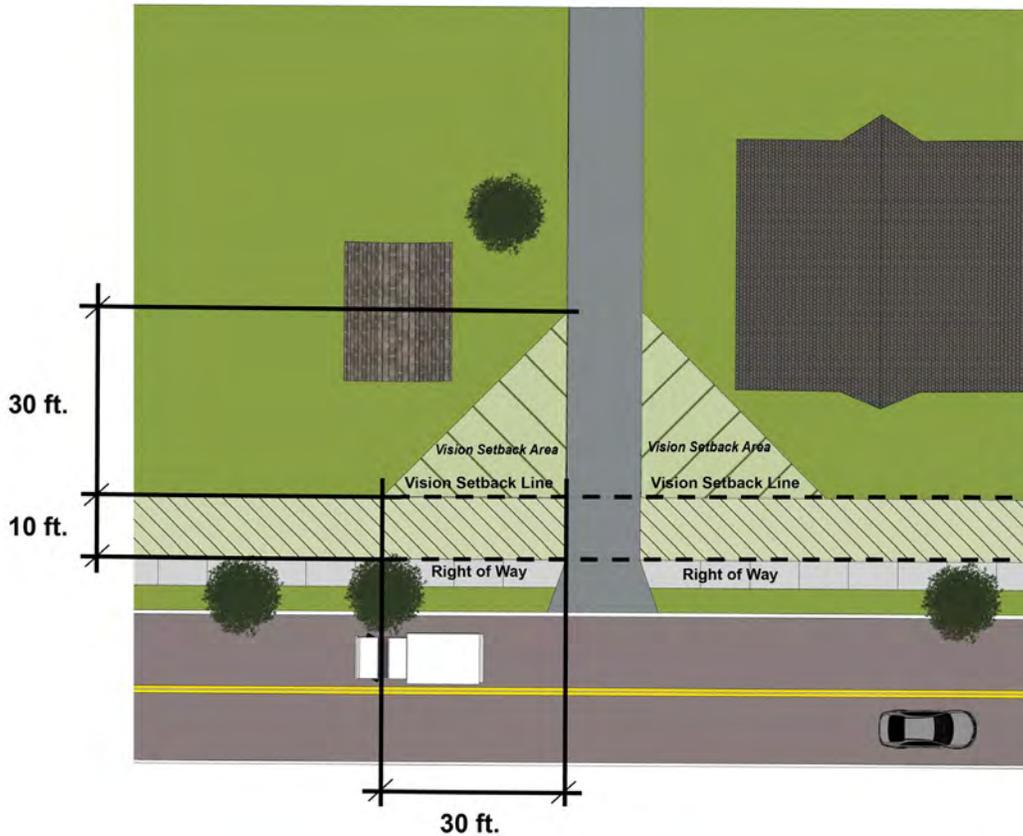
- iii. **Parcels Abutting a Railroad Right-of-Way.** On corner parcels abutting a railroad right-of-way, the vision setback area shall be formed by a 90-degree triangle with two side measuring 100 feet along the back of both the front and side row-of-way lines, said length beginning at their intersection, and a third side connecting the two ends running diagonally across the parcel. See [Figure 18.30-4 \(Railroad Right-of-Way – Vision Setback Area\)](#).

Figure 18.30-4
 Railroad Right-of-Way – Vision Setback Area



- iv. **Driveways.** On parcels containing or abutting a driveway, right-of-way easement, private drive, or alley, a vision setback area shall be provided. The vision setback area shall have a depth of 10 feet measured from the back of the abutting right-of-way and shall be formed by a 90-degree triangle with two sides measuring 30 feet along each side of the right-of-way, easement, private drive, and/or alley and the back of the rear setback line with said length beginning at their intersection, and a third side connecting the two ends running diagonally across the property. See [Figure 18.30-5 \(Driveway and Access Easement – Vision Setback Area\)](#).

Figure 18.30-5
Driveway and Access Easement – Vision Setback Area



- D. **Maintenance of Setback Areas.** Any required setback area shall be kept clean and free from the accumulation of debris or refuse and shall not be used for the storage or display of equipment, products, vehicles or any other materials or structures except as allowed in compliance with [Subsection E \(Encroachments into Required Setbacks\)](#), below.
- E. **Encroachments into Required Setbacks.** Required setbacks shall be not less in depth or width than the minimum dimension specified, shall be at every point open, and shall not be obstructed from the ground to the sky except as provided below, or as specifically identified in another section of this Zoning Ordinance.
1. Permanent mechanical equipment and architectural features of structures, including eaves overhangs, window boxes, chimneys, and bay windows, may encroach into setback areas up to 36 inches or 30 percent of the required setback, whichever is less.
 2. Ancillary features and equipment, swimming pools, uncovered decks, yard amenities, rain barrels, less than three feet in height may encroach into required setback areas except as otherwise specifically limited.

3. Necessary highway and traffic signs, public utility lines, and rural mailboxes may encroach into required setback areas.
4. Ground-mounted photovoltaic panels and associated equipment.

18.30.050 Mechanical and Electrical Equipment Screening

All exterior mechanical and electrical equipment shall be screened or incorporated into the design of structures so as not to be visible from public rights-of-way or adjacent residential zones. Equipment to be screened includes, but is not limited to, all roof-mounted equipment, air conditioners, heaters, utility meters, cable equipment, telephone entry boxes, backflow preventions, irrigation control valves, electrical transformers, pull boxes, and all ducting for air conditioning, heating, and blower systems. Screening materials shall be consistent with the exterior colors and materials of the structure. Exceptions may be granted by the Planning Director where screening is infeasible due to health and safety or utility requirements.

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Chapter 18.32

Accessory Structures



Chapter 18.32 Accessory Structures

18.32.010 Purpose

The purpose of this Chapter is to provide regulations for structures that are not primary structures and in which the principal use of the land does not take place.

18.32.020 Applicability

- A. **Detached Structures.** The provisions of this Chapter apply to roofed structures, including but not limited to garages, carports, barns, sheds, workshops, gazebos, and covered patios which are detached from and accessory to a primary structure on the site. These provisions also apply to open, unroofed structures, play equipment, decks and trellises, that are over 24 inches in height and are detached from and accessory to a primary structure on the site.
- B. **Attached Structures.** The provisions of this Section do not apply to accessory structures attached to a primary structure, which shall comply in all respects with the requirements of this Zoning Ordinance applicable to the primary structure. Structures with a common wall or roof with the primary structure shall be considered part of the primary structure. [Source: 18.04.015.A.6, modified]
- C. **Accessory Dwelling Units.** Accessory Dwelling Units, attached or detached, are subject to the standards of [Section 18.68.020 \(Accessory Dwelling Units \(ADU\)\)](#).

18.32.030 Relation to Primary Structures and Uses

A detached accessory structure may only be constructed on a parcel on which there is an allowed primary structure or use to which the accessory structure is related or on an adjacent parcel under the same ownership unless authorized in compliance with a Zoning Permit approval.

18.32.040 Establishment

Structures that are accessory to a single-unit dwelling shall only be established or constructed on a parcel developed with a single-unit dwelling. Accessory structures may be established or constructed concurrently with the development of a single-unit dwelling. [Source: 18.04.015.A.5]

18.32.050 Development Standards

Accessory structures shall meet the development standards of the zone in which they are located except as follows:

- A. **General Requirements.** Accessory structures shall comply with the following general requirements:
1. An accessory structure is allowed only when it is subordinate and incidental to the primary structure or zone to which it is related. [Source: 18.04.015.A.1.a]
 2. An accessory structure shall not alter the character of the site from that created by the primary use, structure, or zone. [Source: 18.04.015.A.1.b]
 3. An accessory structure shall be allowed only when it is compatible with the structures or uses permitted in the zone in which it is located. [Source: 18.04.015.A.1.c]
 4. An accessory structure constructed prior to the primary structure requires an approved Zoning Permit and the operational statement must substantiate the need. [Source: 18.04.015.A.1.d]
- B. **Maximum Height.** Accessory structures shall not exceed a height of 15 feet unless specifically allowed under another provision of this Zoning Ordinance.
- C. **Location.** An accessory structure shall be located only on the same parcel as the primary structure to which it is related, except as otherwise noted in this Chapter. All structures must comply with setbacks standards. [Source: 18.04.015.A.3]

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Chapter 18.34

Fences, Walls, and Hedges



Chapter 18.34 Fences, Walls, and Hedges

18.34.010 Purpose

The purpose of this Chapter is to establish regulations for fences, walls, and hedges to ensure that these elements do not unnecessarily block visibility and sunlight and are designed to provide aesthetic enhancement of the County.

18.34.020 Applicability

The regulations in this Chapter shall apply to all fences, walls, and hedges, unless otherwise stated. These regulations do not apply to fences, walls, or hedges required by State or Federal agencies, or by the County for reasons of public safety.

18.34.030 Maximum Height

Fences, walls, hedges, and similar structures shall comply with the visibility standards of [Section 18.30.040.C.3 \(Vision Setback Area\)](#).

18.34.040 Materials

Fences and walls visible from a street shall be treated as an integral part of the architecture of the site, with materials, colors, and detailing that is compatible with the structures.

A. Allowed Fence and Wall Materials.

1. **Fences.** Fence materials may include wood, chain link, PVC (formed to resemble fence pickets or panels), wire mesh, steel mesh, stake, louvered glass, and other similar materials. Landscaped areas with plantings shall be regulated to maintain the required open areas in the fence structure.
2. **Walls.** Wall materials shall include concrete, concrete block, wood, or any other similar materials that are solid and are assembled as to form a solid barrier.

B. Limitation on Fencing Materials. The use of barbed wire, razor wire, ultra-barrier, electrified, and other dangerous fencing is prohibited, with the following exceptions:

1. On the site of an allowed agricultural use if needed for livestock or ranch operations.
2. If fencing is required by any law or regulation of the County, the State, the Federal government, or other public agency.

3. Upon approval of the Planning Director when a business has demonstrated it is necessary for the security of their business operation.
- C. **Building Permit Required.** Fences and walls higher than seven feet require a Building Permit.

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Chapter 18.36

Landscaping



Chapter 18.36 Landscaping

18.36.010 Purpose

The purpose of this Chapter is to improve the appearance of the community by requiring permanently maintained landscaping and promote conservation and efficient use of water, in compliance with State law.

18.36.020 Applicability

The provisions, standards, and specifications in this Chapter apply to all landscaping required in compliance with this Zoning Ordinance.

18.36.030 Requirements

All landscaping required in compliance with this Zoning Ordinance shall be installed and maintained in compliance with [Chapter 13.56 \(Water Efficient Landscape Ordinance\)](#) of the County Code.

Chapter 18.38

**Off-Street Parking Regulations and
Design Standards**



Chapter 18.38 Off-Street Parking Regulations and Design Standards

18.38.010 Purpose

The purpose of this Chapter is to provide standard parking and loading requirements to ensure that all land uses have adequate parking and loading, and to ensure that parking and loading is usable and will not impede the flow of traffic or create hazards for pedestrians.

18.38.020 Applicability

The requirements of this Chapter apply to the establishment, alteration, expansion, or change in any use or structure, as provided in this Section.

- A. **New Structures and Land Uses.** Parking and loading in compliance with this Chapter shall be provided at the time any primary structure is erected or any new land use is established.
- B. **Reconstruction, Expansion, and Change in Use of Existing Nonresidential Structures.**
 - 1. When a change in use, expansion of a use, or expansion of floor area creates an increase of 10 percent or more in the number of required on-site parking or loading spaces, additional on-site parking and loading shall be provided for the addition, enlargement, or change in use and not for the entire building or site.
 - 2. The existing parking and loading shall be maintained.
 - 3. If the number of existing parking or loading spaces is greater than the requirements for the use, the number of spaces in excess of the prescribed minimum may be counted toward meeting the parking and loading requirements for the addition, enlargement, or change in use.
 - 4. A change in occupancy is not considered a change in use unless the new occupant establishes a new use that is in a use classification requiring additional parking.
 - 5. Additional parking and loading spaces are not required for the reconstruction of an existing structure when there is no increase in floor area.
- C. **Alterations that Increase the Number of Dwelling Units.** The creation of additional dwelling units through the alteration of an existing structure or construction of an additional structure or structures requires parking to serve the new dwelling units.
- D. **When Constructed.** Parking and loading facilities required by this Chapter shall be constructed or installed before the issuance of a Certificate of Occupancy for the uses that they serve.

18.38.030 General Provisions

- A. **Existing Parking and Loading to be Maintained.** No existing parking and/or loading serving any use may be reduced in amount or changed in design, location or maintenance below the requirements for the use, unless equivalent substitute facilities are provided.
- B. **Nonconforming Parking or Loading.** An existing use or structure shall not be deemed to be nonconforming solely because of a lack of parking and/or loading facilities required by this Chapter, provided that facilities used for parking and/or loading as of the date of adoption of this Zoning Ordinance are not reduced in number to less than required in this Chapter.
- C. **Accessibility.** Required parking and loading areas shall be accessible for their intended purpose during all hours of operation.

18.38.040 Commercial Vehicle Parking

The following regulations shall apply to commercial vehicle parking in residential zones:

- A. No commercial vehicle with a manufacturer's gross vehicle weight of 10,000 pounds or greater shall be parked on any residentially zoned parcel or in or on any County road or right-of-way unless actual loading or unloading of the vehicle is in progress; except that one truck-tractor only, without trailer or semi-trailer, may be parked on the driveway of a residence within any residential zone if the parcel area exceeds 15,000 square feet.
 - 1. For purposes of this Section, "commercial vehicle" includes truck-tractors, trailers, semi-trailers, motor trucks, straight trucks, bobtails, dromedaries, drays, trailer coaches, well-boring rigs, gantry trucks and logging trucks, but shall not include recreational vehicles or campers, as defined by the Motor Vehicle Code.
 - 2. For purposes of this Section, "truck-tractor" means a motor vehicle designed and used primarily for pulling other vehicles (trailer) and not so constructed as to carry a load other than a part of the weight of the vehicle (trailer) and load.
- B. No repair or maintenance shall be performed on any truck-tractor while parked in a residential zone.
- C. Subsection A of this Section, any combination of two-axle panel trucks and two-axle vans not exceeding a total of two vehicles may be parked at a residence on a residentially zoned parcel.
- D. Agricultural or forestry vehicles may be parked in all agricultural zoning districts.

18.38.050 Required Parking Spaces

- A. **Minimum Number of Spaces Required.** All land uses shall provide parking spaces as shown in **Table 18.38-1 (Required Parking Spaces)**, below.

**Table 18.38-1
Required Parking Spaces**

Required Parking Spaces	
Land Use (See Article 8 for land use definitions)	Number of Spaces Required
Agricultural and Resource Uses	
Agricultural and Resource uses of any type, unless listed below	No minimum required
Agritourism	As determined through the CUP process. No minimum if no CUP is required
Industrial, Manufacturing, and Processing Uses	
Industrial, Manufacturing, and Processing uses of any type, unless listed below	1 per 1,000 square feet of floor area plus 1 per 5,000 square feet of indoor warehousing or storage and outdoor use area
Storage Facility, Personal	2 plus 1 per 25 storage units
Recreation, Education, and Public Assembly Uses	
Campground, Tent Camping	1 per tent camping space
Campground, Recreational Vehicle Park	1 per recreational vehicle space
Commercial Recreation and Entertainment Facility	1 for every 4 persons of allowed maximum facility capacity or occupancy
Recreation, Education, and Public Assembly uses of any type, unless listed below	1 per 5 fixed seats or 1 per 40 square feet of assembly area, if assembly area is provided. Otherwise, no minimum
School, College and University	1 per employee plus 1 for every 20 students at planned capacity
School, Private	1 per employee plus 1 for every 20 students at planned capacity
School, Technical and Vocational	1 per employee plus 1 for every 20 students at planned capacity
Residential Uses	
Accessory Dwelling Unit	See Section 18.68.020 (Accessory Dwelling Units (ADU))
Accessory Structure	None beyond what is required for the associated dwelling unit
Bed and Breakfast Inn	2 plus 1 per rented bedroom
Caretaker Housing	1 per unit
Child Day Care Home	1 per nonresident employee
Community Care Facility, Large	1 per 4 adults in care
Community Care Facility, Small	Number of spaces based on demonstrated need, but not more than residential uses within the same zone
Employee Housing, Agriculture	Number of spaces based on demonstrated need, but not more than residential uses within the same zone
Home Occupation	None beyond that required for the associated dwelling unit
Mobile Home Park	1 per mobile home space plus 1 guest parking space for every 5 spaces
Multi-Unit Dwelling	1 per each studio or 1 bedroom unit, 2 per each 2+ bedroom unit
Single-Unit Dwelling	Parcels 4,000 square feet or less: 2 per unit, one of which shall be covered Parcels larger than 4,000 square feet: 2 per unit, both shall be covered

Required Parking Spaces	
Land Use (See Article 8 for land use definitions)	Number of Spaces Required
Supportive Housing	Number of spaces based on demonstrated need, but not more than residential uses within the same zone
Transitional Housing	Number of spaces based on demonstrated need, but not more than residential uses within the same zone
Retail, Service, and Office Uses	
Retail, Service, and Office uses of any type, unless listed below	1 per 300 square feet of floor area plus 1 per 2,000 square feet of outdoor use, display, or storage area
Bar	1 per 150 square feet of floor area
Emergency Shelter	See Section 18.68.100 (Emergency Shelter)
Hotel/Motel	2 plus 1 per room
Hospital	1.5 per bed
Outdoor Dining	None for the first 300 square feet of outdoor dining area, 1 for every 150 square feet thereafter
Recycling Facility	No minimum required
Restaurant	1 per 150 square feet of floor area
Stable, Public	1 for every 4 persons of allowed maximum facility capacity or occupancy
Utility, Transportation, and Communication Uses	
Utility, Transportation, and Communication uses of any type	No minimum required
Vehicle Oriented Uses	
Vehicle Fueling Station	1 per 300 square feet of floor area
Vehicle Rental Facility	1 per 300 square feet of floor area
Vehicle Repair and Service	1 per 400 square feet of floor area, plus 1 per service bay
Vehicle Sales, New and Used	1 per 2,000 square feet of sales area

B. **Calculation of Required Spaces.** The number of required parking spaces shall be calculated according to the following standards:

1. **Fractional Spaces.** When the computation of the number of parking spaces required by this Section results in a fractional parking space, one additional parking space shall be required when the fraction equals or exceeds one-half of a space.
2. **Gross Floor Area.** Unless otherwise specified, all references to the square footage of a structure shall mean the gross floor area of the structure in question. The gross floor area includes the total square footage of the structure, calculated by measuring the distances along the exterior structure walls, including all floors of the structure and areas which are unenclosed but may be sheltered or segmented in some manner as a patio or breezeway which functions in support of the principle use of the site for outside seating, retail sales, or display.

3. **Employees.** Where a parking or loading requirement is stated as a ratio of parking spaces to employees, the number of employees shall be based on the largest shift that occurs in a typical week.
 4. **Bedrooms.** Where a parking requirement is stated as a ratio of parking spaces to bedrooms, any rooms having the potential of being a bedroom and meeting the standards of the Building Code as a sleeping room shall be counted as a bedroom.
 5. **Seats.** Where parking requirements are stated as a ratio of parking spaces to seats, each 40 inches of bench-type seating at maximum seating capacity is counted as one seat.
- C. **Sites with Multiple Uses.** If more than one use is located on a site, the number of required parking spaces and loading spaces shall be equal to the sum of the requirements calculated separately for each use except where a reduction is approved in compliance with **Section 18.38.060 (Parking Reductions)**.

18.38.060 Parking Reductions

The number of parking spaces required by **Section 18.38.050 (Required Parking Spaces)** may be reduced as follows.

- A. **Motorcycle Parking.** Motorcycle parking may substitute for up to five percent of required vehicle parking. Each motorcycle space shall be a minimum of four feet wide and seven feet deep.
- B. **Commercial Centers.** Where multiple commercial establishments with a collective square footage of more than 35,000 square feet are located on a common site and which are planned, developed, owned, or managed as a cohesive unit with off-street parking shared among the uses on the site, the number of parking spaces required is one per 333 square feet of floor area.
- C. **Shared Parking.** Where a shared parking facility serving more than one use will be provided, the total number of required parking spaces may be reduced up to 20 percent with Zoning Administrator approval and up to 50 percent with approval of a Zoning Permit, if the Review Authority finds that:
 1. The peak hours of use will not overlap or coincide to the degree that peak demand for parking spaces from all uses will be greater than the total supply of spaces;
 2. The proposed number of parking spaces to be provided will be adequate to serve each use; and
 3. In the case of a shared parking facility that serves more than one property, a parking agreement has been prepared consistent with the provisions of **Section 18.38.070.A.1 (Allowance for Off-Site Parking)**.

- D. **Other Parking Reductions.** Required parking for any use may be reduced through approval of a Zoning Permit as follows.
1. **Criteria for Approval.** The Review Authority may approve a Zoning Permit for reduced parking if it finds that:
 - a. Special conditions exist that will reduce parking demand at the site, including, but not limited to, the nature of the proposed operation; proximity to frequent transit service; transportation characteristics of persons residing, working, or visiting the site; or the applicant has undertaken a transportation demand management program; and
 - b. The use will be adequately served by the proposed parking.
 2. **Parking Demand Study.** To evaluate compliance with the above criteria, if a parking demand study that substantiates the basis for granting a parking space reduction may be required by the Planning Director.

18.38.070 Location of Required Parking

- A. **On-Site Parking Required.** Required parking shall be located on the same site as the use it serves except as provided below.
1. **Allowance for Off-Site Parking.** Required parking may be located off-site provided the off-site parking facility is located within 500 feet, along a pedestrian route, of the principal entrance containing the use(s) for which the parking is required.
 - a. **Parking Agreement.** A parking agreement, which guarantees the long-term availability of the parking facility for the use it is intended to serve, shall be recorded with the County Clerk Recorder's Office. The agreement shall be in a form approved by the County Counsel and the Planning Director. The duration of the agreement shall be determined as part of the project approval.

18.38.080 Loading Spaces

All commercial, industrial, or institutional uses shall provide loading spaces as follows:

- A. **Structures Less Than 10,000 Square Feet.** All uses occupying structures of less than 10,000 square feet shall provide a minimum of one small truck loading space, located within 50 feet of the structure to be served by the loading or unloading vehicles, and clearly marked on the pavement surface. The Zoning Administrator may grant a modification to this requirement based on site-specific development constraints.

- B. **Structures 10,000 Square Feet and Larger.** A minimum of one truck loading space per 10,000 square feet shall be provided. A minimum of one large truck loading space located in a loading dock or adjacent to a service entrance shall be provided. Additional required spaces shall be located within 100 feet of a service entrance and shall not conflict with required parking or circulation areas.
- C. **Adjustments to Loading Space Requirements.**
1. **Reduction in Number of Loading Spaces Required.** The loading space requirement may be waived if the Zoning Administrator finds that the applicant has satisfactorily demonstrated that due to the nature of the proposed use, loading space will not be needed.
 2. **Additional Loading Spaces Required.** The required number of loading spaces may be increased to ensure that trucks will not be loaded, unloaded, or stored on public streets. The requirement shall be based on the anticipated frequency of truck pickups and deliveries and of the truck storage requirements of the use for which the on-site loading spaces are required.
- D. **Size and Dimensions of Loading Spaces.** Loading spaces shall meet the minimum size and dimensions stated below.
1. **Small Truck Loading Space.** A small truck loading space shall be a minimum of 10 feet in width and 25 feet in length.
 2. **Large Truck Loading Space.** A large truck loading space shall be a minimum of 12 feet in width and 55 feet in length.

18.38.090 Parking Area Design Standards

All parking areas shall be designed and developed consistent with the following standards and the parking facility detail, including drawings and supplemental specifications, if any, established by resolution of the Board. In the event of a conflict as between the provisions of this Chapter and the resolution of the Board, the requirements of this Chapter shall be controlling.

- A. **Tandem Parking.** Tandem parking may be allowed to satisfy parking requirements in compliance with the following.
1. The tandem space shall accommodate no more than two vehicles.
 2. The tandem space shall be assigned to a single-unit dwelling.

- B. **Shopping Cart Storage.** If a use provides shopping carts to customers, adequate temporary shopping cart storage areas shall be provided throughout the parking facility. Temporary storage of shopping carts on walkways or outside of structures is prohibited. Required parking spaces shall not be used for shopping cart storage.
- C. **Parking Access.** Parking access areas shall be designed to ensure vehicular access to parking spaces as determined by the Public Works Director.
1. Parking facilities shall be designed so that vehicles maneuvering out of parking spaces do not back into or across a street right-of-way.
 2. Parking facilities shall be designed so that every space is accessible without leaving the facility and reentering from the public street right-of-way. Public alleys are exempt from this requirement.
 3. Where development in any zone abuts a public or private street, vehicular access onto the street may occur only through a forward movement of the vehicle. This does not apply to single-unit residential development.
- D. **Size and Dimensions of Parking Spaces.** Parking spaces shall meet the minimum size and dimensions stated below. Screening walls, roof support posts, columns, or other structural members shall not intrude into the required dimensions for parking spaces.
1. **Standard Parking Space.** A standard parking space shall be a minimum of nine feet in width by 19 feet in length.
 2. **Compact Parking Space.** A compact parking space shall be a minimum of eight and one-half feet in width by 16 feet in length. A maximum of 30 percent of required off-street parking may be designated for use by compact vehicles when the spaces are clearly designated by pavement markings.
 3. **ADA Compliant Parking Spaces.** All parking facilities shall include accessible parking spaces. The required number of spaces, as well as their size, location, and design shall conform to the provisions contained in the Americans with Disabilities Act (ADA) and as otherwise required by State and Federal law. Disabled parking spaces shall be included in the required number of spaces for a project (i.e., 10 spaces required—nine standard spaces and one disabled parking space can be provided).
 4. **Tour Bus Space.** A parking space provided for tour buses shall be a minimum of 12 feet in width and 35 feet in length. Tour bus parking, where proposed, shall be designed to function without conflicting with required parking facilities.
- E. **Parking Angles and Aisle Widths.** The minimum aisle widths shall be calculated according to the angle of the parking stall. The following minimum dimensions shall apply:

**Table 18.38-2
Parking Angles and Aisle Widths**

Parking Angles and Aisle Widths			
Angle	Stall Width	Stall Length from Curb	Aisle Width
90 degree angle	9 feet	19 feet	25 feet
60 degree angle	9 feet	21 feet	One-way traffic: 19 feet Two-way traffic: 24 feet
45 degree angle	9 feet	20 feet	One-way traffic: 16 feet Two-way traffic: 22 feet

An additional backup area shall be provided at the end of each parking aisle. The area shall be the width of the parking aisle and extend five feet beyond the last parking space

- F. **Striping and Pavement Marking.** All parking facilities that are paved shall be striped in a manner so that individual parking spaces and traffic patterns are clearly delineated. Compact parking spaces and areas to be used as loading zones shall be clearly designated on the pavement. Parking facilities not surfaced with material (e.g., agricultural operations, phased parking lot development) shall delineate individual parking spaces by using alternative materials like concrete wheel stops, and traffic patterns shall be designated by the use of upright signs.
- G. **Surfacing.**
1. In all commercial, industrial, multi-unit dwellings, and public and institutional parking facilities, parking and maneuvering areas shall be surfaced and maintained with an asphaltic, concrete, or other paving materials as approved by the Planning Director sufficient to prevent mud, dust, loose material, and other nuisances.
 2. Parking areas for single-unit dwellings and agricultural operations shall be maintained in a dust free condition.
- H. **Curbs and Overhangs.**
1. A continuous curb, six inches in height, shall be located at the front of all parking spaces located adjacent to landscaped areas, berms, or masonry walls, to prevent vehicle encroachment into these areas. Curbs shall be used to prevent overhang onto adjacent properties or landscaped areas.
 2. Curbs shall be located a minimum of 24 inches in front of the areas they are designed to protect.
 3. When a raised curb is provided, parking spaces may be allowed a two-foot overhang, except where an overhang would interfere with the landscape planter as determined by the Zoning Administrator.

4. No overhang is allowed on the perimeter of a parcel that would allow vehicles to overhang onto adjacent properties or the street right-of-way.
 5. No overhang is allowed onto pedestrian walkways or access ways that would interfere with handicap accessible requirements.
- I. **Drainage.** All parking and loading facilities shall be graded and provided with permanent storm drainage facilities. Surfacing, curbing, and drainage improvements shall be installed to preclude the flow of water onto adjacent properties or public rights-of-way, and to preclude standing pools of water within the parking facility.
- J. **Lighting.** All lighting used to illuminate an off-street parking or loading facility shall be hooded and designed to direct light and glare away from any adjoining lots, residential areas, and public streets.
- K. **Landscaping.** Uncovered parking facilities designed to accommodate four or more vehicles shall be landscaped according to the general standards of **Chapter 13.56 (Water Efficient Landscape Ordinance)** of the County Code, as well as the standards of this Subsection. The Planning Director may approve a reduction in the amount of landscaping due to drought or low water supply.
1. **Landscaped Buffer Adjacent to Right-of-Way.** A landscaped area a minimum of 10 feet wide shall be provided between any surface parking facility and any property line adjacent to a public street, unless a different dimension is specified in the zone standards applicable to a site.
 2. **Landscaped Buffer Abutting Interior Parcel Line.** A landscaped area a minimum of five feet wide shall be provided between any surface parking facility and any interior side or rear parcel line.
 3. **Shade Trees.** Shade trees shall be located throughout the parking lot at a ratio of one tree for every six parking spaces. Shade trees shall be planted within a landscape planter a minimum of 25 square feet in area, and four feet in any horizontal dimension, excluding curbs.
- L. **Screening.** Parking facilities designed to accommodate four or more vehicles and within 150 feet of residentially zoned property, shall be screened according to the following standards. These standards do not apply when parking facilities are separated from residential development by a street right-of-way.
1. A solid masonry wall a minimum of six feet in height shall be constructed along the common property line, except within the vision setback area, where the maximum wall height is three feet.
 2. A planting area a minimum of five feet in width shall be provided between the required screening wall and the parking area.

- M. **Alternative Parking Area Designs.** Applicants may submit alternative parking facility designs to the appropriate Review Authority if they can demonstrate that variations in the requirements of this Section are warranted to achieve environmental design and green building objectives, including but not limited to achieving certification under the LEED Green Building Rating System or equivalent, an alternative parking facility design may be approved.
- N. **Maintenance.** Parking facilities, including landscaped areas, driveways, and loading areas, shall be maintained free of refuse, debris, or other accumulated matter and shall always be kept in good repair.

Chapter 18.40

Performance Standards



Chapter 18.40 Performance Standards

18.40.010 Purpose

The purpose of these performance standards is to ensure compatibility between land uses by setting limits, whether generic or qualitative, for dust, heat, electrical disturbances, fumes, vapors, odor, noise, lighting, and vibrations.

18.40.020 Applicability

The provisions, standards, and specifications in this Chapter apply to all properties, structures, uses, and activities in all zones, unless an exception is specifically noted.

18.40.030 Compliance

The Planning Director shall require evidence of compliance with the following performance standards as deemed necessary before approval or issuance of a Zoning Clearance.

18.40.040 Air Emissions

Uses, activities, and processes shall not operate in a manner that emit excessive dust, fumes, smoke, or particulate matter, unless authorized under Federal, State, or local law. Sources of air emissions shall comply with all rules established by the Environmental Protection Agency (Code of Federal Regulations, Title 40), the California Air Resources Board, and the San Joaquin Valley Air Pollution Control District (SJVAPCD).

18.40.050 Hazardous Materials

- A. **Applicability.** Any business that is involved in handling and/or storage of hazardous materials shall file a "Hazardous Materials Business Plan" (HMBP) with the Environmental Health Division for review and approval before operating the business.
- B. **Hazardous Materials.** Hazardous materials shall include all substances on the comprehensive master list of hazardous materials compiled and maintained by the California Department of Health Services.
- C. **Storing, Handling, and Transportation.** The use, handling, storage, and transportation of hazardous materials shall comply with all applicable requirements of Government Code Section 65850.2 California Code of Regulation, Title 23, Chapter 15, Articles One through Four and Health and Safety Code Section 25505, Article 80 - Uniform Fire Code, et., al.



18.40.060 Noise

- A. **Applicability.** The following noise provisions, standards, and specifications apply to all properties, structures, uses, and activities in all zones, unless an exception is specifically noted. For additional noise standards see [Chapter 9.58 \(Noise Regulations\)](#) of the County Code.
- B. **Noise Limits.** No use or activity shall create noise levels that exceed the standards established in the General Plan.
- C. **New and Expanded Noise Sources.** Uses that may create new noise sources or expand existing noise sources shall mitigate noise levels so that the resulting noise:
1. Does not adversely impact noise-sensitive land uses; and,
 2. Does not exceed the standards established in the General Plan.
- D. **Noise Exposure.** No new noise-sensitive uses shall be allowed in areas that exceed the noise level standards established in the General Plan.
- E. **Acoustic Analysis.** An acoustic analysis shall be required for any proposed use which could create or be subject to a noise exposure that exceeds the standards established in the General Plan. The analysis shall be conducted in compliance with Table 7.A.7 (Requirements for an Acoustical Analysis) of the General Plan.
- F. **Noise Attenuation Measures.** Noise attenuation measures identified in an acoustic analysis shall be incorporated to reduce noise impacts to allowed levels. Emphasis shall be placed upon site planning and project design measures. The use of noise barriers shall be considered only after all feasible design-related noise measures have been incorporated.

18.40.070 Odor

No use shall emit any offensive odor off-site based on typical human reaction except normal odor associated with certain uses that are allowed in agricultural areas (i.e., animal confinement facilities). The Environmental Health Division shall determine whether the off-site odor is offensive or causes a nuisance. This standard does not apply to existing agricultural and right-to-farm land uses.

18.40.080 Outdoor Lighting

- A. **Exterior Lighting.** Exterior lighting shall be designed and maintained in a manner so that glare and reflections are contained within the boundaries of the subject parcel and shall be hooded and directed downward and away from adjoining properties and public rights-of-way.
- B. **Illumination.** The use of blinking, flashing, or unusually high-intensity or bright lights are prohibited.

- C. **Lighting Compatibility.** All lighting fixtures shall be appropriate to the use they are serving, in scale, intensity, and height.

18.40.090 Vibration, Heat, Electrical Disturbance, and Glare

No use shall create any disturbing ground vibration, heat, glare, and electrical disturbances based on typical human reaction beyond the boundaries of the subject parcel. No use shall cause electromagnetic interference with normal radio or television reception or with the function of other electronic equipment beyond the property line of the parcel on which they are located.



Chapter 18.42

Sign Regulations



Chapter 18.42 Sign Regulations

18.42.010 Purpose

The purpose of this Chapter is to control and regulate the construction, location and maintenance of all signs within the unincorporated areas of the County, to promote traffic safety, natural landscape and vistas, and the public health, safety and general welfare. The regulation and control of signs by this Chapter is undertaken to accomplish the above objectives and not to control or regulate the content of advertising displays.

18.42.020 Effect of Chapter

- A. **Content Neutrality.** It is the County's policy and intent to regulate both commercial and noncommercial signs from a viewpoint-neutral and content-neutral manner. The message of the sign shall not be reviewed, except to determine the type and category of the sign.
- B. **Message Substitution.** Signs authorized by this Chapter are allowed to display noncommercial messages in lieu of any other commercial or noncommercial messages. This provision prevails over any more specific provision to the contrary within this Chapter. The purpose of this provision is to prevent an inadvertent favoring of commercial speech over noncommercial speech or favoring of any specific noncommercial message over any other noncommercial message.

18.42.030 Definitions

Advertising Statuary. An imitation or representation of a person or thing or free-form creative license which is sculptured, molded, modeled, inflated or cast in any solid or plastic substance, material or fabric and used to identify or advertise a product or service.

Animated Sign. Any sign designed and constructed to convey a message or attract attention through a sequence of progressive or random changes of parts or lights or degree of lighting through rotation, movement, fluctuation, flashing, changing or blinking light or similar devices.

Appurtenant Sign. A sign directing attention to products offered, i.e., product identification.

Architectural Feature. A portion of a sign structure intended to accent a sign rather than to provide or carry additional message area, like framing, roofing, exposed foundations, landscaping and the like.

Banner. See "pennant".

Building Sign. Any sign erected upon a building or element, including signs located on roofs, windows, walls, marquees, eaves, awnings, or canopies.

Bulletin Board. That portion of a sign, with movable letters, words or numerals, allowing messages or advertising copy to be changed at will and which includes reader board or chalk board.

Business Complex. A building or group of structures with common ownership or control within a single parcel or contiguous parcels of property housing two or more commercial business establishments and providing common facilities or utilities, like a shopping center, professional office building, etc.

Business Sign. A sign indicating the name and/or occupation of a person or group engaging in a business.

Campaign Sign. A sign advertising a candidate for political office, a political party or a measure scheduled for an upcoming election, or announces a campaign, drive or event of a civic, philanthropic, educational or religious organization.

Civic Event. A sign posted to advertise, identify or provide direction to a civic event sponsored by the community, or a school, church, civic-fraternal organization or similar noncommercial organizations.

Directional Off-site Sign. A freestanding sign denoting the principal name and location of a business or service, where the sign is located off-site, adjacent to the driveway, alleyway or other ingress where primary access to the business or service is obtained. A directional off-site sign may include the official logo of the business or service, but shall not include product advertising.

Directional Sign. A sign denoting “entrance”, “exit”, “no parking” or directing motor/pedestrian traffic flow to parking or building facilities with or without a business name, logo types or commercial advertising.

Directory Sign. A sign placed or displayed to list all or a part of the businesses within a business complex.

Flag. An article of cloth, paper or similar lightweight material, varying in size, shape and/or design, usually attached at one edge to a staff or cord.

Official Flag. The flag of any nation, state, county, city or other recognized governmental entity.

Insignia Flag. A flag bearing the insignia, name, device, rank, logotype or similar designation of specific activities, political parties, persons, agencies, private businesses and the like.

Freestanding Sign. A sign supported by one or more uprights, poles or braces in or on the ground, or which is placed upon a fence, planter, retaining wall, or any other structure not an integral part of any building.

Gasoline Price Sign. Any sign that denotes the cost of motor fuel for sale to the motoring public.

Graphics. Decoration of the exterior of a building or site with murals, artwork, statuary and the like, not containing a commercial message, trademark, logo type, brand name or the like.

Identification Sign. A sign which is used to identify or advertise the occupants of a structure, parcel or the merchandise or activity available at the structure or parcel, where the sign is located.

Illuminated Sign. A sign in which a source of light is used to make readable the message or attract attention to the sign. This definition shall include internally and externally lighted signs.

Logo. A trademark or symbol of any business or organization.

Menu Board. Any wall or monument sign displaying a list of items available at a drive-through business for the purpose of taking drive-through orders.

Mobile Sign. A sign attached to or suspended from any type of vehicle.

Memorial Sign. A sign intended to preserve the memory of a person or event.

Monument Sign. An independent structure supported from grade to the bottom of the sign with the appearance of having a solid base.

Nameplate. A building sign designating the name or name and occupation of a person on the premises.

Neon. An electrolumen method of lighting a formed sign.

Nonconforming Sign. A sign validly installed, or for which a permit has been issued, under prior laws or ordinances but which is in conflict with any of the current provisions of this Chapter.

Off-premises Sign. A sign which advertises a business, product, service or entertainment, or commodities which are manufactured, produced, conducted, sold or offered elsewhere than upon the parcel upon which the sign is located.

On-premises Sign. A sign which advertises a business, product, service or entertainment, or commodities which are manufactured, produced or sold, or rendered on or from the premises upon which the sign is located.

Outdoor Business. Any which relies principally on the outside display of merchandise as the primary means of business and outdoor display areas, showrooms, inventory and work areas comprising 25 percent or more of the total site area.

Overall Building Line. The furthestmost eave, wall or extension of a building.

Pennant. A piece of cloth, plastic, paper or other material varying in size, shape or design, erected in any manner as an advertising device to draw attention to the site where located.

Pylon Sign. A sign which is supported by one or more uprights, braces, poles, pylons, or other similar structural components placed in, or upon, the ground and which are not attached to a structure or structures.

Portable Freestanding Sign. A sign designed to be moved and which is not structurally attached to the ground, a building, a structure or any other sign; and which may or may not be in the configuration of an A.

Projecting Sign. A sign attached to an exterior wall and/or to the top of the eave of a building, which sign is attached at an angle up to 90 degrees to the building.

Public Use Board/Tack Board. A board upon which personal notices may be tacked; i.e., lost and found.

Public Announcement Sign. A freestanding sign structure whose announcement is limited to an activity, event, or service offered only by a nonprofit organization which conducts its activities, events, or services within the County:

Reader Board. See "bulletin board."

Real Property Sign. A sign indicating that the property or improvements thereon are for sale, lease or rent.

Roofline. The line or edge where the sides and the roof of a building meet.

Roof Sign. Any sign of any nature, together with all its parts and supports, which is erected, constructed or maintained on or above the roof or parapet of any building.

Service Sign. A sign denoting "open," "self-service," etc., and not advertising any business.

Shopping Center. See "business complex."

Sign. Any advertising surface, including flags, banners, and advertising statutory, visible to the public and upon which is placed or optically projected, any name, figure, character, outline, spectacle, display, delineation, announcement, advertising, device, appliance or other thing of similar nature to attract attention outdoors, and which includes all parts, portions, units, vehicles and materials composing the same, together with the frame, background, surface or enclosure, excluding "graphics" as otherwise defined.

Sign Structure. The supports, uprights, braces and framework of a sign.

Subdivision Sign. A nonilluminated sign for the purpose of advertising and directing people to a newly constructed subdivision or apartment complex.

Subdivision Identification Sign. An identification sign which is used to identify a residential subdivision or apartment complex.

Theater Marquee. A permanent structure upon which is displayed materials or text of a temporary or changeable nature announcing currently showing programs or movies and which is operated manually.

Time and/or Temperature Sign. A sign providing the time or the time and temperature without an advertising message.

Trade Construction Sign. A sign located at a building or project site listing one or more persons or firms participating in the development, construction or financing of that building or project.

Business Establishment. A separate business entity, like a single shop or business within a business complex or a single business occupying an entire building.

Value of a Sign. Total cost of physical replacement of a sign.

Wall Sign. A sign erected on the side, wall or parapet of a building or structure and which does not extend above or more than twelve inches outward from that portion of the building to which it is attached.

Window Decal. An appurtenant decal; i.e., a decal advertising the acceptance of "Visa" or "Master Card."

Window Sign. A sign permanently painted upon a window, or intended to be viewed only from outside a window, including appurtenant signs.

18.42.040 Permit Required

Except as otherwise provided in this Chapter, it is unlawful for any person to affix, place, erect, suspend, attach, construct, structurally or electrically alter (not including a face change of sign copy), move, or display any temporary or permanent sign within the County without first obtaining a permit or Zoning Clearance as follows:

- A. **Signs within the Oakhurst Plan Area Sign Overlay Zone:** Sign Permit. See [Section 18.42.140 \(Application and Review of Sign Permits\)](#).
- B. **Off-Premise Signs:** Zoning Permit. See [Chapter 18.80 \(Zoning Permit\)](#).
- C. **On-Premise Signs, Outside the Oakhurst Plan Area Sign Overlay Zone:** Building Permit/Zoning Clearance. See [Chapter 18.74 \(Zoning Clearance\)](#).
- D. **Exempt Signs:** No permit is required for signs specifically exempted in [Section 18.42.050 \(Exempt Signs\)](#).
- E. **Master Sign Program:** A Master Sign Program ([Section 18.42.150 \(Master Sign Program\)](#)) may be approved to integrate the design and placement of signs within a project with the overall development design to achieve a unified appearance. A Master Sign Program may provide for additional sign area and other deviations from the standards of this Chapter.

18.42.050 Exempt Signs

- A. **Exempt Signs.** The following signs are allowed without a permit in any zone and shall not be included in the determination of type, area, or number, of signs allowed on each parcel. Exempted signs shall be required to adhere to the regulations established for each sign type as provided in this Section.
 1. Memorial signs or tablets, or names of structures and dates of erection when cut into any masonry or when constructed of bronze or other incombustible material permanently fastened to a building or structure, not exceeding eight square feet area.
 2. Official flags no larger than eight feet by 12 feet in size and no more than 30 feet in height.
 3. Official traffic, fire and police signs; signals, devices and markings of public agencies and utilities; other safety signs; legal notices.

4. Signs required by County, State or Federal laws or regulations; provided, that the size does not exceed the minimum size required by the law or regulation.
5. Name plates, identification, or business sign not exceeding two square feet in area and attached to the building, illuminated only by indirect lighting, and limited to one sign per business.
6. Copy changes in approved changeable copy signs.
7. Window sign area for a business including decals and illuminated signs, not exceeding three square feet in area.
8. Service signs not exceeding three square feet in area and 12 square feet in the aggregate.
9. Time clock and/or temperature signs not exceeding eight square feet in area.
10. Tire chain service signs not exceeding three square feet in area for each sign and no more than six square feet in the aggregate for any business providing tire chain services.
11. **Temporary Signs.**
 - a. A business may have temporary signs for up to 15 consecutive days, but not more than an aggregate of 120 days within 12 months.
 - b. Signs pertaining to any civic, patriotic or special event of general public interest taking place within the general community may be used for up to 45 days.
12. **Real Property Signs.** Real property signs shall comply with the following:
 - a. Number and Size:
 - i. Residential Single-Unit Zones:
 - (1) Parcels under five acres in size: One sign up to five square feet of sign area per street frontage.
 - (2) Parcels five acres or more and less than 20 acres in size: One sign up to 20 square feet of sign area per street frontage.
 - (3) Parcels 20 acres or more in size: One sign up to 32 square feet of sign area per street frontage.
 - ii. All other zones:
 - (1) Parcels under five acres in size: One sign up to 20 square feet of sign area per street frontage.
 - (2) Parcels five acres or more in size: One sign up to 32 square feet of sign area per street frontage.
 - b. Height: Freestanding real property signs shall not exceed six feet in height.

- c. Placement: Real property signs may be placed as follows.
 - i. Affixed to the building or structure;
 - ii. Displayed in a window.
 - iii. Free-standing.
 - d. Open House Signs.
 - i. A maximum of two "open house" signs may be placed during the time a property is open for general public viewing.
 - ii. "Open house" signs shall be placed upon the actual property to which they pertain or a contiguous property with the owner's written approval.
 - iii. Off-premise directional signs with or without logos or arrows shall not be erected except that one directional sign conforming to the size and height requirements of this Section may be installed at the intersection of roads where street name signs are not posted.
 - e. Materials:
 - i. Real property signs shall be maintained in good order and repair, shall not be illuminated, and shall be of nonreflective materials.
 - ii. Pennants, flags, balloons or other similar devices or materials shall be allowable only at "open house" events, during the time the property is open for public viewing and no longer than 72 hours per week.
 - f. All real property signs shall be removed within 15 days after escrow closes on the property advertised by the signs.
13. **Construction Signs.** Signs located in one common area on a construction site erected at or after the start of construction and removed before issuance of a certificate of occupancy.
- a. Residential Zones: Maximum aggregate sign area of 36 square feet.
 - b. Other Zones: Maximum aggregate sign area of 128 square feet.
14. **Political and/or Campaign Signs.** Political and/or campaign signs shall comply with all County and State laws and regulations. No campaign sign shall be displayed earlier than 90 days before, or later than 10 days after, the date of the election or event
- B. **Routine Maintenance.** Painting, repainting, or cleaning of a sign shall not be considered erecting or altering a sign. No permit is required unless structural changes are proposed to be made.

- C. **Building Permit may be Required.** Under certain circumstances, exempt signs may require a Building or Electrical Permit, as required by the California Building Code adopted by the County.

18.42.060 Prohibited Signs

Except as otherwise provided in this Chapter, the following signs shall be prohibited throughout the County:

- A. Signs affixed to natural features like trees, rocks, shrubs, or other natural feature or utility poles.
- B. Signs located on or projecting over public property, including sidewalks, crosswalks, roads, curbs, lamp posts, hydrants, trees, utility poles, structures, fences and rights-of-way of any type, except legal notices which are authorized by law to be so located or as allowed in compliance with an Encroachment Permit.
- C. Roof signs.
- D. Advertising statuary.
- E. Exterior exposed neon signs made of clear tubing.
- F. Moving arc lights.
- G. Signs emitting foreign material or sound.
- H. Signs creating public safety hazards. No sign(s) or group of signs shall be placed or operated in a manner as to cause a physical or visibility hazard to the movement of vehicles or pedestrians, or to obstruct or interfere with the view of a traffic sign, signal or other safety device located upon a public right-of-way.
1. No sign shall be located at or near any road intersection, or any road and driveway intersection, or any road and railroad track intersection to create a traffic hazard by obstructing vision.
 2. No sign shall be located, constructed or lighted to interfere with, obstruct the view of, simulate or be confused with any official traffic control device.
 3. No lighted sign shall exceed the illumination standard specified in this Zoning Ordinance and Section 21466.5 of the California Vehicle Code.
 4. No sign shall be located in any river, stream or canal bed to be a hazard to any road bridge if dislodged by the flow of water.
- I. **Animated Signs.** Animated signs shall be prohibited unless required by law or utilized by a proper governmental agency; provided, however, the provisions of this Section shall not be applied to prohibit the following:
1. Time-clock and/or temperature signs.

2. Barber poles of traditional design, not to exceed 30 inches high, which revolve during the time a barber shop is open for business.
 3. Electronic Message Center (EMC) signs and automatic changeable copy in compliance with **Section 18.42.080.D (Changeable Copy)**.
- J. **Mobile Signs.** The parking on any street, or on public or private property, of any vehicle to which a sign is attached or suspended, or the movement of any a vehicle in and along any street, for the sole or primary purpose of displaying advertising matter, is declared to be a nuisance and a violation of this Chapter. No person shall drive, operate, move in and along or park on any street or on public or private property, any motor vehicle, trailer, carriage, wagon, sled, or other vehicle on which is attached or maintained any sign displaying any commercial advertising matter, except for the following which are allowed:
1. Political signs, provided are not otherwise prohibited by County or State laws or regulations;
 2. A nonprojecting sign attached, affixed, or painted upon the door or side of a motor vehicle and which contains the following information:
 - a. The name of the business in which the vehicle is customarily used, and/or
 - b. The address, city or town and telephone number of the business in which the vehicle is customarily used, and/or
 - c. A motto, slogan, or logo designed and intended to be associated with the business in the minds of the general public and its customers;
 3. The incidental display of noncommercial stickers, plates, license plate brackets and the like; or of customary small identifications on license plate brackets or elsewhere, of vehicle manufacturers, models or types of vehicles or dealers or entities from whom vehicles were obtained; and
 4. A single isolated movement of a sign or sign equipment or materials from one place to another.

- K. **Abandoned Signs.** Except as may be otherwise provided in this Chapter, any sign including its supporting structure, except for an approved off-premise sign, which is located on property which becomes vacant and unoccupied for a period of 180 days or more, or any sign which pertains to a time, event or purpose which no longer applies, shall be deemed to have been abandoned. Permanent signs applicable to a business temporarily suspended because of a change in ownership or management, or because of seasonal operation, shall not be deemed abandoned unless the property remains vacant for a period of 180 days or more. An abandoned sign is prohibited and shall be removed by the owner of the sign or owner of the premises. All costs incurred in removing an abandoned sign may be charged to the legal owner.
- L. **Unlawful Signs, Generally.** Except in the case of a public officer or employee in the performance of a public duty, or a private person giving legal notice, or a lawful sign erected as provided and with the consent of the property owner, no person shall paste, post, paint, print, nail, tack or otherwise fasten or place any card, banner, handbill, sign, poster, advertisement or notice of any kind upon any real or personal property.

18.42.070 Sign Measurement

- A. **Measuring Sign Area.** The sign area is the entire area within a single geometric form (square, triangle, circle, etc.) or a symmetrical form of not more than six sides enclosing the extreme limits of a sign excluding borders, frames, and the necessary sign structure. The area of an individual sign shall be calculated as follows:
1. **Single-Faced Signs.** The sign area is the area of the sign face.
 2. **Double-Faced Signs.** Where two faces of a double-faced sign are located three feet or less from one another at all points or located at an interior angle of 30 degrees or less from one another, the sign area of double-faced signs is computed as the area of one face. Where the two faces are not equal in size, the larger sign face will be used. Where two faces of a double-faced sign are located more than three feet or greater than 30 degrees from one another, both sign faces are counted toward sign area.
 3. **Multifaced Signs.** On a three-faced sign, where at least one interior angle is 45 degrees or less, the area of two faces (the largest and smallest face) shall be summed to determine sign area. In all other situations involving a sign with three or more sides, sign area will be calculated as the sum of all faces.

4. **Three-Dimensional Signs.** Three-dimensional signs include those that consist of, or have attached to them, one or more three dimensional objects like balls, cubes, clusters, sculpture, or statue-like trademarks. The sign area is the sum of all areas using the four vertical sides of the smallest rectangular prism that will encompass the sign.
- B. **Measuring Sign Height.** The height of a sign is the vertical distance from the uppermost point used to measure sign area to the highest final grade measured at 10 feet from the center point of the sign structure or to the highest finish grade of the road surface of the nearest public road right-of-way measured at a point perpendicular to the sign structure, whichever is higher.
- C. **Building Frontage.** Building frontage shall be measured as the widest lineal dimension, parallel to the ground, of the building façade for a business establishment. For structures with two or more frontages, the length of the frontage and allowable sign area shall be calculated separately for each building frontage.

18.42.080 General Provisions

- A. **Applicable Codes.** In addition to complying with the provisions of this Section, all signs shall be constructed in compliance with the Uniform Building code, the Uniform Sign Code, the Electrical Code, and all other applicable laws, rules, regulations, and policies.
- B. **Changes to Copy of Approved Signs.** Changes to the copy of approved signs that were legally established and have not been modified to become illegal are exempt from permitting in compliance with this Zoning Ordinance. Changes to copy do not include changes to the type or level of illumination of an approved sign.
- C. **Sign Materials.** All signs shall be made of sturdy, durable materials.
 1. **Paper, Cardboard, and Similar Materials.** Paper, cardboard, and similar materials subject to rapid deterioration shall be limited to temporary signs.
 2. **Fabric.** Fabric materials shall be limited to awnings, canopies, flags, and temporary signs.
- D. **Changeable Copy.**
 1. **Manual Changeable Copy.** Manually changeable copy shall represent no more than 30 percent of the sign area.
 2. **Automatic Changeable Copy and Electronic Message Center Signs.** Electronic Message Center (EMC) signs and automatic changeable copy in which copy can be changed or altered by electric, electro-mechanical, electronic, or any other artificial energy means, are allowed subject to the following standards.

- a. **Permit Required.** All automatic changeable copy and electronic message center signs require Zoning Permit approval, except service and gas station price signs and time and temperature signs.
- b. **Display Duration.** The display shall change no more frequently than once every eight seconds and shall have an unlighted interval between copy displays of 0.3 second or more.
- c. **Static Message.** Displays shall contain static messages only, and shall not have movement, or the appearance or optical illusion of movement, of any part of the sign structure, design, or pictorial segment of the sign, including the movement or appearance of movement of any illumination, or the flashing, scintillating or varying of light intensity.
- d. **Light Intensity.** 0.3 foot-candles over ambient lighting conditions when measured at a distance equal to the square root of 100 times the area of the sign in square feet. All electronic copy shall be equipped with a sensor or other device that automatically determines the ambient illumination and programmed to automatically dim according to ambient light conditions, or that can be adjusted to comply with the 0.3 foot-candle measurements.
- e. **Automatic Controls.** All electronic message displays shall be equipped with automatic controls to allow for adjustment of brightness based on ambient lighting conditions.

E. **Illumination.**

1. No sign may be illuminated by intermittent light.
2. In Residential and Agricultural Zones, only signs displaying a property address may be illuminated.
3. Any attached or detached external source of illumination of any sign shall not be directly visible from beyond the property line of the parcel upon which the sign is located.

18.42.090 Signs in Residential Zones

The following signs is allowed in Residential Zones except within the Oakhurst Plan Area Sign Overlay Zone. Signs in the Oakhurst Plan Area Sign Overlay Zone is regulated in compliance with [Section 18.42.130, \(Oakhurst Plan Area Sign Overlay Zone\)](#).

A. **General Allowance.**

1. **Maximum Sign Area:** Eight square feet per parcel, exclusive of exempt signs in compliance with **Section 18.42.050 (Exempt Signs)** and temporary and permanent subdivision identification signs in conformance with this Section.
2. **Maximum Height:** No sign shall exceed six feet in height.

B. **Temporary Subdivision Identification Sign.** In addition to the general signs allowance in **Subsection A**, above, one on-premise temporary subdivision identification sign is allowed in compliance with approval of a Zoning Permit and in compliance with the following:

1. **Maximum Duration:** A temporary subdivision identification sign may be installed for a maximum of 12 months.
2. **Maximum Sign Area:** 100 square feet per parcel.
3. **Maximum Height:** 10 feet unless additional height is authorized through a Zoning Permit to achieve sign visibility in consideration of the topography at the sign's location.
4. **Illumination:** Illumination is limited to incandescent bulb, mercury or sodium vapor, or fluorescent lighting. All lights shall be hooded and directed to minimize glare.
5. **Removal:** A temporary subdivision identification sign shall be removed within 14 days from the date the permit authorizing it expires or when a permanent subdivision identification sign is installed, whichever is sooner.

C. **Permanent Subdivision Identification Sign.** In addition to the general signs allowance in **Subsection A**, above, one on-premise permanent subdivision identification sign is allowed in compliance with the approval of a Zoning Permit and in compliance with the following:

1. **Maximum Sign Area:** 100 square feet per parcel.
2. **Maximum Height:** 10 feet unless additional height authorized through a Zoning Permit to achieve sign visibility in consideration of the topography at the sign's location.

18.42.100 Signs in Commercial, Mixed Use, Industrial, and Public/Quasi Public Zones

The following signs is allowed in Commercial, Mixed-Use, Industrial, and Public/Quasi Public Zones except within the Oakhurst Plan Area Sign Overlay Zone or within Freeway 99 Corridor Sign Overlay Zone. Signs in the Oakhurst Plan Area Sign Overlay Zone is regulated in compliance with [Section 18.42.130, \(Oakhurst Plan Area Sign Overlay Zone\)](#). Signs within Freeway 99 Corridor Sign Overlay Zone is regulated in compliance with [Section 18.42.120 \(Freeway 99 Corridor Sign Overlay Zone\)](#).

A. General Allowance.

1. **Maximum Sign Area:** The following maximum sign area is allowed per parcel, exclusive of exempt signs in compliance with [Section 18.42.050 \(Exempt Signs\)](#), and public announcement signs in conformance with this Section.
 - a. **Off-premise Signs.**
 - i. Visible from Highway 99: 672 square feet.
 - ii. Not visible from Highway 99: 300 square feet.
 - b. **On-premise Signs.** 300 square feet.
2. **Maximum Height:** 35 feet.
3. **Location:** No off-premises sign shall be located within 1,000 feet of any other off-premises sign nor within 500 feet of any road or railroad interchange, intersection at grade or any safety road side rest area.

B. Public Announcement Sign. In addition to the general signs allowance in Subsection A, above, one off-premise sign is allowed in compliance with the following:

1. **Maximum Sign Area:** 32 square feet.
2. **Maximum Height:** Six feet unless additional height is authorized through a Zoning Permit to achieve sign visibility in consideration of the topography at the sign's location.
3. **Sign Copy:** Public announcement signs shall be limited to identifying only the nonprofit organization, and the activity, event or service offered.
4. **Review and Approval:** A public announcement sign is subject to review and approval by the Zoning Administrator predicated upon the filing of a fee-exempt Zoning Permit application, compliance with this Chapter, and documented proof of the organization's nonprofit status. The Zoning Administrator may place a time limitation on the use of a public announcement sign, if the sign is applicable to a specific event, activity or service.
5. **Removal:** A public announcement sign shall be removed within 14 days from the date the permit authorizing it expires.

18.42.110 Signs in Agricultural and Resource Zones

The following signs is allowed in Agricultural and Resource Zones except within the Oakhurst Plan Area Sign Overlay Zone. Signs in the Oakhurst Plan Area Sign Overlay Zone is regulated in compliance with [Section 18.42.130, \(Oakhurst Plan Area Sign Overlay Zone\)](#).

A. **General Allowance.**

1. **Maximum Sign Area:** 240 square feet per parcel, exclusive of exempt signs in compliance with [Section 18.42.050 \(Exempt Signs\)](#), and public announcement signs in conformance with this Section.
2. **Maximum Height:** 10 feet.

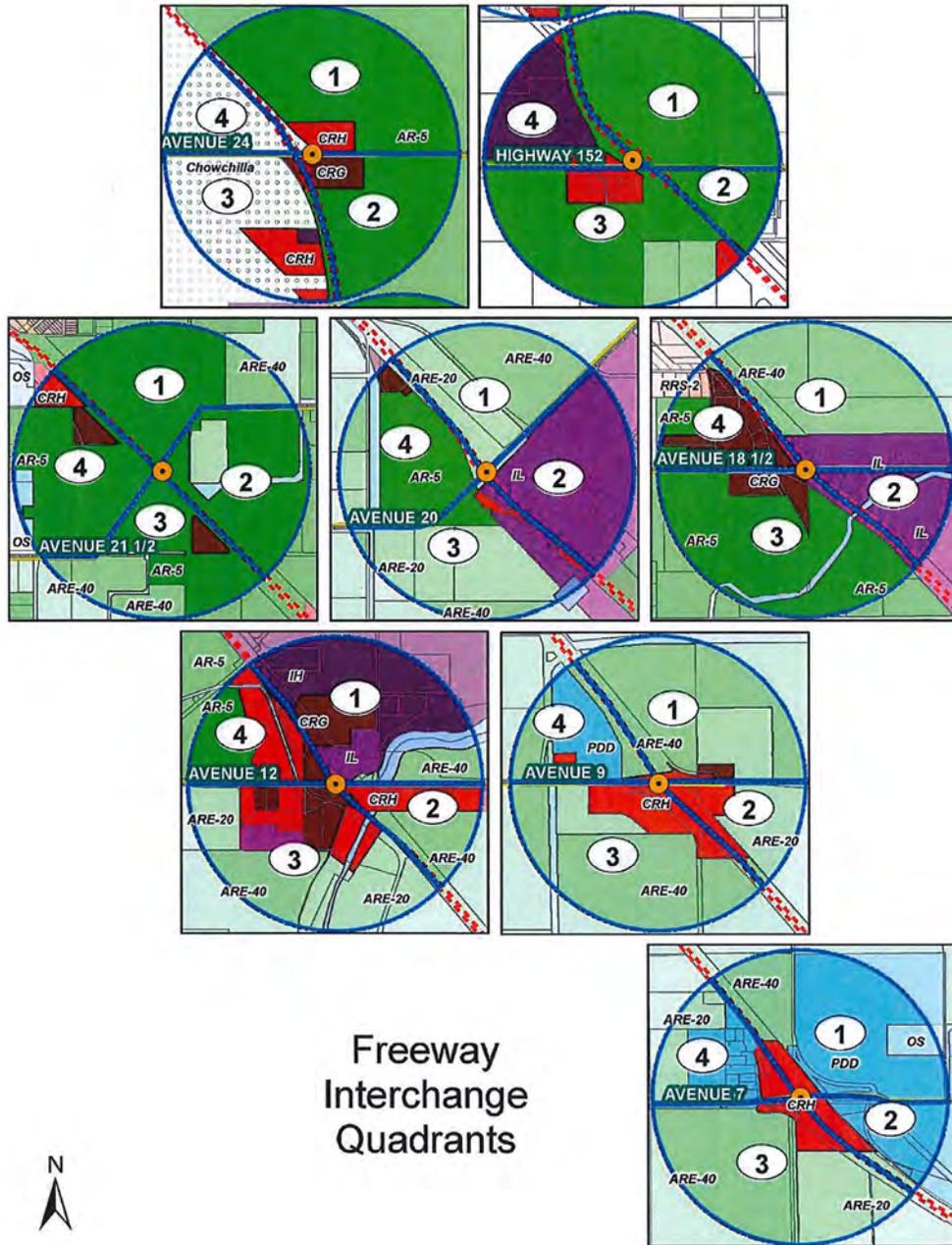
B. **Public Announcement Sign.** In addition to the general signs allowance in [Subsection A](#), above, one off-premise sign is allowed in compliance with the following:

1. **Maximum Sign Area:** 32 square feet.
2. **Maximum Height:** Six feet unless additional height is authorized through a Zoning Permit to achieve sign visibility in consideration of the topography at the sign's location.
3. **Sign Copy:** Public announcement signs shall be limited to identifying only the nonprofit organization, and the activity, event or service offered.
4. **Review and Approval:** A public announcement sign is subject to review and approval by the Zoning Administrator predicated upon the filing of a fee-exempt Zoning Permit application, compliance with this Chapter, and documented proof of the organization's nonprofit status. The Zoning Administrator may place a time limitation on the use of a public announcement sign, if the sign is applicable to a specific event, activity or service.
5. **Removal:** A public announcement sign shall be removed within 14 days from the date the permit authorizing it expires.

18.42.120 Freeway 99 Corridor Sign Overlay Zone

In addition to other requirements of this Chapter, signs in Commercial, Mixed-Use, Industrial, and Public/Quasi Public Zones within the Freeway 99 Corridor Sign Overlay Zone shall comply with the following standards.

Interchange Quadrants



A. **Prohibited Signs.** In addition to the signs prohibited by [Section 18.42.060 \(Prohibited Signs\)](#), the following signs are prohibited within the Freeway 99 Corridor Sign Overlay Zone

1. Balloons and inflatables.
2. Neon lighting.

3. Banners or flags other than for temporary purposes, including events.
 4. New billboards.
- B. **Allowed Signs.** The following signs is allowed in Commercial, Mixed-Use, Industrial, and Public/Quasi Public Zones within the Freeway 99 Corridor Sign Overlay Zone. All businesses within an individual Quadrant shall be considered on-premise tenants.
1. **Signs Allowed for Each Business Establishment.** Each business establishment may have the following signs.
 - a. One wall sign for each frontage.
 - b. One window or door sign for each entrance.
 - c. One shingle or under canopy sign.
 - d. Monument and Pylon signs in compliance with the following table.

**Table 18.42.-1
Monument and Pylon Sign Allowances**

Quadrant Size	Monument Signs	Pylon Signs
Under 1 acre	<u>Max. Number:</u> 1 on premise sign per establishment <u>Max. Area:</u> 30 square feet <u>Max. Height:</u> 6 feet	Not Allowed
1 or more acres but less than 2 acres	<u>Max. Number:</u> 1 on premise sign per establishment <u>Max. Area:</u> 40 square feet per sign. <u>Max. Height:</u> 8 feet	Not Allowed
2 or more acres but less than 10 acres	<u>Max. Number:</u> 1 on premise sign per establishment <u>Max. Area:</u> <ul style="list-style-type: none"> <u>Major street frontage:</u> 50 square feet <u>Secondary street frontage:</u> 40 square feet <u>Max. Height:</u> <ul style="list-style-type: none"> <u>Major street frontage:</u> 8 feet <u>Secondary street frontage:</u> 6 feet 	Not Allowed
10 or more acres but less than 25 acres	<u>Max. Number:</u> 1 on premise sign per establishment <u>Max. Area:</u> <ul style="list-style-type: none"> <u>Major street frontage:</u> 50 square feet 	<u>Max. Number:</u> 1 Pylon Sign on Major Street frontage only <u>Max. Area:</u> 300 sq. ft. <u>Max. Height:</u> 14 feet with Planter around the bottom of the sign



**Table 18.42.-1
Monument and Pylon Sign Allowances**

Quadrant Size	Monument Signs	Pylon Signs
	<ul style="list-style-type: none"> • <u>Secondary street frontage</u>: 40 square feet <p><u>Max. Height</u>:</p> <ul style="list-style-type: none"> • <u>Major street frontage</u>: 10 feet • <u>Secondary street frontage</u>: 6 feet 	<p>OR</p> <p>1 monument sign that advertises for multiple uses</p>
25 or more acres	<p><u>Max. Number</u>: 1 on premise sign per establishment</p> <p><u>Max. Area</u>:</p> <ul style="list-style-type: none"> • <u>Major street frontage</u>: 50 square feet • <u>Secondary street frontage</u>: 40 square feet <p><u>Max. Height</u>:</p> <ul style="list-style-type: none"> • <u>Major street frontage</u>: 10 feet • <u>Secondary street frontage</u>: 6 feet 	<p><u>Max. Number</u>: 2 Pylon Signs on Major Street frontage only with minimum 600 feet of frontage</p> <p><u>Max. Area</u>: 300 sq. ft.</p> <p><u>Max. Height</u>: 14 feet with Planter around the bottom of the sign</p> <p>OR</p> <p>1 monument sign that advertises for multiple uses may replace each pylon sign</p>

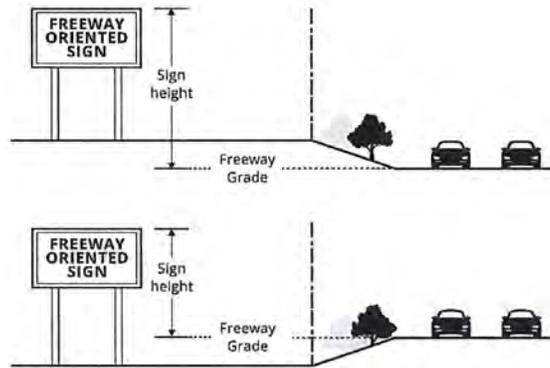
Figure 18.42-1



2. **Highway/Freeway-Oriented Sign.** In addition to signs allowed for each establishment in compliance with to Paragraph 1, above, one highway/freeway-oriented sign is allowed for each interchange Quadrant in compliance with the following.
 - a. **Maximum Sign Area:** 1,200 square feet.

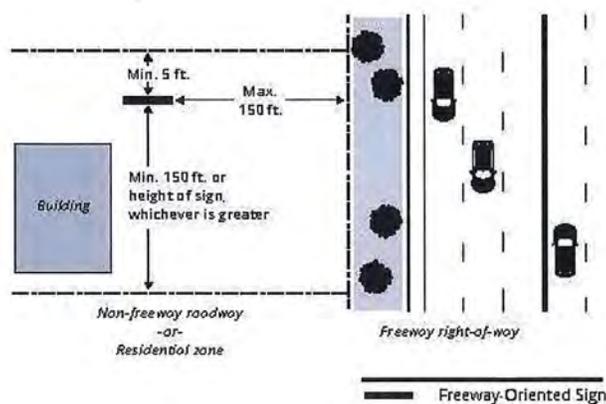
- b. **Maximum Sign Height:** 90 feet, measured from freeway grade.

Figure 18.42-2



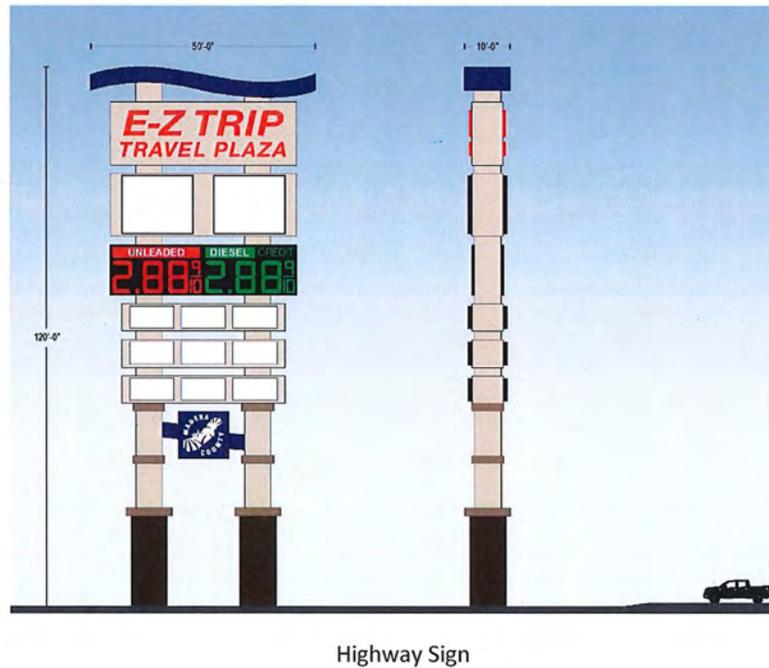
- c. **Location.** Highway/freeway-oriented signs shall be located in compliance with the following.
 - i. Within 150 feet of a freeway right-of-way.
 - ii. On a property that is immediately adjacent to and abutting a freeway right-of-way or separated from a freeway right-of-way by only a public frontage road, a railroad right-of-way, a public flood control channel, or public utility easements.
 - iii. At least 150 feet from any parcel line adjoining a street or roadway other than a freeway or public frontage road.
 - iv. Setback from a Residential Zone a distance that is equal to or exceeds the height of the sign, whichever is greater, and setback at least five feet from any other interior parcel line.

Figure 18.42-3



- d. **Exceptions.** Highway/freeway-oriented signs that do not comply with the above area, height, and location limitations shall require approval of a Variance by the Planning Commission based on the following findings.
 - i. A highway/freeway-oriented sign that conforms to the area, height, and location standards otherwise applicable to the site would not be visible to the travelling public for a distance on the freeway of one-third mile preceding the freeway exit providing access to the premises; or for a line-of sight distance of two-thirds' mile, whichever is less.
 - ii. The highway/freeway-oriented sign will not interfere with the driving public's view of a significant feature of the natural or built environment.
- e. Highway/freeway-oriented signs may not be used for general advertising for hire.
- f. **Required Design Elements.** In order to provide highway/freeway-oriented sign consistency throughout the County, each highway/freeway sign shall include the following elements/characteristics:
 - i. A blue "swish" cap manufactured of metal and painted the County-designated shade of blue.
 - ii. A "plank" design, with individual plank being uniformly separated by a 12-inch spacing consistent with attached exhibits.
 - iii. Typical planks shall range in size from six feet to eight feet in vertical dimension, unless a different dimension is approved by the Planning Division to accommodate tenant requirements.
 - iv. Plank width shall be 26 feet.
 - v. The County logo shall "anchor" the bottom tier of the sign connected to the pylons by a blue "swish" link. The logo shall be an allowed canister sign.
 - vi. Overall dimensions for columns, spacing of columns and column wraps shall be consistent with standards established in this Chapter.
 - vii. Signs shall be pan channel letter signs.
 - viii. Corporate logos requiring canister signs may be approved by the Planning Division.
 - ix. Fuel price signs may be enclosed in a canister sign design.
 - x. All signs shall be interior-illuminated.
 - xi. Columns and planks shall include tex-coat finishes.

Figure 18.42-4



- C. **Master Sign Program Required.** A Master Sign Program in compliance with [Section 18.42.150 \(Master Sign Program\)](#) is required for projects with more than one building or parcel. The Master Sign Program shall describe responsibilities of tenants with respect to sign review, approval, installation, and maintenance.
1. Every structure and commercial complex shall be designed with a precise concept for adequate signing. Provisions for sign placement, sign scale in relationship with the building, and sign readability shall be considered in developing the signing concept. All signing shall be highly compatible with the building and site design relative to color, material, and placement.
- D. **Responsibilities.**
1. The property owner where a highway/freeway oriented sign is located shall be responsible to maintain the highway/freeway oriented sign in a clean, attractive, structurally sound and electrically safe fashion. All signs shall be consistent with the sign criteria. The property owner shall provide a sign plan for the signs that includes the sign space available in a consistent manner where all tenants have fair access to sign space at a fair market rate.

2. The tenant shall be responsible for the design, fabrication, and installation of the tenant signs on the freeway sign. The tenant shall keep any lease arrangement with the landlord in good standing for the entire period signs are installed on the freeway sign. Signs shall be removed promptly upon termination of the applicable lease agreement with the property owner.
3. If at any time, the tenant does not keep the lease agreement in good standing, the property owner may, at their discretion and at the tenant's expense, after proper notice to the tenant, replace or remove any sign that is installed without the property owners consent, or that is not executed in conformance with the approved submission.

18.42.130 Oakhurst Plan Area Sign Overlay Zone

In addition to other requirements of this Chapter, signs in the Oakhurst Plan Area Sign Overlay Zone shall comply with the following standards.

- A. **Allowed Signs.** The following signs is allowed in the Oakhurst Plan Area Sign Overlay Zone. Outdoor businesses shall meet the same requirement as for other businesses including freestanding signs and directional on-site sign regulations.
 1. **General Freestanding Signs.** Freestanding signs are allowed in conformance with the following standards:
 - a. **Number of Signs:** One freestanding sign per parcel or business complex except as follows:
 - i. Two freestanding signs per parcel or business complex may be allowed if:
 - (1) The street frontage of the project area is more than 300 feet in length;
 - (2) The project area has more than one major entry point; and
 - (3) The distance between the freestanding signs on that parcel is at least 100feet.
 - b. **Maximum Sign Area:** 60 square feet, except as follows:
 - i. Business complex occupying a parcel of over 10 acres: 100 square feet.
 - c. **Maximum Height:** 12 feet, plus the height of the landscaped planter, monument base, or pedestal, if provided, up to a maximum of 14 feet.
 - d. **Off-Premise Signs.** An off-premise sign may be allowed as part of the freestanding sign(s) allowance for a parcel subject to approval of a Zoning Permit in compliance with the following.

- i. **Allowed Zones.** An off-premise sign shall be allowed only in Commercial or Industrial Zones.
 - ii. **Sign Area.** Off-premise sign area shall be computed as part of the total allowable freestanding sign area for the parcel upon which it is placed.
 - iii. **Location.** No off-premise sign shall be located within 1,000 feet of any other off-premise sign nor within 500 feet of any road or railroad interchange, intersection at grade or any safety road side rest area.
 - e. **Off-Site Directional Sign.** One directional off-site sign per parcel may be allowed on any parcel in lieu of an on-site freestanding sign for businesses located on a parcel that does not have frontage on a named public road, in compliance with the following.
 - i. The location of a directional off-site sign shall be limited to a parcel which has frontage on a named public road. The parcel shall be located at or adjacent to the intersection between the named public road and the driveway, alleyway or other ingress where primary access to the business is obtained.
 - ii. The signature of the property owner where the directional off-site sign is to be placed shall be provided on the Sign Permit application form.
 - iii. **Maximum Sign Area.** Eight square feet per business unit, not to exceed a cumulative total of 32 square feet per sign.
 - iv. **Maximum Height.** Eight feet.
 - v. Property within the Ahwahnee/Nipinawasee Area Plan is excluded from the provisions of this Subsection.
2. **Additional Freestanding Signs Allowance.** In addition to the freestanding signs allowed in compliance with Paragraph 1, above, the following freestanding signs are allowed and shall not be counted as part of the allowable freestanding sign area unless specifically stated.
 - a. **Insignia Flags:** Insignia flags, with a maximum size of five feet by seven feet and a maximum height of 30 feet. The area of the insignia flag shall be counted as part of the freestanding sign area.
 - b. **Directional On-site Signs:** One directional on-site not exceeding three square feet in area or four feet in height per vehicular entrance, plus one additional sign per drive-through establishment.

- c. **Delivery Signs:** One nonilluminated delivery sign not exceeding three square feet in area per unit of operation.
 - d. **Drive-up Window Menu Boards:**
 - i. Maximum Area: 40 square feet plus one square foot for every square foot reduction in the amount of building sign area.
 - ii. Maximum Height: Seven feet.
 - iii. The visibility of the signs by passing traffic shall be reduced by the use of screening and/or landscaping.
 - iv. Minimal lighting and speaker systems shall be allowed, so as to not significantly increase ambient light and noise levels.
 - e. **Gasoline Price Signs:**
 - i. Sign Area: 15 additional square feet of sign area.
 - ii. Maximum Height: 10 feet.
 - iii. Portable gasoline price signs are prohibited.
 - iv. Within the maximum allowable sign area, service stations may be allowed identification signs on the pump island canopy fascia or gable or totally beneath the canopy and mounted on the canopy supports, and further provided that the distance from the top to the bottom of the sign is not greater than three feet.
 - f. **Directory Sign.** A directory sign shall be no greater than eight square feet, no higher than five feet. Each business is allowed a maximum of one square foot per sign. One directory sign shall be allowed for each vehicle entrance from a public street.
3. **Building Signs.** Building signs are allowed in conformance with the following standards:
- a. **Maximum Sign Area.** A maximum of one square foot of building signs is allowed for each lineal foot of the building face to which the sign is attached, with a minimum of 10 square feet and a maximum of 85 square feet of building signs per business unit, except as provided below.
 - i. Structures set back 250 feet or more from a public street are allowed a maximum of one square foot of building signs is allowed for each lineal foot of the building face to which the sign is attached, up to a maximum of 225 square feet of building signs per business unit

- ii. Transfer of unused freestanding sign area. Where an applicant foregoes the right to a freestanding sign and does not utilize an off-site directional sign, 50 percent of the forgone allowable freestanding sign area may be added to the allowable building sign area.
 - iii. Window signs: window signs exceeding three square feet in area shall be computed in the building sign area.
 - iv. Public use board/tack board exceeding 12 square feet in area shall be computed in the building sign area.
 - v. Allowed building sign area may be reallocated from one tenant to another within a building complex in compliance with the approval of a Master Sign Program provided the aggregate allowable sign area for the site it not exceeded.
 - b. **Maximum Height:** The top of any building sign shall not extend above the top of the overall building elevation.
 - c. **Projection:** Signs shall project no more than 36 inches horizontally beyond the overall building line.
 - d. **Location:** No sign shall extend to within 12 inches of the end of the wall or to the line which divides the businesses sharing the wall.
- 4. **Subdivision Signs.** Subdivision signs are allowed in conformance with the following standards.
 - a. Number of Signs: One subdivision sign is allowed per street face.
 - b. Maximum Sign Area: 32 square feet.
 - c. Maximum Height: 12 feet.
 - d. Maximum Width: 10 feet.
 - e. Pennants, streamers, flags or other appurtenances are not allowed.
 - f. Location.
 - i. Subdivision signs shall be placed a minimum of 100 feet from any other sign
 - ii. Subdivision signs shall be located a minimum of 10 feet from any right-of-way or property line.
 - iii. Subdivision signs shall be located only on the property which is advertised thereon.

18.42.140 Application and Review of Sign Permits

- A. **Application.** Application for a permit shall be made upon forms provided by the Planning Division and accompanied by the required fee and application materials showing the following:
1. Site plan showing the location and dimensions of existing structures and the relationship of the proposed sign to the existing structures;
 2. Location, dimension, and design of all existing signs; and
 3. Location, dimension, and design of proposed sign.
- B. **Review and Decision.**
1. Upon acceptance of a sign application, the Planning Director shall review the request for compliance with the standards and requirements of this Chapter, and with any standards established in a Master Sign Program in compliance with **Section 18.42.150 (Master Sign Program)**.
 2. The Planning Director's decision shall clearly state any conditions of approval or reasons for disapproval and applicable appeal provisions.

18.42.150 Master Sign Program

- A. **Purpose.** The purpose of a Master Sign Program is to provide a method for an applicant to integrate the design and placement of signs within a project with the overall development design to achieve a more unified appearance.
- B. **Applicability.** A Master Sign Program shall be required for:
1. All signs in a Planned Development Zone.
 2. Signs within the Freeway 99 Corridor Sign Overlay Zone for projects with more than one building or parcel.
 3. All signs proposed for erection on or within a business complex in the Oakhurst Plan Area Sign Overlay Zone.
- C. **Application.** A Master Sign Program application shall contain all written and graphic information needed to fully describe the proposed sign program, including the proposed location and dimension of each sign, as well as proposed color schemes, font types, materials, methods of attachment or support, and methods of illumination. A Master Sign Program application shall also include calculation of maximum allowable sign area, and total proposed sign area, for the site.

- D. **Review Authority.** All Master Sign Programs are subject to review and approval of the Zoning Administrator for the project with which the signs are associated. A Master Sign Program may be submitted separately or as part of the permit application for the project.
- E. **Required Findings.** The Review Authority shall make all of the following findings in order to approve a Master Sign Program, in addition to the other applicable regulations in this Section. The inability to make one or more of the findings is grounds for denial of an application.
1. The proposed signs are compatible in style and character with any building to which the signs are to be attached, any surrounding structures and any adjoining signs on the site;
 2. Future tenants will be provided with adequate opportunities to construct, erect, or maintain a sign for identification; and
 3. Directional signs and building addressing are adequate for pedestrian and vehicular circulation and emergency vehicle access.
- F. **Lessees to Be Informed of Master Sign Program.** Lessees within developments subject to the requirements of an approved Master Sign Program shall be made aware of the Master Sign Program in their lease.

18.42.160 Sign Construction and Maintenance

Signs and their components shall be regularly maintained and kept in good repair and appearance at all times. No sign shall be erected or maintained in a condition hazardous to persons or property. All signs containing electrical components shall be constructed and maintained to comply with all applicable County electrical and building standards.

18.42.170 Removal of Unlawful, Unsafe, and Unauthorized Signs on Public Property

- A. Any sign, other than an off-premises sign, which is not functional, abandoned or which is not used for advertising purposes for a period of 180 consecutive days, shall be removed from the parcel upon which it is located by the owner of the sign or the owner or lessee of the parcel upon which the sign is located.
- B. All illegal signs and all signs which are not nonconforming signs and which do not conform with the provisions of this Chapter, constitute a public nuisance and shall be removed at the expense of the sign owner, and the owner and lessee of the parcel upon which the sign is located.
- C. Any sign which constitutes a violation of Subsections A or B, above, may be abated and the costs of abatement recovered in compliance with Chapter 18.110 (Enforcement Provisions). The

enforcement provisions contained in this Section shall be in addition to any other remedy provided by law.

- D. **Abatement.** The County, may abate, including abatement by removal, without prior notice and hearing, any sign which poses an immediate threat to the safety of persons or property. Within 10 days of summary abatement, the abating official shall give written notice to the owner of the sign and the owner and lessee of the parcel upon which the sign was located. The sign owner or parcel owner or lessee shall have the right to hearing in compliance with **Chapter 18.110 (Enforcement Provisions)** as to determine the nature of the threat and the appropriateness of the abatement action taken. This hearing may be combined with a hearing by the County to determine whether the costs of abatement shall be assessed to the owner as provided in **Chapter 7.20 of the County Code.**

18.42.180 Nonconforming Signs

- A. Any sign lawfully existing or for which a permit has been issued before the effective date of this Chapter, but which does not conform to the provisions of this Chapter, is a nonconforming sign.
1. A sign lawfully existing or for which a permit has been issued and which exceeds the area or height regulations of this Chapter by 25 percent or less shall be deemed in compliance with this Chapter and is not a nonconforming use.
- B. Nonconforming signs shall not be altered, replaced, enlarged or reconstructed, except in a manner as to cause the sign to conform fully to this Chapter or as provided below.
1. A nonconforming sign may be maintained and/or the advertising text changed without affecting its nonconforming status.
 2. A nonconforming sign that becomes a traffic hazard due to the relocation of a street or highway or by other acts of the County, State, or Federal government may be relocated.
 3. A nonconforming sign destroyed or damaged may be replaced as originally constructed and placed. In the event amortization is applied for, the Zoning Administrator shall base their decision on those factors outlined in **Subsection E (Amortization)**, below. All factors shall be based on the date of construction, placement and cost of the original sign, not the replacement sign.
- C. No permit shall be issued for any new sign or advertising structure for a unit of operation with nonconforming signs which would then cause the total signs for that unit of operation to exceed the maximum allowable sign area as defined in this Chapter.

- D. Each nonconforming sign, except off-premises signs, shall be removed or altered to conform to this Chapter within 12 months from the effective date of this Chapter or from the date the sign becomes nonconforming, except as provided below.
1. Off-Premise Signs.
 - a. No off-premises sign need be removed or altered to conform to this Chapter if the sign was lawfully erected in compliance with State laws and local ordinances and was in existence on November 6, 1978, or was lawfully erected after November 6, 1978, unless just compensation is paid to the owner of the sign and the owner of the parcel upon which the sign is located.
 - b. Nonconforming, off-premises signs located within Residential or Agricultural Zones shall be removed or altered to conform to this Chapter within the time period set forth in Sections 5412.1 and 5412.3 of the California Business and Professions Code.
- E. **Amortization.** The sign owner, or owner of the parcel upon which the sign is located, may request the Zoning Administrator to establish an amortization period in excess of those set forth in Subsections D above if the period is insufficient to reasonably amortize the investment in the sign. The person may also request an extension of time in which to remove or conform a sign.
1. After public notice and hearing, the Zoning Administrator shall decide as to the amortization period solely on the following factors for which the applicant has submitted information before the hearing:
 - a. Original cost of sign;
 - b. Date of construction and installation;
 - c. Amortization date for tax purposes;
 - d. Whether the sign would have a useful value to the owner or lessee if allowed in another location;
 - e. Residual economic value;
 - f. Cost of removal; and
 - g. The degree of nonconformance.

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Chapter 18.44

Solid Waste and Recycling



Chapter 18.44 Solid Waste and Recycling

18.44.010 Purpose

The purpose of this Chapter is to ensure adequate solid waste and recycling collection, storage, and distribution locations to serve the residents of the County.

18.44.020 Applicability

- A. The standards in this Chapter apply to all zones.
- B. All structures and uses shall conform to the standards of this Chapter and those established by State law.

18.44.030 When Required

A designated solid waste and recycling enclosure shall be provided for all commercial, industrial, institutional, and multi-unit dwelling uses.

18.44.040 Design Standards

Solid waste/recycling storage areas shall be designed in compliance with County standards and specifications.

18.44.050 Number and Type

The number and type of enclosures (single or double) to be provided will be determined by the Engineering Services Division based on the size and type of the development proposed.

18.44.060 Location

The location of the enclosures is subject to review and approval by both the Planning Division and Engineering Services Division in consideration of proximity to residential uses and zones, aesthetic considerations, and reasonable access to the units.

- A. **Prohibited Locations.** Solid waste and recycling enclosures shall not be located within any required front or street facing setback, easement, or vision setback area.

18.44.070 Screening

Solid waste and recycling enclosures shall be screened from adjacent properties through the use of a solid wall with a minimum height of six feet.

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Article 4 – Regulations for Specific Land
Uses

Chapter 18 – Zoning Ordinance

PUBLIC REVIEW DRAFT

January 2023

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Chapter 18.50

**Regulations for Specific Land
Uses**



Chapter 18.50 Regulations for Specific Land Uses

18.50.010 Purpose and Applicability

- A. **Purpose.** The purpose of this Chapter is to ensure that all development in the County is consistent with the General Plan to the maximum extent practicable, complies with the applicable standards of this Article, produces an environment that is harmonious with existing and future development, and protects the use and enjoyment of neighboring properties. [Source: NEW]
- B. **Applicability.** The regulations in this Chapter shall apply to the following:
1. **Application.** The standards in this Chapter apply to the specified uses in all zones. [Source: NEW]
 2. **Conflicts.** These standards in this Chapter shall be considered in combination with the standards for each zone in Article 2 (Zones, Allowable Uses, and Development Standards), and Article 3 (Regulations Applicable to All Zones). Where there may be a conflict, the standards specific to the zone or specific land use shall override the general standards in this Chapter. [Source: NEW]
 3. **Conformance.** All structures, additions to structures, and uses shall conform to the standards of this Chapter as determined applicable by the Planning Director. [Source: NEW]
 4. **Measurement.** Wherever a distance or location/separation requirement is applied in this Chapter, the distance or location/separation shall be measured in a straight line, without regard to intervening structures or objects, from one property line to another property line of the parcel on which the use(s) is located. [Source: NEW]

18.50.020 Accessory Dwelling Units (ADU)

- A. **Purpose.** The purpose of this Section is to provide regulations for the development of accessory dwelling units and junior accessory dwelling units through a ministerial process consistent with Government Code Sections 65852.2 and 65852.22. Accessory dwelling units expand housing opportunities by increasing the number of housing units available within existing neighborhoods and provide housing generally at lower cost. This Section provides standards to minimize adverse impacts on the public health, safety, and general welfare that may be associated with accessory dwelling units and junior accessory dwelling units. [Source: NEW]

- B. **Applicability.** The regulations established in this Section shall apply to all accessory dwelling units and junior accessory dwelling units where allowed in compliance with Article 2 (Zones, Allowable Uses, and Development Standards). Any construction, establishment, alteration, enlargement, or modification of an accessory dwelling unit shall comply with the requirements of this Section and the Building Code. An accessory dwelling unit or junior accessory dwelling unit that conforms to the standards of this Section shall not be: [Source: NEW]
1. Deemed to be inconsistent with the General Plan designation and zone for the parcel on which the accessory dwelling unit or junior accessory dwelling unit is located. [Source: NEW]
 2. Deemed to exceed the allowable density for the parcel on which the accessory dwelling unit or junior accessory dwelling unit is located. [Source: NEW]
 3. Considered in the application of any County ordinance, policy, or program to limit residential growth. [Source: NEW]
 4. Required to correct a nonconforming zoning condition. This does not prevent the County from enforcing compliance with applicable building standards in compliance with Health and Safety Code Section 17980.12. [Source: NEW]
- C. **Where Allowed.** Accessory dwelling units and junior accessory dwelling units are allowed by-right on parcels zoned for single-unit or multi-unit dwellings where parcels include a proposed or existing dwelling. [Source: NEW]
- D. **Types.** An accessory dwelling unit approved under this Section may be one of the following types:
1. **Attached.** An accessory dwelling unit that is created in whole or in part from newly constructed space that is attached to the proposed or existing primary dwelling, through a shared wall, floor, or ceiling. [Source: NEW]
 2. **Detached.** An accessory dwelling unit that is created in whole or in part from newly constructed space that is detached or separated from the proposed or existing primary dwelling, including an existing stand-alone garage converted into an accessory dwelling unit. The detached accessory dwelling unit shall be located on the same parcel as the proposed or existing primary dwelling. [Source: NEW]

3. **Converted.** Is entirely located within the proposed or existing primary dwelling or accessory structure, including but not limited to attached garages, storage areas, or similar uses; or an accessory structure including but not limited to studio, pool house, or other similar structure. Conversion may include an expansion of not more than 150 square feet beyond the same physical dimensions as the existing structure if the expansion is for the sole purpose of accommodating ingress and egress to the converted structure. [Source: NEW]
4. **Junior Accessory Dwelling Unit.** A junior accessory dwelling unit is a unit that meets all the following: [Source: NEW]
 - a. Is entirely located within a single-unit detached primary dwelling and shall consist of the conversion of an existing room.
 - b. Is 500 square feet or less.
 - c. Has independent exterior access from the primary dwelling.
 - d. Has sanitation facilities that are either shared with or separate from those of the primary dwelling.
 - e. Includes an efficiency kitchen, which includes a cooking facility with appliances, food preparation counter, and storage cabinets that are of reasonable size in relation to the size of the junior accessory dwelling unit.
- E. **Location and Number.** Accessory dwelling units and junior accessory dwelling units shall comply with the following standards.
 1. **Single-Unit Dwelling Areas.** Accessory dwelling units and junior accessory dwelling units are allowed in single-unit dwelling zones as follows: [Source: NEW]
 - a. **Single-Unit Dwelling Parcel.** Only one attached accessory dwelling unit or junior accessory dwelling unit shall be allowed on a parcel with a proposed or existing single-unit dwelling on it, where the accessory dwelling unit or junior accessory dwelling unit: [Source: NEW]
 - b. Is either within the space of a proposed single-unit dwelling, within the existing space of an existing single-unit dwelling, or within the existing space of an accessory structure, plus up to 150 additional square feet if expansion is for the sole purpose of accommodating ingress and egress to the converted structure;
 - c. Has exterior access that is independent of that for the single-unit dwelling; and
 - d. Has side and rear setbacks sufficient for fire and safety, as dictated by applicable building and fire codes.

- e. **Limited Detached.** One detached new construction accessory dwelling unit shall be allowed on a parcel with a proposed or existing single-unit dwelling, in addition to a junior accessory dwelling unit, if it meets all the following requirements: [Source: NEW]
 - f. Is detached from the primary dwelling;
 - g. Is 850 square feet or smaller in size;
 - h. Has a peak height above grade of 16 feet or less; and
 - i. Has side and rear setbacks of at least four feet.
- j. **Types and Number of Units Allowed.** The following combination of accessory dwelling units is allowed on a single-unit dwelling parcel: [Source: NEW]
 - k. Detached accessory dwelling unit and junior accessory dwelling unit
 - l. Detached accessory dwelling unit and attached accessory dwelling unit
- 2. **Multi-Unit Dwelling Areas.** Accessory dwelling units are allowed in multi-unit dwelling areas as follows: [Source: NEW]
 - a. **Converted Spaces within a Multi-Unit Dwelling.** Multi-unit dwellings with converted spaces shall comply with the following. [Source: NEW]
 - b. Within any multi-unit dwelling structure used exclusively for residential use, portions of structures that are not used as livable space may be converted to accessory dwelling units, including but not limited to storage rooms, boiler rooms, passageways, attics, basements, or garages, provided that any space converted to an accessory dwelling unit complies with minimum State building standards for dwellings. [Source: NEW]
 - c. At least one accessory dwelling unit shall be allowed within an existing multi-unit dwelling structure as long as the total number of accessory dwelling units within the structure does not exceed 25 percent of the number of existing units. [Source: NEW]
 - d. **Limited Attached.** Up to two detached accessory dwelling units shall be allowed on a parcel where a multi-unit dwelling structure exists if each of the detached accessory dwelling units meets all the following requirements: [Source: NEW]
 - e. Has side and rear setbacks of at least four feet; and
 - f. Is 800 square feet or smaller in size.

- F. **Standards Applicable to All Accessory Dwelling Units.** The following standards apply to all accessory dwelling units and junior accessory dwelling units constructed on or moved to a new parcel and to the remodeling or rebuilding of existing single-unit dwelling or multi-unit dwelling structure to create an accessory dwelling unit. [Source: NEW]
1. **Parcel Size and Width.** No minimum parcel size or parcel width shall be required for the construction of an accessory dwelling unit. [Source: NEW]
 2. **Access.** Every accessory dwelling unit shall have direct exterior access independent of the exterior access of the primary dwelling. [Source: NEW]
 3. **Fire Sprinklers.** Fire sprinklers are required in an accessory dwelling unit if they are required in the primary dwelling. [Source: NEW]
 4. **Permanent Foundation.** Accessory dwelling units shall comply with the following standards.
 - a. All accessory dwelling units shall be attached to a permanent foundation. [Source: NEW]
 - b. A recreational vehicle, commercial coach, trailer, motor home, camper, camping trailer, or boat shall not be used as an accessory dwelling unit. [Source: NEW]
 5. **Nonconforming Conditions.** The correction of nonconforming zoning conditions is not required to establish an accessory dwelling unit on a parcel with a primary dwelling. [Source: NEW]
 6. **Design.** Accessory dwelling units shall comply with the following design standards.
 - a. Accessory dwelling units shall be designed and constructed to match the existing dwelling(s) architecturally and aesthetically in terms of exterior materials and colors, building elements, structure mass, and roof pitch. [Source: NEW]
 - b. If the accessory dwelling unit is a manufactured home, the manufactured home shall be attached on a permanent foundation and shall match the primary dwelling architectural style, exterior materials and colors, and roof pitch. [Source: NEW]
 7. **No Separate Conveyance.** An accessory dwelling unit may be rented, but not sold or otherwise conveyed separately from the parcel and the primary dwelling. [Source: NEW]
 8. **Rental Term.** No accessory dwelling unit may be rented for a term shorter than 30 days. [Source: NEW]
 9. **Impact Fees.** No impact fees (including school fees) shall be charged to an accessory dwelling unit that is less than 750 square feet in size. Any impact fee charged to an accessory dwelling unit 750 square feet or greater shall be charged proportionately in

compliance with the Master Fee Schedule. For the purposes of this paragraph, impact fees do not include any connection fee or capacity charge for water or sewer service. [Source: NEW]

G. **Additional Standards Applicable to Attached and Detached Accessory Dwelling Units.** The following standards shall apply only to attached and detached accessory dwelling units. [Source: NEW]

1. **Size.** Attached and detached accessory dwelling units shall comply with the following size standards.
 - a. **Detached.** May not exceed 850 square feet if it has fewer than two bedrooms or 1,000 square feet if it has two bedrooms. No more than two bedrooms are allowed. [Source: NEW]
 - b. **Attached.** May not exceed 850 square feet if it has fewer than two bedrooms or 1,200 square feet if it has two bedrooms. No more than two bedrooms are allowed. An attached accessory dwelling unit shall not exceed 50 percent of the floor area of the primary dwelling. [Source: NEW]
2. **Height.** Attached and detached accessory dwelling units shall comply with the following height standards.
 - a. **Single-Story Attached or Detached.** A single-story attached or detached accessory dwelling unit shall not exceed 16 feet in height above grade, measured to the peak of the roof. [Source: NEW]
 - b. **Two-Story.** An attached or detached accessory dwelling unit that is constructed with a second story shall not exceed the maximum allowable height for the zone in which it is located. [Source: NEW]
3. **Passageways.** No passageway, breezeway, or similar connection between structures on the parcel shall be required in conjunction with the construction of an accessory dwelling unit. [Source: NEW]
4. **Utilities.** Attached and detached accessory dwelling units shall have new, separate utility connections directly between the accessory dwelling unit and the utility provider. [Source: NEW]

5. **Parking.** Attached and detached accessory dwelling units shall comply with the following parking standards.
 - a. One off-street parking space is required for each attached and detached accessory dwelling unit. The parking requirement shall be in addition to the parking requirement for the primary dwelling. The parking space may be provided as tandem parking, including on an existing driveway. No parking shall be allowed in the front setback other than on the paved driveway. [Source: NEW]
 - b. When a garage, carport, or covered parking structure providing required parking for the primary dwelling or dwellings is demolished to allow for the construction of an accessory dwelling unit or is converted to an accessory dwelling unit, those parking spaces are not required to be replaced. [Source: NEW]
 - c. Additional parking for the accessory dwelling unit is not required in the following instances: [Source: NEW]
 - d. The accessory dwelling unit is located within one-half mile walking distance of public transit, including transit stations and bus stations.
 - e. The accessory dwelling unit is located within a historic district.
 - f. The accessory dwelling unit is attached to the existing primary structure or is a junior accessory dwelling unit (JADU).
 - g. When on-street Parking Permits are required but not offered to the occupant of the accessory dwelling unit.
 - h. When there is a designated car share vehicle parking space located within one block of the accessory dwelling unit.

6. **Permits.** Attached and detached accessory dwelling units shall comply with the following permit requirements.
 - a. **Ministerial Accessory Dwelling Unit Permit.** Before constructing any attached or detached accessory dwelling unit, the property owner shall obtain a Building Permit from the County. The County shall issue the Building Permit within 60 days from the date that the County received a completed application, unless: [Source: NEW]
 - b. The applicant requests a delay, in which case the 60-day time period is tolled for the period of the requested delay;

- c. The County requires corrections to the Building Permit application, in which case the 60-day time period is tolled until the applicant resubmits a corrected application; or
 - d. The Building Permit application is submitted with a permit application to construct a new single-unit or multi-unit dwelling on the parcel, in which case the County may delay acting on the Building Permit application until the County has acted on the permit application to construct the new primary dwelling, but the Building Permit application for the accessory dwelling unit will be issued in conjunction with the permit application approval.
 - e. **Application and Processing Fees.** The Board shall establish a schedule of fees for the application and processing of a Building Permit for an accessory dwelling unit. [Source: NEW]
- H. **Standards Applicable to Converted Accessory Dwelling Units.** The following standards apply only to converted accessory dwelling units: [Source: NEW]
1. **Setback.** No setback is required for a legally existing structure that is converted to an accessory dwelling unit. [Source: NEW]
 2. **Parking.** No additional off-street parking is required for the converted accessory dwelling unit, regardless of if a garage, carport, or covered parking structure is converted into an accessory dwelling unit. If replacement parking is provided, the replacement parking spaces shall be located in any configuration on the same parcel as the accessory dwelling unit and may include but is not limited to covered, uncovered, or tandem parking spaces. Replacement parking may only occur on driveways leading to a required parking space or in rear setback on a paved surface, provided paved area can be easily accessed via the driveway or an alley. No parking shall be allowed in the front setback other than on the paved driveway. Parking spaces may also be provided through a mechanical vehicle parking lift. [Source: NEW]
 3. **Building Permit.** The property owner shall obtain a valid Building Permit for the converted accessory dwelling unit, subject to all the standard application and processing fees and procedures that apply to Building Permits generally. [Source: NEW]
- I. **Standards Applicable to Junior Accessory Dwelling Units.** The following standards apply only to junior accessory dwelling units. [Source: NEW]
1. **Size.** The total area of floor space for a junior accessory dwelling unit shall not exceed 500 feet and shall not expand the size of an existing single-unit dwelling by more than 150 square feet, provided expansion is solely for the purpose of accommodating ingress and egress. [Source: NEW]

2. **Efficiency Kitchen.** A junior accessory dwelling unit shall include an efficiency kitchen, requiring and limited to the following components: [Source: NEW]
 - a. A sink with a maximum waste line drain of one-and-on-half inches;
 - b. A cooking facility with appliances which do not require electrical service greater than one 120 volts or natural or propane gas;
 - c. A food preparation counter or counters that total at least 15 square feet in area; and
 - d. Food storage cabinets that total at least 30 square feet of shelf space.
3. **Parking.** No additional off-street parking is required for the junior accessory dwelling unit. [Source: NEW]
4. **Permits.** Junior accessory dwelling units shall comply with the following permitting requirements.
 - a. **Ministerial Junior Accessory Dwelling Unit Permit.** The property owner shall obtain a valid Building Permit for the junior accessory dwelling unit, subject to all standard application and processing fees and procedures that apply to Building Permit generally. The County shall issue a ministerial permit within 60 days from the date that the County received a completed application, unless either: [Source: NEW]
 - b. The applicant requests a delay, in which case the 60-day time period is tolled for the period of the requested delay;
 - c. The County requires corrections to the Building Permit application, in which case the 60-day time period is tolled until the applicant resubmits a corrected application; or
 - d. The application to construct a junior accessory dwelling unit is submitted with a permit application to create a new single-unit dwelling on the parcel. The County may delay acting on the permit application for the junior accessory dwelling unit until the County acts on the permit application to construct the new primary dwelling, but the application to construct the junior accessory dwelling unit will still be considered ministerial without discretionary review or a hearing. [Source: NEW]
 - e. **Application and Processing Fees.** The Board shall establish a schedule of fees for the application and processing of a Building Permit for a junior accessory dwelling unit. [Source: NEW]

5. **Deed Restriction.** Junior accessory dwelling units shall be subject to an owner-occupancy requirement. A person with legal or equitable title to the property shall reside on the property in either the primary dwelling or junior accessory dwelling unit as that person’s legal domicile and permanent residence. However, the owner-occupancy requirement of this paragraph does not apply if the property is entirely owned by a governmental agency, land trust, or housing organization. [Source: NEW]
 - a. Before issuance of a Building Permit for a junior accessory dwelling unit, a deed restriction shall be recorded against the title of the property in the County Recorder’s office and a copy filed with the Planning Director. The deed restriction shall run with the land and bind all future owners. The form of the deed restriction will be provided by the County and shall provide that: [Source: NEW]
 - b. The junior accessory dwelling unit shall not be sold separately from the primary dwelling, except as may otherwise be allowed by State law.
 - c. The junior accessory dwelling unit is restricted to the approved size and other attributes allowed by this Section.
 - d. The deed restriction runs with the land and shall be enforced against future property owners.
 - e. The deed restriction may be removed if the owner eliminates the junior accessory dwelling unit, as evidenced by, e.g., removal of the kitchen facilities. To remove the deed restriction, an owner may make a written request of the Planning Director, providing evidence that the junior accessory dwelling unit has in fact been eliminated. The Planning Director may then determine whether the evidence supports the claim that the junior accessory dwelling unit has been eliminated. Appeal may be taken from the Planning Director’s determination consistent with **Chapter 18.108 (Appeals)**. If the junior accessory dwelling unit is not entirely physically removed but is only eliminated by virtue of having a necessary component of a junior accessory dwelling unit removed, the remaining structure and improvements shall otherwise comply with all applicable development and building standards. [Source: NEW]

- f. The deed restriction is enforceable by the Planning Director or their designee for the benefit of the County. Failure of the property owner to comply with the deed restriction may result in legal action against the property owner, and the County is authorized to obtain any remedy available to it at law or equity, including, but not limited to, obtaining an injunction enjoining the use of the accessory dwelling unit in violation of the recorded restrictions or abatement of the illegal unit. [Source: NEW]

18.50.030 Accessory Uses

- A. **Purpose.** The purpose of this Section is to provide location and development standards for accessory uses to ensure these uses are incidental and subordinate to the primary use of the site and are compatible with existing and future development. [Source: NEW]
- B. **Applicability.** The regulations established in this Section shall apply to all accessory uses where allowed in compliance with **Subparagraph 18.50.030.E.1 (Application Process)**. [Source: NEW]
- C. **General Regulations.** Accessory uses shall comply with the following general standards.
 1. **Incidental and Subordinate.** An accessory use shall be clearly incidental, subordinate, and accessory to the primary use of the same parcel. [Source: NEW]
 2. **Compatibility and Character.** An accessory use shall be compatible in all aspects with the primary allowed uses of the zone in which it is located and shall not alter the character of the primary use on the site. [Source: NEW]
 3. **Location.** An accessory use shall not be located on a separate parcel from the primary use to which it is incidental and subordinate. [Source: NEW]
 4. **Additional Regulations.** The County may impose conditions and limitations on an accessory use through any discretionary permit required for either the primary or accessory use. [Source: NEW]
- D. **Considerations.** The following considerations shall be used in reviewing proposed accessory uses to help determine if the accessory use will comply with the regulations established in Subsection C, above. [Source: NEW]
 1. The type of primary use on the site and the relationship of the proposed accessory use to the primary use; [Source: NEW]
 2. The size and intensity of the proposed accessory use in comparison to the primary use (with respect to: floor area, sales revenue, number of employees, traffic, etc.); and [Source: NEW]

3. If the primary use is existing or proposed and, if existing, for how long. [Source: NEW]
- E. **Approval Process.** Accessory uses shall be approved as follows.
1. **Application Process.** An application for an accessory use shall be reviewed through one of the following processes, at the determination of the Planning Director: [Source: NEW]
 - a. As an addition to an allowed primary use on the site where only Zoning Clearance and no Zoning Permit or Conditional Use Permit is required; [Source: NEW]
 - b. As an addition to an allowed primary use on the site, but a Zoning Permit or Conditional Use Permit is required; [Source: NEW]
 - c. As a major or minor modification to the existing Zoning Permit or Conditional Use Permit for the primary use on the site; or [Source: NEW]
 - d. As a new Zoning Permit or Conditional Use Permit for both the primary and accessory use. [Source: NEW]
 2. **Planning Director Determination.** The determination by the Planning Director as to the type of permit and level of review that shall be required for an accessory use shall be based on the potential for controversy, opposition, any unresolved issues, or policy implications. [Source: NEW]

18.50.040 Agritourism

- A. **Purpose and Intent.** The purpose of this Section is to establish regulations that allow farmers in the County to attract consumers and tourists to their farms for the purposes of entertainment, education, and agricultural product marketing. The intent of these regulations is to allow limited retail trade as a supplement to agriculturally based economic activities throughout the County and to provide opportunities for agritourism that are beneficial to the County and its agricultural industry. [Source: 18.94.190, modified]
- B. **Applicability.** The regulations established in this Section shall apply to all agritourism uses and facilities where allowed in compliance with Article 2 (Zones, Allowable Uses, and Development Standards). [Source: NEW]
- C. **Where Allowed.** The primary use of the parcel on which the agritourism use or activity is located shall be commercial agricultural production. Agritourism is allowed as an accessory use to the primary commercial agricultural production use.
- D. **Operations Plan.** At the time of application submittal, the applicant shall submit an operations plan for proposed agritourism use. [Source: 18.94.100, modified]

- E. **State Compliance.** In addition to the standards established in this Section, agritourism uses shall comply with the California Retail Food Code (CRFC) Chapter 10.5 of Division 17 of the California Food and Agricultural Code (CFAC). [Source: 18.94.100, modified]
- F. **Types of Operations Allowed.** Types of agritourism operations allowed include: [Source: NEW]
1. Farm stay operations;
 2. Farm tours;
 3. U-pick operations;
 4. Agricultural stores;
 5. Special events; or
 6. Any other use determined by the Planning Director to be similar in nature.
- G. **General Standards.** Agritourism operations shall comply with the following general standards.
1. **Minimum Parcel Size.** The minimum parcel size for a property with an existing or proposed agritourism use is 15 acres. [Source: 18.94.100, modified]
 2. **Maximum Event Space for Standalone and Tandem Operations.** Standalone and tandem event spaces shall comply with the following standards.
 - a. **Standalone Agritourism Uses.** No more than 10 percent of a parcel or five acres of total land area, whichever is the lesser amount, may be used for agritourism development or improved facilities for agritourism uses. [Source: 18.94.100.E.8, modified]
 - b. **Tandem Agritourism Uses.** If there are multiple parcels involved in the agritourism use and development, the maximum amount of area devoted to agritourism uses shall be calculated based upon the parcel on which the subject facilities are located, using the percent calculation, and there shall be no more than five acres cumulative agritourism development allowed on all the parcels combined. [Source: 18.94.100.E.8, modified]
 3. **Access and Traffic.** Any agritourism use shall have access from a road(s) which have adequate capacity for existing traffic and the traffic generated by the proposed agritourism use, as determined by the Planning Director or Public Works Director. [Source: 18.94.100.E.1, modified]
 4. **Amplified Sound.** In addition to the standards established in [Section 18.40.060 \(Noise\)](#), outdoor amplified sound shall only be allowed from 10:00 a.m. to 10:00 p.m. No amplified sound shall be audible at the property line. [Source: 18.94.100.E.3, modified]

5. **Lighting.** In addition to the standards established in **Section 18.40.080 (Outdoor Lighting)**, all outdoor lighting shall be hooded and directed away from roads and neighboring parcels. [Source: 18.94.100.E.4, modified]
 6. **Exterior Activities.** Any exterior activities for agritourism uses shall not start before 8:00 a.m. and shall cease by 10:00 p.m. The Planning Director can consider amendments to these hours of operation on a case-by-case basis for specific agritourism uses which are time sensitive. [Source: 18.94.100.E.5, modified]
 7. **Adjacent Land Uses.** If the agritourism use or activity is immediately adjacent to a commercial poultry operation, there shall be no exterior lights for the agritourism use or activity (except as minimally necessary for public safety) and there shall be no organized agritourism activities after sunset. This requirement may be waived if the applicant obtains a signed waiver from the adjacent commercial poultry producer. This standard shall not apply if the agritourism operation is established before a poultry operation is established on the adjacent property. [Source: 18.94.100.E.6]
 8. **Petting Zoos.** Petting zoos shall have a minimum of one-third-mile buffer from adjacent properties. [Source: 18.94.100.E.7, modified]
- H. **Farm Stay Operations.** Farm stay operations shall comply with the following standards.
1. **Guest Rooms.** No more than five guest rooms shall be allowed. [Source: 18.94.100.A.1.a]
 2. **Accommodations.** Accommodations for no more than 15 total guests at any one time shall be allowed. [Source: 18.94.100.A.1.b]
 3. **Food Service.** Farm stay operations shall comply with the following food service standards.
 - a. Food shall be served only to registered guests. [Source: 18.94.100.A.1.c]
 - b. Lodging and meals shall be incidental and not the primary function of the agricultural farm stay establishment. [Source: 18.94.100.A.1.d]
- I. **Special Events.** Agritourism uses are allowed to host temporary special events in compliance with the following provisions:
1. **Time Limit Per Event.** A single special event may not exceed three days.
 2. **Number of Events Per Year.** Agritourism uses are allowed to host a maximum of 12 special events per calendar year.
 3. **Permanent Special Event Facility.** Agritourism uses that host special events beyond that established in Paragraphs 1 and 2, above, shall be considered a special event facility, and shall comply with all the standards for that specific use. See **Section 18.50.180 (Special Event Facility)** for development and operational standards for special event facilities.

18.50.050 Animal Keeping

- A. **Purpose.** The purpose of this Section is to provide regulations for the number and type of animals allowed for noncommercial animal keeping and raising. [Source: NEW]
- B. **Applicability.** In addition to the standards established in Title 6 of the Municipal Code (Animals and Agriculture), the regulations established in this Section shall apply to all animal keeping activities where allowed in Article 2 (Zones, Allowable Uses, and Development Standards). [Source: NEW]
- C. **Standards.** Animal keeping activities shall comply with the following standards.
1. **Dogs, Cats, and Other Animals.** Title 6 of the Municipal Code (Animals and Agriculture).
 2. The noncommercial raising of bovine animals, equine animals, swine, sheep and goats where the parcel area is one acre or more provided that the number in any combination shall not exceed four adult animals per acre, with not more than two adult animals and three immature offspring of a bovine, equine type, or combination per acre.
 3. The noncommercial raising of poultry, rabbits and other similar small animals where the parcel area is one acre or more provided that the number per acre, or combination, shall not exceed 24.

18.50.060 Campground (tent and recreational vehicle)

- A. **Purpose.** The purpose of this Section is to provide location and operational standards for campgrounds that allow tent and/or recreational vehicle camping. [Source: NEW]
- B. **Applicability.** The regulations in this Section shall apply to all campgrounds where allowed in Article 2 (Zones, Allowable Uses, and Development Standards). [Source: NEW]
- C. **Tent Campground Development and Operational Standards.** The following development and operational standards shall apply to all campgrounds that allow tent camping:
1. **Minimum Parcel Size.** The minimum parcel to establish a campground is five acres. The establishment on a parcel less than five acres is prohibited.
 2. **Density.** The total number of tent camping spaces shall be determined by the Commission as a condition of approval. [Source: 18.94.100.C.4.a, modified]
 3. **Sewer.** Sanitary sewer facilities may be required as a condition of approval for tent campgrounds. Waste water collection facilities shall be required from each water use site. of the method of waste water disposal shall be subject to all applicable State laws and the requirements of the Environmental Health Director. [Source: 18.94.100.C.4.b, modified]

4. **Water.** A safe water supply of adequate capacity shall be required for tent campgrounds as a condition of approval. [Source: 18.94.100.C.4.c, modified]
5. **Storm Water Drainage.** Drainage plans in compliance with Title 17 (Subdivisions) are required for all tent campgrounds and shall be submitted to the Public Works Department for approval. [Source: 18.94.100.C.4.d, modified]
6. **Streets.** Access trails or roads shall be required in tent campgrounds to comply with the County Valley Urban Standard streets or the County Urban Standards as outlined in Title 17 (Subdivisions). [Source: 18.94.100.C.4.e, modified]
7. **Parking.** Parking for tent campgrounds shall comply with the requirements established in **Section 18.38.050 (Required Parking Spaces)**. [Source: 18.94.100.C.4.f, modified]
8. **Signs.** The number and size of signs for tent campgrounds shall comply with the signs standards established in **Chapter 18.42 (Sign Regulations)**. [Source: 18.94.100.C.4.g, modified]
9. **Communication and Power Lines.** All communication lines, power lines shall be placed underground. [Source: 18.94.100.C.4.h, modified]
10. **Fire Protection.** Tent campgrounds shall comply with Section 13.12.070 (Required Fire Flow and Duration). [Source: 18.94.100.C.4.i, modified]
11. **Solid Waste Disposal.** Centralized refuse collection and storage areas shall be provided in all tent campgrounds and shall be approved by the Public Works Department. Access for disposal and pickup of solid waste materials shall be provided and continuously maintained. [Source: 18.94.100.C.4.j, modified]
12. **Recreation Areas.** Plans for recreation areas within a tent campground shall be submitted to and approved by the Public Works Department. Recreation areas shall qualify as open space as established in this Subsection. [Source: 18.94.100.C.4.k, modified]
13. **Lights.** Lights shall be provided at any public facilities, water supply, commissary, office, first aid center, or firefighting facility. Power lines shall be underground. [Source: 18.94.100.C.4.l, modified]
14. **Landscaping.** Appropriate landscaping as required by the Planning Division shall be provided and maintained for screening purposes around the perimeter of tent campground. [Source: 18.94.100.C.4.m, modified]
15. **Open Spaces.** Plans shall be submitted for the developing, landscaping, and maintenance of open spaces. Open space areas may be applied to achieve maximum density standards established in this Subsection. [Source: 18.94.100.C.4.n, modified]

16. **Fencing.** If any fencing, screening, or separation is proposed or required, it shall be approved by the Planning Director before installation. [Source: 18.94.100.C.4.o, modified]
 17. **Frontage Improvements.** Complete frontage improvements shall be installed on public rights-of-way as required by the Public Works Department. [Source: 18.94.100.C.4.p, modified]
 18. **Accessory Services and Structures.** Accessory service uses like a commissary, central hall, equipment rental structures, shelter structure, and similar structures may be allowed within tent campgrounds for the exclusive use of the tent campground users if included and approved as part of the Conditional Use Permit. Subsequent provision of facilities shall be subject to first obtaining a Conditional Use Permit or an amended Conditional Use Permit. If equipment is to be sold and rented on the premises, that operational feature shall be specifically approved separately by the Commission as a part of the conditions of approval. [Source: 18.94.100.C.4.q, modified]
 19. **Additional Regulations.** Additional regulations may be established as required by the conditions of approval or at the discretion of the Planning Director. [Source: 18.94.100.C.4.r, modified]
- D. **Recreational Vehicle Campground Development and Operational Standards.** The following development and operational standards shall apply to all campgrounds that allow recreational vehicle camping: [Source: NEW]
1. **Minimum Park Parcel Size.** The minimum parcel size for a campground that allows recreational vehicle camping shall be five acres. [Source: 18.94.100.B.1, modified]
 2. **Density.** The maximum density shall be determined by the Commission through the Conditional Use Permit process for each park and/or campground in compliance with the standards of this Section and conformance with all other regulations of this Zoning Ordinance, provided that density shall not exceed 10 units per acre. [Source: NEW]
 3. **Community Water System.** If a community water system and a secondary treatment public sewer facility are available which are approved by the Environmental Health Director, maximum density shall otherwise be limited by the application of limited pad sizing, design, and spacing requirements stated, however, maximum space coverage for recreational vehicles, accessory structures, and facilities shall not exceed 60 percent of the area of each space. [Source: 18.94.100.B.4.b-c, modified]

4. **Sewer.** On-site sewer systems shall comply with the following standards.
 - a. A sanitary sewer collection system and at least a secondary level wastewater treatment plant shall be provided with adequate disposal of wastewater approved by the Environmental Health Director. [Source: 18.94.100.B.4.e-f, modified]
 - b. Design, installation, operation, and final disposition of this system and plant shall comply with the requirements of all applicable State laws and the Environmental Health Director. [Source: 18.94.100.B.4.e-f, modified]
 - c. Specifications for sanitary sewer facilities in a recreational vehicle camp or park will be based upon the necessity for diluting effluents from holding tanks on campers and trailers. [Source: 18.94.100.B.4.e-f, modified]
5. **Storm Water Drainage.** Drainage plans in compliance with Title 17 (Subdivisions) are required for all recreational vehicle campgrounds. Plans shall be submitted to the Public Works Department. [Source: 18.94.100.B.4.g, modified]
6. **Streets.** Access drives and internal streets shall be constructed to comply with either the County Valley Urban Standard streets or Madera County Mountain Urban Standard streets as established in Title 17 (Subdivisions). [Source: 18.94.100.B.4.h, modified]
7. **Parking.** Parking for recreational vehicle campgrounds shall comply with the parking requirements established in **Section 18.38.050 (Required Parking Spaces)**. [Source: 18.94.100.B.4.i, modified]
8. **Signs.** The number and size of signs allowed for recreational vehicle campgrounds shall comply with the standards established in **Chapter 18.42 (Sign Regulations)**. [Source: 18.94.100.B.4.j, modified]
9. **Communication and Power Lines.** In recreational vehicle campgrounds, underground wiring is recommended. [Source: 18.94.100.B.4.m, modified]
10. **Fire Protection.** Recreational vehicle campgrounds shall comply with Section 13.12.070 (Required Fire Flow and Duration). [Source: 18.94.100.B.4.n, modified]
11. **Solid Waste Disposal.** Centralized refuse collection and storage areas shall be provided in all recreational vehicle campgrounds and shall be approved by the Public Works Department. Access for disposal and pickup of solid waste materials shall be provided and continuously maintained. [Source: 18.94.100.B.4.o, modified]

12. **Recreation Areas.** Recreation areas comprising a minimum of 20 percent of the total area of the recreational vehicle campground shall be provided. The location, accessibility and adequacy of recreation areas shall be subject to the approval of the Public Works Department. Recreation areas shall qualify as open space as established in this Subsection. [Source: 18.94.100.B.4.p, modified]
13. **Streetlights.** Streetlights or overhead lights are required at public toilets or other public facilities in recreational vehicle campgrounds. [Source: 18.94.100.B.4.q, modified]
14. **Landscaping.** Campgrounds shall provide landscaping in compliance with the following standards.
 - a. All areas not occupied by recreational vehicles, structures, or paving shall be landscaped and maintained with lawn, ground cover, shrubbery, or other ground cover materials approved by the Planning Director. [Source: 18.94.100.B.4.r.i, modified]
 - b. Appropriate landscaping as approved by the Public Works Department shall be provided and maintained for screening purposes around the perimeter of the campground. [Source: 18.94.100.B.4.r.ii, modified]
 - c. Complete landscaping and sprinkler design plans shall be submitted to and approved by the Public Works Department for all recreational vehicle camps. [Source: 18.94.100.B.4.r.iii, modified]
15. **Open Spaces.** Plans shall be submitted for the developing, landscaping, and maintenance of open spaces. Open space areas may be applied to achieve maximum density standards established in this Subsection. [Source: 18.94.100.B.4.s, modified]
16. **Fencing.** If any fencing, screening, or separation is proposed or required, it shall be approved by the Planning Director before installation. [Source: 18.94.100.B.4.t, modified]
17. **Frontage Improvements.** Complete frontage improvements shall be installed on public rights-of-way as required by the Public Works Department. [Source: 18.94.100.B.4.u, modified]
18. **Accessory Services and Structures.** Accessory service uses like laundromats, car wash racks, and general stores may be allowed within the recreational vehicle campground for the exclusive use of the guests if included and approved as a part of the Conditional Use Permit. [Source: 18.94.100.B.4.v, modified]
19. **On-Site Rental or Sales of Recreational Vehicles.** Recreational vehicles sold or leased within a campground shall comply with the following standards.

- a. Recreational vehicles shall not be sold within the campground. [Source: 18.94.100.B.4.v.i.(A), modified]
 - b. Renting of recreational vehicles in a campground is prohibited unless the unit bears the insignia of the State of California, Department of Housing and Community Development, Division of Building and Housing Standards and is licensed by that Division for this purpose. All recreational vehicles in that case shall be currently registered (licensed) in the County. [Source: 18.94.100.B.4.v.i.(B), modified]
20. **Additional Regulations.** Additional regulations may be established as required by the conditions of approval or at the discretion of the Planning Director. [Source: 18.94.100.B.4.W, modified]
- E. **Approval Process.** Campgrounds shall comply with the following standards.
1. **Application Process.** Applications for campgrounds shall be submitted to the Planning Division on an approved form. A filing fee as approved by Board shall be paid to the County through the Planning Division at the time of application submittal. [Source: 18.94.100.C.1]
 2. **Modification of Standards.** An applicant may request a modification to the development and operational standards established in this Section in compliance with **Chapter 18.82 (Conditional Use Permit)**. [Source: 18.94.100.C.5, modified]
 3. **Guarantees.** If memberships are sold in advance, or if any moneys are taken in advance of the completion of approved facilities in any campground, contractual agreements shall be made with County together with cash deposits guaranteeing completion of approved facilities and no advertising or sales or rental brochures or statements shall be issued, authorized, or released by the developer, owner or other principal of the campground promising or offering facilities other than those approved and guaranteed to be provided, until agreements are completed and deposits are made. Any Conditional Use Permits otherwise issued shall not be valid unless and until this requirement has been met. [Source: 18.94.100.C.7, modified]

18.50.070 Construction Trailer/Temporary Contractor's Office

- A. **Purpose.** The purpose of this Section is to provide location, design, and operational standards for construction trailers and temporary contractor's offices. [Source: NEW]
- B. **Applicability.** The regulations established in this Section shall apply to all construction trailers and temporary contractor's offices on construction projects. (Zones, Allowable Uses, and Development Standards). [Source: NEW]

- C. **Standards.** Construction trailers and temporary contractor's offices shall comply with the following standards.
1. **Maximum Structure Size.** Construction trailers and temporary contractor's offices shall not exceed 800 square feet in size. [Source: 18.93.020, modified]
 2. **Building Permit Required.** A Building Permit for an on-site construction project shall first be obtained before the installation of a construction trailer and/or temporary contractor's office. [Source: 18.93.020.A, modified]
 3. **Structure Location.** The location, structure and site plan, and operation plan shall be submitted to and approved by the Planning Director before installation of a trailer or temporary office. [Source: 18.93.020.B, modified]
 4. **Structure Type.** Only removable modular, mobile, and/or manufactured structures shall be allowed. [Source: 18.93.020.C, modified]
 5. **Residential Occupancy.** Construction trailers and temporary contractor's offices shall not be used for residential occupancy. [Source: 18.93.020.D, modified]
 6. **Parking and Access.** Paved access and parking shall be provided for construction trailers and temporary contractor's offices. An Encroachment Permit shall be obtained as determined necessary by the Planning Director. [Source: 18.93.020.E, modified]

18.50.080 Cottage Industry

- A. **Purpose and Intent.** The purpose of this Section is to establish the regulations, standards, and circumstances under which cottage industries may be established. It is the further purpose of this Section to provide for review processes and periods to ensure that uses are not detrimental to the of residential character the neighborhood in which they are established. [Source: 18.89.040, modified]
- B. **Applicability.** The regulations established in this Section shall apply to all cottage industries where allowed in compliance with Article 2 (Zones, Allowable Uses, and Development Standards). [Source: NEW]
- C. **Permit Required.** No cottage industry shall be established until an application for a Cottage Industry Permit has been submitted to and approved by the Planning Director as consistent with the requirements of this Chapter in compliance with the procedures established in this Section. [Source: 18.98.040, modified]
- D. **Types of Cottage Industries Allowed.** Cottage industries shall be limited to following activities, unless otherwise determined by the Planning Director. [Source: 18.89.040.A, modified]



1. Artist, sculptor or photography studio;
 2. Firearm repair;
 3. Author or composer;
 4. Dressmaker, seamstress or tailor;
 5. Gardening service;
 6. Hairdresser/barber (one chair or booth only);
 7. Home crafts, model making, pottery, rug weaving or lapidary work;
 8. Private office, provided that no retail or wholesale transactions are made on the premises;
 9. School of special education whose class size does not exceed one pupil at any given time;
 10. Telephone answering service;
 11. Key and locksmith;
 12. Pet grooming, provided that no more than one animal associated with the use is on the premises at a time;
 13. Manicurist; and/or
 14. Internet services.
- E. **Site and Operational Standards.** Cottage industries shall comply with the following site and development standards.
1. **Employees.** Cottage industries shall comply with the following employment standards.
 - a. A maximum of one employee, other than the resident and immediate family residing on property, may be employed in the cottage industry. [Source: 18.89.040.B, modified]
 - b. Employee shifts shall be limited to the hours of 8:00 a.m. to 5:00 p.m., Monday through Friday. Employees of a cottage industry are prohibited from working on Saturday and Sunday. [Source: 18.89.040.E, modified]
 2. **Signs and Advertising.** There shall be no advertising for the cottage industry on the property, except for advertising as may be incorporated within the two square foot nameplate allowed for the residence. The location and design of the nameplate shall be subject to the approval of the Planning Director. [Source: 18.89.040.C, modified]
 3. **Parking and Access.** Adequate access and parking shall be provided on-site to accommodate the residential use, employee, and one customer of the cottage industry. Stacked parking is allowed. [Source: 18.89.040.D, modified]

4. **Customers.** A maximum of one customer is allowed on the premises at any time and shall be limited to the hours of 8:00 a.m. to 5:00 p.m., Monday through Friday. [Source: 18.89.040.F, modified]
 5. **Shipping and Receiving.** Deliveries associated with the cottage industry shall be limited to two per day. [Source: 18.89.040.G, modified]
- F. **Cottage Industry Permit.** Cottage industry uses shall comply with all applicable permit submittal and processing procedures established in **Chapter 18.84 (Cottage Industry Permit)**. [Source: NEW]

18.50.090 Concrete Manufacturing and Transit Mix (heavy industrial)

- A. **Purpose and Intent.** The purpose of this Section is to provide operational standards for heavy industrial uses that manufacture concrete or concrete goods, and transit mix facilities. The intent of this Section is to ensure compatibility with surrounding uses and ensure public health and safety. [Source: NEW]
- B. **Applicability.** The regulations established in this Section shall apply to all heavy industrial uses that manufacture concrete or concrete goods, and transit mix facilities where allowed in Article 2 (Zones, Allowable Uses, and Development Standards). [Source: NEW]
- C. **Site and Operational Standards.** Concrete manufacturing and transit mix facilities shall comply with the following site and operational standards.
1. **Screening.** Screening at least eight feet high shall be installed along any parcel line abutting any zone which allows residential uses, in compliance with **Chapter 18.34 (Fences, Walls, and Hedges)**. Additional screening along other parcel lines may be required in compliance with the conditions of approval or at the discretion of the Planning Director. Required screening shall be designed to limit the view to less than 10 percent of an otherwise open view. [Source: 18.94.120.B, modified]
 2. **Roadway and Highway Width.** Additional roadway and highway width sufficient to provide for the safe traffic control at the entrance to the site used shall be dedicated and constructed by the developer to provide for safe entrance and exit. [Source: 18.94.120.C, modified]
 3. **Hours of Operation.** To reduce potential land use conflicts and nuisances, the hours of operation for the facility may be limited in compliance with the conditions of approval or at the discretion of the Planning Director. [Source: 18.94.120.C., modified]
 4. **Additional Regulations.** The Planning Director may require special equipment or additional regulations for the control of dust, noise, and vibrations. [Source: 18.94.120.A, modified]

18.50.100 Emergency Shelter

- A. **Purpose.** The purpose of this Section is to provide development and operational standards for emergency shelters to ensure compatibility with surrounding uses. [Source: 18.88.060.A, modified]
- B. **Applicability.** The regulations established in this Section shall apply to all emergency shelters where allowed in Article 2 (Zones, Allowable Uses, and Development Standards). [Source: NEW]
- C. **Development and Operation Standards.** Emergency shelters shall comply with the following development and operational standards.
 - 1. **Number of Beds.** The number of beds in an emergency shelter shall not exceed 60. [Source: 18.88.060.B]
 - 2. **Proximity to Other Emergency Shelters.** No emergency shelter may be located within 300 feet of another emergency shelter. [Source: 18.88.060.C]
 - 3. **Length of Stay.** Shelter may be provided for no more than six months per calendar year for each resident. [Source: 18.88.060.D, modified]
 - 4. **Lighting.** All exterior lighting associated with an emergency shelter shall be located, adequately shielded, and directed that no direct light falls outside the property perimeter, or into the public right-of-way, in compliance with [Section 18.40.080 \(Outdoor Lighting\)](#). [Source: 18.88.060.E, modified]

18.50.110 Home Occupation

- A. **Purpose and Intent.** The purpose of this Section is to establish the regulations, standards, and circumstances home occupations to ensure that uses are not detrimental to the residential property in the area in which they are established. These standards are intended to ensure compatibility with other allowed uses and with the residential character of the neighborhood. [Source: 18.89.010]
- B. **Applicability.** The regulations established in this Section shall apply to all home occupations where allowed in compliance with Article 2 (Zones, Allowable Uses, and Development Standards). [Source: 18.89.010.A, modified]
- C. **Site and Operational Standards.** Home occupations shall comply with the following site and operational standards.
 - 1. **Neighborhood Impact.** A home occupation is a residential accessory that shall be conducted in a manner that the average neighbor, under normal circumstances, would not be aware of its existence. [Source: 18.89.020.A]

2. **Maximum Floor Area.** Not more than 25 percent of the gross area of one floor of a residence may be used for like purpose, including storage space required in conjunction with the home occupation. [Source: 18.89.020.B]
3. **Conducted Indoors.** A home occupation shall be conducted entirely within a dwelling and shall be clearly incidental to the use of the structure as a dwelling. [Source: 18.89.030.A, modified]
4. **Accessory Structures.** A home occupation shall not be conducted in an accessory structure and there shall be no storage of equipment or supplies in an accessory structure or outside the dwelling. [Source: 18.89.030.B, modified]
5. **Dwelling Modifications.** There shall be no external alteration of appearances of the dwelling in which a home occupation is conducted. [Source: 18.89.030.C, modified]
6. **Operator and Customers.** Only a resident of the dwelling may engage in the home occupation. Nonresident partners, employees, or customers are not allowed to engage in the home occupation on the premises. [Source: 18.89.030.D, modified]
7. **Nuisance.** A home occupation shall not create any radio or television interference or noise audible beyond the boundaries of the parcel. [Source: 18.89.030.E, modified]
8. **Parking.** Not more than one vehicle or truck of not more than one to one and one-half ton capacity (excluding tow trucks), and no more than one trailer which will each individually fit within a 10-foot by 20-foot parking space or garage. [Source: 18.89.030.F, modified]
9. **Traffic.** A home occupation shall not generate pedestrian or vehicle traffic in excess of the normal amount in the zone. [Source: 18.89.030.G, modified]
10. **Repair Services.** A home occupation may not involve the performance of any repair services on the premises other than small appliances, equipment, or other small objects which are normally capable of being carried by one person without the aid of mechanical equipment or devices. [Source: 18.89.030.H, modified]
11. **Shipping and Receiving.** Business advertising shall use a post office box and not the residential address. [Source: 18.89.030.I, modified]
12. **Signs and Advertising.** Signs advertising home occupation are prohibited on the property. Other advertising shall not include the address of the premises. [Source: 18.89.030.J, modified]
13. **Sale and Delivery of Products.** Sales of products or provision of services shall be delivered off-site by the occupants of the dwelling, and no customers shall come to the site to take delivery of products or receive services at the site. [Source: 18.89.030.K, modified]

18.50.120 Mobile Home Park

- A. **Purpose.** The purpose of this Section is to provide development and operational standards and permit processing procedures for mobile home parks to ensure compatibility with surrounding uses. [Source: NEW]
- B. **Applicability.** The regulations in this Section shall apply to all mobile home parks where allowed in Article 2 (Zones, Allowable Uses, and Development Standards). [Source: NEW]
- C. **Development and Operational Standards.** Mobile home parks shall comply with the following development and operational standards.
1. **State and Federal Standards.** The standards established in this Section are supplemental to all applicable State and Federal standards. Where there is a difference between these standards and State or Federal standards, the more restrictive standards shall apply. Nothing in this Section shall repeal or conflict any applicable State or Federal standards. [Source: 18.94.100.A.6-7, modified]
 2. **Minimum Park Parcel Size.** The minimum parcel size for a mobile home park shall be five acres, provided the location and plan of operation and plan of facilities have been approved. [Source: 18.94.100.A, modified]
 3. **Maximum Pad Coverage.** The maximum coverage by a mobile home and its accessory structure(s) shall not exceed 60 percent of the mobile home designated pad or space. [Source: 18.94.100.A.4.c. modified]
 4. **Community Water System.** Community water systems shall comply with the following standards.
 - a. If more than 10 units are proposed, a community sewer system is required. The water system shall be designed and maintained to remove at least 90 percent biological oxygen demand (BOD). [Source: 18.94.100.A.4.b. modified]
 - b. If a community water system and a secondary treatment public sewage facility or better are available which are approved by the Environmental Health Director, maximum density shall otherwise be limited by the application of minimum pad sizing, design and spacing requirements established in this Section. [Source: 18.94.100.A.4.c. modified]
 5. **Sewer.** Sewer systems shall comply with the following standards.

- a. If the average density of the mobile home park exceeds one dwelling unit for each one-half acre, a sanitary sewer collection system and at least secondary level wastewater treatment plant shall be provided with adequate disposal of wastewater approved by the Environmental Health Director. [Source: 18.94.100.A.4.d. modified]
 - b. Design, installation, and operation of this system and plant shall comply with all applicable State and County laws and regulations. [Source: 18.94.100.A.4.d. modified]
6. **Storm Water Drainage.** Drainage plans in compliance with Title 17 (Subdivisions) are required for all mobile home parks. Plans shall be approved by the Public Works Director. [Source: 18.94.100.A.4.e. modified]
7. **Streets.** Access drives and internal streets shall be constructed to comply with either the Madera County Valley Urban Standard streets or Madera County Mountain Urban Standard streets as established in Title 17 (Subdivisions). [Source: 18.94.100.A.4.f. modified]
8. **Parking.** Mobile home parks shall provide the required parking spaces established in **Section 18.38.050 (Required Parking Spaces)**. [Source: 18.94.100.A.4.g. modified]
9. **Signs.** The number and size of signs allowed for a mobile home park shall comply with the sign standards established in **Chapter 18.42 (Sign Regulations)**. [Source: 18.94.100.A.4.i-j. modified]
10. **Communication and Power Lines.** Electrical and telephone service shall be installed underground. Individual overhead television antennae shall not be allowed; however, a single master satellite dish antenna for the use of the mobile home park is allowed, or attachment to cable TV system(s) is allowed. [Source: 18.94.100.A.4.k. modified]
11. **Gas System.** A central gas distribution system may be installed to provide gas to each mobile home site. If liquefied petroleum gas or liquefied natural gas is proposed, the location of the supply tanks (if the system is not connected to natural gas) shall be subject to determination by the Public Works Director. [Source: 18.94.100.A.4.l. modified]
12. **Fire Protection.** Mobile home parks shall comply with Section 13.12.070 (Required Fire Flow and Duration). [Source: 18.94.100.A.4.m. modified]
13. **Solid Waste Disposal.** All outdoor centralized refuse storage and collection areas shall be enclosed with a solid, six-foot-high fence. Access for disposal and pickup of solid waste materials shall be provided and always maintained. [Source: 18.94.100.A.4.n. modified]

14. **Recreation Areas.** A recreation area and/or common park areas encompassing at least 10 percent of the total area of the mobile home park shall be provided. The location, accessibility, and adequacy of recreation and park areas shall be subject to the approval by the Planning Director. Recreation areas shall qualify as open space otherwise required. [Source: 18.94.100.A.4.o. modified]
15. **Streetlights.** Streetlights shall be provided throughout a mobile home park. The design of the lighting standards, the spacing and location of the lights, shall be approved by the Public Works Director and shall comply with the lighting standards established in **Section 18.40.080 (Outdoor Lighting)**. Power lines shall be underground. [Source: 18.94.100.A.4.p. modified]
16. **Landscaping.** Mobile home parks shall comply with the following landscaping standards.
 - a. All areas not occupied by mobile homes, accessory structures, or paving shall be landscaped and maintained with lawn, ground cover, shrubbery, or other landscaping as required by the Planning Division. Landscaping shall be provided and maintained for screening purposes around the perimeter of the mobile home park. [Source: 18.94.100.A.4.q. modified]
 - b. Complete landscaping and sprinkler design plans shall be submitted to and approved by the Planning Director. [Source: 18.94.100.A.4.r. modified]
17. **Open Spaces.** Plans shall be submitted for the development, landscaping, and maintenance of open spaces. Open space areas may be applied to achieve maximum density standards established in this Subsection. [Source: 18.94.100.A.4.s. modified]
18. **Fencing.** If any fencing, screening, or separation is proposed or required, it shall be approved by the Planning Director before installation. [Source: 18.94.100.A.4.t. modified]
19. **Frontage Improvements.** Complete frontage improvements shall be installed on public rights-of-way as required by the Public Works Director. [Source: 18.94.100.A.4.u. modified]
20. **Accessory Services and Structures.** Accessory service uses like a laundromat, car wash rack, and general store may be allowed within the mobile home park for the exclusive use of the residents if included and approved as part of the Conditional Use Permit. Subsequent provision of facilities shall be subject to first obtaining a Conditional Use Permit or amended Conditional Use Permit. [Source: 18.94.100.A.4.v, modified]
21. **Sale of Mobile Homes.** Mobile homes are allowed to be sold within the mobile home park, by the owner of the park or the mobile home, provided the mobile home for sale is the only mobile home occupying the mobile home space. [Source: 18.94.100.A.4.w, modified]

22. **Renting of Mobile Homes.** Renting of mobile homes in a mobile home park is prohibited unless the mobile home bears the insignia of the State of California, Department of Housing and Community Development, Division of Building and Housing Standards and is licensed by that Division for this purpose. All mobile homes in the mobile home park shall be registered (licensed) in County. [Source: 18.94.100.A.4.x, modified]
23. **Additional Regulations.** Additional regulations may be established as required by the conditions of approval or at the discretion of the Planning Director. [Source: 18.94.100.A.4.y, modified]
- D. **Approval Process.** Mobile home parks shall comply with the following approval process.
1. **Application Process.** Applications for mobile home parks installations shall be submitted to the Planning Division on an approved form. A filing fee as approved by Board shall be paid to the County through the Planning Division as part at the time of application submittal. [Source: 18.94.100.A.1, modified]
 2. **Variance.** An applicant may request a modification from the development and operational standards established in this Section with the approval of a Conditional Use Permit in compliance with **Chapter 18.82 (Conditional Use Permit)**. [Source: 18.94.100.A.5, modified]
 3. **Guarantees.** If memberships are sold in advance, or if any funds are taken in advance of the completion of approved facilities in any mobile home park, contractual agreements shall be executed with County together with a bond guaranteeing completion of approved facilities. No advertising, sales or rental brochures, or statements shall be issued, authorized, or released by the developer, owner or other principal of the mobile home park promising or offering facilities other than those approved and guaranteed to be provided, until agreements are completed and bonds provided. Any Conditional Use Permits otherwise issued shall not be valid unless and until this requirement has been met. [Source: 18.94.100.A.8, modified]

18.50.130 Outdoor Dining

- A. **Purpose.** The purpose of this Section is to provide location and operational standards for outdoor dining areas to ensure compatibility with surrounding uses and encourage an enjoyable pedestrian and patron experience. [Source: NEW]
- B. **Applicability.** The regulations established in this Section shall apply to all outdoor dining areas where allowed in Article 2 (Zones, Allowable Uses, and Development Standards). [Source: NEW]

- C. **Operational and Compatibility Standards.** Outdoor dining areas shall comply with the following operational and compatibility standards.
1. **Alcoholic Beverage Sales and Consumption.** Areas where alcoholic beverages are served shall comply with the standards established by the State Department of Alcohol and Beverage Control. [Source: NEW]
 2. **Parking Requirements.** Outdoor dining and seating area parking requirements shall be calculated in compliance with **Section 18.38.050 (Required Parking Spaces)**. [Source: NEW]
 3. **Clean-up Facilities.** All outdoor dining areas, whether part of a single restaurant or shared by several restaurants, shall provide adequate clean-up facilities, and associated procedures, in the following manner. [Source: NEW]
 - a. **Cleaning Schedule.** Outdoor dining areas shall be cleaned on a continual basis for removal of litter and food items which constitute a nuisance to public health and safety, and [Source: NEW]
 - b. **Waste Receptacles.** Outdoor dining areas shall contain waste receptacles, which shall not be allowed to overflow, for use by the public and/or restaurant employees. [Source: NEW]
 4. **Compatibility.** Outdoor dining areas shall comply with the following:
 - a. **Compatible Elements.** Outdoor dining and seating areas and associated structural elements, awnings, covers, furniture, umbrellas, or other physical elements that are visible from public rights-of-way, shall be compatible with the character of the primary structure(s); [Source: NEW]
 - b. **Entertainment.** Outdoor dining and seating areas that provide dancing, entertainment, or amplified music shall comply with the noise standards established in **Section 18.40.060 (Noise)**; [Source: NEW]
 - c. **Potential Impacts.** The proximity of outdoor dining and seating areas to places of worship, hospitals, public schools, and residential uses shall be considered by the Review Authority before approval. Proper mitigation measures shall be applied to eliminate potential impacts related to glare, light, loitering, and noise, in compliance with **Chapter 18.40 (Performance Standards)**; and [Source: NEW]
 - d. **Obstructions.** Outdoor dining and seating areas shall not obstruct vehicular or pedestrian traffic flow and not result in the removal of existing pedestrian or vehicular movement areas. [Source: NEW]

18.50.140 Outdoor Theater

- A. **Purpose.** The purpose of this Section is to provide development and operational standards for outdoor theaters to ensure compatibility with surrounding uses and encourage an enjoyable patron experience. [Source: NEW]
- B. **Applicability.** The regulations established in this Section shall apply to all outdoor theaters where allowed in Article 2 (Zones, Allowable Uses, and Development Standards). [Source: NEW]
- C. **Development and Site Standards.** Outdoor theaters shall comply with the following development and site standards.
1. **Proximity to Residential Uses.** No portion of the theater area shall be closer than 100 feet to the base setback line or closer than 200 feet to the parcel line of an adjoining parcel in a zone that allows residential uses. [Source: 18.94.090.b]
 2. **Screening Required.** A planting screen at 20 feet in width and at least eight feet high shall be provided along any parcel line abutting any zone that allows residential uses. [Source: 18.94.090.c]

18.50.150 Produce Stand

- A. **Purpose and Intent.** The purpose of this Section is to provide location and operational standards for “Large” and “Small” produce stands that sell agricultural products and produce. The intent of this Section is to promote the sale of agricultural products by enabling farmers to market their produce directly to local consumers, travelers, and tourists. [Source: NEW]
- B. **Applicability.** The regulations established in this Section shall apply to all large and small produce stands where allowed in Article 2 (Zones, Allowable Uses, and Development Standards). These regulations are not intended to allow convenience stores or any other retail establishments. [Source: NEW]
- C. **Permits and Approval.** Large and small produce stands shall comply with the following permit and approval standards.
1. **Required Permits.** Large and small produce stands shall obtain the following permits before to establishment.
 - a. **Large Produce Stand.** Large produce stands are subject to the approval Zoning Permit by the Planning Director, in compliance with Chapter 18.80 (Zoning Permit), before establishment. [Source: 18.93.040, modified]



- b. **Small Produce Stand.** Small produce stands are subject to the approval of Zoning Clearance by the Planning Director, in compliance with **Chapter 18.74 (Zoning Clearance)**, before establishment. [Source: 18.88.070, modified]
 2. **Business License.** Produce stands shall obtain and maintain a Business License approved by the Treasurer-Tax Collector’s Office, in compliance with Title 5 (Business License and Regulations—Weights and Measures) of the Municipal Code. [Source: 18.93.040.F]
 3. **Other Permits and Regulations.** Produce stands shall comply with all applicable regulations administered by the Fire Department, Building Division, and Environmental Health Division. [Source: 18.93.040.F]
- D. **Operational Standards.** Large and small produce stands shall comply with the following standards.
 1. **General Standards.** Large and small produce stands shall comply with the following general standards.
 - a. **State Compliance.** Produce stand operations, sales, and activities shall comply with all applicable regulations pertaining to produce and farm stands established in the California Retail Food Code and California Food and Agricultural Code. [Source: 18.93.040]
 - b. **Products Sold.** The sale of bottled, canned, or other prepackaged products shall be allowed only in conjunction with the sale of produce and/or shell eggs. [Source: 18.93.040]
 - c. **Location and Number.** A maximum of one produce stand per parcel is allowed. [Source: 18.93.040.B, 18.93.040.A]
 2. **Large Produce Stand.** In addition to the standards established in **Paragraph 1**, above, large produce stands shall comply with the following operational standards.
 - a. **Maximum Structure Size.** The maximum size of the produce stand structure shall be 1,500 square feet. [Source: 18.93.040.A]
 - b. **Nonagricultural Products Sales Floor Area.** The retail sales area for nonagricultural products shall be limited to 150 square feet. [Source: 18.93.040]
 - c. **Maximum Structure Size.** The maximum size of the produce stand structure shall be 1,500 square feet. [Source: 18
 3. **Small Produce Stand.** In addition to the standards established in **Paragraph 1**, above, small produce stands shall comply with the following operational standards.

- a. **Maximum Area.** The maximum area to be used for a roadside stand is 700 square feet. Structure consisting of tables and/or membrane structures (i.e., tents and canopies) are allowed. All tables and membrane structures shall be removed when operations cease for the season. [Source: 18.88.070.A]
- b. **Retail Sales Activities.** Only the sale of produce, cut flowers, and/or shell eggs grown or raised on the parcel is allowed. All other type of merchandising is prohibited. [Source: 18.88.070.B]

18.50.160 Refuse Disposal Facility

- A. **Purpose.** The purpose of this Section is to provide development and operation regulations for refuse disposal facilities. The intent of this Section is to ensure compatibility with surrounding uses and ensure public health and safety. [Source: NEW]
- B. **Applicability.** The regulations established in this Section shall apply to all refuse disposal facilities where allowed in Article 2 (Zones, Allowable Uses, and Development Standards). [Source: NEW]
- C. **Development and Operation Standards.** Refuse disposal facilities comply with the following development and operational standards.
 1. **Permitting and Required Approval.** Permitting and approval standards for refuse disposal facilities shall be as follows.
 - a. **Plan Review.** The location, building and site plan, plan of operation, and a plan of restoration shall be submitted to and approved by the Planning Director, Public Health Director, and California State Board of Health. [Source: 18.94.110.A, modified]
 - b. **Approval Considerations.** Applications for refuse disposal facilities shall be approved, conditionally approved, or denied based upon, among other things, consideration of the potential effects of the proposed facility on topography, drainage, water supply, soil conditions, roadways, traffic, and existing and potential future land uses in the vicinity. [Source: 18.94.110.B, modified]
 2. **Refuse Disposal Methods.** Only sanitary land-fill refuse disposal methods, subject to standards established and enforced by the Public Health Department and the State Board of Health shall be used. Permission to burn refuse before covering shall be specifically approved in the Conditional Use Permit and may be separately withdrawn at any time the smoke and smell constitute a health or safety hazard. All refuse shall be covered to the specified depths before the end of the day upon which disposal has taken place. [Source: 18.94.110.C, modified]

3. **Employees and Hours of Operation.** A minimum of employee shall be present on-site during all hours of operation, which hours shall be subject to the approval of the Planning Director. No refuse disposal shall take place except during the specific hours of operation, with the employee present. [Source: 18.94.110.D, modified]
4. **Fences and Screening.** A nonflammable fence, with a gate which can be locked, shall be erected to encompass the disposal site to prevent refuse disposal and scavenging during the nonoperating hours. The fence, an additional auxiliary portable fence like a snow fence, that will minimize the nuisance of blowing paper shall be approved by the Planning Director. [Source: 18.94.110.D.1-2, modified]
5. **Setbacks.** No refuse disposal shall take place, nor shall any associated accessory structures be constructed closer than 50 feet to the base setback line. [Source: 18.94.110.E.1, modified]
6. **Additional Requirements.** Restrictions as to types and sources of refuse, if needed, shall be approved by the Planning Director in coordination with the Public Health Director. A planting plan as approved by the Planning Director shall be included in the plan of operation. [Source: 18.94.110.E.2, modified]

18.50.170 Short Term Rental **PLACEHOLDER**

18.50.180 Special Event Facility

- A. **Purpose.** The purpose of this Section is to provide development and operational standards for special event facilities to ensure compatibility with surrounding uses and encourage an enjoyable patron experience. [Source: NEW]
- B. **Applicability.** The regulations established in this Section shall apply to all special event facilities where allowed in in Article 2 (Zones, Allowable Uses, and Development Standards). [Source: NEW]
- C. **Land Conservation and Williamson Act Contracts.** Special event facilities are prohibited on parcels subject to a Land Conservation or Williamson Act contract. [Source: NEW]
- D. **Exempt Events.** Uses that are accessory to a single-unit dwelling including private parties, private gatherings, and similar private activities that are not subject to a use agreement (or similar document) between a private individual or group and the homeowner are not defined as a special event venue and not subject to the requirements established by this Section. [Source: NEW]
- E. **Application.** A Conditional Use Permit shall be required for special event facility, in compliance with **Chapter 18.82 (Conditional Use Permits)**. The Conditional Use Permit application shall include the following: [Source: NEW]

1. **Site Plan.** Detailed site plan showing location of all existing and proposed structures and facilities on the site, including parking and driveway areas, exterior lighting, restrooms or areas for portable toilets, and any proposed temporary structures like tents, stages, and dance floors. [Source: NEW]
2. **Operational Description.** Description of the range of uses proposed and projected times and days of the week of operation. And frequency of events. [Source: NEW]
3. **Sensitive Receptor Identification and Buffers.** Special event facilities shall comply with the following standards.
 - a. Map showing the location of and distance from the structures, facilities, and access roadways to the nearest surrounding sensitive receptors, including residences, community care facilities, and/or schools. [Source: NEW]
 - b. **Prohibited Locations.** Special event facilities shall not be located within a 1,000-foot radius of another special event facility, residence, or any sensitive uses (i.e., schools, parks, child day care facilities), as measured in compliance with **Subparagraph c**, below. [Source: NEW]
 - c. **Measurement of Distance.** The distance between a special event facility and a sensitive use or another special event facility shall be made in a straight line, without regard to intervening structures or objects, from the property line to property line of the parcel on which the structure, or portion of the structure, in which the sensitive use or another special event facility is located. [Source: NEW]
4. **Traffic Management Plan.** A traffic management plan that contains the following: [Source: NEW]
 - a. Ingress and egress locations and provisions for the unimpeded movement of emergency vehicles;
 - b. Provisions for ensuring the orderly and safe arrival, parking, and departure of all vehicles and ensuring that traffic will not back-up or block private access easements, county roads, intersections, State highways, or private driveways;
 - c. The location and description of the width and surfacing of roadway(s) that access the site up to the nearest major collector or arterial. If any of the access roadways are not maintained by the State or County, the application shall include information regarding any entities responsible for road maintenance;
 - d. The location of any temporary directional signs on driveway entrances and within parking lots to ensure the orderly flow of traffic; and
 - e. Provisions for dust management.

5. **Acoustical Analysis.** An acoustical analysis that identifies the sources and types of noise expected to be generated, projected CNEL at all parcel lines and the nearest sensitive receptors, and proposed noise attenuation strategies, including limitations on hours and days of operations. [Source: NEW]
 6. **Food and Beverages.** Information regarding food and beverages to be prepared, sold, and/or distributed at the special events. [Source: NEW]
 7. **Public Health and Sanitation.** Information regarding public health and sanitation facilities, including restrooms or portable toilets, drinking water, recycling areas, hand washing stations, and solid waste collection and disposal. [Source: NEW]
 8. **Other Information.** Any other information necessary to determine compliance with the standards established in this Section, at the discretion of the Planning Director. [Source: NEW]
- F. **Operational Standards.** The following operational standards are minimum requirements and may be made more stringent by conditions of approval imposed through the Conditional Use Permit process, or at the discretion of the Planning Director. [Source: NEW]
1. **Event Duration.** Each event at a special event facility is limited to two consecutive days, not including set up and take down. Each event day shall not exceed 12 hours. [Source: NEW]
 2. **Maximum Number of Attendees.** The maximum number of attendees or guests at a special event facility shall be established as a condition of approval through the Conditional Use Permit. [Source: NEW]
 3. **Amplified Sound.** Activities involving amplified shall be limited to the hours of 9:00 a.m. to 10:00 p.m. [Source: NEW]
 4. **Noise.** Noise generated from the special event facility shall comply with noise standards established in the General Plan and in **Section 18.40.060 (Noise)**. Shall three or more complaints be submitted regarding noise generated by an event facility, the County may require the facility's operator to provide an acoustical study prepared by a qualified acoustical consultant, that includes recommendations for noise attenuation measures. The County shall have the authority to impose any noise attenuation measures recommended by the consultant. [Source: NEW]
 5. **Lighting.** All exterior/outdoor lighting shall be located, adequately shielded, and directed so that no direct light falls outside the parcel line, or onto the public roadway in compliance with **Section 40.080 (Outdoor Lighting)**. [Source: NEW]

6. **Dust Control.** Dust shall be minimized by reducing vehicle speeds on driveways and parking areas on the project site, and, during visibly dry conditions, the application of water or other approved dust palliative. Paving may also be provided. [Source: NEW]
 7. **Liability Insurance.** Proof of current liability and property damage insurance or bonding shall be required for all special event facilities. [Source: NEW]
 8. **Maximum Occupancy.** All structures proposed to be used as part of the event facility shall have obtained the required permit(s) for occupancy. [Source: NEW]
 9. **Additional Permits.** Other permits shall be obtained as required, including but not limited to a Building Permit, Grading Permit, Air Pollution Control Permit, liquor license from the California Alcohol and Beverage Control (ABC), and/or an Encroachment Permit. [Source: NEW]
- G. **Development Standards.** The following development standards are minimum requirements and may be made more stringent by conditions of approval imposed through the Conditional Use Permit process, or at the discretion of the Planning Director. [Source: NEW]
1. **Minimum Parcel Size.** The minimum parcel size for special event facilities is 10 acres. If the special event facility applicant owns multiple abutting parcels, the total acreage of those adjacent parcels may be used to determine the permit process requirements. [Source: NEW]
 2. **Access.** Access to any special event facility shall be connected directly to a public road. Where a facility is located on a private road, access shall be subject to the review and approval of the Planning Director and Fire Department. Access shall also comply with State Fire Safe Regulations, including maximum allowed dead-end road length, turnarounds, and turnouts. [Source: NEW]
 3. **Driveways.** On-site driveways from the nearest intersecting roadway shall be a minimum of 12 feet wide if one-way traffic is proposed, and a minimum of 18 feet if two-way traffic is proposed. Driveways shall also comply with State Fire Safe Regulations, including maximum allowed dead-end road length, turnarounds and turnouts. [Source: NEW]
 4. **Setbacks.** Setbacks for all structures, permanent and temporary, and for all facilities associated with the event facility shall be a minimum of 50 feet from parcel lines and adjoining road easements. [Source: NEW]
 5. **California Building Code Compliance.** All requirements of California Building Code and applicable accessibility laws shall be met for the structures and facilities. [Source: NEW]

18.50.190 Storage Facility, Personal

- A. **Purpose.** The purpose of this Section is to provide development and operational standards for personal storage facilities to ensure compatibility with surrounding land uses and to mitigate potential land use conflicts. [Source: NEW]
- B. **Applicability.** The regulations established in this Section shall apply to all personal storage facilities where allowed in Article 2 (Zones, Allowable Uses, and Development Standards). [Source: NEW]
- C. **Operational Standards.** Personal storage facilities shall comply with the following operational standards.
 - 1. **Prohibited Material Storage.** The storage of hazardous and generally dangerous materials is prohibited in personal storage facilities. The storage of hazardous materials shall only be allowed in zones which allow restricted storage facilities as established in Article 2 (Zones, Allowable Uses, and Development Standards). [Source: 18.94.075.G, modified]
 - 2. **On-Site Restrooms.** On-site provisions shall be made for permanent public restrooms in compliance with the Building Code. [Source: 18.94.075.H, modified]
- D. **Development Standards.** Personal storage facilities shall comply with the following development standards.
 - 1. **Required Buffer.** A landscaped buffer shall be installed along each parcel line. The buffer shall include a mix of mature 15-gallon trees, shrubs, and other various ground cover. Trees shall be planted at a rate of one tree per 20 linear feet of parcel line. Shrubs shall be planted at a rate of one shrub per five linear feet of parcel line. Alternative plant materials and overall buffer design may be modified at the discretion of the Planning Director or as a condition of approval. [Source: 18.94.075.B, modified]
 - 2. **Required Screening.** Personal storage facilities shall provide a minimum eight-foot screening wall around the entirety of the facility. All required screening shall be designed to screen the use from public rights-of-way and adjoining properties. [Source: 18.94.075.B, modified]

18.50.200 Temporary Housing During Home Construction

- A. **Purpose.** The purpose of this Section is to provide location and development standards for temporary housing during the construction of the primary on-site dwelling. [Source: NEW]
- B. **Applicability.** The regulations established in this Section shall apply to all temporary housing units constructed or erected during the construction of the primary on-site dwelling. [Source: NEW]

- C. **Where Allowed.** Temporary housing via a manufactured home, travel trailer, or recreational vehicle is allowed on any parcel that allows single-unit dwelling while a primary dwelling is under construction. [Source: 18.84.070.A, modified]
- D. **Length of Temporary Housing.** Temporary housing shall be allowed on a parcel for a maximum of 12 months, unless otherwise approved by the Planning Director. [Source: 18.84.070.A, modified]
- E. **Standards.** The establishment of temporary housing during construction activities shall comply with the following standards.
1. **Building Permit.** A Building Permit for the permanent dwelling shall be issued before installation of temporary housing. [Source: 18.84.070.A.1, modified]
 2. **Existing Sewer and Water Connections.** The property owner shall provide written confirmation from the Environmental Health Division to the Planning Director that sewer and water services exist on the parcel. [Source: 18.84.070.A.2, modified]
 3. **Termination of Temporary Housing.** The property owner shall affirm, in a form provided by the Planning Director, that upon completion of the permanent dwelling, the temporary housing will no longer be occupied or connected to services (sewer, water, or electrical) and the housing shall either be stored or removed from the parcel. If a manufactured home has been installed as temporary housing, the unit shall be removed from the property within 60 days after completion of the permanent dwelling. All temporary units shall be removed upon completion of the permanent dwelling or within 12 months of issuance of the Building Permit for the permanent dwelling (whichever occurs first). [Source: 18.84.070.A.3, modified]
 4. **Approval Notice.** Upon compliance with the above requirements, the Planning Director will provide written confirmation that a temporary unit is approved and specify the removal date. A request for an extension of time can be considered upon written request to the Planning Director. An extension of time will only be granted if it is demonstrated that substantial progress has been made toward completion of the permanent dwelling. [Source: 18.84.070.A.4, modified]

18.50.210 Vehicle Repair Facility

- A. **Purpose.** The purpose of this Section is to establish development and operational standards for vehicle repair facilities to ensure compatibility with surrounding land uses and to minimize potential land use conflicts.
- B. **Applicability.** The standards established in this Section shall apply to all vehicle repair facilities where allowed in Article 2 (Zones, Allowable Uses, and Development Standards). [Source: NEW]

- C. **Operational Standards.** Vehicle repair facilities shall comply with the following standards.
1. **Location of Activities.** All on-site activities, including but not limited to, repairs and storage of parts and accessories, shall be conducted within a fully enclosed structure. [Source: NEW]
 2. **Service Bay Openings.** Service bay openings for new repair facilities shall not face public rights-of-way and shall be designed to minimize visibility from adjoining properties. [Source: NEW]
 3. **Outdoor Storage.** Outdoor storage at a vehicle repair facility shall comply with the following standards.
 - a. Outdoor storage of junked or wrecked vehicles shall not be allowed for more than 30 days in a 90-day period. [Source: NEW]
 - b. Outdoor storage of vehicles being worked on shall be allowed for a maximum of 30 days. Areas used for storage of vehicle awaiting repair shall be completely screened from public view. [Source: NEW]
 4. **Outdoor Lighting.** All outdoor lighting shall be stationary and directed away from adjoining properties and public rights-of-way in compliance with **Section 18.40.080 (Outdoor Lighting)**. [Source: 18.94.020.C, modified]

18.50.220 Wineries

- A. **Purpose and Intent.** The purpose of this Section is to establish development and operational standards for wineries. The intent of these standards is to ensure compatibility with surrounding land uses, encourage the production and sale of agricultural products grown in the County, and recognize the existence of legal existing wineries. [Source: 18.118.010, modified]
- B. **Applicability.** The standards established in this Section shall apply to all wineries (micro, small, and large) where allowed in Article 2 (Zones, Allowable Uses, and Development Standards). [Source: NEW]
- C. **Development and Operational Standards.** Wineries shall comply with the following development and operational standards.
1. **Winery Classifications.** In addition to the regulations established in Article 2 (Zones, Allowable Uses, and Development Standards), the standards established in **Table 18.50-1 (Winery Classifications and Standards)** shall also apply. [Source: NEW]

**Table 18.50-1
Winery Classifications and Standards**

Development and Operational Standards	Winery Classifications		
	Micro Winery	Small Winery	Large Winery
General			
Annual Wine Production (max.)	Up to 5,000 Gal.	5,001 – 15,000 Gal.	+15,000 Gal.
Import from Out of County (max. percent)	50	50	50
Minimum Parcel Size (acres)	5	10	20
Minimum On-site Production (acres)	2	5	5
Primary Structure Size (max. sq. ft.)	5,000	7,500	CUP approval
Special Events			
Per Year (max.)	4	CUP approval	CUP approval
Attendees (at any one time)	300	300	CUP approval
Open to Public	ZP approval	CUP approval	CUP approval
Tours	ZP approval	CUP approval	CUP approval
Retail Sales	ZP approval	CUP approval	CUP approval

2. **Williamson Act Contracts.** Properties under Williamson Act Contract shall comply with all applicable State regulations. [Source: 18.118.030, modified]
- D. **Recognizing Existing Wineries.** Wineries that were established before the adoption of this Section shall be recognized as legal conforming uses. The intent in recognizing existing wineries as legal conforming uses is limit the size of wineries to that which legally existed on the date this Section was adopted, except as was specifically authorized as part of a subsequent Conditional Use Permit or Zoning Permit. Nothing in this Section shall be interpreted as prohibiting uses from applying for additional uses (over and above existing uses), providing applications meet all the applicable requirements of this Section. [Source: 18.118.040, modified]

18.50.230 Wrecking and Dismantling Yard

- A. **Purpose.** The purpose of this Section is to establish development and operational standards for vehicle wrecking and dismantling yards to ensure compatibility with surrounding land uses and to reduce potential land use conflicts. [Source: NEW]
- B. **Applicability.** The standards established in this Section shall apply to all vehicle dismantling facilities and wrecking yards where allowed in Article 2 (Zones, Allowable Uses, and Development Standards). [Source: NEW]

- C. **Operational Standards.** Wrecking and dismantling yards shall comply with the following operational standards.
1. **Burning Prohibited.** The burning of vegetation, refuse, or any other material is prohibited in vehicle dismantling facilities and wrecking yards. [Source: 18.94.130.B, modified]
 2. **Storage of Vehicles.** No vehicles, vehicle bodies, or vehicle frames shall be stored above the height of the required screening. See **Paragraph 18.50.230.D.2 (Screening)**, below, for height standards for screening vehicle dismantling facilities and wrecking yards. [Source: 18.94.130.G, modified]
 3. **Location of Activities.** On-site operations shall be entirely conducted within the fenced area of the parcel. [Source: 18.94.130.F, modified]
- D. **Development Standards.** Wrecking and dismantling yards shall comply with the following development standards.
1. **Buffer.** A 10-foot buffer between parcel lines and required screening shall be provided. The buffer area shall be maintained to remain free of weeds and other debris. [Source: 18.94.130.E, modified]
 2. **Screening.** A solid screening wall or fence a minimum of eight feet in height shall be provided around the entire facility perimeter to screen the use from public view. Gates at facility access points are allowed. [Source: 18.94.130.C, modified]

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Chapter 18.52

**Multi-Unit Dwelling Objective
Design Standards**



Chapter 18.52 Multi-Unit Dwelling Design Standards

18.52.010 Purpose

Purpose. The purpose of this Chapter is to provide minimum architectural and site design requirements for multi-unit dwelling development projects (referred to as “projects” or the “project”). The standards contained in this Chapter supplement the development regulations established in the Article 2 (Zones, Allowable Uses, and Development Standards). [Source: NEW]

18.52.020 Applicability

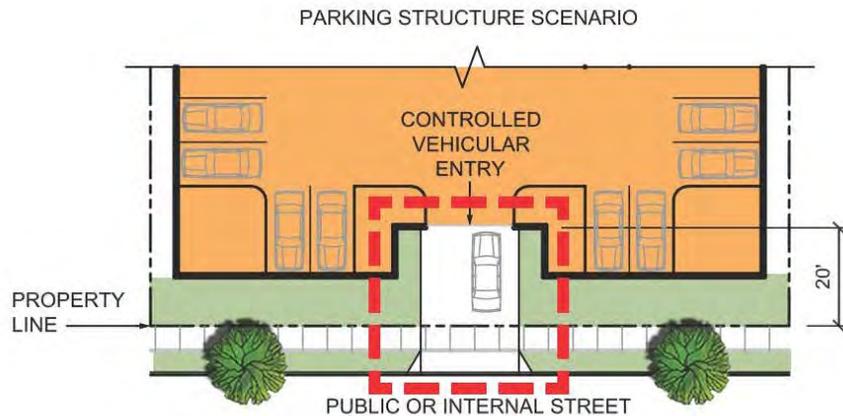
- A. **Applicability.** The standards established in this Chapter shall apply to the following projects which qualify for streamlined and ministerial processing:
1. Residential structures containing two or more residential dwelling units, each of which is for the occupancy by one or more persons living as a single housekeeping unit, including two-units, three-units, four-units, apartments, and townhouses.
 2. Mixed-use structures that include multi-unit dwellings. [Source: NEW]
- B. **Objective Design Standards.** As defined by Government Code Section 65913.4, objective design standards are standards that involve no personal or subjective judgement by a public official and are uniformly verifiable by reference to an external and uniform benchmark. The standards established in this Chapter shall be mandatory for all projects identified in **Subsection 18.52.020.A (Applicability)**, for which a streamlined approval process is requested in compliance with Government Code Section 65913.4. Projects seeking exceptions or deviations to the standards contained, or projects which do not qualify for a streamlined approval process, shall be subject to existing discretionary design review process and development standards. [Source: NEW]

18.52.030 Standards for all Multi-Unit Dwellings

- A. **Site Planning and Design.** Multi-unit dwellings shall comply with the following site planning and design standards.
1. **Structure Orientation and Location.** Structure orientation and location standards for multi-unit dwellings are as follows.
 - a. Structure windows, stoops, porches, and balconies/decks shall be oriented towards common open space and streets. [Source: NEW]
 - b. Multiple structures shall be oriented to create internal courtyards, open space, and/or paseos. [Source: NEW]

- c. Controlled vehicular entries (i.e., gates, boom barrier) shall be located a minimum of 20 feet from the back of sidewalk, to provide adequate stacking space for vehicles entering the site. [Source: NEW]

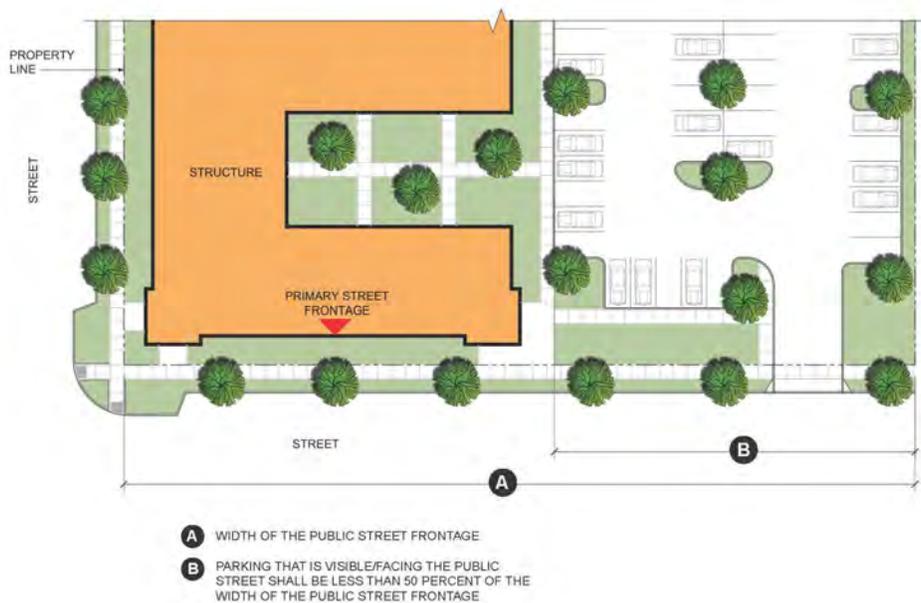
**Figure 18.52.-1
Controlled Vehicle Entries**



2. **Structure and Dwelling Unit Entries.** Structure and dwelling unit entry standards for multi-unit dwellings are as follows.
- A primary structure entrance that provides interior access to multiple individual dwelling units, shall be clearly visible and oriented towards either a public street or an internal private street. Primary structure entrances oriented towards the parcel interior away from a public or private street are prohibited. [Source: NEW]
 - A corner structure fronting two public streets, shall have entrances oriented to each street. [Source: NEW]
 - Individual exterior entrances of ground floor dwelling units fronting on either a private or public street shall be clearly visible from and face the street. Dwelling units that do not have street frontage shall have entrances that face interior courtyards, walkways, and/or paseos [Source: NEW]
 - All structure entries shall be connected to a public sidewalk by a pedestrian walkway a minimum of five feet in width. [Source: NEW]

- e. Exterior structure entrances serving multiple dwelling units shall have a roof projection or structure recess with a minimum depth of five feet and a minimum horizontal area of 35 square feet. Exterior single dwelling unit entrances shall have a roof projection or recess with a minimum depth of three feet and a minimum horizontal area of 15 square feet. [Source: NEW]
3. **Parking and Circulation.** Parking and circulation standards for multi-unit dwellings are as follows.
- a. Parking areas, both covered and uncovered, shall be screened from all public street frontages by incorporating evergreen landscaping or a planted earth berm with a minimum height of three feet.
 - b. For all parking facing a public street, including surface parking, carports, and garages, but excluding underground parking and parking located behind structures, the total width of parking visible from the street shall not exceed 50 percent of any public street frontage. For corner parcels, this standard shall only apply to the primary street frontage. [Source: NEW]

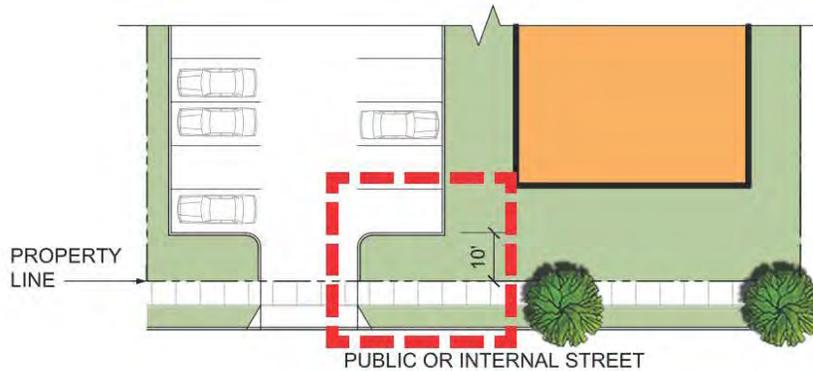
**Figure 18.52.-2
Parking Fronting a Public Street**



- c. Parking areas shall not be separated by a fence, wall, or landscaping exceeding three feet in height when located adjacent to interior common spaces or primary structure entries. [Source: NEW]

- d. Parking spaces shall be located a minimum of 10 feet from any curb cut entering the parcel to provide adequate ingress/egress. The distance shall be measured from the property line to the first parking space. [Source: NEW]

**Figure 18.52-3
Parking Distance to the Property Line**



- e. Parking areas adjacent to residential structures shall be separated by a walkway a minimum of five feet in width and a landscape strip a minimum of seven feet in depth. [Source: NEW]

**Figure 18.52-4
Parking Separation**



- f. Individual enclosed parking facilities shall have access provided by an alley or secondary street and shall not have curb cuts located along a public street. [Source: NEW]
 - g. Garages shall have access provided by an alley or private street and shall not have curb cuts located along a public street. [Source: NEW]
4. **Mechanical Equipment and Utility Screening.** All exterior mechanical and electrical equipment shall be incorporated into the design of the structure or screened from public view using walls, fencing, or landscaping. Mechanical or electrical equipment includes, but is not limited to, roof-mounted equipment, air conditioners and condensers, utility meters, irrigation control valves, electrical transformers, utility meters, cable and telephone equipment. [Source: NEW]
5. **Trash Enclosures and Recycling Areas.** Trash enclosure and recycling area standards for multi-unit dwellings are as follows.
- a. Trash containers shall be screened from view from adjacent properties and shall not be visible from a public right-of-way. [Source: NEW]
 - b. Trash enclosures shall be constructed of decorative masonry material and include a latchable and tamper-proof metal gate or door. Enclosures shall have four sides and be a minimum of six feet in height or extend the full height of trash container(s), whichever is higher. A pedestrian access, separate from the trash container service access, shall be provided, and shall meet California State Access Regulations. [Source: NEW]
 - c. Trash enclosures shall be located throughout the property so that no resident will be required to travel more than 200 feet to reach an enclosure. [Source: NEW]
 - d. Trash enclosures shall be of the same color(s) as the primary structure(s) in the development. [Source: NEW]
6. **Open Space.** Open space standards for multi-unit dwellings are as follows.
- a. **Private Open Space.** At least 50 percent of the dwelling units in a project shall include private open space in the form of a private yard, porch, balcony, roof garden, or patio. Private open space located on the upper floors shall be a minimum of 48 square feet in area with a minimum horizontal dimension of six feet in either direction (width/depth). Private open space on the ground floor shall be a minimum of 100 square feet in area with a minimum horizontal dimension of 10 feet in either direction (width/depth). Private open space shall be contiguous to the dwelling unit it serves. [Source: NEW]

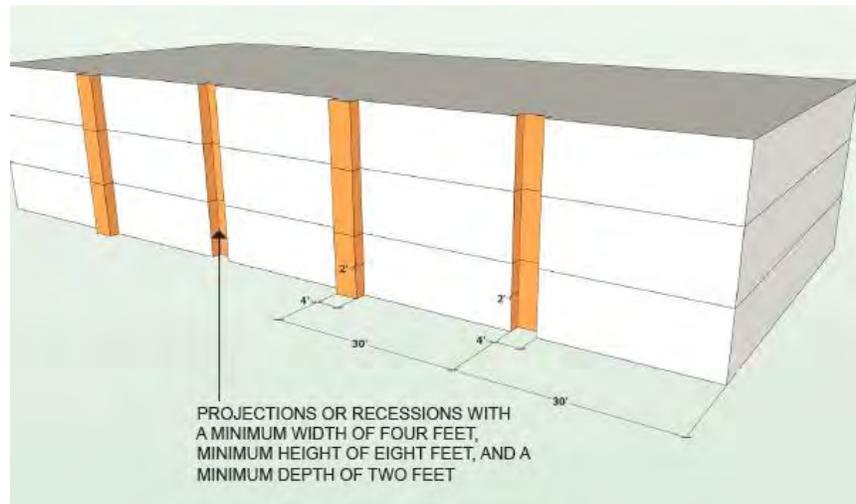
- b. **Useable Common Open Space.** Projects shall provide useable outdoor passive/active open space with outdoor amenities as required in [REDACTED]. Useable common open space means an unobstructed area or areas, accessible to all occupants of the structure it serves, having no dimension less than 10 feet in any direction. Useable common open space excludes areas designated for parking, including surface parking, carports, or garages. A minimum of 60 percent of the common useable open space shall be provided as landscaped green area (not hardscaped). [Source: NEW]
- c. **Outdoor Amenities.** Projects shall provide outdoor amenities in compliance with the following provisions:
- d. **Passive Recreational Amenities.** Passive recreation refers to recreational activities that require minimal to no facilities or development to perform activities. Passive recreation amenities include, but are not limited to, community gardens, outdoor gathering/seating area, picnic/barbeque area, pet area/dog park, courtyard/plaza. [Source: NEW]
- e. **Active Recreational Amenities.** Active recreation refers recreational activities that require specific facilities or equipment to perform activities. Active recreational amenities include, but are not limited to, playground/tot lot, sports court/field, fitness area, swimming pool, clubhouse w/kitchen, community room. [Source: NEW]
- f. **Seating.** Seating shall be provided for all common open space areas. [Source: NEW]
- g. Playgrounds/tot lots shall be located in an area with direct visibility from a minimum of three dwelling units to allow for casual surveillance. [Source: NEW]

**Table 18.52-1
Outdoor Amenities**

Number of Units in Project	Required Passive Recreation Amenities	Required Active Recreation Amenities
2-10	2 with a minimum area of 200 sq. ft. total	0
11-30	2 with a minimum area of 300 sq. ft. total	1 with a minimum area of 500 sq. ft. total
31-60	2 with a minimum area of 400 sq. ft. total	2 with a minimum area of 800 sq. ft. total
61-100	2 with a minimum area of 500 sq. ft. total	2 with a minimum area of 1,000 sq. ft. total
101+	2 with a minimum area of 600 sq. ft. total	2 with a minimum area of 1,500 sq. ft. total

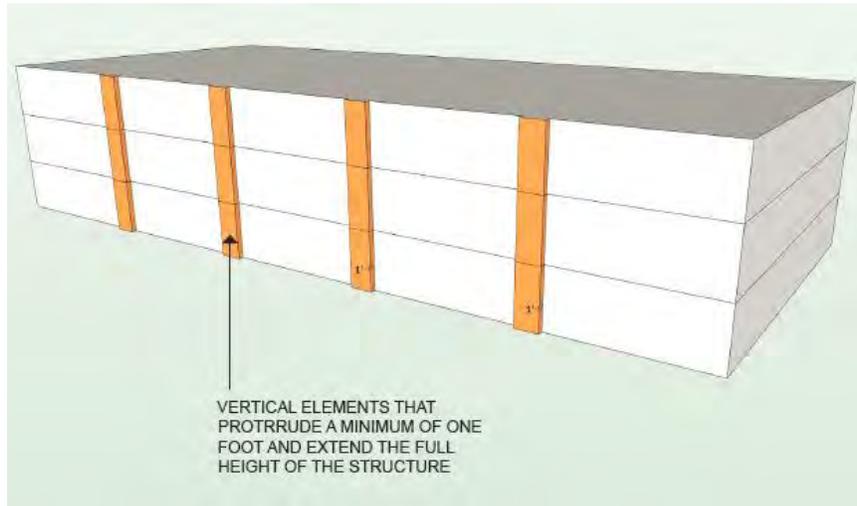
- B. **Architecture and Structure Design.** Multi-unit dwellings shall comply with the following site architecture and structure design standards.
1. **Massing and Articulation.** Massing and Articulation standards for multi-unit dwellings are as follows.
 - a. **Maximum Structure Length.** Structures shall not exceed 200 feet in length on any façade. [Source: NEW]
 - b. **Horizontal Articulation.** Horizontal (or depth) articulation refers to the structure modulation by stepping a portion(s) of the façade forward or backward from the predominant structure plane façade. One or more of the following features shall be integrated into the project design:
 - c. Variations in wall plane with a minimum façade break of four feet in width, and two feet in depth for every 30 feet of façade length;

Figure 18.52-5
Variations in Wall Plane



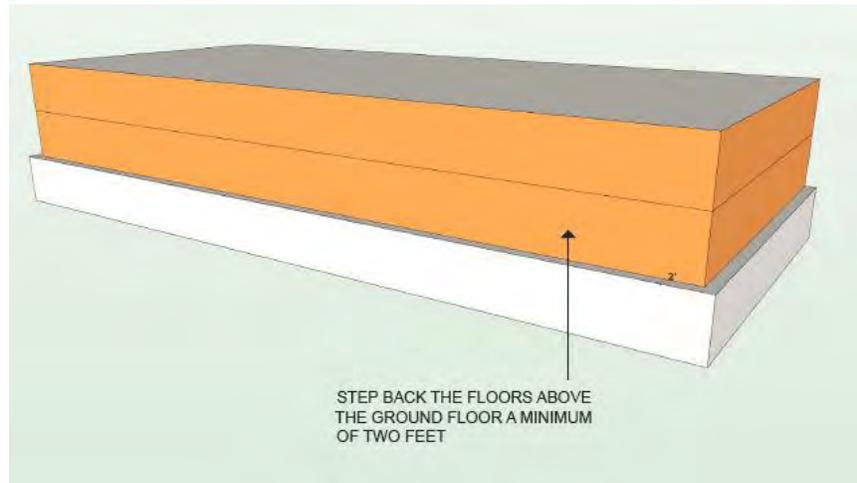
- d. Vertical elements like pilasters, that protrude a minimum of one foot from the wall surface and extend the full height of the structure;

**Figure 18.52-6
Vertical Elements**



- e. Step back the floors above the ground floor a minimum of two feet; or

**Figure 18.52-7
Upper Floor Stepback**



- f. Projections or recessions every 30 linear feet with a minimum width of two feet, a minimum height of eight feet and a minimum depth of two feet. [Source: NEW]

- g. **Vertical Articulation.** Vertical (or height) articulation refers to the modulation of a structure by stepping a portion(s) of the façade upward or downward from the predominant structure height. The following features shall be integrated into structure design:
 - h. Rooflines shall be vertically articulated at a minimum of 40-foot intervals along the street frontage with a change in height a minimum of four feet;
 - i. Rooflines shall include architectural elements like parapets, varying cornices, clerestory windows, gables, or dormers; and
 - j. In structures with four or more floors, the top floor(s) of the structure shall be set back a minimum of five feet from the remainder of the façade. [Source: NEW]
 - k. For structures with three or more floors, the upper and lower floors shall be distinguished by incorporating one or more of the following features applied to the transition of floors, except where otherwise specified:
 - l. Tripartite design, where structures exhibit a clearly identifiable base, middle, and top, with the base consisting of a material like stone, concrete masonry, or other material distinct from the remainder of the façade.
 - m. Incorporating upper floors into the roof design and provide useable space through dormers and gables.
 - n. Incorporate a horizontal design feature like as a belt course or bellyband.
 - o. Incorporate a change in wall material in addition to a change in wall plane of at least one inch in depth at the transition between the two materials. [Source: NEW]
 - p. Massing shall step down when the project is located adjacent to a residential property with a lower density. [Source: NEW]
- 2. **Façade Design.** Façade design standards for multi-unit dwellings are as follows.
 - a. **Blank Walls.** To avoid the appearance of blank walls, street facing, and publicly visible walls shall incorporate a minimum of one of the following features:
 - b. A change in contrasting color or material a minimum of every 30;
 - c. Bay windows, box windows, or other similar projecting windows that project a minimum of one foot from the structure façade a minimum of every 15 feet;
 - d. Above-ground balconies located a minimum of one every 30 feet on each floor;
 - e. Horizontal or vertical reglets, or stucco control joints located a minimum of one every 30 feet (horizontal or vertical); or

- f. Horizontal or vertical accent lines that project a minimum of two inches from the structure façade a minimum of every 20 feet. [Source: NEW]
 - g. **Façade Transparency.** No wall that faces a pedestrian walkway, public sidewalk, or publicly accessible outdoor space shall run in a contiguous plane of more than 25 feet without a window, door, or balcony. [Source: NEW]
3. **Exterior Color and Materials.** Exterior color and material standards for multi-unit dwellings are as follows.
- a. A minimum of two materials, in addition to windows and railings, shall be used on any structure façade. Any one material shall comprise of a minimum of 25 percent of any structure façade, excluding windows and railings. Any change in material shall be offset by a minimum of six inches in depth. [Source: NEW]
 - b. Structures shall have a color palette of a minimum of two body colors and two accent colors (not including roof color). Projects with two or more structures shall include a minimum of two color palettes and shall not use a single color palette on more than 70 percent of the structures. [Source: NEW]
 - c. Brick, rock, and stone shall not be painted or stained. [Source: NEW]
 - d. Exterior finish materials shall wrap structure corners and terminate at an inside corner or logical termination point, like a structure trim. [Source: NEW]
 - e. Structures shall carry the same theme on all elevations. For the purpose of this standard, a theme shall include primary colors and materials. [Source: NEW]
4. **Windows and Doors.** Window and door standards for multi-unit dwellings are as follows.
- a. Windows and doors shall include a trim with a minimum width of four inches and shall protrude from the wall plane a minimum of three-quarters of an inch. Stucco-textured foam trim molding shall be allowed only on the second floor or above. [Source: NEW]
 - b. In lieu of exterior window trim, windows can be recessed from the wall plane by a minimum of three inches. [Source: NEW]

5. **Fencing.** Acceptable wall and fence materials include masonry, brick, wrought iron, or other tubular metal materials, and wood (excluding plywood or other composite panels less than five-eighths inches thick). Chain link, barbed wire/concertina wire, and electric fencing is prohibited. [Source: NEW]

18.52.040 Additional Standards for Rural Zones

- A. **Purpose.** The purpose of the standards established in this Section is to ensure all multi-unit dwellings located in rural zones are compatible with the surrounding neighborhoods, mostly low-density and rural uses. [Source: NEW]
- B. **Applicability.** This Section includes additional design standards for all multi-unit dwellings located in rural zones. In addition to all the standards established in **Section 18.52.030 (Design Standards for all Multi-Unit Dwellings)**, the following standards shall also apply. [Source: NEW]
- C. **Rural Zones Established.** For the purpose of this Section, “rural zones” shall include the following zones:
 1. RRM – Residential, Rural, Multi-Unit Dwelling Zone
 2. CRR – Commercial, Rural, Restricted Zone
 3. CRG – Commercial, Rural, General Zone [Source: NEW]
- D. **Additional Standards for Multi-Unit Dwellings in Rural Zones.** The following standards shall apply to multi-unit dwellings located in the “rural zones” as established in **Subsection C**, above. [Source: NEW]
 1. The distance between structures shall be a minimum of 15 feet and useable space. For this Section, useable space means an unobstructed area or areas, accessible to all occupants of the structure it serves, and shall include sidewalks as part of an overall pedestrian network, sitting areas, or include live plantings. [Source: NEW]
 2. If the project abuts a residentially zoned parcel or parcels, the structure height shall not exceed more than two stories above the allowed structure height of the abutting property. [Source: NEW]
 3. Evergreen shrubs and trees located in a landscape strip with a minimum width of 10 feet shall be provided along all property lines that are directly adjacent to existing single-unit dwellings. [Source: NEW]

4. Orient windows and balconies on structures with multiple stories away from single-unit dwellings. Where this is not feasible due to site constraints, a landscape buffer with a minimum width of 10 feet shall be included to provide privacy for the adjacent property. [Source: NEW]
5. Paved surface parking areas shall be separated from the primary residential structure by a minimum five-foot walkway and a seven-foot-wide landscape strip. [Source: NEW]
6. A minimum of 80 cubic feet of enclosed storage area shall be provided for each dwelling unit. Personal storage space shall be located on ground floor private patio areas or on upper floor private balconies contiguous to the unit it serves. Storage may also be located within a personal garage and may be included in the total garage area. [Source: NEW]

18.52.050 Additional Standards for Urban Zones

- A. **Purpose.** The purpose of the standards established in this Section is to ensure all multi-unit dwellings located within urban zones are compatible with the surrounding context, mostly higher density residential uses as well as commercial, mixed-use, and industrial uses. [Source: NEW]
- B. **Applicability.** This Section includes additional design standards for all multi-unit dwellings located in urban zones. In addition to all the standards established in **Section 18.52.030 (Design Standards for all Multi-Unit Dwellings)** the following standards shall also apply. [Source: NEW]
- C. **Urban Zones Established.** For the purpose of this Section, "urban zones" shall include the following zones:
 1. RT – Residential, Townhouse Zone
 2. RUM – Residential, Urban, Multi-Unit Dwelling Zone
 3. CUR – Commercial, Urban, Restricted Zone
 4. CUG – Commercial, Urban, General Zone
 5. MCM – Mixed Use, Commercial Multi-Unit Zone [Source: NEW]
- D. **Additional Standards for Multi-Unit Dwellings in Urban Zones.** The following standards shall apply to multi-unit dwellings located in the "urban zones" as established in **Subsection C**, above. [Source: NEW]
 1. The distance between structures shall be a minimum of 10 feet and useable space. For this Section, useable space means an unobstructed area or areas, accessible to all occupants of the structure it serves and shall include sidewalks as part of an overall pedestrian network, sitting areas, or include live plantings. [Source: NEW]

2. If the project abuts an underlying single-unit residential zone, the structure height shall not exceed more than three stories above the allowed structure height of the abutting property. [Source: NEW]
3. Evergreen shrubs and trees located in a landscape strip with a minimum width of six feet shall be provided along all property lines that are directly adjacent to existing single-unit dwellings. [Source: NEW]
4. Orient windows and balconies on structures with multiple floors away from single-unit dwellings. Where this is not feasible due to site constraints, a landscape buffer with a minimum width of 10 feet shall be included to provide privacy for the adjacent property. [Source: NEW]
5. Paved surface parking areas shall be separated from the primary residential structure by a minimum five-foot walkway and a five-foot-wide landscape strip. [Source: NEW]
6. A minimum of 80 cubic feet of enclosed storage area shall be provided for each dwelling unit. Personal storage space shall be located on ground floor private patio areas or on upper floor private balconies contiguous to the unit it serves. Storage may also be located adjacent to an assigned covered parking space or enclosed storage rooms. [Source: NEW]
7. When a project is located adjacent to a commercial center, a direct pedestrian connection leading into the commercial center shall be provided. [Source: NEW]
8. For mixed use projects with ground floor commercial, awnings, sunshades, and canopies shall be incorporated into the design along all pedestrian frontages. [Source: NEW]
9. Active commercial uses shall be located on the ground floor of a mixed-use project. Active commercial uses are defined as commercial uses that are oriented along the street wall of a public street at ground level. Residential units in a mixed-use project shall be located on the upper floors of any elevation that faces a public street with residential access provided through a separate entry along each street frontage or a single entry located at the corner. [Source: NEW]
10. For mixed use projects, commercial/office unit entrances shall face a public street, a parking area, or an interior common space. [Source: NEW]

Chapter 18.54

Marijuana



Chapter 18.54 Marijuana

18.54.010 Findings and Purpose

It is the purpose and intent of this Chapter to promote the health, safety, morals, and general welfare of the residents and businesses within the County by regulating the cultivation, processing, extraction, manufacturing, testing, distribution, transportation, sale, and consumption of marijuana, whether for medical purposes or recreational use as currently allowed under State law. *[Source: 18.87.010, modified]*

18.54.020 Relationship to Other Laws

This Chapter is not intended to, nor shall it be construed or given effect in a manner that causes it to apply to, any activity that is regulated by Federal or State law to the extent that application of this Chapter would conflict with the law or would unduly interfere with the achievement of Federal or State regulatory purposes. It is the intention of the Board that this Chapter shall be interpreted to be compatible and consistent with Federal, County, and State enactments and in furtherance of the public purposes which those enactments express. It is the intention that the regulations established in this Chapter will supersede any other provisions of Municipal Code found to be in conflict. *[Source: 18.87.020, modified]*

18.54.030 Cultivation of Medical Marijuana

- A. **General.** To the extent that the County is required to allow the cultivation of medical marijuana under State law, the regulations established in this Section shall apply. Nothing in this Section shall be interpreted to permit commercial marijuana operations or marijuana dispensaries otherwise prohibited by this Chapter. *[Source: 18.87.040, modified]*
- B. **Personal Use Cultivation.** An individual qualified patient or person with an identification card shall be allowed to cultivate medical marijuana within their private residence, in an attached garage, or in an accessory structure if the property is developed with a detached single-unit dwelling. A primary caregiver shall only cultivate medical marijuana at the residence of a qualified patient or person with an identification card for whom they are the primary caregiver. Medical marijuana cultivation for personal use shall be subject to the following requirements: *[Source: 18.87.040.A, modified]*
 1. **Area.** The medical marijuana cultivation area shall not exceed 100 square feet, as measured by the canopy, and shall not exceed 10 feet in height per residence. This limit applies regardless of the number of qualified patients or persons with an identification card residing in the residence. The cultivation area shall be a single designated area. Multiple cultivation areas on a property are prohibited. *[Source: 18.87.040.A.1, modified]*

2. **Lighting.** Medical marijuana cultivation lighting shall not exceed a total of 1,200 watts. [Source: 18.87.040.A.2, modified]
3. **Building Code Requirements.** Any alterations or additions to the single-unit dwelling, including garages and other accessory structures, shall be subject to all applicable Uniform Building and Fire codes, including plumbing and electrical, and all development standards applicable to zone in which the dwelling is located, including, but not limited to, structure coverage, setbacks, height requirements, and parking requirements. [Source: 18.87.040.A.3, modified]
4. **Gas Products.** The use of gas products (i.e., CO2 and butane) for medical marijuana cultivation or processing is prohibited. [Source: 18.87.040.A.4, modified]
5. **Evidence of Cultivation.** There shall be no exterior evidence of medical marijuana cultivation occurring on the site from a public right-of-way, [Source: 18.87.040.A.5, modified]
6. **Residence.** The qualified patient or person with an identification card shall reside, as their primary residence, in the residence where the medical marijuana cultivation occurs. [Source: 18.87.040.A.6, modified]
7. **Cultivation Elsewhere in County.** The qualified patient or person with an identification card shall not participate in medical marijuana cultivation in any other location within the County. [Source: 18.87.040.A.7, modified]
8. **Incidental Use.** The residence shall maintain kitchen, bathrooms, and primary bedrooms for their intended use and not be used primarily for medical marijuana cultivation. [Source: 18.87.040.A.8]
9. **Ventilation.** The medical marijuana cultivation area shall include a ventilation and filtration system designed to ensure that odors from the cultivation are not detectable beyond the property line, and shall be designed to prevent mold and moisture and otherwise protect the health and safety of persons residing in the residence and cultivating the marijuana. This shall include, at a minimum, a system meeting the requirements of the current, adopted edition of the California Building Code Section 1203.4, Natural Ventilation, or Section 402.3, Mechanical Ventilation (or its equivalent(s)). [Source: 18.87.040.A.9, modified]
10. **Storage of Chemicals.** Any chemicals used for medical marijuana cultivation shall be stored outside of the habitable areas of the residence and outside of public view from neighboring properties and public rights-of-way. [Source: 18.87.040.A.10, modified]

11. **Distance from Institutional Uses.** The medical marijuana cultivation area shall not occur within 1,000 feet of an institutional use or sensitive use, like, but not limited to, a place of worship, school, or daycare. [Source: 18.87.040.A.11, modified]
 12. **Nuisance.** The medical marijuana cultivation area shall: [Source: 18.87.040.A.12, modified]
 - a. Comply with the standards established in **Chapter 18.40.(Performance Standards)**;
 - b. Not adversely affect the health or safety of the nearby residents by creating dust, glare, heat, noise, noxious gasses, odor, smoke, traffic, vibration, or other impacts; and
 - c. Not be hazardous due to the use or storage of materials, processes, products or wastes, or from other actions related to the cultivation.
 13. **Property Owner Authorization.** For rental property, the lessee shall obtain written authorization from the property owner or property management company before the cultivation of medical marijuana. [Source: 18.87.040.A.13, modified]
 14. **Requirements for Garages and other Accessory Structures.** The following additional requirements shall apply for personal use cultivation that occurs in a garage or other accessory structures: [Source: 18.87.040.A.14, modified]
 - a. **Structure Standards.** The garage or accessory structure shall be secure, locked, and fully enclosed, with a ceiling, roof or top, and entirely opaque. The garage or structure, including all walls, doors, and the roof, shall be constructed with a firewall assembly of green board meeting the minimum Uniform Building Code requirements for residential structures and include material strong enough to prevent entry except through an open door. [Source: 18.87.040.A.14, modified]
 - b. **Security.** The garage or structure shall include a burglar alarm monitored by an alarm company or private security company. [Source: 18.87.040.A.14, modified]
 15. **Posting of Physician Recommendation or Identification Card; Posting of Owner Permission.** A copy of a qualified patient physician recommendation or identification card shall be posted in a conspicuous place in the cultivation area for each patient residing in the that is cultivating medical marijuana. For rental properties, a copy of the owner's written authorization to cultivate marijuana shall be posted in the same manner. [Source: 18.87.040.A.15, modified]
- C. **Collective or Cooperative Cultivation.** The collective or cooperative cultivation of medical marijuana shall be prohibited in the County. [Source: 18.87.040.B, modified]

18.54.040 Cultivation of Recreation or Adult Use Marijuana

- A. **General.** To the extent that the County is required to allow the cultivation of recreational or adult use marijuana under State law, the regulations established in this Section shall apply. Nothing in this Section shall be interpreted to permit commercial marijuana operations or marijuana dispensaries otherwise prohibited by this Chapter. [Source: 18.87.050, modified]
- B. **State Law Limits.** The cultivation of recreational or adult use marijuana shall be subject to the limits established in any applicable State law. At the time of adoption of this Chapter, applicable State law limits the cultivation of recreational or adult use marijuana to six plants per residence. [Source: 18.87.050.A, modified]
- C. **Compliance with Medical Marijuana Personal Use Cultivation Rules.** All persons lawfully allowed to cultivate recreational or adult use marijuana under State law shall be subject to the same rules, requirements, and limitations applicable to the personal use cultivation of medical marijuana outlined in this Chapter. [Source: 18.87.050.B, modified]

18.54.050 Commercial Marijuana Operations

- A. **Commercial Marijuana Operations.** Commercial marijuana operations as defined in Article 8 (Definitions) are prohibited within the County. [Source: 18.87.060.A, modified]
- B. **Dispensaries.** Marijuana dispensaries as defined in Article 8 (Definitions) are prohibited within the County. [Source: 18.87.060.B, modified]
- C. **Deliveries.** The delivery of marijuana as defined in Article 8 (Definitions) is prohibited within the County, regardless of whether the delivery is initiated within or outside of the County limits, and regardless of whether a technology platform is used for delivery by the dispensary. [Source: 18.87.060.C, modified]
- D. **Exceptions.** The following facilities providing medical marijuana to patients are not subject to the dispensary ban provided they are in strict compliance with Health and Safety Code Sections 11362.5 and 11362.7 et seq., and all other State and local laws pertaining the uses, including zoning, permitting, and licensing requirements: [Source: 18.87.060.D, modified]
 - 1. A clinic licensed in compliance with Chapter 1 (commencing with Section 1200) of Division 2 of the Health and Safety Code. [Source: 18.87.060.D, modified]
 - 2. A health care facility licensed in compliance with Chapter 2 (commencing with Section 1250) of Division 2 of the Health and Safety Code. [Source: 18.87.060.D, modified]

3. A residential care facility for persons with chronic life-threatening illness licensed in compliance with Chapter 3.01 (commencing with Section 1568.01) of Division 2 of the Health and Safety Code. [Source: 18.87.060.D, modified]
4. A residential care facility for the elderly licensed in compliance with Chapter 3.2 (commencing with Section 1569) of Division 2 of the Health and Safety Code. [Source: 18.87.060.D, modified]
5. A residential hospice, or a home health agency licensed in compliance with to Chapter 8 (commencing with Section 1725) of Division 2 of the Health and Safety Code. [Source: 18.87.060.D, modified]

18.54.060 Consumption of Marijuana

- A. **General.** No person shall smoke, ingest, or otherwise consume marijuana or marijuana products, whether recreational or medical, in the County unless smoking, ingesting or consumption occurs entirely within a private residence. "Within a private residence" shall mean inside habitable areas and shall not include garages, whether attached or detached, and other accessory structures unless those structures are at all times fully enclosed during the consumption. [Source: 18.87.070, modified]
- B. **Medical Marijuana.** Medical marijuana may also be consumed within a clinic, health care facility, residential care facility, or residential hospice licensed in compliance with applicable provisions of the California Health and Safety Code. [Source: 18.87.070]
- C. **Nuisance.** All consumption shall be done in a manner so as to not cause a nuisance to nearby residents with noxious odors or other adverse health and safety impacts. [Source: 18.87.070]

18.54.070 Penalties and Enforcement

- A. **Misdemeanor.** Violations of this Chapter for conduct that is not otherwise considered lawful under State law, shall be considered misdemeanors and are punishable in compliance with Chapter 1.12 (General Penalty) of the Municipal Code, and all other applicable laws. Every day, or portion, a violation exists is a separate offense. Shall a court of competent jurisdiction subsequently determine that the criminal penalty provision renders this Chapter unlawful, the County intends that the misdemeanor provision be severable from the remaining penalty provisions and the County will only pursue noncriminal remedies for violations of this Chapter. [Source: 18.87.080.A, modified]
- B. **Nuisances.** Violations of this Chapter are declared public nuisances, subject to the remedies outlined. [Source: 18.87.080.B, modified]

- C. **Classification of Offenses.** The following violations are hereby declared of serious nature as to be an immediate threat to the public health, safety and welfare of the residents, visitors, and businesses of the County and shall be subject to immediate abatement and per plant penalties, as established in this Section. These violations are hereby declared to be Level 1 violations. Before pursuing immediate abatement or per plant penalties for Level 1 violations, the Sheriff's Office and/or Planning Director, shall document the circumstances leading to a determination that it is a Level 1 violation. Any violation not declared to be a Level 1 violation, shall be considered a Level 2 violation. [Source: 18.87.080.C, modified]
1. The cultivation of marijuana in excess of the 100 square feet restrictions, outside of a residence, or outside a secure enclosed garage or accessory structure.
 2. The operation of a commercial marijuana operation.
 3. Any violation determined by the Sheriff's Office or Planning Director, based upon all the circumstances, to be an immediate threat to the public health, safety, and welfare.
- D. **Administrative Citations.** Any other provision in this Municipal Code, violations of this Chapter shall be subject to administrative citations in compliance with Chapter 8.01 (Administrative Citation and Penalties), except as follows: Level 1 violations shall be subject to a per plant penalty of \$250.00 plus, \$500.00 per plant per day the plant remains unabated past the abatement deadline (if any) as established in the administrative citation. The County hereby finds and determines that each plant is considered a separate violation of this Chapter subject to a separate penalty. [Source: 18.87.080.D, modified]
- E. **Abatement.** Any other provision in the Municipal code, violations of this Chapter shall be subject to abatement in compliance with Chapter 7.20 (Nuisance and Abatement), except as follows: For Level 1 violations, the Planning Director may require the immediate correction of the violation, and summarily abate the violation. In those circumstances the appeal hearing may be held after the abatement. [Source: 18.87.080.E, modified]
- F. **Other Remedies.** The County may pursue any other applicable civil and administrative remedies for violations of this Chapter, including but not limited to injunctive relief. Violators shall be subject to any other enforcement remedies available to the County under any applicable State or Federal statute or in compliance with any other lawful power the County may possess. Nothing in this Chapter shall prevent the Sheriff's Office from pursuing criminal violations and sanctions under any other applicable State or Federal law. [Source: 18.87.080.F, modified]

- G. **Cost Recovery.** Any subsequent or second response with respect to the same or similar violation of this Chapter within 120 days of the first response shall result in the joint and several liability of the following persons, as applicable, for County's enforcement costs for responding to the violation: The qualified patient, the primary caregiver, persons who are residents or in control of the property at which the violation occurred, and the property owner. [Source: 18.87.080.G, modified]
- H. **Attorney's Fees.** In the event any civil suit or action is brought by the County to enforce the provisions of this Chapter, the person responsible for violation shall be liable to the County for costs of the suit, including, but not limited to, attorney's fees. [Source: 18.87.080.H, modified]

18.54.080 Judicial Review

Judicial review of a decision made under this Chapter may be had by filing a petition for a writ of mandate with the superior court in compliance with the provisions of the California Code of Civil Procedure Section 1094.5. Any petition shall be filed within 90 days after the day the decision becomes final as provided in California Code of Civil Procedure Section 1994.6, which shall be applicable for actions.

Chapter 18.56

Density Bonuses



Chapter 18.56 Density Bonuses

18.56.010 Purpose

- A. **Purpose.** This Chapter implements Government Code Section 65915, which requires the County to provide incentives for affordable housing, senior housing, and childcare facilities. [Source: 18.114.010]
- B. **Conflicts.** In the event of any conflict between this Chapter and Government Code Section 65915, the provisions of the Government Code shall apply. [Source: 18.114.010]

18.56.020 Eligibility and Requirements

To be eligible for a density bonus, reduced parking ratios, and other incentives or concessions as provided by this Chapter, a proposed housing development shall comply with the following requirements and shall satisfy all other applicable provisions of this Zoning Ordinance, except as provide by [Section 18.56.050 \(Allowed Incentives or Concessions\)](#), [Section 18.56.090 \(Reduced Parking Requirement\)](#), and [Section 18.56.100 \(Housing with Child Care facilities\) Paragraph 18.50.230.D.2 \(Screening\)](#). [Source: 18.114.030, modified]

- A. **Projects Entitled to a Density Bonus.** Excluding any units allowed by the density bonus, the County shall grant one density bonus, the amount of which shall be specified in [Section 18.56.050 \(Allowed Incentives and Concessions\)](#), when an applicant for a housing development, includes within that development at least any one of the following: [Source: 18.114.030, modified]
1. At least 5 percent of the dwelling units are for very low-income households;
 2. At least 10 percent of the dwelling units are for low-income households;
 3. At least 10 percent of the dwelling units in a common interest development as defined in Civil Code Section 4100 are for persons and families of moderate-income, as defined in Health and Safety Code Section 50093, provided that all units in the development are offered to the public for purchase;
 4. The project is a senior citizen housing development as defined in Civil Code Sections 51.3 and 51.12, or is a mobile home park that limits residency based on age requirements for housing older persons in compliance with Civil Code Sections 798.76 or 799.5;
 5. At least 20 percent of the dwelling units in a student housing development for lower income students that meets the requirements of Government Code Section 65915;

6. One hundred percent of all the dwelling units in the housing development, including total units and density bonus units, but exclusive of a manager’s unit(s), are for lower-income households, as defined in Health and Safety Code Section 50079.5, except that 20 percent of the units in the development, including total units and density bonus units, may be for moderate-income house; or
 7. At least 10 percent of the dwelling units in a housing development for transitional foster youth, as defined in Education Code Section 66025.9; disabled veterans, as defined in Section 18541; or homeless persons, as defined in the Federal McKinney-Vento Homeless Assistance Act (42 U.S.C. Sec. 11301 et seq.).
- B. **Density Bonus Selection.** For purposes of calculating the amount of the density bonus in compliance with [Section 18.56.050 \(Allowed Incentives and Concessions\)](#), below, the applicant who requests a density bonus shall elect whether the bonus shall be awarded based on [Paragraph \(A\)](#), above. [Source: NEW]
 - C. **Bonus Units Shall Not Qualify.** A density bonus granted in compliance with [Section 18.56.050 \(Allowed Incentives and Concessions\)](#), below, shall not be included when determining the number of dwelling units that are required by Subsection A, above. [Source: NEW]
 - D. **Minimum Project Size.** The density bonus provided by this Chapter shall be available only to a housing development of five or more dwelling units, including mixed-use developments. [Source: NEW]
 - E. **Condominium Conversion Projects.** A condominium conversion project for which a density bonus is requested shall comply with the eligibility and other requirements specified in Government Code Section 65915.5. [Source: 18.114.030.D, modified]
 - F. **Commercial development.** When an applicant for approval of a commercial development has entered into an agreement for partnered housing to contribute affordable housing through a joint project or two separate projects encompassing affordable housing, the Planning Director shall grant to the commercial developer a development bonus, in compliance with the following: [Source: NEW]
 1. **Agreement for Partnered Housing.** The agreement for partnered housing shall be between the commercial developer and the housing developer, shall identify how the commercial developer will contribute affordable housing, and shall be approved by the County. Affordable housing may be contributed by the commercial developer in one of the following manners: [Source: NEW]
 - a. The commercial developer may directly build the dwelling units;

- b. The commercial developer may donate a portion of the parcel or property elsewhere to the affordable housing developer for use as a site for affordable housing; or
 - c. The commercial developer may make a cash payment to the affordable housing developer that shall be used towards the costs of constructing the affordable housing project.
2. **Affordability Requirements.** To qualify for a development bonus under this Subsection, a commercial developer shall partner with a housing developer that provides at least 30 percent of the dwelling units for low-income households or at least 15 percent of the dwelling units for very low-income households. [Source: NEW]
3. **Location of Affordable Housing.** The housing shall be constructed on the site of the commercial development or on a site that complies with the following: [Source: NEW]
 - a. Within the unincorporated County;
 - b. Close to public facilities and services, including schools and employment centers; and
 - c. Within one-half mile of a major transit stop, as defined in Public Resources Code Section 21155(b).
4. **Type of Development Bonus.** The development bonus granted to the commercial developer shall mean incentives, mutually agreed upon by the developer and the County, that may include, but are not limited to, any of the following: [Source: NEW]
 - a. Up to a 20 percent increase in maximum allowable intensity in the General Plan;
 - b. Up to a 20 percent increase in maximum allowable floor area ratio;
 - c. Up to a 20 percent increase in maximum height requirements;
 - d. Up to a 20 percent reduction in minimum parking requirements;
 - e. Use of a limited-use/limited-application elevator for upper floor accessibility; and/or
 - f. An exception to the standards established in this Zoning Ordinance or other land use regulation.
5. **Affordable Housing Fee.** A development bonus in compliance with this Section shall not include a reduction or waiver of the requirements within an ordinance that requires the payment of a fee by a commercial developer for the promotion or provision of affordable housing. [Source: NEW]



6. **Timing of Construction.** If the developer of the affordable dwelling units does not commence with construction of those units in compliance with timelines ascribed by the agreement described in Paragraph 1, above, the County may withhold certificates of occupancy for the commercial development under construction until the developer has completed construction of the affordable units. [Source: NEW]

18.56.030 Amount of Density Bonus

If requested by the applicant, the County shall grant density bonuses in the amounts established in this Section.

- A. **Density Bonus.** A housing development that complies with the eligibility requirements established in Section 18.56.020 (Eligibility and Requirements) above, shall be entitled to density bonuses as follows, unless a lesser percentage is proposed by the applicant. [Source: NEW]
 1. **Very-Low Income Density Bonus.** A housing development that is eligible for a bonus in compliance with the criteria established in Paragraph 18.56.020.A.1 shall be entitled to a density bonus calculated as follows: [Source: 18.114.040]

**Table 18.56-1
Bonus for Very Low-Income Household Units**

Percentage of Very Low Income Units Proposed	Percentage Density Bonus
5	20
6	22.5
7	25
8	27.5
9	30
10	32.5
11	35
12	38.75
13	42.5
14	46.25
15-44	50
100*	80

* Applies when 100 percent off the total units, excluding manager’s units, are restricted to very low-, lower-, and moderate-income (maximum 20 percent moderate).

2. **Low-Income Density Bonus.** A housing development that is eligible for a bonus in compliance with the criteria established in Paragraph 18.56.020.A.2 shall be entitled to a density bonus calculated as follows: [Source: 18.114.040]

**Table 18.56-2
Bonus for Low-Income Household Units**

Percentage of Low Income Units Proposed	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
21	38.75
22	42.5
23	46.25
24-44	50
100*	80

* Applies when 100 percent off the total units, excluding manager’s units, are restricted to very low-, lower-, and moderate-income (maximum 20 percent moderate).

3. **Moderate-Income Density Bonus.** A common interest housing development that is eligible for a bonus in compliance with the criteria established in Paragraph 18.56.020.A.3 shall be entitled to a density bonus calculated as follows: [Source: 18.114.040]

**Table 18.56-3
Bonus for Moderate-Income Household Units**

Percentage of Moderate Income Units Proposed	Percentage Density Bonus
10	5
11	6
12	7
13	8
14	9
15	10
16	11
17	12
18	13
19	14
20	15
21	16
22	17
23	18
24	19
25	20
26	21



**Table 18.56-3
Bonus for Moderate-Income Household Units**

Percentage of Moderate Income Units Proposed	Percentage Density Bonus
27	22
28	23
29	24
30	25
31	26
32	27
33	28
34	29
35	30
36	31
37	32
38	33
39	34
40	35
41	38.75
42	42.5
43	46.25
44	50
100*	80

* Applies when 100 percent off the total units, excluding manager’s units, are restricted to very low-, lower-, and moderate-income (maximum 20 percent moderate).

4. **Land Donation Density Bonus.** When an applicant for a tentative map, parcel map, or other residential development approval donates land to the County in compliance with this Subsection, the applicant shall be entitled to a density bonus for the entire development, as follows; provided, that nothing in this Subsection shall be construed to affect the authority of the County to require a developer to donate land as a condition of development approval. See [Section 18.56.070 \(Donations of Land\)](#) for additional land donation requirements. [Source: 18.114.040]

**Table 18.56-4
Bonus for Land Donation**

Percentage of Very Low Income Units Proposed	Percentage Density Bonus
10	15
11	16
12	17
13	18
14	19
15	20
16	21
17	22

Table 18.56-4
Bonus for Land Donation

Percentage of Very Low Income Units Proposed	Percentage Density Bonus
18	23
19	24
20	25
21	26
22	27
23	28
24	29
25	30
26	31
27	32
28	33
29	34
30	35

5. **Senior Housing Density Bonus.** A housing development that is eligible for a bonus in compliance with the criteria established in [Paragraph 18.56.020.A.4](#) shall be entitled to a density bonus of 20 percent of the number of senior housing units. No affordable units are required to qualify for this bonus. [Source: 18.114.040]
 6. **Student Housing Density Bonus.** A housing development that is eligible for a bonus in compliance with the criteria established in [Paragraph 18.56.020.A.5](#) and Government Code Section 65915, shall be entitled to a density bonus of 35 percent of the student housing units. The term "unit", as used in this Paragraph, means one rental bed and its pro rata share of associated common area facilities. [Source: NEW]
 7. **Transitional Foster Youth, Disabled Veteran, or Homeless Persons Housing Density Bonus.** A housing development that is eligible for a bonus in compliance with the criteria established in [Paragraph 18.56.020.A.7](#) shall be entitled to a density bonus of 20 percent of the total number of dwelling units for transitional foster youth, disabled veterans, or homeless persons. [Source: NEW]
- B. **Greater or Lesser Bonuses.** The County may choose to grant a density bonus greater than provided by this Section for a development that meets the requirements of this Section or grant a proportionately lower-density bonus for a development that does not fully comply with the requirements of this Section. [Source: NEW]
- C. **Density Bonus Calculations.** For the purpose of density bonus calculations:
1. Fractional units shall be rounded up to the next whole number, in compliance in State law. [Source: 18.114.040]

2. The residential units do not have to be based upon individual subdivision maps or parcels. [Source: NEW]
 3. The residential units shall be on contiguous parcels that are the subject of one development application. [Source: NEW]
 4. The density bonus shall be allowed in the geographic area of the housing development other than the areas where the units for the lower-income household are located. [Source: NEW]
 5. Affordable housing projects shall choose a density bonus from only one affordability category (i.e., very low-income) and may not combine categories. [Source: 18.114.040]
 6. A density bonus for a senior housing project may not be combined with a density bonus for an affordable housing project. [Source: 18.114.040]
 7. A density bonus for the donation of land may be combined with density bonuses for affordable and senior housing. However, in no case may a total density bonus exceed 35 percent. [Source: 18.114.040]
- D. **Requirements for Amendments or Discretionary Approval.** The granting of a density bonus shall not be interpreted, in and of itself, to require a General Plan Amendment, Zone Map Amendment, or other discretionary approval. The granting of a density bonus shall not require or be interpreted to require the waiver of a local ordinance or provisions of a local ordinance unrelated to development standards. [Source: NEW]
- E. **Location of Bonus Units.** The developer may locate density bonus units in the housing project in areas other than where the units for the low-income households are located. [Source: NEW]

18.56.040 Continued Affordability

The applicant shall agree to, and the County shall ensure, the continued affordability of the units that qualified the housing development for a density bonus and other incentives and concessions shall continue to be available as affordable dwelling units in compliance with the following requirements, as required by Government Code Section 65915(c). [Source: NEW]

- A. **Duration of Affordability.** The applicant shall agree to, and the County shall ensure, the continued availability of the dwelling units that qualified the housing development for a density bonus and other incentives and concessions, as follows. [Source: NEW]

1. **Very Low- and Low-income Dwelling Units.** The continued affordability of all very low- and low-income-qualifying dwelling units shall be maintained for 55 years, or a longer time if required by the construction or mortgage financing assistance program, mortgage insurance program, rental subsidy program, or by County policy or ordinance. [Source: NEW]
 2. **Moderate-Income Dwelling Units in Common Interest Development.** The continued availability of moderate-income dwelling units in a common interest development shall be maintained for a minimum of 10 years, or a longer time if required by County policy or ordinance. [Source: NEW]
 3. **Dwelling Units for Transitional Foster Youth, Disabled Veterans, or Homeless Persons.** Dwelling units for transitional foster youth, disabled veterans, or homeless persons shall be subject to a recorded affordability restriction of 55 years and shall be provided at the same affordability level as very low-income units. [Source: NEW]
 4. **Lower-Income Students in a Student Housing Development.** The continued affordability of dwelling units for lower-income students in a student housing development shall be subject to a recorded affordability restriction of 55 years. [Source: NEW]
- B. **Dwelling Unit Cost Requirements.** The rents and owner-occupied costs charged for the dwelling units in the development that qualify the project for a density bonus and other incentives and concessions, shall not exceed the following amounts during the period of continued availability required by this Subsection: [Source: NEW]
1. **Lower-Income Dwelling Units.** Rents for the lower-income density bonus dwelling units shall be set at an affordable rent as defined in Health and Safety Code Section 50053; and
 2. **Owner-Occupied Dwelling Units.** Owner-occupied dwelling units shall be available at an affordable housing cost as defined in Health and Safety Code Section 50052.5. [Source: NEW]
- C. **Occupancy and Resale of Moderate Income for Sale Dwelling Units.** An applicant shall agree to, and the County shall ensure that, the initial occupant of all for-sale dwelling units that qualified the applicant for the award of the density bonus are persons and families of very low-, low-, or moderate-income, as required, and that the dwelling units offered at an affordable housing cost, as that cost is defined in Health and Public Safety Code Section 50052.5. The County shall enforce an equity sharing agreement unless it conflicts with the requirements of another public funding source or law. The following requirements apply to the equity sharing agreement. [Source: NEW]
1. Upon resale, the seller of the dwelling unit shall retain the value of any improvements, the down payment, and the seller's proportionate share of appreciation. [Source: NEW]

2. The County shall recapture any initial subsidy and its proportionate share of appreciation, which shall then be used within five years for any of the purposes described in Health and Safety Code Section 33334.2(e) that promote home ownership. For the purposes of this Section: [Source: NEW]
 - a. The County's initial subsidy shall be equal to the fair market value of the home at the time of initial sale, minus the initial sale price to the moderate-income household, plus the amount of any down payment assistance or mortgage assistance. If upon resale the market value is lower than the initial market value, then the value at the time of the resale shall be used as the initial market value; and
 - b. The County's proportionate share of appreciation shall be equal to the ratio of the initial subsidy to the fair market value of the home at the time of initial sale.

18.56.050 Allowed Incentives and Concessions

- A. Applicant Request and County Approval.
 1. In compliance with this Section, an applicant for a density bonus in compliance with this Chapter and Government Code Section 65915(d) may submit a request for the specific incentives or concessions listed in Subsection D (Type of incentives) below and may request a meeting with the Planning Director. [Source: NEW]
 2. The applicant may file a request for incentives or concessions either before filing an application for County approval of a proposed project or concurrently with an application for project approval. [Source: NEW]
- B. **Consideration of Requested Incentive or Concession.** The County shall grant the incentive or concession requested by the applicant unless the Board makes a written finding, based on substantial evidence, of any the following: [Source: NEW]
 1. The incentive or concession does not result in identifiable and actual cost reductions, consistent with Government Code Section 65915(k), to provide for affordable housing costs, as defined in Health and Safety Code Section 50052.5, or for rents for the targeted units to be set as specified in Government Code Section 65915(c). [Source: NEW]

2. The incentive or concession would have a specific, adverse impact, as defined in Government Code Section 65589.5(d)(2), upon the public health or safety or the physical environment or on 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 unaffordable to low-income and moderate-income households. [Source: NEW]
 3. The incentive or concession would be contrary to State or Federal law. [Source: NEW]
- C. **Number of Incentives or Concessions.** The applicant shall receive the following number of incentives or concessions based on the percentage of affordable units in the proposed project: [Source: NEW]

**Table 18.56-1
Number of Incentives and Concessions**

Number of Incentives/Concessions	Very Low Income Percentage	Lower Income Percentage	Moderate Income Percentage
1	5	10	10
2	10	17	20
3	15	24	30
4	100 (very low, low, moderate*)	100 (very low, low, moderate*)	100 (very low, low, moderate*)

* Maximum 20 percent moderate dwelling units.

- D. **Types of Incentives.** For the purposes of this Chapter, concession or incentive means any of the following: [Source: NEW]
1. A reduction in the site development standards of this Zoning Ordinance (e.g., site coverage limitations, setbacks, on-site open space requirements, reduced parcel sizes, and/or parking requirements) (also see [Section 18.56.090 \(Reduced Parking Requirements\)](#)), or a modification of architectural design requirements that exceed the minimum building standards approved by the California Building Standards Commission in compliance with Health and Safety Code Section 18901 et seq., that would otherwise be required, that results in identifiable and actual cost reductions to provide for affordable housing costs, as defined in Health and Safety Code Section 5002.5, or for rents for the targeted units to be set as identified in [Subsection 18.56.040 \(Continued Availability\)](#); [Source: NEW]
 2. Approval of mixed-use land uses not otherwise allowed by this Zoning Ordinance in conjunction with the housing development, if nonresidential land uses will reduce the cost of the housing development, and the nonresidential land uses are compatible with the housing project and the existing or planned development in the area where the project will be located; [Source: NEW]



3. Other regulatory incentives proposed by the applicant or the County that will result in identifiable and actual cost reductions to provide for affordable housing costs, as defined in Health and Safety Code Section 50052.5, or for rents for the targeted units to be set as specified in **Subsection 18.56.040 (Continued Availability)**; and/or[Source: NEW]
 4. In its sole and absolute discretion, a direct financial contribution granted by the Board, including writing-down land costs, subsidizing the cost of construction, or participating in the cost of infrastructure. [Source: NEW]
- E. **Effect of Incentive or Concession.** The granting of a concession or incentive shall not be interpreted to require a General Plan amendment, Zoning Map Amendment, study, or discretionary approval. [Source: NEW]

18.56.060 Standards for Affordable Units

All affordable units built under the provisions of this Chapter shall meet the following requirements:

- A. **Concurrency.** Affordable units shall be built concurrently with market rate units unless the County and the applicant agree within the density bonus housing agreement to an alternative schedule for development. [Source: 18.114.050.A]
- B. **Location.** Affordable units shall be built on-site wherever possible and, where practical, shall be dispersed within the housing development. [Source: 18.114.050.B]
- C. **Unit Size.** The average number of bedrooms of the affordable units shall be equivalent or greater to the bedroom mix of the housing development's other units. [Source: 18.114.050.C]
- D. **Design.** The design and appearance of the affordable units shall be compatible with the design of the housing development as a whole. [Source: 18.114.050.D]
- E. **Development Standards.** Housing developments shall comply with all applicable development standards, except those that may be modified as allowed by this Chapter. [Source: 18.114.050.E]
- F. **Linked Sites.** Circumstances may arise in which the public interest would be served by allowing some or all of the affordable units associated with one housing development to be produced and operated at an alternative development site. If the developer and the County agree to allow the production and operation of affordable units at an alternative site, the resulting linked developments shall be considered a single housing development for the purposes of this Chapter. [Source: 18.114.050.F]

18.56.070 Donations of Land

An applicant shall be eligible for the increased density bonus for land donation provided by this Subsection if all the following conditions established in this Section are met.

- A. **Date of Transfer.** The applicant shall donate and transfer the land no later than the date of approval of the final subdivision map, parcel map, or residential development application; [Source: 18.114.060.A]
- B. **Developable Acreage.** The developable acreage of the land being transferred shall be sufficient to permit construction of units affordable to very low-income households in an amount not less than 10 percent of the number of residential units in the proposed development; [Source: 18.114.060.B]
- C. **Minimum Size.** The transferred land shall have an area sufficient to permit development of at least 40 units; [Source: 18.114.060.C]
- D. **Appropriate Regulations and Infrastructure.** The transferred land shall have the appropriate General Plan land use designation, zoning and development standards to make the development of affordable units feasible, and it shall have existing or planned public facilities, and infrastructure that are adequate to support the development; [Source: 18.114.060.D]
- E. **Entitlements.** No later than the date of approval of the final subdivision map, parcel map, or residential development application, the transferred land shall have all of the permits and approvals, other than Building Permits, necessary for the development of the very low-income housing units on the transferred land; [Source: 18.114.060.E]
- F. **Deed Restriction.** The transferred land and the affordable units shall be subject to a deed restriction ensuring continued affordability of the units, in compliance with **Subsection 18.56.040 (Continued Availability)**. The restriction shall be recorded on the property at the time of dedication; [Source: 18.114.060.F]
- G. **Recipient.** The land shall be transferred to the County or to a housing developer approved by the County. The County may require the applicant to identify and transfer the land to the developer; [Source: 18.114.060.G]
- H. **Location.** The transferred land shall be within the boundary of the proposed development or, if the County agrees, within one-quarter-mile of the boundary of the proposed development; and [Source: 18.114.060.H]
- I. **Funding.** A proposed source of funding for the very low-income units shall be identified not later than the date of approval of the final subdivision map, parcel map, or residential development application. [Source: NEW]

18.56.080 Waivers or Reductions of Development Standards

- A. **Eligibility.** An applicant who applies for a density bonus may also request a waiver or reduction of any development standard that would physically prevent the construction of the development project. [Source: 18.114.080.A]
- B. Development Standards Defined.
1. Development standards include any adopted County standard or regulation related to the physical location or type of construction, including but not limited to, structure height, setbacks, parking, floor area ratio, and the placement of public works improvements. [Source: 18.114.080.A.1]
 2. As defined in this Section, development standards do not include land use regulations, permitting procedures, inclusionary housing requirements, or development impact fees. [Source: 18.114.080.A.2]
- C. Number of Waivers or Reductions.
1. There shall be no limit to the number of waivers or reductions available to an applicant. [Source: 18.114.080.C.1]
 2. The approval of waivers or reductions shall neither reduce nor increase the number of incentives available to a project established in **Section 18.56.050 (Allowed Incentives and Concessions)**. [Source: 18.114.080.C.2]
- D. **Justification of Approval.** The County shall approve the requested waiver or reduction if the applicant can demonstrate that it is physically impossible to construct the project without the waiver or reduction. [Source: 18.114.080.D]
- E. **Provisions of Waivers or Reductions.** The County shall approve the requested waiver or reduction, unless the County makes a written finding, based upon substantial evidence, of either of the following: [Source: 18.114.080.E]
1. The waiver or reduction would have a specific adverse impact, as defined in Government Code Section 65589.5(d)(2), upon public health and safety or the physical environment, or on any real property that is listed in the California Register of Historical Resources, and there is no feasible method to satisfactorily mitigate or avoid the specific adverse impact without rendering the development unaffordable to low-income and moderate-income households. [Source: 18.114.080.E.1]
 2. The waiver or reduction is contrary to State or Federal law. [Source: 18.114.080.E.2]

18.56.090 Reduced Parking Requirements

- A. **Applicability.** This Section applies to a development that meets the requirements of Section 18.56.020 (Eligibility and Requirements), and Section 18.56.040 (Continued Affordability), but only at the request of the applicant. An applicant may request additional parking incentives or concessions beyond those provided in this Section in compliance with Section 18.56.040 (Allowed Concessions and Incentives) above through either a modification, variance, or other modification process approved by the Planning Director. A request in compliance with this Section shall neither reduce nor increase the number of incentives or concessions to which the applicant is entitled as established in Section 18.56.040 (Allowed Concessions and Incentives). [Source: NEW]
- B. **Maximum Parking Requirements.** At the request of the applicant, the County shall not require more than the following parking ratios for a density bonus project, inclusive of parking for persons with disabilities and guest parking: [Source: NEW]

**Table 18.56-1
Maximum Parking Requirements**

Dwelling Type/Number of Bedrooms	Parking Spaces
Studio	1
1 Bedroom	1
2 Bedroom	1.5
3 Bedroom	1.5
4+ Bedroom	2.5

- C. **Special Parking Requirements.** At the request of the applicant, the County shall allow reduced parking ratios (inclusive of parking for persons with disabilities and guest parking) for the following projects types: [Source: NEW]



**Table 18.56-2
Special Parking Requirements**

Project Type	Parking Spaces (spaces per unit)
Rental/for sale projects with at least 11 percent very low-income or 20 percent lower-income units, within 1/2 mile of accessible ¹ major transit stop.	0.5
Rental projects 100 percent affordable to lower-income, within 1/2 mile of accessible ¹ major transit stop.	0
Rental senior ³ projects 100 percent affordable to lower-income, either with paratransit service or within 1/2-half mile of an accessible ¹ bus route ² .	0
Rental special needs projects 100 percent affordable to lower-income households, either with paratransit service or within 1/2-half mile of accessible ¹ bus route ² .	0
Rental supportive housing developments 100 percent affordable to lower income households	0

¹ Access to major transit stops shall be unobstructed and without natural or constructed impediments. In compliance with Government Code Section 65915, “natural or constructed impediments” includes, but is not limited to, freeways, rivers, mountains, and bodies of water, but does not include residential structures, shopping centers, parking lots, or rails used for transit.

² Bus routes shall be fixed and operate at least eight times per day.

³ 62 years of age or older in compliance in Civil Code Sections 51.2 and 51.3.

- D. **Parking Study.** If the County, or an independent consultant, has conducted an area-wide or Countywide parking study in the last seven years, then the County may impose a higher vehicular parking ratio based upon substantial evidence found in the parking study, that includes, but is not limited to, an analysis of parking availability, differing levels of transit access, walkability access to transit services, the potential for shared parking, the effect of parking requirements on the cost of market-rate and subsidized developments, and the lower rates of car ownership for low-income and very low-income individuals, including seniors and special needs individuals. The County shall pay the costs of any new study. The County shall make findings, based on a parking study completed in conformity with this Subsection, supporting the need for the higher parking ratio. [Source: NEW]
- E. **Location of Parking.** For purposes of this Section, a development may provide on-site parking through tandem parking or uncovered parking, but not through on-street parking. [Source: 18.114.090.C]
- F. **Parking Space Calculation.** If the total number of parking spaces required for a development is other than a whole number, the number shall be rounded up to the next whole number. [Source: 18.114.090.B]

18.56.100 Housing with Childcare Facilities

- A. **Housing Developments Childcare Facilities.** When an applicant proposes to construct a housing development that complies with the resident and project size requirements of **Section 18.56.020 (Eligibility and Requirements)** of this Chapter and includes as part of that development a childcare facility that will be located on the site of, as part of, or adjacent to the housing development, the County shall grant either an additional density bonus or an additional incentive or concession. [Source: NEW]
1. **Bonuses and Incentives.** The County shall grant a housing development that includes a childcare facility in compliance with this Section one of the following: [Source: NEW]
 - a. An additional density bonus that is an amount of floor area in square feet of residential space that is equal to or greater than the floor area of the childcare facility; or [Source: NEW]
 - b. An additional incentive or concession that contributes significantly to the economic feasibility of the construction of the childcare facility. [Source: NEW]
 2. **Determination of Adequate Childcare Facilities.** The County shall not be required to provide a density bonus or concession for a childcare facility in compliance with this Section if it finds, based upon substantial evidence, that the community has adequate childcare facilities. [Source: NEW]
- B. **Commercial Developments Child Care Facilities.** An applicant for a commercial development project, containing at least 50,000 square feet of floor area, may be granted a density bonus when that applicant agrees to set aside at least 2,000 square feet of interior floor area and 3,000 outdoor square footage to be used for a childcare facility, in compliance with Government Code Section 65917.5. [Source: NEW]
1. **Bonuses and Incentives.** The County shall grant a commercial development that includes a childcare facility in compliance with this Section one of the following: [Source: NEW]
 - a. A maximum of five square feet of floor area for each one square foot of floor area contained in the childcare facility located in an existing childcare facility; or [Source: NEW]
 - b. A maximum of 10 square feet of floor area for each one square foot of floor area contained in the childcare facility located in a new childcare facility. [Source: NEW]

2. **Qualifications Requirements.** Childcare facilities shall qualify for a density bonus if all the following requirements are met:
 - a. For purposes of calculating the allowable density bonus under this Subsection, both the total area contained within the exterior walls of the childcare facility and all outdoor areas devoted to the use of the facility in compliance with applicable State childcare licensing requirements shall be considered. [Source: NEW]
 - b. The childcare facility shall be of a sufficient size to comply with all applicable State licensing requirements to accommodate at least 40 children. [Source: NEW]
 - c. This facility may be located either on the project site or may be located off-site as agreed upon by the applicant and the County. [Source: NEW]
 - d. If the childcare facility is not located on the site of the development project, the County shall determine whether the location of the facility is appropriate and whether it complies with the purpose and intent of this Section. [Source: NEW]
 - e. The granting of a density bonus shall not preclude the County from imposing necessary conditions on the development project or on the additional square footage in compliance with Government Code Section 65917.5. [Source: NEW]

18.56.110 Application and Review

- A. **Application.** An application for a density bonus or donation of land for housing shall be filed and processed in compliance with this Chapter. If desired, a request for specific incentives or concessions, listed in [Section 18.56.050 \(Allowed Incentives or Concessions\)](#), may be filed in compliance with Government Code Section 65915. [Source: 18.114.110, modified]
- B. **Determination.** Within 30 days of filing the application, the Planning Director shall notify the applicant in writing whether the application is complete and provide the applicant a determination as to: [Source: 18.114.110, modified]
 1. The amount of the density bonus for which the project is eligible;
 2. The parking ratio for which the project is eligible, if requested; and
 3. Whether the applicant has provided enough information for the County to make a determination as to the requested incentives or concessions, if incentives or concessions are requested.

18.56.120 Density Bonus Housing Agreement

- A. **Agreement Required.** An applicant requesting a density bonus shall agree to enter into a density bonus agreement (referred to as the "agreement") with the County in the County's standard form of agreement. [Source: 18.114.130, modified]
- B. **Agreement Provisions.** Agreements for density bonuses shall comply with the following.
1. **Project Information.** The agreement shall include at least the following information about the project:
 - a. The total number of dwelling units approved for the housing development, including the number of designated dwelling units;
 - b. A description of the household income group to be accommodated by the housing development, and the standards and methodology for determining the corresponding affordable rent or affordable sales price and housing cost consistent with HUD Guidelines;
 - c. The marketing plan for the affordable dwelling units;
 - d. The location, size (square feet), and number of bedrooms of the designated dwelling units;
 - e. Tenure of the use restrictions for designated dwelling units of the time periods required by **Section 18.56.040 (Continued Affordability)**;
 - f. A schedule for completion and occupancy of the designated dwelling units;
 - g. A description of the additional incentives and concessions being provided by the County;
 - h. A description of the remedies for breach of the agreement by the owners, developers, and/or successors-in-interest of the project; and
 - i. Other provisions to ensure successful implementation and compliance with this Chapter.
 2. **Minimum Requirements.** The agreement shall provide, at minimum, that: [Source: 18.114.130, modified]
 - a. The developer shall give the County the continuing right-of-first-refusal to lease or purchase any or all the designated dwelling units at the appraised value;

- b. The deeds to the designated dwelling units shall contain a covenant stating that the developer or successors-in-interest shall not assign, lease, rent, sell, sublet, or otherwise transfer any interests for designated units without the written approval of the County;
 - c. When providing the written approval, the County shall confirm that the price (rent or sale) of the designated dwelling unit is consistent with the limits established for low- and very low-income households, as published by HUD;
 - d. The County shall have the authority to enter into other agreements with the developer, or purchasers of the designated dwelling units, to ensure that the required dwelling units are continuously occupied by eligible households;
 - e. Applicable deed restrictions, in a form satisfactory to the County Counsel, shall contain provisions for the enforcement of owner or developer compliance. Any default or failure to comply may result in foreclosure, specific performance, or withdrawal of the Certificate of Occupancy;
 - f. In any action taken to enforce compliance with the deed restrictions, the County Counsel shall, if compliance is ordered by a court of competent jurisdiction, take all action that may be allowed by law to recover all the County's costs of action including legal services; and
 - g. Compliance with the agreement will be monitored and enforced in compliance with the measures included in the agreement.
- C. **Conditions by Project Type.** The following conditions shall apply.
- 1. **For-Sale Housing.** In the case of a for-sale housing development, the agreement shall provide for the following conditions governing the initial sale and use of designated dwelling units during the applicable restriction period: [Source: 18.114.130, modified]
 - a. Designated dwelling units shall be owner-occupied by eligible households, or by qualified residents in the case of senior housing; and
 - b. The initial purchaser of each designated dwelling unit shall execute an instrument or agreement approved by the County which:
 - c. Restricts the sale of the unit in compliance with this Chapter, or other applicable County policy or ordinance, during the applicable use restriction period;
 - d. Contains provisions as the County may require ensuring continued compliance with this Chapter and State law; and
 - e. Shall be recorded against the parcel containing the designated dwelling unit.

2. **Rental Housing.** In the case of a rental housing development, the agreement shall provide for the following conditions governing the use of designated dwelling units during the applicable restriction period: [Source: 18.114.130, modified]
 - a. The rules and procedures for qualifying tenants, establishing affordable rent, filling vacancies, and maintaining the designated dwelling units for qualified tenants;
 - b. Provisions requiring owners to annually verify tenant incomes and maintain books and records to demonstrate compliance with this Chapter;
 - c. Provisions requiring owners to submit an annual report to the County, which includes the name, address, and income of each person occupying the designated dwelling units, and which identifies the bedroom size and monthly rent or cost of each unit; and
 - d. The applicable use restriction period shall comply with the time limits for continued availability in **Section 18.56.040 (Continued Affordability)**.
3. **Moderate-Income Housing.** In the case of affordable units for moderate-income households, the density bonus housing agreement shall provide for the following requirements: [Source: 18.114.130, modified]
 - a. The initial sale of each affordable unit shall be to a household that meets the income requirement for the affordable unit.
 - b. When the initial purchaser sells the unit, the initial purchaser shall retain the value of any improvements, the down payment and the value of the unit's appreciation, less the County's share of the appreciation.
 - c. When the initial purchaser sells the unit, the County shall receive a share of the unit's appreciation equal to the percentage by which the initial sale price to the moderate-income household was less than the fair market value of the home at the time of initial sale. The County shall use this share of appreciation for any of the purposes established in Health and Safety Code Section 33334.2(e).
4. **Childcare Facility.** In the case of childcare facilities for which a density bonus or additional incentive is being granted, the density bonus housing agreement shall provide for the following requirements: [Source: 18.114.130, modified]
 - a. Operating duration requirements for the childcare facility, so that the childcare facility shall remain in operation for as long as or longer than the period of time during which the density bonus units are required to remain affordable.

- b. Provisions requiring that for children who attend the childcare facility, the percentage of children from the income group associated with the development's affordable units shall be equal to or greater than the minimum percentage of affordable units that shall be provided for that income group to receive a density to the requirements of this Section.
- D. **Agreement Execution.** The agreement shall be executed as follows. [Source: 18.114.130, modified]
1. Following the Board's approval of the agreement, and execution of the agreement by all parties, the County shall record the completed agreement on the parcels designated for the construction of designated dwelling units, at the County Recorder's Office.
 2. The approval of the agreement shall take place at the same time as the approval of any required final map or, where a map is not being processed before the issuance of Building Permits for the project. Recordation of the agreement shall take place as soon as possible after the approval of any required final map or, where a map is not being processed before the issuance of any Building Permit for the project.
 3. The agreement shall be binding on all future owners, developers, and/or successors-in-interest.

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Chapter 18.58

**Wireless Telecommunications
Facilities**



Chapter 18.58 Wireless Telecommunication Facilities

18.58.010 Purpose and Intent

- A. **Purpose and Intent.** The purpose of this Chapter is to establish standards to regulate the design, placement, and operation of wireless telecommunication facilities within the County. These standards are intended to:
1. Preserve and promote harmonious land uses and the public right-of-way in the County;
 2. Promote and protect public health and safety, community welfare, visual resources, and the aesthetic quality of the County consistent with the goals, objectives, and polices in the General Plan;
 3. Strongly encourage wireless telecommunications providers to configure all facilities in a way that minimizes displeasing aesthetics through careful design, siting, landscaping, screening, and innovative stealth techniques;
 4. Provide for the orderly, managed, and efficient development of wireless telecommunication facilities in compliance with the State and Federal laws;
 5. Acknowledge the community benefit associated with the provision of wireless communication services within the County; and
 6. Encourage new and more efficient wireless telecommunication technology. [Source: NEW]
- B. **Interpretation.** This Chapter is not intended, nor shall it be interpreted or applied to:
1. Prohibit or effectively prohibit any personal wireless service provider's ability to provide personal wireless services;
 2. Prohibit or effectively prohibit any entity's ability to provide any interstate or intrastate telecommunications service, subject to any competitively neutral and nondiscriminatory rules or regulation for rights-of-way management;
 3. Unreasonably discriminate among providers of functionally equivalent services;
 4. Deny any request for authorization to place, construct or modify personal wireless service facilities on the basis of environmental effects of radio frequency emissions to the extent that wireless facilities comply with the Federal Communications Commission's (FCC) regulations concerning emissions;
 5. Prohibit any co-location or modification that the County may not deny under Federal or State law; or

6. Otherwise authorize the County to preempt any applicable Federal or State law. [Source: NEW]

18.58.020 Applicability and Exemptions

- A. **Applicability.** Except as provided in **Section 18.58.020.B (Exemptions)**, the standards established in this Chapter shall apply to the siting, design, construction, major modification, and operation of all telecommunication facilities that transmit and/or receive electromagnetic signals, including but not limited to, FCC-regulated dish antennas, antennas used for multichannel, multipoint distribution services (MMDS) or “wireless cable,” and personal wireless service facilities (i.e., cellular phone services, personal communication services (PCS), wireless paging services). [Source: NEW]
- B. **Exemptions.** The following wireless telecommunication facilities shall be exempt from the provisions of this Chapter:
 1. Any antenna structure that is designed and used solely in connection with authorized operations of an amateur radio station (ham) licensed by the FCC.
 2. A ground- or structure-mounted citizens band or two-way radio antenna(s), including any mast(s).
 3. Handheld devices like cell phones, business-band mobile radios, walkie-talkies, cordless telephones, garage door openers and similar devices.
 4. Facilities and/or components of facilities to be used solely for public safety purposes, installed and operated by authorized public safety agencies (i.e., County 911 emergency services, police, sheriff, and/or fire departments, first responder medical services, hospitals).
 5. Radio and television mobile broadcast facilities.
 6. Small scale, low powered, short-range wireless Internet transmitter/receivers (i.e., “wi-fi hotspots”).
 7. Telemetry facilities used solely for the monitoring and control of water, sewer, irrigation, and flood and storm control systems.
 8. Antennas and equipment cabinets or rooms completely located inside of allowed structures.
 9. A single ground- or structure-mounted receive-only radio or television antenna not exceeding the maximum height allowed by this Chapter, including any mast, or a receive-only radio or television satellite dish antenna, subject to the following restrictions:

- a. **Residential Zones.** The following facilities, when located in residential zones, are exempt from the provisions established in this Chapter. [Source: NEW]
- b. **Satellite Dish One Meter or Less.** A satellite dish that does not exceed one meter in diameter and is for the sole use of a resident occupying the same residential parcel is allowed anywhere on a parcel in a residential zone.
- c. **Satellite Dish Greater than One Meter.** A satellite dish that is greater than one meter in diameter, is not located within a required front setback or side setback abutting a street and is screened from view from any public right-of-way and adjoining property.
- d. **Antennas.** An antenna that is mounted on any existing structure that does not exceed 25 feet in height. The antenna shall be for the sole use of a resident occupying the same residential parcel on which the antenna is located.
- e. **Nonresidential Zones.** The following facilities, when located in nonresidential zones, are exempt from the provisions established in this Chapter. [Source: NEW]
- f. **Satellite Dish Two Meters or Less.** A satellite dish that does not exceed two meters in diameter is allowed anywhere on a parcel in a nonresidential zone so long as the location does not reduce required parking, diminish pedestrian or vehicular access, or require removal of required landscaping.
- g. **Satellite Dish Greater than Two Meters.** A satellite dish that is greater than two meters in diameter that is not located within a required front setback or side setback abutting a street and is screened from view from any public right-of-way and adjoining property.
- h. **Mounted Antennas.** An antenna that is mounted on any existing structure when the overall height of the antenna and its supporting tower, pole or mast does not exceed a height of 30 feet.
- i. **Freestanding Antennas.** A free standing antenna and its supporting tower, pole, or mast that complies with all applicable setback requirements when the overall height of the antenna and its supporting structure does not exceed a height of 30 feet.

10. Any antenna or wireless communications facility that is exempt from local regulation in compliance with the rules and regulations of the FCC or a permit issued by the California Public Utilities Commission (CPUC). The owner and/or operator of the facility shall provide the Planning Director with a copy of a current FCC or CPUC permit or a copy of applicable FCC regulations before its installation.
11. Maintenance activities carried out as part of the routine operation of wireless telecommunication facilities. [Source: NEW]

18.58.030 Permit Requirements

- A. **Permit Required.** All wireless telecommunication facilities in the County, except for those established in **Section 18.58.020.B (Exemptions)**, shall be installed or erected in compliance with the permit requirements established in this Section and **Table 18.58-1 (Wireless Telecommunication Facility Permit Requirements)**. [Source: NEW]
- B. **Replacement and Removal of Transmission Equipment (Eligible Facilities Request).** The removal or replacement of transmission equipment is allowed by right provided that removal or modification does not significantly change or alter the facility. For the purpose of this Subsection, to “change” or “alter” shall mean to increase the visual impacts of the facility, and/or to modify the physical dimensions of the existing facility (i.e., height). [Source: NEW]
- C. **Co-located Facilities.** Co-located facilities are allowed by right when proposed to be co-located on a facility that complies with all of the following:
 1. The facility is in compliance with all current zoning regulations;
 2. The facility was previously subject to discretionary review;
 3. The facility has an adopted environmental impact report, negative declaration, or mitigated negative declaration in compliance with the California Environmental Quality Act, and the co-location facility incorporates all required mitigation measures specified in that environmental impact report, negative declaration, or mitigated negative declaration. [Source: NEW]
- D. **Facilities in Public Right-of-Way.** Wireless telecommunication facilities and equipment (i.e., microcell, small cell, other co-located facilities), when affixed to County-owned facilities (i.e., street lights, utility poles) in the public right-of-way, shall be required to obtain an Encroachment Permit. [Source: NEW]

**Table 15.58-1
Wireless Telecommunication Facility Permit Requirements**

Key:	P Allowed by right; ZP Zoning Permit; CUP Conditional Use Permit				
New	CUP	CUP	CUP	CUP	CUP
Stealth	CUP	ZP	ZP	CUP	ZP
Co-located Facility	P	P	P	P	P
Small Cell/Microcell (in right-of-way)	Encroachment Permit required.				

18.58.040 Design and Development Standards

Telecommunication facilities shall be located, developed, and operated in compliance with all the following standards and with applicable standards of the zone in which they are located.

- A. **Location and Siting.** The following location and siting standards shall apply to all telecommunications facilities, except as otherwise provided in this Chapter. [Source: NEW]
 - 1. **Compliance with Setbacks.** All wireless telecommunication facilities shall comply with the structure setback standards of the zone in which they are located. All setbacks shall be measured from the base of the tower or structure closest to the applicable property line or structure.
 - 2. **Guy Wires.** Guy wire anchors shall be set back at least 20 feet from any property line. This Paragraph shall not apply to structure-mounted antennas attached to existing facilities, but it shall apply to any related facilities associated with antennas. This requirement may not apply to antennas proposed to be co-located on existing towers or utility poles (i.e., microcell sites, DAS, small cells), nor to underground equipment shelters, located in public right-of-way, if it would prohibit use of the proposed facility site.
 - 3. **Compliance with Easements and Other Restrictions.** All facilities shall comply with all applicable easements or similar restrictions on the subject property.



4. **Aviation Safety.** Aviation safety standards shall be implemented as follows.
 - a. No wireless telecommunication facility shall be installed within the safety zone or runway protection zone of any airport, airstrip, or helipad within or adjacent to the County boundary unless the airport owner/operator indicates that installation of the facility will not adversely affect the operation of the airport, airstrip, or helipad.
 - b. No wireless telecommunication facility shall be installed at a location where special painting or lighting will be required by the FAA regulations unless the applicant has demonstrated to the Planning Director that the proposed location is the only technically feasible location for the provision of personal wireless services as required by the FCC.
 5. **Multiuser Facilities.** When feasible, providers of personal wireless services shall co-locate facilities to reduce adverse visual impacts. The Planning Director may require co-location or multiuser wireless telecommunication facilities based on a determination that it is feasible and consistent with the purposes and requirements of this Chapter. [Source: NEW]
- B. **Support Structures.** Support structures for telecommunication facilities may be any of the following:
1. An existing nonresidential structure.
 2. An existing structure, including but not limited to, light poles, electric utility poles, water towers, smokestacks, billboards, lattice towers, and flag poles. This term includes an electric utility pole erected to replace an existing electric utility pole, if the replacement pole will serve both electric and wireless communications functions, and if the replacement pole is substantially equivalent to the predecessor pole in placement, height, diameter, and profile.
 3. An alternative tower structure like a clock tower, steeple, functioning security light pole, functioning recreational light pole, or any similar alternative-design support structure that conceals or camouflages the telecommunication facility. For the purpose of this Paragraph, the term "functioning" shall mean the light pole serves a useful and appropriate lighting function as well as a wireless telecommunications function.
 4. Existing publicly-owned and operated monopole or a lattice tower exceeding the maximum height limit.
 5. A single pole (monopole) sunk into the ground and/or attached to a foundation. Any new monopole shall be constructed to allow for co-location of at least one other similar communications provider.

6. A monopole mounted on a trailer or a portable foundation if the use is for a temporary communications facility. [Source: NEW]
- C. **Height Requirements.** The following height standards shall apply.
1. **Minimum Functional Height.** All wireless telecommunication equipment and support structures shall be designed to be the minimum functional height required to support the proposed facility.
 2. **Ground-Mounted Facilities.** The height of a ground-mounted tower, monopole, antenna, or any other wireless telecommunications support structure, including all associated equipment, shall not exceed 150 feet.
 3. **Structure-Mounted Facilities.** Structure-mounted telecommunication facilities shall not exceed a height of 15 feet above the height limit of the zone or 15 feet above from the top of the facility to the point of attachment to the structure.
 4. **Tower-Mounted Facilities.** Telecommunication facilities mounted on an existing tower structure (i.e., clock tower, steeple) shall not exceed the height of the existing structure unless camouflaged as part of the structure design, except antennas may extend up to 15 feet above the height of utility or light pole. [Source: NEW]
- D. **Design and Screening.** All telecommunication facility structures and equipment, except exempt facilities as established in **Section 18.58.020.B (Exemptions)**, shall be located, designed, and screened to blend with the existing natural or built surroundings, as well as any existing support structures, so as to reduce visual impacts to the extent feasible. The following standards shall be implemented:
1. **Stealth Facilities.** State of the art stealth design technology shall be utilized as appropriate to the site and type of facility. Where no stealth design technology is proposed for the site, a detailed analysis as to why stealth design technology is physically and technically infeasible for the project shall be submitted with the application.
 2. **Color and Material.** All antennas, poles, towers, or equipment, including ancillary support equipment, shall have a nonreflective finish and shall be painted or otherwise treated to match or blend with the primary background and minimize visual impacts. Antennas attached to an existing structure shall be enclosed within an architectural feature designed to match the architecture of the structure, painted, or otherwise treated to match the exterior of the structure.

3. **Other Facility Types.** If a stealth facility is not feasible, the order of preference for facility type is, based on their potential aesthetic impact: façade-mounted, roof-mounted, ground-mounted, and free-standing tower or monopole. A proposal for a new ground-mounted or free-standing tower shall include factual information to explain why other facility types are not feasible.
 4. **Equipment Cabinets.** Equipment cabinets shall be located within the structure upon which antennae are placed, if technically feasible. Otherwise, equipment cabinets and structures, and associated equipment like air conditioning units and emergency generators, shall be screened from view by a wall and/or mature landscaping, as approved by the County. All walls shall be architecturally compatible with the structure or immediate surrounding area. The undergrounding of vaults, equipment rooms, and other utility/equipment enclosures is strongly encouraged.
 5. **Vegetation Protection and Landscaping.** Wireless telecommunication facilities shall provide vegetation and landscaping as follows.
 - a. Except exempt facilities as established in **Section 18.58.020.B (Exemptions)**, all telecommunications facilities shall be installed in a manner so as to maintain and enhance existing native vegetation and shall include suitable mature landscaping to screen the facility, where necessary. For purposes of this Subparagraph, “mature landscaping” shall mean trees, shrubs, or other vegetation of a size that will provide the appropriate level of visual screening immediately upon installation.
 - b. No actions shall be taken subsequent to project completion with respect to the vegetation present that would increase the visibility of the facility itself or the access road and power/telecommunication lines serving it. The owner(s)/operator(s) of the facility shall be responsible for maintenance and replacement of all required landscaping.
 6. **Lighting.** Artificial lighting of a telecommunication facility, including its components, is prohibited, unless required by the Federal Aviation Administration. A motion-sensor light may be used for security purposes if the beam is directed downwards, shielded from adjacent properties, and kept off except when personnel are present at night.
 7. **Advertising.** No advertising shall be placed on telecommunication facilities, equipment cabinets, or associated structures. [Source: NEW]
- E. **Security Features.** All facilities shall be designed to minimize opportunities for unauthorized access, climbing, vandalism, graffiti, and other conditions that would result in hazardous conditions, visual blight, or attractive nuisances.

1. **Fencing.** Security fencing, if any, shall not exceed the fence height limit of the zone in which the property is located within. Fencing shall be effectively screened from view using mature landscaping. No chain link fences shall be visible from public view.
 2. **Maintenance.** The permittee shall be responsible for maintaining the site and facilities free from graffiti. [Source: NEW]
- F. **Radio Frequency Standards and Interference.** Wireless telecommunication facilities shall comply with the following radio frequency and interference standards:
1. **Radio Frequency.** Telecommunication facilities shall comply with Federal standards for radio frequency emissions and interference. Failure to meet Federal standards may result in termination or modification of the permit.
 2. **Interference.** Telecommunications facilities shall not interfere with public safety radio communications. [Source: NEW]
- G. **Co-location.** The applicant and owner of any site on which a telecommunication facility is located shall cooperate and exercise good faith in co-locating telecommunication facilities on the same support structures or site. Good faith shall include sharing technical information to evaluate the feasibility of co-location and may include negotiations for erection of a replacement support structure to accommodate co-location. A competitive conflict to co-location or financial burden caused by sharing information normally will not be considered as an excuse to the duty of good faith.
1. All facilities shall make available unused space for co-location of other telecommunication facilities, including space for these entities providing similar, competing services. Co-location is not required if the host facility can demonstrate that the addition of the new service or facilities would impair existing service or cause the host to go offline for a significant period of time. In the event a dispute arises as to whether a permittee has exercised good faith in accommodating other users, the County may require the applicant to obtain a third-party technical study at applicant's expense. The County may review any information submitted by applicant and permittee(s) in determining whether good faith has been exercised.
 2. All co-located and multiuser telecommunication facilities shall be designed to promote facility and site sharing. Telecommunication towers and necessary appurtenances, including but not limited to parking areas, access roads, utilities, and equipment structures shall be shared by site users whenever possible.

3. No co-location may be required where it can be shown that the shared use would or does result in significant interference in the broadcast or reception capabilities of the existing telecommunication facilities or failure of the existing facilities to meet Federal standards for emissions.
 4. Failure to comply with co-location requirements when feasible or cooperate in good faith as provided for in this Section is grounds for denial of a permit request or revocation of an existing permit. [Source: NEW]
- H. **Fire Prevention.** All telecommunication facilities shall be designed and operated in a manner that will minimize the risk of igniting a fire or intensifying one that otherwise occurs.
1. At least one-hour fire resistant interior surfaces shall be used in the construction of all structures.
 2. The exterior walls and roof covering of all above-ground equipment shelters and cabinets shall be constructed of materials rated as nonflammable in the Building Code.
 3. Monitored automatic fire extinguishing systems shall be installed in all equipment structures and enclosures.
 4. Openings in all above-ground equipment shelters and cabinets shall be protected against penetration by fire and wind-blown embers to the extent feasible.
 5. **Surety Bond.** As a condition of approval, an applicant for a Building Permit to erect or install a telecommunication facility shall be required to post a cash or surety bond in a form and amount acceptable to County Counsel to cover removal costs of the facility in the event that its use is abandoned, or the approval is otherwise terminated. [Source: NEW]

18.58.050 Required Findings

- A. **General Findings.** In approving a wireless telecommunication facility, the Review Authority shall make the following findings:
1. The proposed use conforms with the specific purposes of this Chapter and any special standards applicable to the proposed facility;
 2. The applicant has made good faith and reasonable efforts to locate the proposed facility on a support structure other than a new ground-mounted antenna, monopole, or lattice tower or to accomplish co-location;
 3. The proposed site results in fewer or less severe environmental impacts than any feasible alternative site;

4. The proposed facility will not be readily visible, or it is not feasible to incorporate additional measures that would make the facility not readily visible;
 5. The subject property upon which the wireless telecommunications facility is to be built is in compliance with all rules and regulations of the County, including but not limited to, zoning uses, development standards, and any other applicable provisions of this Zoning Ordinance or the County Code, and that all zoning violations have been abated and abatement costs, if any, have been paid; and
 6. The proposed facility as conditioned is in compliance with all FCC, FAA, and California PUC standards and requirements. [Source: NEW]
- B. **Additional Findings for Facilities Not Co-Located.** In addition to the findings established in **Subparagraph 18.56.080.A (General Findings)**, the Review Authority shall make the following additions findings to approve a telecommunication facility that is not co-located with other existing or proposed facilities.
1. Siting on an existing structure is not feasible because of technical, aesthetic, or legal consideration;
 2. Siting would have more significant adverse effects on views or other environmental considerations;
 3. The proposed facility is not allowed by the property-owner; and
 4. The facility would impair the quality of service to the existing facility. [Source: NEW]
- C. **Additional Findings for Setback Reductions.** To approve a reduction in setback, the Review Authority shall make one or more of the following findings:
1. The facility will be co-located onto or clustered with an existing, legally established telecommunication facility; and/or
 2. The reduced setback enables further mitigation of adverse visual and other environmental impacts than would otherwise be possible. [Source: NEW]
- D. **Additional Findings for Any Other Exception to Standards.** The Review Authority may waive or modify requirements of this Section upon finding that strict compliance would result in noncompliance with applicable Federal or State law. [Source: NEW]

18.58.060 Wireless Telecommunications Act Exception Procedure

If the application of the requirements or limitations outlined in this Chapter would have the effect of violating the Federal Telecommunications Act as amended, the Review Authority shall grant a Telecommunications Act exception to allow an exception to the offending requirement or application. The applicant shall have the burden of proving that application of the requirement or limitation would violate the Federal Telecommunications Act, and that no alternatives exist, which would render the approval of a Telecommunications Act exception unnecessary. [Source: NEW]

18.58.070 Transfer of Operation

- A. **Carrier to Carrier Transfer.** Any carrier/service provider authorized by the County to operate a specific wireless telecommunications facility may assign the operation of the facility to another carrier licensed by the FCC for that radio frequency, provided the following conditions are satisfied:
 - 1. The transfer of operation is made known to the Planning Director in advance of the action, and
 - 2. All conditions of approval for the subject installation are carried out by the new carrier/service provider. [Source: NEW]
- B. **Internal Transfer.** Any carrier/service provider may, without advance notification to the Planning Director, transfer operations of the facility to its general partner or any party controlling, controlled by or under common control with the carrier/service provider licensed by the FCC for that radio frequency. [Source: NEW]

18.58.080 Vacated and Removal of Facilities

The service provider shall notify the Planning Director of the intent to vacate a site at least 30 days before the vacation. The operator of a telecommunications facility shall remove all unused or abandoned equipment, antennas, poles, or towers within 60 days of discontinuation of the use and the site shall be restored to its original, pre-construction condition. [Source: NEW]

18.58.090 Revocation of Permit

The wireless telecommunications service provider or its successors shall comply fully with all conditions specified in this Chapter. Failure to comply with any condition of this Chapter shall constitute grounds for revocation of the permit. The Planning Director shall notify the service provider that a violation exists and request compliance and a schedule for compliance. Upon failure to comply, or if the schedule for compliance will not bring the use into compliance in a reasonable amount of time, the Planning Director may schedule a public hearing before the Commission to receive testimony and other evidence relating to the violation of a condition of the authorization of the use of the facility, and finding that violation, the Commission may modify or revoke the permit. *[Source: NEW]*

18.58.100 Indemnity and Liability

- A. The personal wireless service provider shall defend with counsel of County's choice, indemnify and hold harmless the County or any of its boards, commissions, agents, officers, and employees from any liability, claim, action, regulation, order or proceeding against the County, its boards, commissions, agents, officers, or employees to attack, modify, set aside, void, or annul the approval of the project, unless liability, claim, action, regulation, order or proceeding results from the County's negligence or willful misconduct. The County shall promptly notify the personal wireless service providers of any claim, action, regulation, order or proceeding. Nothing contained in this Subsection shall prohibit the County from participating in a defense of any claim, action, or proceeding of the County.
- B. Personal wireless service providers shall be strictly liable, and shall defend with counsel of County's choice, indemnify and hold harmless the County, for any and all liability, claim, action, regulation, order or proceeding alleging pollution or contamination arising from their personal wireless service facilities within the County. This liability shall include cleanup, injury or damage to persons or property. Additionally, personal wireless service providers shall be responsible for any sanctions, fines, or other monetary costs or injunctive relief imposed upon the personal wireless service provider or the County as a result of the release of pollutants from their operations.
- C. Personal wireless service providers shall be strictly liable, and shall defend with counsel of County's choice, indemnify and hold harmless the County, for any and all liability, claim, action, regulation, order or proceeding alleging electromagnetic waves or radio frequency emissions within the County in excess of the FAA's standards. This liability shall include cleanup, injury or damage to persons or property. Additionally, personal wireless service providers shall be responsible for any sanctions, fines, or other monetary costs or injunctive relief imposed upon the personal wireless service provider or the County as a result of the release of pollutants from their operations.

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Article 5 – Nonconformities
Chapter 18 – Zoning Ordinance

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Chapter 18.60

**General Nonconforming
Provisions**



Chapter 18.60 General Nonconforming Provisions

18.60.010 Purpose

This Article is intended to permit the use of parcels, continuation of uses, and continued occupancy, and maintenance of structures that were legally established but do not comply with all the standards and requirements of this Zoning Ordinance in a manner that does not conflict with the General Plan. To that end, this Article establishes the circumstances under which a nonconforming parcel, use, or structure may be continued or changed and provides for the removal of nonconforming uses and structures when their continuation conflicts with the General Plan and public health, safety, and general welfare.

18.60.020 Applicability

The provisions of this Chapter apply to structures, parcels, and uses that have become nonconforming by adoption of this Zoning Ordinance as well as structures, parcels, and uses that become nonconforming due to subsequent amendments to its text or to the Zoning Map.

18.60.030 General Provisions

- A. **Nonconformities, Generally.** Any lawfully established use, structure, or parcel that is in existence on the effective date of this Zoning Ordinance or any subsequent amendment but does not comply with all the standards and requirements of this Zoning Ordinance shall be considered nonconforming.
- B. **Establishment of Legal Nonconforming Status.** The property owner has the burden to prove a legal nonconformity and the related protected status that comes with legal nonconformity as specified in this Article.
 1. **Property Owner's Responsibility.** The property owner shall provide sufficient evidence to the satisfaction of the Planning Director that the subject is a legal nonconformity.
 2. **County is Not Responsible.** The County is not responsible to prove the legal status of the nonconformity.
- C. **Right to Continue.** Any use or structure that was lawfully established before the effective date of this Zoning Ordinance or of any subsequent amendments to its text or to the Zoning Map may only be continued and maintained provided there is no alteration, enlargement, addition, or other change to any structure; no substitution, expansion, or other change including an increase in occupant load or any enlargement of the area, space, or volume occupied by or devoted to that use, except as otherwise provided in this Chapter.



1. The right to continue a nonconforming use or structure shall attach to the land and shall not be affected by a change in ownership.
2. The right to continue a nonconforming use or structure shall not apply to uses or structures deemed to be a public nuisance because of health or safety conditions.
3. The right to continue a nonconforming use or structure shall not apply if the nonconforming use has been abandoned or vacated as described in [Section 18.66.020, \(Abandonment of Nonconforming Uses\)](#).

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Chapter 18.62

Nonconforming Parcels



Chapter 18.62 Nonconforming Parcels

18.62.010 Use of Legal Nonconforming Parcels

A single nonconforming parcel that does not comply with the applicable area, depth, or width, requirements of this Zoning Ordinance is a legal building site if it meets at least one of the following criteria, as documented to the satisfaction of the Planning Director by evidence furnished by the applicant.

- A. **Approved Subdivision.** The parcel was created by a recorded subdivision;
- B. **Individual Parcel Legally Created by Deed.** The parcel is under single ownership and was legally created by a recorded deed before the effective date of the provision which made the parcel nonconforming;
- C. **Variance or Parcel Line Adjustment.** The parcel was approved through the Variance procedure or resulted from a parcel line adjustment; or
- D. **Partial Government Acquisition.** The parcel was created in compliance with the provisions of this Zoning Ordinance, but was made nonconforming when a portion was acquired by a governmental entity so that the parcel size was decreased not more than 20 percent and the depth of the required setback facing a public right-of-way was decreased not more than 75 percent.

18.62.020 Subdivision of Legal Nonconforming Parcels

A subdivision of land (i.e., parcel line adjustment, final, parcel, or tentative map) shall not be approved that would increase the nonconformity of an existing parcel or any nonconforming use on the parcel.

18.62.030 Merger of Nonconforming Parcels

Nonconforming contiguous parcels held by the same owner shall be involuntarily merged if one or more of the parcels does not conform to the minimum parcel size to allow use or development in compliance with this Zoning Ordinance and in compliance with Government Code Section 66451.11.

Chapter 18.64

Nonconforming Structures



Chapter 18.64 Nonconforming Structures

18.64.010 Maintenance of and Alterations and Additions to Nonconforming Structures

Lawful nonconforming structures may be continued and maintained in compliance with the requirements of this Chapter unless deemed by the Building Official to be a public nuisance because of health or safety conditions.

- A. **Maintenance and Repairs.** Structural and nonstructural maintenance, repair, and interior alterations to a nonconforming structure are allowed if the changes and improvements do not enlarge the structure, change the structure footprint, or increase structure height.
- B. **Alterations and Additions.** Alterations and additions to nonconforming structures are allowed if the alteration or addition complies with all applicable laws and requirements of this Zoning Ordinance, the use of the property is conforming, and there is no increase in the discrepancy between existing conditions and the requirements of this Zoning Ordinance (i.e. there is no increase in the nonconformity), except as provided below.
- C. **Nonconforming Setbacks.** A nonconforming interior side or rear setback may be maintained and extended, and shall not be considered an increase in the discrepancy, provided that a new encroachment into any other required setback is not created.
- D. **Nonconforming Signs.** Lawfully established signs that do not conform to the requirements of this Zoning Ordinance may only be maintained in compliance with the requirements of [Chapter 18.42 \(Sign Regulations\)](#).

18.64.020 Repair and Replacement of Damaged or Destroyed Nonconforming Structures

A nonconforming structure that is damaged or partially destroyed by fire, explosion, earthquake, or natural disaster which is not caused by an act or deliberate omission of a property owner, their agent, or person acting on their behalf or in concert with, may be restored or rebuilt subject to the following provisions.

- A. **Restoration When Damage is 75 Percent or Less of Value.** If the cost of repair or reconstruction is less than or equal to 75 percent of its local assessed value at the date of the Ordinance codified as outlined, replacement of the damaged portions of the structure is allowed by right provided that the replaced portions are the same size, extent, and configuration as previously existed.
- B. **Restoration When Damage Exceeds 75 Percent of Value.** If the cost of repair or reconstruction exceeds 75 percent of its local assessed value at the date of the Ordinance codified as outlined, the land and structure shall be subject to all of the requirements of this Zoning Ordinance, except as provided below.

1. **Nonresidential Uses and Structures.** Any nonconforming use shall permanently cease. The structure may be restored and used only in compliance with the requirements of this Zoning Ordinance.
2. **Residential Uses and Structures.** Nonconforming residential use may be reconstructed, restored, or rebuilt up to the size and number of dwelling units before the damage and the nonconforming use, if any, may be resumed provided the rebuilt development complies with all current design and property development standards.
3. **Timing.** Building Permits shall be obtained within 12 months of the date of the damage or destruction and construction shall be diligently pursued to completion unless another time period is specified through Conditional Use Permit approval.

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Chapter 18.66

Nonconforming Uses



Chapter 18.66 Nonconforming Uses

18.66.010 Expansions, Changes, and Substitutions of Nonconforming Uses

Nonconforming uses shall not be expanded, moved, or changed except as provided below.

- A. **Expansion.** Nonconforming uses may only be expanded with Conditional Use Permit approval where the Commission makes the following findings.
- B. **Required Findings.** For a nonconforming use to be expanded, all the following findings shall be made.
 - 1. The nonconforming use was legally established.
 - 2. The proposed expansion of the nonconforming use would not be detrimental to public health, safety, or general welfare.
- C. **Conditions.** When making its decision on an application for an expansion of a nonconforming use, the Commission may establish conditions that are necessary to accomplish the purposes of this Chapter, including, but not limited to:
 - 1. Required improvement of, or modifications to existing improvements on, the property;
 - 2. Limitations on hours of operations;
 - 3. Limitations on the nature of operations; and
 - 4. A specified term of years for which the expanded nonconforming use shall be allowed.
- D. **Change in Tenancy, Ownership, or Management.** Any nonconforming use may change ownership, tenancy, or management where the new use is of the same use classification as the previous use.
- E. **Change from Nonconforming to Allowed Use.** Any nonconforming use may be changed to a use that is allowed by right in the zone in which it is located and complies with all applicable standards for that use.
- F. **Absence of Permit.** Any use that is nonconforming solely by reason of the absence of a permit or approval may be changed to a conforming use by obtaining the appropriate permit or approval.
- G. **Substitution of a Nonconforming Use with Another Nonconforming Use.** The Zoning Administrator may allow substitution of a nonconforming use with another nonconforming use where the Zoning Administrator finds that the proposed new use will be no less compatible with the purposes of the zone and surrounding uses that comply with the requirements of this Zoning Ordinance than the nonconforming use it replaces.

- H. **Amortization of Substituted Nonconforming Use.** In allowing a nonconforming use to be replaced with another nonconforming use, the Zoning Administrator may establish an amortization schedule for the nonconforming use by setting a date after which the nonconforming use shall be discontinued or replaced with a conforming use.

18.66.020 Abandonment of Nonconforming Uses

No nonconforming use may be resumed, reestablished, reopened or replaced by any other nonconforming use after it has been abandoned or vacated for a period of six months, or 36 months if the use has a history of infrequent use, like mining or farming operations. The six- or 36-month period shall commence when the use ceases and any one of the following occurs:

- A. The site is vacated;
- B. The business license lapses;
- C. Utilities are terminated; or
- D. The lease is terminated.

Article 6 – Permit Processing
Procedures
Chapter 18 – Zoning Ordinance

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Chapter 18.70

General Provisions



Chapter 18.70 General Provisions

18.70.010 Purpose

This Article establishes the overall structure for the application, processing, review, and action on discretionary permit applications and identifies and describes those discretionary permits and other approvals required by this Zoning Ordinance as established in [Table 18.72-1 \(Review Authority\)](#).

18.70.020 Discretionary Permits and Actions

- A. **Planning Director.** The Planning Director is the designated Review Authority for the following permits and actions.
1. **Zoning Clearances.** An administrative “plan check” type process of uses and structures that do not otherwise require review to determine compliance with applicable provisions of this Zoning Ordinance as provided in [Chapter 18.74 \(Zoning Clearance\)](#).
- B. **Zoning Administrator.** The Planning Director is appointed the Zoning Administrator. Except when combined with legislative actions or other non-administrative actions specified in this Article, the Zoning Administrator, is the designated Review Authority for the following permits and actions. Additionally, the Zoning Administrator has primary administrative authority for certain activities which require the determination of compliance with applicable Zoning Ordinance provisions. The Zoning Administrator, at the Zoning Administrator’s sole discretion, may elevate the level of review to the next higher Review Authority.
1. **Zoning Permits.** A permit authorizing the operation of a specific use of land or a structure in a particular location in compliance with the provisions of this Zoning Ordinance and the procedures specified in [Chapter 18.80 \(Zoning Permit\)](#).
 2. **Zoning Ordinance Interpretations.** An administrative interpretation of certain provisions of this Zoning Ordinance in an effort to resolve ambiguity in the regulations and to ensure their consistent application in compliance with [Chapter 18.04 \(Interpretation of the Zoning Ordinance\)](#).
 3. **Modifications.** An administrative action granting an exception to specified development standards of this Zoning Ordinance in cases where strict compliance would result in a unique hardship in compliance with [Chapter 18.78 \(Modifications\)](#).
 4. **Master Sig Programs.** In compliance with [Chapter 18.42 \(Sign Regulations\)](#).



5. **Reasonable Accommodations.** An administrative permit authorizing limited modifications to residential properties to accommodate a person with specified disabilities and physical limitations in compliance with specific criteria and performance standards and the procedures specified in [Chapter 18.76 \(Reasonable Accommodations\)](#).
- C. **Planning Commission.** Except when combined with legislative actions, the Commission is the designated Review Authority for the following permits and actions. Additionally, the Planning Director may refer applications to the Commission. A public hearing is required for the following actions in compliance with [Chapter 18.106 \(Public Notices and Hearings\)](#).
1. **Conditional Use Permits.** A permit authorizing a specific use of land or a structure in a particular location in compliance with the provisions of this Zoning Ordinance and the procedures specified in [Chapter 18.82 \(Conditional Use Permits\)](#).
 2. **Variances.** An action granting exception to the development standards of this Zoning Ordinance in cases where strict compliance would result in a unique hardship in compliance with [Chapter 18.86 \(Variances\)](#).
- D. **Board of Supervisors.** The designated Review Authority for all legislative actions is the Board of Supervisors. A public hearing is required for the following legislative actions in compliance with [Chapter 18.106 \(Public Notices and Hearings\)](#).
1. **Density Bonuses.** An action authorizing a residential density bonus in compliance with [Chapter 18.56 \(Density Bonuses\)](#).
 2. **Specific Plans.** An action authorizing the review and adoption of a specific plan in compliance with State law and the provisions specified in [Chapter 18.104 \(Specific Plans\)](#).
 3. **Zoning Ordinance Text/Zoning Map Amendments.** An action authorizing either a text amendment to this Zoning Ordinance or a Zoning Map Amendment changing the zoning designation of particular property in compliance with [Chapter 18.102 \(Amendments\)](#).
 4. **General Plan Text/Map Amendments.** An action authorizing either a text amendment to the General Plan or a map amendment changing the General Plan land use designation of particular property in compliance with [Chapter 18.102 \(Amendments\)](#).
- E. **Subdivision Maps and Other Approvals.**
1. **Subdivision of Land.** Regulations governing the subdivision of land are established in Title 17 (Subdivisions).
 2. **Building and Construction.** Provisions for construction and building are established in County Code Title 14 (Building and Construction).

18.70.030 General Plan Consistency Required

All development within the unincorporated areas of the County shall be consistent with the General Plan. This Zoning Ordinance is one of the primary tools for implementing the goals, objectives, and policies of the General Plan. Zoning Permit applications filed, in compliance with the requirements of this Ordinance, shall be found consistent with the General Plan and any applicable specific plan, which are also considered part of the General Plan. General Plan consistency shall be accomplished as specified in [Section 18.02.050 \(Relationship to General Plan\)](#), [Table 18.06-1 \(Zones Implementing the General Plan\)](#), and this Section.

18.70.040 Additional Permits May Be Required

A land use on property that complies with the permit requirement or exemption provisions of this Zoning Ordinance shall also comply with the permit requirements of other County Code provisions and any permit requirements of other agencies before construction or use of the property is commenced. All necessary permits shall be obtained before starting work or establishing a new use. Nothing in this Zoning Ordinance shall eliminate the need to obtain any permits required by:

- A. Any other County Code provisions, including Building, Grading, or other construction permits, or subdivision approval if required by Title 17 (Subdivisions); or
- B. Any applicable County, regional, State, or Federal regulations.

Chapter 18.72

**Application Processing
Procedures**



Chapter 18.72 Application Processing Procedures

18.72.010 Purpose

This Chapter provides procedures and requirements for the preparation, filing, and initial processing of the permit applications and approvals required or offered by this Zoning Ordinance.

18.72.020 Authority for Land Use and Zoning Decisions

Table 18.72-1 (Review Authority) identifies the Review Authority responsible for reviewing and making decisions on each type of application required by this Zoning Ordinance.

Table 18.72-1
Review Authority

Type of Action	Applicable Ordinance Citation	Role of Review Authority			
		Planning Director	Zoning Administrator	Commission	Board
Zoning Clearance	Chapter 18.74	Decision	-	Appeal	Appeal
Zoning Permits	Chapter 18.80	-	Decision	Appeal	Appeal
Zoning Ordinance Interpretations	Chapter 18.04	-	Decision	Appeal	Appeal
Modifications	Chapter 18.78	-	Decision	Appeal	Appeal
Reasonable Accommodation	Chapter 18.76	-	Decision	Appeal	Appeal
Conditional Use Permits	Chapter 18.82	-	-	Decision	Appeal
Variances	Chapter 18.86	-	-	Decision	Appeal
Density Bonuses	Chapter 18.56	-	-	Recommend	Decision
Specific Plans	Chapter 18.104	-	-	Recommend	Decision
Zoning Ordinance Text/Zoning Map Amendments	Chapter 18.102	-	-	Recommend	Decision
General Plan Text/Map Amendments	Chapter 18.102	-	-	Recommend	Decision

18.72.030 Optional Preliminary Review

Preliminary review is an optional review process that is intended to provide information on relevant policies, zoning regulations, and procedures.

- A. **Exemption from Permit Streamlining Act.** Preliminary review is not subject to the requirements of the California Permit Streamlining Act (the Act). An application that is accepted for preliminary review shall not be considered complete in compliance with the requirements of the Act unless and until the Planning Director has received an application for approval of a development project, reviewed it, and determined it to be complete under **Section 18.72.080 (Application Review)**.
- B. **Review Procedure.**
 - 1. The Planning Division shall conduct preliminary review at the request of the applicant upon submittal of relevant information and required fee. The Planning Director may consult with or request review by any County department or official with interest in the application.
 - 2. A meeting of the involved County departments and their divisions (Fire, Engineering, Roads, Planning, and Environment Health Divisions) will be scheduled for the purpose of discussing the proposed plan with the applicant.
- C. **Recommendations are Advisory.** Neither the preliminary review nor the provision of information and/or pertinent policies shall be construed as a recommendation for approval or denial of the application by County representatives. Any recommendations that result from preliminary review are considered advisory only and shall not be binding on either the applicant or the County.
- D. **Expiration.** The information provided during preliminary review is valid for 12 months from the date of the preliminary review, except if:
 - 1. The Code on which this information is based is changed;
 - 2. Emergency legislation is enacted by the Board; or
 - 3. There is a change in the project scope.

18.72.040 Multiple Permit Applications

- A. **Concurrent Filing.** An applicant for a development project that requires the filing of more than one application (e.g., Conditional Use Permit, Tentative Map), shall file all related applications concurrently, together with all application fees required by **Section 18.72.060 (Application and Other Related Fees)**, unless these requirements are waived by the Planning Director.

- B. **Concurrent Processing.** Multiple applications for the same project shall be processed concurrently, and shall be reviewed, and approved or denied by the highest Review Authority designated by this Zoning Ordinance for any of the applications. A project for which applications for Zoning Map Amendment and a Conditional Use Permit are filed shall have both applications decided by the Board, instead of the Commission being the final decision-making authority for the Conditional Use Permit as otherwise required by **Table 18.72-1 (Review Authority)**. In the example cited, the Commission would still hear all the applications (the Zoning Map Amendment and the Conditional Use Permit) and forward recommendations to the Board.

18.72.050 Application Preparation and Filing

- A. **Development Review Process.** A proposed development project is typically subject to four review phases:
1. **Application Submittal.** An application is submitted, along with all applicable fees, to the Planning Division, determined if complete for processing, and determined if exempt or subject to further environmental review;
 2. **Application Processing.** Review by County departments and other concerned agencies in compliance with this Zoning Ordinance and CEQA requirements specified in **Section 18.72.090 (Environmental Assessment)**;
 3. **Application Action.** Approval, conditional approval, or denial of the application. A denial may be appealed to the next higher Review Authority; and,
 4. **Building Permits.** Construction plans submitted to the Building Division are reviewed by the Planning Division for compliance with any approved land use permit and the development standards specified in this Zoning Ordinance's development.
- B. **Eligible Applicants.** The following persons may file an application:
1. **May be Filed by Owner(s), Lessee(s), and Agent(s).** An application for a discretionary permit or a Zoning Map Amendment may only be filed by the owner(s) of the subject property, a lessee with at least a five-year lease, or an authorized agent of the property owner(s) with the written consent of the property owner(s). Any interested party may apply for a Zoning Ordinance Text Amendment since they apply Countywide.
 2. **Signature of Owner(s) Required.** The application shall be signed by the property owner(s) of record or may be signed by the lessee or by authorized agent of the property owner(s) if written authorization from the property owner(s) of record is filed concurrently with the application.

- C. **Application Contents.** Each application for a permit, amendment, or other matter pertaining to this Zoning Ordinance shall be filed with the Planning Division on a County application form, together with all required fees and/or deposits and all other information and materials specified in the most up-to-date application and/or as specified by the Planning Director.

18.72.060 Application and Other Related Fees

- A. **Fee Schedule.** The Board shall establish a fee schedule for the processing of the applications required by this Zoning Ordinance, hereafter referred to as the Fee Schedule.
- B. **Payment of Fees.** Applications shall not be deemed complete and processing shall not commence on any application until the applicant has paid all required fees or deposits. Payment of required fees and/or deposits shall not deem the application complete.
- C. **Refunds and Withdrawals.**
 - 1. Application fees cover County costs for public hearings, mailings, Staff and Consultant time, and the other activities involved in processing applications.
 - 2. No fee refund based on application denial shall be allowed.
 - 3. In the case of an application withdrawal, the Planning Director shall have the discretion to authorize a partial refund based upon the pro-rated costs to-date and the status of the application at the time of withdrawal.

18.72.070 Applicant Indemnification

- A. **Applicant Agreement.** At the time of submitting an application for a discretionary land use approval, the applicant shall agree in the application, to defend (with legal counsel of County's selection), indemnify, and hold harmless the County and its elected and appointed officials, agents, attorneys, employees, and officers, from any action, claim or proceeding brought against the County or its elected and appointed officials, agents, employees and officers to attack, set aside, void, or annul a discretionary land use approval of the County, which action is brought within the applicable statute of limitations. The required indemnification shall include damages awarded against the County, if any, costs of suit, attorneys' fees and other costs and expenses incurred in connection with the action.
- B. **County Notification of Applicant.** In the event that an action, claim, or proceeding referred to in **Subsection A**, above, is brought, the County shall promptly notify the applicant of the existence of the action, claim, or proceeding and the applicant shall cooperate fully in the defense of the action, claim, or proceeding.

- C. **County Participation in Defense.** Nothing in this Section shall prohibit the County from participating in the defense of any action, claim, or proceeding if the County elects to bear its own attorneys' fees and costs and defends the action in good faith.

18.72.080 Application Review

- A. **Application Completeness.** Within the timelines prescribed by law, the Planning Director shall review each application for completeness and accuracy before it is accepted as being complete and officially filed. The Planning Director's determination of completeness shall be based on the County's list of required application contents and any additional written instructions provided to the applicant and/or during the initial application review period.
1. **Determination of Completeness.** As required by Government Code Section 65943, within 30 calendar days of application filing, the applicant shall be notified in writing that the application is complete and the remaining fees that are necessary for processing to begin; or that the application is incomplete, and that additional information shall be provided. Where the Planning Director has determined that an application is incomplete, and the applicant believes that the application is complete and/or that the information requested by the Planning Director is not required, the applicant may appeal the Planning Director's determination in compliance with [Chapter 18.108 \(Appeals\)](#).
 2. **Environmental Determination.** The environmental determination will assess whether the project is exempt from environmental review or requires either a Negative Declaration or Environmental Impact Report. See [Section 18.72.090 \(Environmental Assessment\)](#).
 3. **Submittal of Additional Information.**
 - a. When the Planning Director determines that an application is incomplete, the time used by the applicant to submit the required additional information shall not be considered part of the time within which the determination of completeness shall occur. The time available to an applicant for submittal of additional information is limited by [Subparagraph A.4](#), below.
 - b. The additional specified information shall be submitted in writing or electronically, as required by the Planning Director.
 - c. The Planning Director's review of the additional information submitted by the applicant shall be accomplished in compliance with [Subparagraph A.1](#), above, along with another 30-day period of review for completeness.

4. **Expiration of Application.** An application may expire under the following conditions:
 - a. If an applicant fails to provide the additional information specified in the Planning Director's letter within 60 days following the date of the letter, or shorter time frame as specified by the Planning Director, the application shall expire and be deemed withdrawn without any further action by the County, unless a written request for a time extension is submitted by the applicant and approved by the Planning Director.
 - b. After the expiration of an application, future County consideration shall require the submittal of a new, complete application and associated filing fees.
5. **Processing Schedule.** Upon receipt of the additional information, application processing shall begin, and the applicant shall be sent a processing schedule with tentative dates for referrals, environmental review, and decision on the application.
6. **Application Available for Public Review.** After an application has been accepted as complete, in compliance with the Freedom of Information Act, the County may, if requested, make the application available for public review.
7. **Environmental Information.** After an application has been accepted as complete, the Planning Director may require the applicant to submit additional information and any required fees needed for the environmental review of the project in compliance with the California Environmental Quality Act (CEQA), the County's CEQA guidelines and **Section 18.72.090 (Environmental Assessment)**.
- B. **Withdrawal or Return of Application.** An application may be withdrawn and returned to the applicant if requested in writing by the applicant. The Planning Division may also terminate an application if the applicant fails to supply requested information necessary to formulate a recommendation within a reasonable period of time after notification.
- C. **Referral of Application.** At the discretion of the Planning Director and where required by County, State, or Federal law, any land use application may be referred to any responsible public agency that may be affected by or have an interest in the proposed project.
- D. **Project Review Procedures.** Applications shall be reviewed in the following manner:
 1. **Investigation of Facts.** Following receipt of a completed application, the Planning Director shall investigate the facts necessary for action consistent with the purpose of this Article.
 2. **Inspection of Premises.** The Planning Director may conduct both pre- and post-inspections of the subject property in compliance with the following:

- a. **Pre-inspections.** The Planning Director shall have access to the premises subject to the application in order to make an inspection(s) to confirm the statements contained in the application and accompanying graphic materials and to make a judgment as to its suitability.
 - b. **Post-inspections.** After approval, the Planning Director shall have access to the subject premises to confirm compliance with this Zoning Ordinance and all conditions of permit approval.
- E. **Staff Report and Recommendations.** Except for over the counter permits and approvals, a staff report shall be prepared by the Planning Division that describes the conclusions of the Staff about the proposed land use and any accompanying development. The report shall identify the project's compliance and consistency, or lack of compliance and consistency, with this Zoning Ordinance, other applicable County provisions, any applicable specific plans, and the General Plan. The staff report shall include a recommendation for approval, or denial of the application, based on the evaluation and consideration of information provided on the application, and the initial study or Environmental Impact Report. The staff report, shall include a list of recommended findings and conditions, as necessary.

18.72.090 Environmental Assessment

- A. **CEQA Review.** After acceptance of a complete application, the project shall be reviewed in compliance with the California Environmental Quality Act (CEQA) to determine whether:
1. The proposed project is exempt from the requirements of CEQA;
 2. The proposed project is not a "project" as defined by CEQA;
 3. A Negative Declaration may be issued;
 4. A Mitigated Negative Declaration may be issued; or
 5. An Environmental Impact Report (EIR) shall be required.
- B. **Compliance with CEQA.** These determinations and, where required, the preparation of appropriate environmental documents, shall be in compliance with CEQA and any applicable CEQA guidelines.
- C. **Special Studies Required.** One or more special studies, paid for in advance by the applicant, may be required to complete the County's CEQA compliance review. These studies shall become public documents and neither the applicant nor any consultant who prepared the studies shall assert any rights to prevent or limit the documents' availability to the public.

Chapter 18.74

Zoning Clearance



Chapter 18.74 Zoning Clearance

18.74.010 Purpose

This Chapter establishes procedure to verify that each new or expanded use, activity, or structure complies with all the applicable requirements of this Zoning Ordinance, as well as the conditions of any previous discretionary approval granted by the County.

18.74.020 Applicability

A Zoning Clearance is required for structures erected, constructed, altered, repaired, or moved, the use of vacant land, changes in the character of the use of land or structure, or for substantial expansions in the use of land or building, which are allowed as a matter of right by this Zoning Ordinance.

18.74.030 Exceptions

No Zoning Clearance shall be required for the continuation of previously approved or allowed uses and structures or for uses and structures that are not subject to any building or zoning regulations.

18.74.040 Review Authority

The Planning Director shall act as the Review Authority for Zoning Clearance applications based on consideration of the requirements of this Chapter.

18.74.050 Procedures

- A. **Application.** Applications and fees for a Zoning Clearance shall be submitted in compliance with the provisions set forth in [Section 18.72.050 \(Application Preparation and Filing\)](#). The Planning Director may request that the Zoning Clearance application be accompanied by a written narrative, plans, and other related materials necessary to show that the proposed development, alteration, or use of the site complies with all provisions of this Zoning Ordinance and the requirements and conditions of any applicable Use Permit, or other discretionary land use approval granted by the County.

- B. **Determination.** If the Planning Director determines that the proposed use or building is allowed as a matter of right by this Zoning Ordinance and conforms to all the applicable development and use standards, the Planning Director shall issue a Zoning Clearance. An approved Zoning Clearance may include attachments of other written or graphic information, including but not limited to, statements, numeric data, site plans, floor plans, and building elevations and sections, as a record of the proposal’s conformity with the applicable regulations of this Zoning Ordinance. Before issuing any Building Permit, subdivision approval, or parcel line adjustment, the Planning Director shall review the application to determine whether the use, structure, or change in parcel configuration complies with all provisions of this Zoning Ordinance or any applicable Use Permit or other discretionary land use approval and that all conditions of the permits and approvals have been satisfied.

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Chapter 18.76

Reasonable Accommodation



Chapter 18.76 Reasonable Accommodation

18.76.010 Purpose

This Chapter provides a procedure to request Reasonable Accommodation for persons with disabilities seeking equal access to housing under the California Fair Employment and Housing Act, the Federal Fair Housing Act, and the Americans with Disabilities Act (ADA) (referred to in this Chapter as the Acts) in the application of zoning laws and other land use regulations, policies, and procedures. A Reasonable Accommodation is typically an adjustment to physical design standards (e.g., setbacks) to accommodate the placement of wheelchair ramps or other exterior modifications to a dwelling in response to the needs of a disabled resident.

18.76.020 Applicability

- A. **Eligible Applicants.** The following applicants shall be eligible to submit application for a Reasonable Accommodation request:
1. A request for Reasonable Accommodation may be made by any person with a disability, their representative, or any entity, when the application of a zoning law or other land use regulation, policy, or practice acts as a barrier to fair housing opportunities.
 2. A person with a disability is a person who has a physical or mental impairment that limits or substantially limits one or more major life activities, anyone who is regarded as having this type of impairment, or anyone who has a record of this type of impairment. Also see other disabilities covered under the Acts.
- B. **Eligible Request.** The following types of requests may be eligible for a Reasonable Accommodation request:
1. A request for Reasonable Accommodation may include a modification or exception to the practices, rules, and standards for the development, siting, and use of housing or housing-related facilities that would eliminate regulatory barriers and provide a person with a disability equal opportunity to housing of their choice.
 2. A request for Reasonable Accommodation shall comply with **Section 18.76.030 (Application Filing, Processing, and Review)**, below.

18.76.030 Application Filing, Processing, and Review

- A. **Application.** An application for a Reasonable Accommodation shall be filed and processed in compliance with [Chapter 18.72 \(Application Processing Procedures\)](#). The application shall include the information and materials specified in the most up-to-date application form, together with the required fee in compliance with the Fee Schedule. Initial review of the application, including time requirements and requests for information, shall be as provided in [Section 18.72.080 \(Initial Application Review\)](#).
- B. **Filing with Other Land Use Applications.** If the project involves both a request for Reasonable Accommodation and some other discretionary approval (e.g., Conditional Use Permit), the applicant shall file the information required by [Subsection A](#), above, together with the materials required for the other discretionary approval.
- C. **Responsibility of the Applicant.** It is the responsibility of the applicant to provide evidence in support of the findings required by [Section 18.76.040 \(Findings and Decision\)](#), below.
- D. **Review Authority.** The following Review Authority shall be responsible for accepting, reviewing, and act on Reasonable Accommodation requests:
1. **Zoning Administrator.** A request for Reasonable Accommodation shall be reviewed, and a decision shall be made by the Zoning Administrator if no other discretionary approval is required or submitted for concurrent review.
 2. **Other Review Authority.** A request for Reasonable Accommodation submitted for concurrent review with another discretionary land use application shall be reviewed (and approved or denied) by the Review Authority reviewing the discretionary land use application.
- E. **Review Procedures.** The Review Authority shall review Reasonable Accommodation request in compliance with the following:
1. **Zoning Administrator’s Review.** The Zoning Administrator shall make a written decision and either approve, conditionally approve, approve with modifications, or deny a request for Reasonable Accommodation in compliance with [Section 18.76.040 \(Findings and Decision\)](#).
 2. **Other Review Authority.** The written decision on a Reasonable Accommodation application shall be made by the Review Authority responsible for reviewing the discretionary land use application in compliance with the applicable review procedure for the discretionary review. The decision to approve, conditionally approve, approve with modifications, or deny the request for Reasonable Accommodation shall be made in compliance with [Section 18.76.040 \(Findings and Decision\)](#).

18.76.040 Findings and Decision

The written decision to approve, conditionally approve, approve with modifications, or deny a request for Reasonable Accommodation shall be based on consideration of all of the following factors:

- A. Whether the housing, which is the subject of the request, will be used by an individual defined as disabled under the Acts;
- B. Whether the request for Reasonable Accommodation is necessary to make specific housing available to an individual with a disability under the Acts;
- C. Whether the requested Reasonable Accommodation would impose an undue financial or administrative burden on the County;
- D. Whether the requested Reasonable Accommodation would require a fundamental alteration in the nature of a County program or law, including, but not limited to, land use and zoning;
- E. Potential impact on surrounding uses;
- F. Physical attributes of the property and structures; and
- G. Alternative Reasonable Accommodations that may provide an equivalent level of benefit.

18.76.050 Conditions of Approval

In approving a request for Reasonable Accommodation, the Review Authority may impose conditions of approval deemed reasonable and necessary to ensure that the Reasonable Accommodation will comply with the findings required by [Section 18.76.040 \(Findings and Decision\)](#).

18.76.060 Rescission of Approval of Reasonable Accommodation

- A. **Rescission.** An approval or conditional approval of an application made in compliance with this Chapter may be conditioned to provide for its rescission or automatic expiration under appropriate circumstances (e.g., the disabled individual vacates the subject site), unless allowed to remain in compliance with [Subsection B \(Discontinuance\)](#), below.
- B. **Discontinuance.** A request for Reasonable Accommodation may be deemed discontinued in the following circumstances:
 - 1. A Reasonable Accommodation shall lapse if the exercise of rights granted by it is discontinued for at least 180 consecutive days.
 - 2. If the person(s) initially occupying a residence vacates, the Reasonable Accommodation shall remain in effect only if the Review Authority first determines that:

- a. The modification is physically integrated into the residential structure and cannot easily be removed or altered to comply with this Zoning Ordinance; or
 - b. The accommodation is to be used by another qualifying individual with a disability.
3. The Review Authority may request the applicant or the successor(s)-in-interest to the property to provide documentation that subsequent occupants are qualifying persons with disabilities. Failure to provide the documentation within 10 days of the date of a request by the Review Authority shall constitute grounds for discontinuance by the County of a previously approved Reasonable Accommodation.

18.76.070 Modifications/Changes to an Approved Reasonable Accommodation

Changes to an approved Reasonable Accommodation may only be requested and processed in compliance with [Section 18.88.080 \(Changes to an Approved Project\)](#).

18.76.080 Post-Decision Procedures

The procedures and requirements in [Chapter 18.88 \(Permit Implementation, Time Limits, and Extensions\)](#), and those related to appeals and revocation in Article 7 (Zoning Ordinance Administration) shall apply following the decision on a Reasonable Accommodation application.

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Chapter 18.78

Modifications



Chapter 18.78 Modifications

18.78.010 Purpose

The purpose of this Chapter is to establish a means of granting relief from locational, developmental, and operational standards where doing so would be consistent with this Zoning Ordinance and the General Plan, and where it is not possible or practical to approve a Modification.

18.78.020 Applicability

Modifications may be granted as specifically identified in any other section of this Zoning Ordinance and for dimensional requirements of property development standards (e.g., required setbacks) specified in this Zoning Ordinance.

18.78.030 Application Filing, Processing, and Review

- A. **Application.** An application for a Modification shall be filed and processed in compliance with [Chapter 18.72 \(Application Processing Procedures\)](#). The application shall include the information and materials specified in the most up-to-date application form, together with the required fee in compliance with the Fee Schedule.
- B. **Responsibility of Applicant.** It is the responsibility of the applicant to provide evidence in support of the findings required by [Section 18.78.040 \(Findings and Decision\)](#).
- C. **Application Review.** Review of the application, including time requirements and requests for information, shall be as provided in [Section 18.72.080 \(Application Review\)](#).
- D. **Review Authority.** The Zoning Administrator shall act as the Review Authority for Modification applications based on consideration of the requirements of this Chapter except in the case of concurrent processing described below.
- E. **Concurrent Processing.** If a request for a Modification is being submitted in conjunction with an application for another approval, permit, or entitlement that requires Commission action, it shall be heard and acted upon at the same time and in the same manner as that application.
- F. **Public Notice and Hearing.** Public noticing and hearing standards for Modification applications shall comply with the following:
 1. **Public Notice.** Public notice shall be provided in compliance with [Chapter 18.106 \(Public Notices and Hearings\)](#).

2. **Public Hearing.** The Zoning Administrator shall conduct a public hearing on an application for a Modification before making a decision on the application. If a Modification is requested in conjunction with an application for another approval, permit, or entitlement that requires Commission action, it shall be heard and acted upon at the same time and in the same manner as that application.
3. **Appeal.** The Zoning Administrator’s or Commission’s decision is appealable to the Board in compliance with [Chapter 18.108 \(Appeals\)](#).

18.78.040 Findings and Decision

The Review Authority may approve or conditionally approve a Modification only after first making all of the following findings:

- A. The proposed modification will be at least as effective in achieving the objectives of the base standard;
- B. There are no alternatives to the requested modification that could provide an equivalent level of benefit to the applicant with less potential detriment to surrounding owners and occupants or to the public; and
- C. The granting of the requested modification would not be detrimental to the health or safety of the public or the occupants of the property or result in a change in land use or density that would be inconsistent with the requirements of this Zoning Ordinance.

18.78.050 Conditions of Approval

In approving a Modification, the Review Authority may impose any conditions deemed reasonable and necessary to ensure that the approval will comply with the findings required by [Section 18.78.040 \(Findings and Decision\)](#).

18.78.060 Modifications/Changes to an Approved Permit

Changes to an approved Modification may only be requested and processed in compliance with [Section 18.88.080 \(Changes to an Approved Permit\)](#).

18.78.070 Post-Decision Procedures

The procedures and requirements in [Chapter 18.88 \(Permit Implementation, Time Limits, and Extensions\)](#), and those related to appeals and revocation in Article 7 (Zoning Ordinance Administration) shall apply following the decision on a Modification application.

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Chapter 18.80

Zoning Permits



Chapter 18.80 Zoning Permits

18.80.010 Purpose

- A. **Purpose.** The purpose of this Chapter is to provide procedures for reviewing land uses and development that may be appropriate in the applicable zone, but whose effects on a site and surroundings cannot be determined before being proposed for a specific site.
- B. **Discretionary Permits.** Zoning Permits are discretionary permits for uses of land or development that require special review to ensure they are compatible with the neighborhood and surrounding uses. They are considered more likely to have greater impacts than uses allowed by right, but less than those uses that require a Conditional Use Permit.
- C. **Special Consideration.** Certain types of land uses may require special conditions in a particular zone or physical location within the County as a whole because they have unique characteristics or potential impacts to the surrounding area that make automatic inclusion as allowed uses either impractical or undesirable.
- D. **Intent.** Zoning Permit procedures are intended to provide sufficient flexibility to further the objectives of this Zoning Ordinance and to provide the County with the opportunity to impose project conditions to mitigate potential impacts that could result from allowing requested use(s).

18.80.020 Applicability

Approval of a Zoning Permit is required to authorize proposed land uses specified by Article 2 (Zones, Allowable Uses, and Development Standards) as being allowable in the applicable zone when subject to the approval of a Zoning Permit and/or any other section of this Zoning Ordinance which requires a Zoning Permit.

18.80.030 Application Filing, Processing, and Review

- A. **Application.** An application for a Zoning Permit shall be filed and processed in compliance with [Chapter 18.72 \(Application Processing Procedures\)](#). The application shall include the information and materials specified in the most up-to-date application form, together with the required fee in compliance with the Fee Schedule.
- B. **Responsibility of Applicant.** It is the responsibility of the applicant to provide evidence in support of the findings required by [Section 18.80.040 \(Findings and Decision\)](#).
- C. **Application Review.** Review of the application, including time requirements and requests for information, shall be as provided in [Section 18.72.080 \(Application Review\)](#).

- D. **Review Authority.** The Zoning Administrator shall act as the Review Authority for Zoning Permits based on consideration of the requirements of this Chapter. The Zoning Administrator may refer any application for a Zoning Permit for a project that may generate substantial public controversy or involve significant land use policy decisions to the Commission for decision. In that case, the application shall be processed as a Conditional Use Permit.
- E. **Public Notice, and Hearing.**
1. **Public Hearing Required.** The Zoning Administrator shall conduct a public hearing on an application for a Zoning Permit before acting on the application.
 2. **Notice of Public Hearing.** Notice of the public hearing shall be provided, and the hearing shall be conducted in compliance with [Chapter 18.106 \(Public Notices and Hearings\)](#).
 3. **Appeal.** The Zoning Administrator’s decision is appealable to the Board in compliance with [Chapter 18.108 \(Appeals\)](#).

18.80.040 Findings and Decision

The Zoning Administrator may approve or conditionally approve a Zoning Permit only after first making all of the following findings:

- A. The proposed use is consistent with the General Plan and any applicable specific plan;
- B. The proposed use is allowed within the subject zone and complies with all other applicable provisions of this Zoning Ordinance and the County Code;
- C. The design, location, size, and operating characteristics of the proposed use are compatible with the allowed uses in the vicinity;
- D. Operation of the use at the location proposed would not be detrimental to the harmonious and orderly growth of the County, or endanger, jeopardize, or otherwise constitute a hazard to the public convenience, health, interest, safety, or general welfare of persons residing or working in the vicinity of the proposed use; and,
- E. The project site is:
 1. Physically suitable in terms of design, location, operating characteristics, shape, size, topography, and the provision of public and emergency vehicle (e.g., fire and medical) access and services and utilities;
 2. Served by highways and streets adequate in width and improvement to carry the type and quantity of traffic the proposed use would likely generate; and,
 3. Adequately served by public water and sewer and/or private septic and wells.

18.80.050 Conditions of Approval

In approving a Zoning Permit, the Review Authority may impose any conditions deemed reasonable and necessary to ensure that the approval will comply with the findings required by [Section 18.80.040 \(Findings and Decision\)](#).

18.80.060 Modifications/Changes to an Approved Permit

Changes to an approved Zoning Permit may only be requested and processed in compliance with [Section 18.88.080 \(Changes to an Approved Permit\)](#).

18.80.070 Post-Decision Procedures

The procedures and requirements in [Chapter 18.88 \(Permit Implementation, Time Limits, and Extensions\)](#), and those related to appeals and revocation in Article 7 (Zoning Ordinance Administration) shall apply following the decision on a Zoning Permit application.

Chapter 18.82

Conditional Use Permits



Chapter 18.82 Conditional Use Permits

18.82.010 Purpose

- A. **Purpose.** The purpose of this Chapter is to provide procedures for reviewing land uses that may be appropriate in the applicable zone, but whose effects on a site and surroundings cannot be determined before being proposed for a specific site.
- B. **Discretionary Permits.** Conditional Use Permits are discretionary permits for uses of land that require special review to ensure they are compatible with the neighborhood and surrounding uses. They are considered more likely to have greater impacts than uses allowed by right or by Zoning Permit.
- C. **Special Consideration.** Certain types of land uses may require special conditions in a particular zone or physical location within the County as a whole because they have unique characteristics or potential impacts to the surrounding area that make automatic inclusion as allowed uses either impractical or undesirable.
- D. **Intent.** Conditional Use Permit procedures are intended to provide sufficient flexibility to further the objectives of this Zoning Ordinance and to provide the County with the opportunity to impose project conditions to mitigate potential impacts that could result from allowing requested use(s).

18.82.020 Applicability

Approval of a Conditional Use Permit is required to authorize proposed land uses specified by Article 2 (Zones, Allowable Uses, and Development Standards) as being allowable in the applicable zone when subject to the approval of a Conditional Use Permit and/or any other section of this Zoning Ordinance which requires a Conditional Use Permit.

18.82.030 Application Filing, Processing, and Review

- A. **Application.** An application for a Conditional Use Permit shall be filed and processed in compliance with [Chapter 18.72 \(Application Processing Procedures\)](#). The application shall include the information and materials specified in the most up-to-date application form, together with the required fee in compliance with the Fee Schedule.
- B. **Responsibility of Applicant.** It is the responsibility of the applicant to provide evidence in support of the findings required by [Section 18.82.040 \(Findings and Decision\)](#).



- C. **Application Review.** Review of the application, including time requirements and requests for information, shall be as provided in **Section 18.72.080 (Application Review)**.
- D. **Review Authority.** Conditional Use Permits shall be approved, conditionally approved, or denied by the Commission.
- E. **Public Notice, and Hearing.**
 - 1. **Public Hearing Required.** The Commission shall conduct a public hearing on an application for a Conditional Use Permit before making a decision on the application.
 - 2. **Notice of Public Hearing.** Notice of the public hearing shall be provided and the hearing shall be conducted in compliance with **Chapter 18.106 (Public Notices and Hearings)**.
 - 3. **Appeal.** The Commission’s decision is appealable to the Board in compliance with **Chapter 18.108 (Appeals)**.

18.82.040 Findings and Decision

The Commission may approve or conditionally approve a Conditional Use Permit only after first making all of the following findings:

- A. The proposed use is consistent with the General Plan and any applicable specific plan;
- B. The proposed use is allowed within the subject zone and complies with all other applicable provisions of this Zoning Ordinance and the County Code;
- C. The design, location, size, and operating characteristics of the proposed use are compatible with the allowed uses in the vicinity;
- D. Operation of the use at the location proposed would not be detrimental to the harmonious and orderly growth of the County, or endanger, jeopardize, or otherwise constitute a hazard to the public convenience, health, interest, safety, or general welfare of persons residing or working in the vicinity of the proposed use; and,
- E. The project site is:
 - 1. Physically suitable in terms of design, location, operating characteristics, shape, size, topography, and the provision of public and emergency vehicle (e.g., fire and medical) access and services and utilities;
 - 2. Served by highways and streets adequate in width and improvement to carry the type and quantity of traffic the proposed use would likely generate; and,
 - 3. Adequately served by public water and sewer and/or private septic and wells.

18.82.050 Conditions of Approval

In approving a Conditional Use Permit, the Review Authority may impose any conditions deemed reasonable and necessary to ensure that the approval will comply with the findings required by [Section 18.82.040 \(Findings and Decision\)](#).

18.82.060 Modifications/Changes to an Approved Permit

Changes to an approved Conditional Use Permit may only be requested and processed in compliance with [Section 18.88.080 \(Changes to an Approved Permit\)](#).

18.82.070 Post-Decision Procedures

The procedures and requirements in [Chapter 18.88 \(Permit Implementation, Time Limits, and Extensions\)](#), and those related to appeals and revocation in Article 7 (Zoning Ordinance Administration) shall apply following the decision on a Conditional Use Permit application.

Chapter 18.84

Cottage Industry Permit



Chapter 18.84 Cottage Industry Permit

18.84.010 Application Filing, Processing, and Review

An application for a Cottage Industry permit shall include the following: [Source: 18.89.050]

- A. Name and address of applicant;
- B. Name(s) and address(es) of property owners;
- C. Accessors parcel number(s); and
- D. Description of the cottage industry, including:
 1. Trade name or business title;
 2. Resale number, if any;
 3. Detailed description of the proposed occupation;
 4. Tools, machinery, or equipment required or used in the practice of the occupation; and
 5. Site plan showing access and parking.

18.84.020 Review and Approval

The Cottage Industry Permit application shall be reviewed and approved in compliance with the Planning Division. [Source: 18.89.060]

18.84.030 Permit Revocation and Modification

Any approved Cottage Industry Permit may be revoked, modified, and/or appealed by the Planning Director, in compliance with [Chapter 18.90 \(Permit Modifications and Revocations\)](#). [Source: 18.89.070]

Chapter 18.86

Variances



Chapter 18.86 Variances

18.86.010 Purpose

This Chapter is intended to provide a mechanism for relief from the strict application of this Zoning Ordinance where it would deprive the property owner of privileges enjoyed by similar properties because of the subject property's unique and special conditions.

18.86.020 Applicability

Variances may be granted to allow for any adjustment from any of the development standards required by this Zoning Ordinance but may not be granted to allow uses or activities that this Zoning Ordinance does not authorize for a specific parcel or site.

18.86.030 Review Authority

The Commission shall act as the Review Authority for Variance applications based on consideration of the requirements of this Chapter.

18.86.040 Application Filing, Processing, and Review

- A. **Application.** An application for a Variance shall be filed and processed in compliance with **Chapter 18.72 (Application Processing Procedures)**. The application shall include the information and materials specified in the most up-to-date Planning Division application, together with the required fee in compliance with the Fee Schedule.
- B. **Responsibility of Applicant.** It is the responsibility of the applicant to provide evidence in support of the findings required by **Section 18.86.050 (Findings and Decision)**.
- C. **Application Review.** Review of the application, including time requirements and requests for information, shall be as provided in **Section 18.72.080 (Application Review)**.
- D. **Review Authority.** Variances shall be approved, conditionally approved, or denied by the Commission based on consideration of the requirements of this Chapter.
- E. **Public Notice and Hearings.**
 - 1. **Public Hearing Required.** The Commission shall conduct a public hearing on an application for a Variance before making a decision on the application.
 - 2. **Notice of Public Hearing.** Notice of the public hearing shall be given and the hearing shall be conducted in compliance with **Chapter 18.106 (Public Notices and Hearings)**.

3. **Appeal.** The Commission’s decision is appealable to the Board in compliance with **Chapter 18.108 (Appeals)**.

18.86.050 Findings and Decision

The Commission may approve or conditionally approve a Variance application only after first making all the following findings:

- A. There are special circumstances or conditions applicable to the subject property (e.g., location, shape, size, surroundings, topography, or other physical features) that do not apply generally to other properties in the vicinity under an identical zoning classification;
- B. Strict compliance with Zoning Ordinance requirements would deprive the subject property of privileges enjoyed by other property in the vicinity and under an identical zoning classification;
- C. Approving the Variance would not constitute a grant of special privilege inconsistent with the limitations on other properties in the same vicinity and zone in which the subject property is situated; and
- D. The requested Variance would not allow a use or activity that is not otherwise expressly authorized by the regulations governing the subject parcel.

18.86.060 Precedents

Each application shall be reviewed on an individual case-by-case basis and the approval of a prior Variance is not admissible evidence for the approval of a new Variance.

18.86.070 Burden of Proof

The burden of proof to establish the evidence in support of the findings, required by **Section 18.86.050 (Findings and Decision)**, is the responsibility of the applicant.

18.86.080 Conditions of Approval

In approving a Variance application, the Commission may impose conditions deemed reasonable and necessary to ensure that the approval would be in compliance with the findings required by **Section 18.86.050 (Findings and Decision)**.

18.86.090 Modifications/Changes to an Approved Permit

Changes to an approved Variance may only be requested and processed in compliance with **Section 18.88.080 (Changes to an Approved Project)**.

18.86.100 Post-Decision Procedures

The procedures and requirements in **Chapter 18.88 (Permit Implementation, Time Limits, and Extensions)**, and those related to appeals and revocation in Article 7 (Zoning Ordinance Administration) shall apply following the decision on a Variance application.

Chapter 18.88

**Permit Implementation, Time
Limits, and Extensions**



Chapter 18.88 Permit Implementation, Time Limits, and Extensions

18.88.010 Purpose

This Chapter provides requirements for the implementation or "exercising" of the permits or approvals required or offered by this Zoning Ordinance, including time limits and procedures for approving extensions of time.

18.88.020 Conformance to Approved Plans

- A. **Compliance.** All work performed under a Building Permit for which project drawings and plans have received approval by the Planning Director, Commission, or Board shall be in full compliance with the approved drawings and plans, and any conditions of approval imposed by the applicable Review Authority.
- B. **Changes.** Changes to an approved project shall be submitted and processed in compliance with **Section 18.88.080 (Changes to an Approved Permit)**.

18.88.030 Effective Dates

- A. **Approvals, Permits, and Variances.**
 - 1. A Reasonable Accommodation and Zoning Clearance shall become effective immediately following its approval/issuance.
 - 2. Zoning Permit, Conditional Use Permit, Modification, or Variance shall become effective on the 16th calendar day following the actual date the decision was rendered by the applicable Review Authority, unless an appeal is filed in compliance with **Chapter 18.108 (Appeals)** before the effective date.
 - 3. Denial of a request for approval, permit, or Variance becomes effective the date of denial.
- B. **Agreements, Plans, and Amendments.**
 - 1. Board actions to adopt or amend a specific plan (adopted by ordinance), this Zoning Ordinance, or the Zoning Map shall become effective on the 30th day following the date the ordinance is actually adopted by the Board. An ordinance adopted on October 1st will become effective on October 31st.
 - 2. Board actions to adopt or amend the General Plan or a specific plan (adopted by resolution) shall become effective upon the adoption of the resolution by the Board.

C. Issued on the Effective Date.

1. Permits, certificates, and/or other approvals shall not be issued until the effective date specified in **Subsections A (Approvals, Permits, and Variances)** and **B (Agreements, Plans, and Amendments)** above; provided, that no appeal of the Review Authority's decision has been filed, in compliance with **Chapter 18.108 (Appeals)**.
2. Public Resources Code Sections 21167-21167.8, inclusive, specify the applicable time constraints for CEQA compliance. Failure by the applicant to comply with all applicable CEQA time constraints places the burden on the applicant for being responsible for all associated risks.

18.88.040 Applications Deemed Approved

- A. **Applicable Provisions.** Any application deemed approved by operation of law in compliance with Government Code Section 65956(b) shall be subject to all applicable provisions of this Zoning Ordinance, which shall be fully satisfied by the applicant before a Building Permit is issued or a land use not requiring a Building Permit is exercised or established.
- B. **Public Hearing.** An application that is required to have a public hearing shall be deemed approved only if the application received proper notice in compliance with **Chapter 18.106 (Public Notices and Hearings)** and Government Code Section 65956(b).

18.88.050 Permits to Run with the Land

- A. **Run with the Land.** A Zoning Permit, Conditional Use Permit, Modification, or Variance that is approved in compliance with **Chapter 18.72 (Application Processing Procedures)** shall be deemed to run with the land through any change of ownership of the subject site, from the effective date of the permit, except in any case where a permit expires and becomes void in compliance with **Section 18.88.060 (Expiration)** or as specified in this Ordinance.
- B. **Conditions Shall Apply.** All applicable conditions of approval shall continue to apply after a change in property ownership.

18.88.060 Expiration

- A. **Expiration of Permit or Approval.** Unless otherwise specified in the permit or approval, all permits and approvals for projects not subject to the Map Act shall comply with the following expiration provisions.

1. **Shall Be Exercised.**
 - a. To ensure continued compliance with the provisions of this Zoning Ordinance, the permit or approval shall be exercised within 24 months following the date of approval, unless, by conditions of the permit or approval, a different time is prescribed, or the permit or approval shall be deemed void, unless an extension is approved by the applicable Review Authority, in compliance with Section TBD (Time Extensions).
 - b. Any time limit set by the applicable Review Authority shall be reasonable based upon the size and the nature of the proposed project.
2. **Shall Be Exercised before Expiration.** A permit or approval shall be exercised before its expiration. The permit or approval shall not be deemed exercised until the applicant has:
 - a. Obtained a Building Permit and continuous on-site construction activity including pouring of foundations, installation of utilities, or other similar substantial improvement has commenced and diligently pursued toward completion; or,
 - b. Obtained a Grading Permit and has completed a significant amount of on-site grading, as determined by the Planning Director, in preparation for the work described in Subsection a. above; and,
 - c. Diligently continued the approved grading and construction activities in a timely manner in compliance with the subject Building or Grading Permit and not lapsed for longer than allowed by **Subparagraph (A)(1)(c)**, above; and
 - d. Actually implemented the allowed land use, in its entirety, on the subject property in compliance with the conditions of approval. All conditions of approval shall be implemented within two years of initial project approval. If additional time is needed to implement the conditions of approval, the applicant shall request a time extension from the planning Director in compliance with this Chapter.
- B. **Effect of Expiration.** Where the permit or approval has expired and/or has been deemed void:
 1. No further action is required by the County;
 2. No further reliance may be placed on the previously approved permit or approval;
 3. The applicant shall have no rights previously granted under the permit or approval;
 4. The applicant shall file a new application(s) and obtain all required approvals before construction can commence or an allowable use may be implemented; and,

5. Any security provided by the applicant under the previously approved permit or approval may be used by the County to provide suitable protection from any harm that may result from the terminated development.

18.88.070 Time Extensions

A. Planning Director’s Action to Extend.

1. The Planning Director shall have the authority to extend the period specified in **Section 18.88.060 (Expiration)**, for up to three additional 12-month periods.
2. The applicant’s written request for an extension of time shall be on file with the Planning Division at least 30 days before expiration of the permit or approval, together with the filing fee required by the Fee Schedule.
3. Public hearing not required.
 - a. A public hearing shall not be required for the Planning Director’s decision on an extension of time.
 - b. However, the Planning Director may conduct a public hearing in compliance with **Chapter 18.106 (Public Notices and Hearings)** if deemed appropriate by the Planning Director.

B. Planning Director Denies Extension. In the event the Planning Director denies the request for extension, the applicant may, within 15 days of the decision, appeal the decision in compliance with **Chapter 18.108 (Appeals)**.

C. Required Findings. An extension of the permit or approval may be granted only if the Planning Director first makes all the following findings:

1. There have been no changes in circumstances or law that would preclude the Planning Director from making the findings upon which the original approval was based; and,
2. Appropriate evidence has been provided by the applicant to document that the extension is required due to a hardship that was not the result of personal action(s) or lack of action(s) undertaken by the applicant.

D. Further Extensions. An application for an extension of the permit or approval more than 60 months following the original date of approval (original 24 months plus up to three additional 12-month periods) shall be treated as a new application which shall be filed in compliance with **Chapter 18.72 (Application Processing Procedures)**.

- E. **Discretionary Action.** The granting of an extension of a discretionary permit or approval is not a matter of right and the Review Authority may deny the application or grant the application subject to new or different conditions.

18.88.080 Changes to an Approved Project

All development and use of land for which a permit or other approval has been issued shall be in compliance with the approved drawings and plans and any conditions of approval unless the permit or other approval is revised as provided for in this Section.

- A. **Minor Revisions.** The Zoning Administrator may authorize minor modifications to an approved permit's site plan, architecture, or the nature of the approved use only if the changes:
1. Are consistent with all applicable provisions of this Zoning Ordinance and the spirit and intent of the original approval;
 2. Do not involve a feature of the project that was:
 - a. A basis for findings in a Negative Declaration, Mitigated Negative Declaration, or Environmental Impact Report for the project.
 - b. A basis for conditions of approval for the project; or
 - c. A specific consideration by the Review Authority (e.g., the Planning Director, Commission, or Board) in granting the permit or approval;
 3. Do not involve any expansion or intensification of the use or structure in terms of the area, space, or volume occupied by the use, number of on-site employees, daily vehicle traffic, or business or production output;
 4. Would not result in a significant effect on the environment; and
 5. Would not be materially detrimental to other properties or land uses in the area.
- B. **Major Revisions.** A request for revisions to conditions of approval of a discretionary permit, a revision that would affect a condition of approval, or a revision that would intensify a potential impact of the project shall be treated as a new application and shall be decided on by the same Review Authority as the approved permit.

18.88.090 Resubmittals

A. **Resubmittal after Denial with Prejudice.**

1. The Planning Director may reject an application for a discretionary planning permit, or amendment, on the grounds that one or more similar applications for the same site have been denied in the past 12 months (also known as denial with prejudice), or that another cause exists for limiting the refiling of the application.
2. For a period of 12 months following the actual date of denial with prejudice by the Planning Director, Commission, or Board, or, if appealed, the actual date of denial by the applicable Review Authority considering the appeal, of a discretionary planning permit or amendment, no application for the same or substantially similar planning permit or amendment shall be filed for the same site, or any portion of the same site.

B. **Exception to Subsection A. Above.** The Planning Director may allow exception to **Subsection A**, above, based on one or more of the following findings:

1. New evidence material to a revised decision will be presented that was unavailable or unknown to the applicant at the previous hearing(s) and that could not have been discovered in the exercise of reasonable diligence by the applicant.
2. The surrounding area has had a Zoning Map Amendment or a major change in the area has taken place since the previous hearing(s), which materially affects the applicant's real property.
3. A mistake was made at the previous hearing(s) that was a material factor in the denial of the previous application.

C. **Resubmittal after Denial without Prejudice.** There shall be no limitation on subsequent applications for a site where a project was denied without prejudice.

D. **Planning Director's Determination, Appeal.**

1. The Planning Director shall determine whether a new application is for a planning permit or amendment that is the same or substantially similar to a previously approved or denied permit or amendment and shall either process or reject the application in compliance with this Section.
2. The Planning Director's determination may be appealed to the Commission, in compliance with **Chapter 18.108 (Appeals)**.

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Chapter 18.90

**Permit Modifications and
Revocations**



Chapter 18.90 Permit Modifications and Revocations

18.90.010 Purpose

- A. This Chapter provides procedures for securing punitive modification or revocation of previously approved permits or approvals.
- B. A discretionary permit may be modified or revoked for cause as provided by this Chapter.
- C. For purposes of this Chapter, modification may include the modification of the terms of the permit itself or the waiver, alteration, and imposition of new or modified conditions.
- D. Any action to modify or revoke a permit or approval may be initiated by order of the Board or Commission, on its own motion or at the request of the Planning Director.

18.90.020 Modifications

The County's action to modify a permit or approval may include conditioning any operational aspect of the project, including buffers, duration of the permit or entitlement, hours of operation, landscaping and maintenance, outdoor lighting, parking, performance guarantees, property maintenance, signs, surfacing, traffic circulation, or any other aspect/condition determined to be reasonable and necessary to ensure that the permit or approval is operated in a manner consistent with the original findings for approval.

18.90.030 Revocations

The County's action to revoke a permit or approval shall have the effect of terminating the permit or approval and denying the privileges granted by the original approval. The County's action to revoke a permit or approval shall be effective immediately upon the Review Authority's final action.

18.90.040 Findings to Modify or Revoke

Modifications or revocations may be made upon a finding of any one or more of the following grounds:

- A. **Permits.** A Zoning Permit, Conditional Use Permit, or other County planning permit or approval (except a Variance or Modification, see **Subsection B**, below) may be modified or revoked by the Review Authority (e.g., Planning Director, Zoning Administrator, Commission, Board) that originally approved the permit, if the Review Authority first makes any one of the following findings:

1. Circumstances under which the permit or approval was granted have been changed by the applicant to an extent that one or more of the findings that justified the original approval can no longer be made, and the public health, safety, and general welfare require the modification or revocation;
 2. The permit or other approval was granted or extended, in whole or in part, on the basis of a fraud, misrepresentation, or omission of a material statement in the application, or in the applicant’s testimony presented during the public hearing, for the permit or approval;
 3. One or more of the conditions of the original permit or approval have not been substantially fulfilled or have been violated and/or the approved Zoning Clearance has not been followed;
 4. The permit or any improvement authorized in compliance with the permit or approval is in violation of any applicable code, law, ordinance, regulation, or statute; or
 5. The improvement/use allowed by the permit or approval has become detrimental to the public health, safety, or general welfare or the manner of operation constitutes or is creating a nuisance.
- B. **Variances and Modifications.** A Variance or Modification may be modified or revoked by the Review Authority (e.g., Zoning Administrator, Commission, Board) that originally approved the Variance or Modification, if the Review Authority first makes any one of the following findings, in addition to any of the findings specified in **Subsection A**, above:
1. Circumstances under which the original approval was granted have been changed by the applicant to a degree that one or more of the findings contained in the original approval can no longer be made in a positive manner, and the grantee has not substantially exercised the rights granted by the Variance or Modification; or
 2. One or more of the conditions of the Variance or Modification have not been met, or have been violated, and the grantee has not substantially exercised the rights granted by the Variance or Modification in compliance with **Subsection 18.88.060 (Expiration)**.

18.90.050 Hearing and Notice Required

A. **Public Hearing.**

1. The appropriate Review Authority which originally granted the permit or approval shall hold a public hearing to modify or revoke a permit or approval granted in compliance with the provisions of this Zoning Ordinance.
2. The public hearing shall be noticed and conducted in compliance with **Chapter 18.106 (Public Notices and Hearings)**.

B. Mailing/Delivery of Notice.

1. At least 10 days before the scheduled public hearing, notice shall be mailed or delivered to the owner as shown on the latest County equalized assessment roll and to the project applicant, if not the owner of the subject property, for which the permit or approval was granted.
2. Notice shall be deemed delivered two days after being mailed through the United States Postal Service, postage paid, or by some other method providing for proof of delivery.

18.90.060 Appeals

Any action to modify or revoke a permit or approval decided in compliance with this Chapter may be appealed in compliance with **Chapter 18.108 (Appeals)**.



Article 7 – Zoning Ordinance
Administration
Chapter 18 – Zoning Ordinance

PUBLIC REVIEW DRAFT

January 2023

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Chapter 18.100

Administrative Responsibility



Chapter 18.100 Administrative Responsibility

18.100.010 Purpose

The purpose of this Chapter is to describe the authority and responsibilities of the Board, Commission, Zoning Administrator, and Planning Director in the administration of this Zoning Ordinance.

18.100.020 Planning Agency

The Commission and the Planning Division (including the Zoning Administrator and the Planning Director) shall function as the Planning Agency and as the Advisory Agency, when so required or authorized, in compliance with Government Code Section 65100.

18.100.030 Board of Supervisors

- A. The Board of Supervisors, referred to in this Zoning Ordinance as the Board, in matters related to the County's planning process shall perform the duties and functions prescribed in this County Code Section 2.32.120 (Board of Supervisors - Duties) and this Zoning Ordinance, which include all of the following:
1. **Review Authority on Specified Legislative Planning Matters.** Final legislative decisions on development agreements and amendments, General Plan Amendments, specific plans and amendments, Zoning Ordinance Amendments, Zoning Map Amendments, related CEQA environmental documents, and other applicable policy or Zoning Ordinance matters related to the County's planning process.
 2. **Appeals.** The review of appeals of Commission decisions.
- B. **Imposition of Conditions.** In making decisions on applications, the Board may impose conditions it deems reasonable and necessary to implement the General Plan, any applicable specific plan, the County Code standards that apply to development, and to further the public health, safety, and general welfare of the community.

18.100.040 Commission

- A. **Establishment.** The Planning Commission, referred to in this Zoning Ordinance as the Commission, is established in compliance with **County Code Section 2.32.040 (Commission - Membership - Terms)**.



- B. **Appointment.** The Commission shall consist of five members who shall be appointed by the Board in compliance with County Code Sections 2.32.030 (Commission - Membership - Selection) and 2.32.040 (Commission - Membership - Terms).
- C. **Duties and Authority.** The Commission shall perform the duties and functions prescribed by County Code Section 2.32.080 (Commission - Duties) and this Zoning Ordinance, and the Board may, from time to time by resolution, prescribe additional powers and duties consistent with State Law, including the following:
1. The review of development projects, including referrals from the Planning Director;
 2. The review of appeals from the Planning Director’s decisions and the Planning Director’s and Staff’s determinations;
 3. The recommendation, to the Board for final legislative decisions, on development agreements and amendments, General Plan Amendments, specific plans and amendments, Zoning Ordinance Amendments, Zoning Map Amendments, related CEQA environmental documents, and other applicable policy or regulatory matters related to the County's planning process; and,
- D. **Meeting Rules.** The Commission shall conduct public hearings and meetings in compliance with County Code Section 2.32.070 (Commission - Quorum, Actions, Adoption of Rules) and Chapter 106 (Public Notices and Hearings).
- E. **Imposition of Conditions.** In making decisions on applications, the Commission may impose conditions it deems reasonable and necessary to implement the General Plan, any applicable specific plan, the County Code standards that apply to development, and to further the public health, safety, and general welfare of the community.
- F. **Appeals of Actions.** Any decision by the Commission may be appealed to the Board in compliance with Chapter 18.108 (Appeals).

18.100.050 Zoning Administrator

- A. **Duties and Authority of the Zoning Administrator.** The Zoning Administrator shall perform the duties and functions prescribed by this Zoning Ordinance and the California Environmental Quality Act (CEQA).
- B. **Decisions of the Zoning Administrator.**
1. The Zoning Administrator shall make a decision on the application and, if approved and no appeal is filed within 10 days, the permit shall be mailed to the applicant and Building Permits may be processed and/or the use established.

2. The Zoning Administrator shall have the authority to defer action on an application and refer the request to the Commission for consideration and final action.
- C. **Distribution of Reports.** Any reports for matters to be reviewed by the Zoning Administrator shall be distributed to the Zoning Administrator and the applicant 10 days before the hearing date.
 - D. **Conditions of Approval.** In making decisions on applications, the Zoning Administrator may impose conditions the Zoning Administrator deems reasonable and necessary to implement the General Plan, any applicable specific plan, the County Code standards that apply to the development, and to further the public health, safety, and general welfare of the community.
 - E. **Appeal of Decisions.** Any decision by the Zoning Administrator may be appealed to the Commission in compliance with [Chapter 18.108 \(Appeals\)](#).

18.100.060 Planning Director

- A. **Appointment.** The Planning Director, or the Planning Director's designee, referred to in this Zoning Ordinance as the Planning Director, shall be appointed by the County Executive Officer.
- B. **Duties and Authority.** The Planning Director shall:
 1. Have the responsibility to perform all of the functions designated by State law and County [Code Sections 2.32.100 \(Director\) and 2.32.110 \(Department - Duties\)](#);
 2. Perform the duties and functions prescribed in this Zoning Ordinance;
 3. Have the authority to defer action on an application and refer the request to the Zoning Administrator or Commission for consideration and final action;
 4. Perform other responsibilities assigned by the Board, Commission, or County Executive Officer; and,
 5. Delegate the responsibilities of the Planning Director to Staff under the supervision of the Planning Director.
- C. **Conditions of Approval.** In making decisions on applications, the Planning Director may impose conditions the Planning Director deems reasonable and necessary to implement the General Plan, any applicable specific plans, the County Code standards that apply to the development, and to further the public health, safety, and general welfare of the community.
- D. **Appeal of Decisions.** Any decision by the Planning Director may be appealed to the Commission in compliance with [Chapter 18.108 \(Appeals\)](#).

Chapter 18.102

Amendments



Chapter 18.102 Amendments

18.102.010 Purpose

This Chapter provides procedures for the amendment of the General Plan, this Zoning Ordinance, and the Zoning Map whenever the Board determines public necessity and general welfare necessitate an amendment.

- A. **General Plan Amendments.** The General Plan is the County's guiding land use policy document which the Zoning Map is based on. The General Plan and the Zoning Map shall be consistent. An application to amend the General Plan shall first be heard by the Commission which shall adopt a recommendation for Board consideration. Then it shall be heard by the Board, which shall adopt a resolution, following a noticed public hearing.
- B. **Zoning Ordinance Amendments.** This Zoning Ordinance specifies all of the rules, regulations, and standards that serve to implement the General Plan. Amendments to this Zoning Ordinance shall be by ordinance. An application to amend this Zoning Ordinance shall first be heard by the Commission which shall adopt a recommendation for Board consideration. Then it shall be heard by the Board, which shall adopt an ordinance, following a noticed public hearing.
- C. **Zoning Map Amendments.**
 1. All land in the unincorporated area of the County is classified into various zones. These zones are outlined on the County's Zoning Map. Article 2, Zones, Allowable Uses, and Development Standards, describes the uses of land that are allowed in each zone and Article 4, Standards for Specific Land Uses, describes the development standards applicable for each specific use.
 2. A Zoning Map Amendment is a procedure involving an application to reclassify land to a different zone that is consistent with the General Plan designation for the property. On occasion, a General Plan Amendment is processed together with a Zoning Map Amendment; however, the number of General Plan Amendments is limited by State law. Additionally, by law, the two shall be consistent.
 3. Amendments to the Zoning Map shall be adopted by ordinance. The application shall first be heard by the Commission which shall adopt a recommendation for Board consideration. Then it shall be heard by the Board, which shall adopt an ordinance, following a noticed public hearing.

18.102.020 Initiation of Amendment

- A. **Initiation by the County.** An amendment may be initiated by the Commission or Board, proposed by the Planning Director, or as specified in Subsection B below.
- B. **Initiation by Application.** In the case of the General Plan or the Zoning Map, an amendment may also be initiated by the filing of an amendment application with the Planning Division all of the owners or authorized agent(s)/representative(s) of the property owner(s) for which the amendment is sought, or the plaintiff in an action in eminent domain to acquire the subject property.

18.102.030 Processing, Notice, and Hearings

- A. **Application Filing and Processing.**
 - 1. If initiated by the filing of an amendment application in compliance with Subsection TBD.B, Initiation by Application, above, the application shall be processed in compliance with **Chapter 18.72 (Application Processing Procedures)**.
 - 2. The application shall include all of the information and materials specified in the most up-to-date Planning Division handout for amendment applications, together with the required fee in compliance with the fee schedule.
 - 3. The planner assigned to the project application shall send out referrals to affected agencies and County departments for their review and comment.
 - 4. It is the responsibility of the applicant to provide evidence in support of the findings required by Section TBD, Findings and Decision, below.
- B. **Timing of General Plan Amendments.** The mandatory elements of the General Plan may be amended up to four times in a single calendar year, as authorized by and subject to the provisions specified in Government Code Section 65358.
- C. **Public Hearings Required.** The Commission and Board shall each conduct one or more public hearings regarding the amendment; unless the application is denied by the Commission in compliance with **Section 18.102.040.B, (Action for Denial by Commission)**, below.
- D. **Notice and Hearing.** Notice of the public hearings shall be provided and the hearings shall be conducted in compliance with Chapter TBD, Public Notices and Hearings, and as specified in Government Code Sections 65353, 65355, 65854, and 65856.

18.102.040 Commission Recommendation

A. Recommendation to Board.

1. **All Amendments.** After the public hearing, the Commission shall forward a written recommendation, in the form of a resolution, together with the findings in support of the recommendation, to the Board whether to recommend approval, approval in modified form, or denial of the proposed amendment, based on the findings identified in **Section 18.102.060 (Findings and Decision)**, below.
2. **Recommendation for Approval of Zoning Ordinance or Zoning Map Amendments.** A recommendation for approval or approval in modified form of a Zoning Ordinance or Zoning Map Amendment shall require the affirmative vote of not less than a majority of the total membership of the Commission in compliance with Government Code Section 65354 and County Code Section 2.32.070.
3. **Recommendation for Approval of General Plan Amendments.** A recommendation for approval or approval in modified form of a General Plan Amendment shall require the affirmative vote of not less than a majority of the total membership of the Commission in compliance with Government Code Section 65354 and County Code Section 2.32.070.

B. Action for Denial by Commission.

1. Commission's action for denial of the amendment shall require a majority vote of the total membership of the Commission in compliance with Government Code Section 65354 and County Code Section 2.32.070.
2. The action of the Commission to deny an amendment shall be final and conclusive unless an appeal is filed with the Clerk of the Board, within 10 days following the date of the Commission's action, in compliance with **Chapter 18.108 (Appeals)** and as specified in Government Code Sections 65354.5 and 65856.
3. If denied by the Commission, in compliance with **Subsection B(2)**, above, the Board shall not be required to take any further action on the amendment application unless appealed as specified in **Subsection B(2)**, above.

18.102.050 Board of Supervisor’s Action

A. Approval.

1. **All Amendments.** Upon receipt of the Commission's recommendation to approve, or approve in modified form, the amendment, the Board shall conduct a public hearing and either approve, approve in modified form, or deny the amendment based on the findings identified in **Section 18.102.060 (Findings and Decision)**, below.
2. **Approval of Zoning Ordinance or Zoning Map Amendments.** The action by the Board to approve the Commission’s recommendation regarding a Zoning Ordinance or Zoning Map Amendment shall be by affirmative vote of not less than a majority of the total membership of the Board, adopted by ordinance, and shall be final and conclusive.
3. **Approval of General Plan Amendments.** The action by the Board to approve the Commission’s recommendation regarding a General Plan Amendment shall require the affirmative vote of not less than a majority of the total membership of the Board in compliance with Government Code Section 65356, adopted by resolution, and shall be final and conclusive.

B. Referral to Commission.

1. **Board Referral for Further Study.**
 - a. When the Board has requested the Commission to study and report on a proposed amendment and the Commission fails to act on the request within a reasonable time, the Board may, by written notice, require the Commission to render its report within 40 days.
 - b. Upon receipt of the written notice, the Commission shall conduct the required public hearing if it has not already done so.
 - c. Failure of the Commission to report back to the Board within the time period shall be deemed the Commission’s recommendation for approval of the amendment in compliance with Government Code Section 65853.
2. **Board Referral for Information Not Previously Considered.**
 - a. If the Board proposes to adopt a substantial modification(s) to the amendment not previously considered by the Commission, the proposed modification shall be first referred to the Commission for its recommendation, in compliance with Government Code Sections 65356 and 65857.
 - b. The Commission shall not be required to hold a public hearing on the referral.

- c. Failure of the Commission to report back to the Board within 40 days (for a Zoning Ordinance or Zoning Map Amendment, Section 65857) or 45 days (General Plan Amendments, Section 65356) after the referral, or a longer period as may be designated by the Board, shall be deemed the Commission's recommendation for approval of the amendment in compliance with Government Code Sections 65356 and 65857.

18.102.060 Findings and Decision

An amendment to the General Plan, this Zoning Ordinance, or the Zoning Map may be approved only if all of the following findings are first made, as applicable, to the type of amendment.

A. Findings for General Plan Amendments.

- 1. The amendment is internally consistent with all other provisions of the General Plan;
- 2. The proposed amendment will not be detrimental to the public interest, health, safety, convenience, or general welfare of the County; and
- 3. The affected site is physically suitable in terms of design, location, operating characteristics, shape, size, topography vehicle access, public services and utilities, is served by highways and streets adequate in width and improvement to accommodate the type and quantity of traffic the proposed use would likely generate, and that the proposed use(s) and/or development will not endanger, jeopardize, or otherwise constitute a hazard to the property or improvements in the vicinity in which the property is located.

B. Findings for Zoning Ordinance and Zoning Map Amendments.

- 1. **Findings Required for all Zoning Ordinance and Zoning Map Amendments**
 - a. The proposed amendment is consistent with the General Plan and any applicable specific plan; and
 - b. The proposed amendment will not be detrimental to the public interest, health, safety, convenience, or general welfare of the County.
- 2. **Additional Finding for Zoning Ordinance Amendments.** The proposed amendment is internally consistent with other applicable provisions of this Zoning Ordinance.

3. **Additional Finding for Zoning Map Amendments.** The affected site is physically suitable in terms of design, location, operating characteristics, shape, size, topography vehicle access, public services and utilities, is served by highways and streets adequate in width and improvement to accommodate the type and quantity of traffic the proposed use would likely generate, and that the proposed use(s) and/or development will not endanger, jeopardize, or otherwise constitute a hazard to the property or improvements in the vicinity in which the property is located.

18.102.070 Effective Dates

- A. **General Plan.** A General Plan amendment shall become effective immediately upon the adoption of a resolution by the Board.
- B. **Zoning Ordinance and Zoning Map.** A Zoning Ordinance or Zoning Map Amendment shall become effective on the 31st day following the adoption of an ordinance by the Board, unless approved as an Urgency Ordinance, in which case it shall be effective upon adoption.

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Chapter 18.104

Specific Plans



Chapter 18.104 Specific Plans

18.104.010 Purpose

The purpose of this Chapter is to establish a process for preparing, processing, reviewing, adopting, and amending Specific plans in compliance with Government Code Section 65450 et seq., or as that Section may be amended or replaced from time to time.

18.104.020 Applicability

- A. The procedures of this Chapter shall apply to all proposals for the adoption or amendment of a specific plan.
- B. Unless otherwise specified within the specific plan itself, it is intended that the specific plan will replace the base zone, and that the use regulations and development standards contained in the specific plan will take precedence over this Zoning Ordinance, where applicable. An existing zone, or zones, may be specified in the specific plan as the base zone, in which case any exceptions to the standards of the base zone shall be provided in the specific plan.

18.104.030 Minimum Project Area

A specific plan may only be requested for a site(s) at least five acres in size.

18.104.040 Review Procedure

An application for a specific plan shall be considered by the Commission and Board.

- A. **Commission's Recommendation.** After a public hearing, the Commission shall forward a written recommendation, in the form of a resolution, together with the findings in support of the recommendation, to the Board whether to recommend approval, approval in modified form, or denial of the proposed specific plan, based on the findings identified in [Section 18.104.060.A \(Specific Plan Adoption: Mandatory Finding for Adoption\)](#), below.

- B. **Board's Action.** After a public hearing, the Board shall take appropriate action on the specific plan application, in the form of an ordinance or resolution, together with the findings in support of the action to approve, approve in modified form, or deny the proposed specific plan, based on the findings identified in **Section 18.104.060.A (Specific Plan Adoption: Mandatory Finding for Adoption)**, below.

18.104.050 Hearings and Notice Required

- A. **Hearings.** Public hearings shall be required for the Commission's recommendation and the Board's action on a specific plan or a specific plan amendment.
- B. **Notice.** Notice of the public hearings shall be given and the hearings shall be conducted in compliance with **Chapter 18.106 (Public Notices and Hearings)**.

18.104.060 Specific Plan Adoption

- A. **Mandatory Finding for Adoption.** A specific plan may only be adopted if first found consistent with the General Plan, in compliance with Government Code Section 65454.
- B. **Method of Adoption.** The specific plan shall be adopted by ordinance or by resolution of the Board, in compliance with Government Code Section 65453.

18.104.070 Specific Plan Amendment or Repeal

- A. **Process for Amendment.** A specific plan may be amended or repealed through the procedure established in the adopted specific plan.
- B. **Mandatory Finding for Amendment.** A specific plan may only be amended if first found consistent with the General Plan, in compliance with Government Code Section 65454.
- C. **Frequency of Amendments.** The specific plan may be amended as often as deemed necessary by the Board, in compliance with Government Code Section 65453.

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Chapter 18.106

Public Notices and Hearings



Chapter 18.106 Public Notices and Hearings

18.106.010 Purpose

This Chapter provides procedures for noticing and public hearings required by this Zoning Ordinance. When advance notice is required and/or when a public hearing is required, the noticing and hearing shall be conducted in compliance with this Chapter.

18.106.020 Public Notice

When this Zoning Ordinance requires advance notice before a public hearing, a decision on a permit, or for another matter, the public shall be provided notice in compliance with Government Code Sections 65090, 65091, 65092, 65094 and 66451.3, and Public Resources Code 21000 et seq., and as required by this Chapter.

- A. **Content of Public Hearing Notice.** Notice of a public hearing shall include all the following information, as applicable.
1. **Hearing Information.** The date, time, and place of the hearing and the name of the Review Authority; a brief description of the County's general procedure concerning the conduct of hearings and decisions (e.g., the public's right to appear and be heard); and the phone number and street address of the Planning Division where an interested person could call or visit to obtain additional information.
 2. **Project Information.** The date of filing of the application and the name of the applicant; the County's file number assigned to the application; a general explanation of the matter to be considered; and a general description, in text and/or diagram, of the location of the property that is the subject of the hearing.
 3. **Statement on Environmental Document.** If a Negative Declaration, Mitigated Negative Declaration, or Final Environmental Impact Report has been prepared for the project in compliance with the California Environmental Quality Act (CEQA) and the County's CEQA Guidelines, the hearing notice shall include a statement that the Review Authority will also consider approval of the proposed Negative Declaration or Mitigated Negative Declaration, or certification of the Final Environmental Impact Report, as applicable.
- B. **Method of Public Hearing Notice Distribution.** Notice of a public hearing required by this Chapter for a planning permit, amendment, appeal, or other approval shall be given as follows, as required by Government Code Sections 65090 and 65091.

1. **Mailing for a Hearing Before the Zoning Administrator, Commission, or Board.** Notice shall be mailed or delivered at least 10 days before the scheduled hearing to all of the following:
 - a. **Project Site Owner(s) and the Applicant.** The owner(s) of the property being considered in the application or the owner’s authorized agent, and the applicant.
 - b. **Local Agencies.** Each local agency expected to provide roads, schools, sewage, streets, water, or other essential facilities or services to the property which is the subject of the application, whose ability to provide those facilities and services may be significantly affected.
 - c. **Affected Owners.** All owners of real property, as shown on the latest County equalized assessment roll, located within a radius of 300 feet of the exterior boundaries of the parcel(s) that is the subject of a hearing.
 - i. **Alternative to Mailing.** If the number of property owners to whom notice would be mailed in compliance with Subsection c. above is more than 1,000, the Planning Director may choose to provide a one-eighth page newspaper advertisement allowed by Government Code Section 65091(a)(3).
 - d. **Persons Requesting Notice.** Any person who has filed a written request for notice with the Planning Director and has paid the required fee to cover the cost of this mailing.
 - e. **Other Person(s).** Any other person(s), whose property might, in the judgment of the Planning Director, be affected by the proposed project.
2. **Publication and Posting.**
 - a. **Publication for All Applications.** Notice of a public hearing required by this Zoning Ordinance for a permit, permit modification, amendment, or appeal shall be published at least once in a newspaper of general circulation either Countywide or in the community where the property is located at least 10 days before the scheduled hearing.
 - b. **Posting for All Applications.** Agendas listing all Public Hearing Items shall be posted in or immediately near the County Administration Building within a viewable area at least 72 hours before to the scheduled hearing date.

- C. **Alternative Notice for Zoning Administrator Decision Without a Public Hearing.**
1. If approval is by the Zoning Administrator without a public hearing, notice may be given only to the owner/applicant and the abutting property owners (i.e., abutting and across the street).
 2. Notice shall be mailed or delivered at least 10 days before the Zoning Administrator acts on an application.
 3. A newspaper notice is not required.
 4. In addition, notice is not required to be given to abutting property owners in applications for minor modifications to permits where there are no significant issues, as determined by the Planning Director.
- D. **Additional Notice.** In addition to the types of notice required above, the Zoning Administrator may provide any additional notice with content or using a distribution method (e.g., posting on the County's website) as the Zoning Administrator determines is necessary or desirable.

18.106.030 Scheduling of Hearing

After the completion of any environmental document required by the California Environmental Quality Act, a matter requiring a public hearing shall be scheduled on the next available agenda (Planning Director, Zoning Administrator, Commission, or Board, as applicable) reserved for public hearings, but no sooner than any minimum time period established by State law.

18.106.040 Hearing Procedure

Whenever the provisions of this Zoning Ordinance require a public hearing, the hearing shall be conducted in compliance with the requirements of State law as follows.

- A. **Generally.** Hearings shall be conducted in compliance with procedures adopted by the hearing body. Hearings are not required to be conducted according to technical rules relating to evidence and witnesses.
- B. **Presentation.** An applicant or an applicant's representative may make a presentation of a proposed project.
- C. **Public Hearing Testimony.** Any person may appear at a public hearing and submit oral or written evidence, either individually or as a representative of a person or an organization. Each person who appears at a public hearing representing an organization shall identify the organization being represented.

- D. **Time Limits.** The presiding officer may establish time limits for individual testimony and require that individuals with shared concerns select one or more spokespersons to present testimony on behalf of those individuals.
- E. **Continuance of Public Hearing.** The body conducting the public hearing may by motion continue the public hearing to a fixed date, time and place or may continue the item to an undetermined date and provide notice of the continued hearing.
- F. **Investigations.** The body conducting the hearing may cause investigations to be made as it deems necessary and in the public interest in any matter to be heard by it. Investigation may be made by a committee of one or more members of the hearing body or by County staff. The facts established by the investigation shall be submitted to the hearing body either in writing, to be filed with the records of the matter, or in testimony before the hearing body, and may be considered by the body in making its decision.
- G. **Decision.** The public hearing shall be closed before a vote is taken.

18.106.050 Recommendation by Commission, Action by Board

- A. **Recommendation to the Board.** After a public hearing on a proposed amendment to the General Plan, this Zoning Ordinance, the Zoning Map, a development agreement, or a specific plan, the Planning Division shall forward the recommendation and findings of the Commission and the minutes of the Commission meeting to the Board.
- B. **Recommendation and Findings to the Applicant.** The recommendation and findings shall be mailed to the applicant at the address shown on the application.
- C. **Recommendation Included in Notice.** The recommendation shall be included in the required notice of the Board’s public hearing.

18.106.060 Decision and Notice

- A. **Decision.** The Review Authority may announce and record its decision on the matter being considered at the conclusion of a scheduled hearing, or defer action and continue the matter to a later meeting agenda in compliance with Section TBD (Hearing Procedure) above.
- B. **Notice of Decision.**
 - 1. **Provision of Notice.** Following the final decision on an application for a permit or other approval required by this Zoning Ordinance, the County shall provide notice of the final decision to the applicant and to any person who specifically requested notice of the final decision.

2. **Contents of Notice.** The notice of the final decision shall contain applicable findings, conditions of approval, reporting/monitoring requirements deemed necessary to mitigate any impacts and protect the public convenience, health, interest, safety, or general welfare of the County, and the procedures for appeal.
3. **Delivery of Notice.**
 - a. The notice of the final decision shall be delivered by first class, certified mail, return receipt requested.
 - b. An affidavit of mailing shall be prepared and a copy delivered with the decision.
 - c. The Planning Division shall retain the original affidavit.

18.106.070 Effective Date of Decision

- A. **Planning Directors, Zoning Administrator, or Commission Decision.** The decision of the Planning Director, Zoning Administrator, or Commission is final and effective after 5:00 p.m. on the 15th day following the actual date the final decision is rendered if no appeal of that decision has been filed in compliance with [Chapter 18.108 \(Appeals\)](#).
- B. **Board's Decision.**
 1. **Adopted by Ordinance.** A decision of the Board adopted by ordinance is final and shall become effective on the 31st day following the date the ordinance is actually adopted by the Board, unless otherwise provided in the adopting ordinance. An ordinance adopted on October 1st will actually be effective on November 1st.
 2. **Adopted by Resolution.** A decision of the Board adopted by resolution is final and shall be effective on the date the decision is rendered.
 3. **Contingent on Future Date or Event.** The Board may take a final action and make it

Chapter 18.108

Appeals



Chapter 18.108 Appeals

18.108.010 Purpose

This Chapter establishes procedures for the appeal of determinations and decisions rendered by the Commission, Zoning Administrator, or Planning Director.

18.108.020 Appeal Subjects and Jurisdiction

- A. **Zoning Ordinance Administration and Interpretation.** The following interpretations, determinations, and enforcement actions of the Planning Director may be appealed to the Commission and then to the Board:
1. **Interpretations.** Any determination on the meaning or applicability of the regulations contained in this Zoning Ordinance that are believed to be in error, and cannot be resolved with the Planning Director;
 2. **Determinations.** Any determination, in compliance with Government Code Section 65943, that a permit application or information submitted with the application cannot be accepted or is incomplete; and
 3. **Enforcement Actions.** Any enforcement action filed in compliance with Chapter TBD (Enforcement Provisions).
- B. **Planning Permit Decisions.**
1. **Zoning Administrator or Planning Director Decisions.** Any decision of the Zoning Administrator or Planning Director may be appealed to the Commission.
 2. **Commission Decisions.** Any decision of the Commission may be appealed to the Board.
- C. **Legislative Decisions.** Any decision of the Commission may be appealed to the Board.
- D. **CEQA Determination.**
1. Any CEQA determination of the Zoning Administrator or Planning Director may be appealed to the Commission.
 2. Any CEQA determination of the Commission may be appealed to the Board.

18.108.030 Filing and Processing of Appeals

- A. **Eligible Parties.** An appeal in compliance with this Chapter may be filed by any of the following parties:

1. Any person, except that in the case of a decision on a Conditional Use Permit, Variance, or other decision that followed a public hearing, an appeal may only be filed by a person who, in person or through a representative, appeared at the public hearing in connection with the decision being appealed and provided comments/testimony;
 2. Any person appealing a decision of the Planning Director not made during a public hearing; or
 3. Any person who informed the County in writing of the nature of their concerns before the hearing.
- B. **Timing and Form of Appeal.** An appeal shall comply with all the following requirements to be considered a complete appeal. An appeal shall be submitted in writing and shall specifically state the pertinent facts and the basis for the appeal.
1. The pertinent facts and the basis for the appeal shall include, at a minimum, the specific grounds for the appeal, where there was an error or abuse of discretion by the Review Authority (e.g., Commission, Zoning Administrator, or Planning Director) in the consideration and action on the matter being appealed, and/or where the decision was not supported by the evidence on the record.
 2. The appeal shall be filed with the Planning Division or Clerk of the Board, as applicable, within 15 days following the actual date the decision was rendered.
 - a. An appeal addressed to the Commission shall be filed with the Planning Division; and
 - b. An appeal addressed to the Board shall be filed with the Clerk of the Board.
 3. The appeal shall be accompanied by the filing fee identified in the fee schedule.
 4. The appeal shall be accompanied by a written verification by at least one of the appellants attesting to the truth and correctness of all facts and maps and other graphic materials presented with the appeal petition.
 5. An incomplete or untimely appeal shall be accepted nor acted upon and shall no force or effect.
 6. Once a completed appeal is filed, any action on the subject project is suspended until the appeal is processed and a final decision is rendered by the applicable Review Authority.
- C. **Scope of Planning Permit Appeals.**
1. An appeal of a decision on a planning permit shall be limited to issues raised at the public hearing, or in writing before the hearing, which are part of the record, or information that was not known at the time of the decision that is being appealed.

2. For purposes of this Section, the record consists of all correspondence, minutes, reports, transcripts, written and oral testimony at the public hearing, and any other documents or evidence considered or relied upon by the Review Authority in the decision-making process.

D. Report and Scheduling of Hearing.

1. When an appeal has been filed, the Planning Director shall prepare a report on the matter, including all the application materials in question, and schedule the matter for a public hearing by the appropriate Review Authority identified in **Section 18.108.020 (Appeal Subjects and Jurisdiction)**, above, within 60 days of the filing of the appeal.
2. Notice of the hearing shall be provided and the hearing shall be conducted in compliance with this Chapter:
 - a. Notice shall be mailed to the applicant and to all persons who spoke at the public hearing on the matter being appealed, to all persons who submitted written evidence before or during the public hearing on the matter being appealed, and to all persons whose names appear on the latest County equalized assessment roll as owning property located within 300 feet of the exterior boundaries of the parcel subject to the appeal.
 - b. Notice shall also be published once in a newspaper of general circulation either Countywide or in the community where the property is located not later than 10 calendar days before the hearing date.
3. Any interested party may appear and be heard regarding the appeal.

E. Decision.

1. During the appeal hearing, the issues that may be raised and considered by the Review Authority are not limited to those raised by the appellant, and may include any aspect of the proposed project, whether or not originally considered as part of the decision being appealed. The Review Authority may:
 - a. Affirm, affirm in part, modify, or reverse the action, determination, or decision that is the subject of the appeal, based upon findings of fact about the particular case. The findings shall identify the reasons for the action on the appeal, and verify the compliance or noncompliance of the subject of the appeal with this Zoning Ordinance; and
 - b. Adopt additional conditions of approval, which may address issues or concerns other than the subject of the appeal.

2. If new or different evidence is presented on appeal, the Commission or Board may refer the matter to the Planning Director, Zoning Administrator, or Commission, as applicable, for further consideration.
 3. In the event of a tie vote by the Review Authority on an appeal, the decision being appealed shall stand.
 4. An appeal denied by the Commission may be further appealed to the Board within the time limits specified in **Subsection 18.108.030.(B) (Timing and Form of Appeal)**, above. (Government Code Section 65956.5).
 5. **Provision of Notice of Decision.**
 - a. Following the final decision on an appeal, the County shall provide notice of its final decision to the appellant, applicant, property owner/owner’s representative, and to any person who specifically requested notice of the County’s final action.
 - b. The notice of the final decision shall contain applicable findings, conditions of approval, and the reporting/monitoring requirements deemed necessary to mitigate any impacts and protect the public convenience, health, interest, safety, or general welfare of the County.
- F. **Effective Date of Appeal Decisions.** Final action by the applicable Review Authority shall be effective if no additional appeals are filed in compliance with this Chapter.

18.108.040 Judicial Review

No person shall seek judicial review of a County decision on a planning permit or other matter in compliance with this Zoning Ordinance unless and until all available appeals to the Commission and Board have been first exhausted in compliance with this Chapter.

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Chapter 18.110

Enforcement Provisions



Chapter 18.110 Enforcement Provisions

18.110.010 Purpose

This Chapter establishes provisions that are intended to ensure compliance with the requirements of this Zoning Ordinance and any conditions of planning permit approval, to promote the County's planning efforts, and for the protection of the public health, safety, and general welfare of the County.

18.110.020 Enforcement Responsibility

- A. **Responsibility of Zoning Administrator.** The Zoning Administrator shall exercise the authority provided in California Penal Code Section 836.5 and issue notices of violation, stop work orders, and citations for any violations of this Zoning Ordinance pertaining to the use of any land, and the addition, alteration, construction, conversion, installation, moving, reconstruction, or use of any structure.
- B. **Additional Responsibility to Enforce.** All officers of the County shall render all necessary assistance to the Zoning Administrator for the enforcement of this Zoning Ordinance.

18.110.030 Permits and Approvals

All departments, officials, and public employees of the County who are assigned the authority or duty to issue certificates, licenses, permits, and other approvals shall comply with the provisions of this Zoning Ordinance.

- A. **Applications for Parcels with Violations Shall Not be Accepted or Processed.** Zoning Permits, Modifications, Conditional Use Permits, Variances, Zoning Map Amendments, Building Permits or other entitlement applications shall not be accepted or processed for parcels in violation of the provisions of this Zoning Ordinance unless the entitlement corrects the violation.
- B. **Permits in Conflict with This Zoning Ordinance.** Certificates, licenses, permits, and other approvals for uses or structures that would conflict with the provisions of this Zoning Ordinance shall not be issued.
- C. **Permits Deemed Void.** Any certificate, license, permits, and other approvals issued in conflict with the provisions of this Zoning Ordinance shall be void and of no effect.

18.110.040 Inspections

A. **Right of Entry.**

1. The Zoning Administrator may enter at all reasonable times any structure or premise for the purpose of carrying out any activity required or authorized by the provisions of this Zoning Ordinance.
2. Upon request, the Zoning Administrator shall provide adequate identification.
3. Except under exigent circumstances, an inspection warrant shall be obtained if entry is refused.

B. **Preapproval Inspections.** Every applicant seeking a permit or any other approval in compliance with this Zoning Ordinance shall allow appropriate County officials handling the application access to any premises or property that is the subject of the application.

C. **Post Approval Inspections.** If the permit or other approval in compliance with this Zoning Ordinance is approved, the owner or applicant shall allow appropriate County officials access to the premises in order to determine continued compliance with the approved permit and/or any conditions of approval imposed on the permit.

18.110.050 Violations; Declared Nuisance

A. **Violations of this Zoning Ordinance.**

1. Any use of land or structures operated or maintained contrary to the provisions of this Zoning Ordinance and any structure constructed or maintained contrary to the provisions of this Zoning Ordinance are hereby declared to be a public nuisance and a violation of this Zoning Ordinance in compliance with **County Code Chapter 1.12 (General Penalty)**.
2. The violation of any required condition imposed on a permit or approval shall constitute a violation of this Zoning Ordinance and may constitute grounds for revocation or modification of the permit in compliance with **Chapter 18.90 (Permit Modifications and Revocations)**, or any other remedy available to the County under the County Code or this Zoning Ordinance.
3. Any violations of this Zoning Ordinance or any required condition(s) imposed on a permit or approval granted in compliance with this Zoning Ordinance shall be treated as a strict liability offense regardless of intent.

4. Any person, firm, or corporation, whether as principal, agent, employee, lessee, occupant, or otherwise, violating any provision of this Zoning Ordinance shall be deemed guilty of a misdemeanor. Persons shall be deemed to be guilty of a separate offense for each and every day during which any violation of this Ordinance is committed.
- B. **Public Nuisance.** Any use or structure that is altered, constructed, converted, demolished, enlarged, established, erected, maintained, moved, or operated contrary to the provisions of this Zoning Ordinance or any applicable condition(s) of approval imposed on a permit or approval, or any property that is found to be maintained in violation of County Code is hereby declared to be unlawful and a public nuisance, and shall be subject to the remedies and penalties established by County Code Chapters 1.12 (General Penalty).

18.110.060 Procedures

- A. **Nuisance Abatement Order.** The Zoning Administrator may, by notice, prohibit a threatened violation of this Zoning Ordinance or require the abatement of any condition declared above to be a public nuisance.
- B. **Notice Of Nuisance Served.** Notice shall be served upon the occupant or owner of the land or upon the person causing the public nuisance by mailing to the last known address or the address as shown on the last assessment roll. If the person upon whom notice is to be served does not reside in the County, the notice shall also be posted on the property. The notice shall specify the exact nature of the violation and the time and place for a hearing before the Zoning Administrator, shall the accusation be denied.
- C. **Nuisance Accusation Denial—Hearing.** If the accusation is denied, the Zoning Administrator shall hold a hearing after which he may issue an order to cease and desist or to abate the public nuisance.
- D. **Abatement By Administrator at Owner Expense.** If the accusation is not denied by the public nuisance is not abated within 10 days after service or posting of the notice, the Zoning Administrator may abate the nuisance at the expense of the owner, occupant of the land, or the person causing or controlling the public nuisance; or refer the violation to the District Attorney or County Counsel for commencement of an action for abatement as a public nuisance.
- E. **County Action to Recover Abatement Costs.** The District Attorney or County Counsel is authorized to bring an action in the name of the County for the recovery from an owner, occupant or person, the expense of abatement, court costs and a penalty of 10 dollars for each day the nuisance remained after service of the notice.



- F. **Authority to Commence Suit Against Nuisance Maintenance.** In any case referred to the District Attorney or County Counsel or, if an accusation is denied and the owner, occupant of land, or person causing or controlling the public nuisance refuses to abate the nuisance or permit it to be abated, the District Attorney or County Counsel shall commence in any court of competent jurisdiction, an action in the name of the County to abate the condition as a public nuisance. If the County obtain judgment, it shall, in addition to having the nuisance abated, recover a penalty of 10 dollars for each day the nuisance remains after service and posting of notice.

18.110.070 Remedies

- A. **Injunctive Relief.** This Zoning Ordinance may be enforced by injunction issued by any court of competent jurisdiction. This remedy shall be in addition to any other remedy provided by this Zoning Ordinance or by law.
- B. **Other Remedies Available.** Any condition declared above to be a public nuisance may be abated by the remedy provided by Chapter 7.20, Nuisance Abatement, of the County Code, which remedy shall be in addition to any other remedy provided by this Zoning Ordinance or by law.
- C. **Prosecutor Designated.** In addition to any of the above, the District Attorney is authorized to prosecute as misdemeanors any violations of this Zoning Ordinance.

18.110.080 Remedies Are Cumulative

- A. **Cumulative, Not Exclusive.** All remedies contained in this Zoning Ordinance for the handling of violations or enforcement of the provisions of this Zoning Ordinance shall be cumulative and not exclusive of any other applicable provisions of County or State law.
- B. **Other Remedies.** Shall a person be found guilty and convicted of a misdemeanor or infraction for the violation of any provision of this Zoning Ordinance, the conviction shall not prevent the County from pursuing any other available remedy to correct the violation(s).

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Article 8 – Definitions
Chapter 18 – Zoning Ordinance

PUBLIC REVIEW DRAFT

January 2023

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Chapter 18.120

Definitions



Chapter 18.120 Definitions

18.120.010 "A" Definitions

Abandon. To cease or suspend from developing or maintaining a structure or use for 12 months or more. [Source: NEW]

Abutting. Having a common border with or being separated from a common border by a right-of-way, street, alley, easement, or having property lines in common. [Source: NEW]

Access. Safe, adequate, and usable ingress or egress to a property or use. [Source: NEW]

Accessory Structure. Structure, such as a carport, garage, storage shed, or workshop) that is customarily part of, and clearly incidental, related, secondary, and subordinate to a primary use or structure and does not change the character of the primary structure. [Source: Approved Land Use Definitions]

Accessory Use. A use of land or of a structure or portion thereof customarily incidental and subordinate to the principal use of the land or structure and located on the same parcel with the principal use. [Source: Approved Land Use Definitions]

Action. The decision made by the Review Authority concerning a land use application, including appropriate findings, environmental determination, and conditions of approval, where applicable. [Source: NEW]

Addition. Any increase in the square footage or height of an original structure after the Certificate of Occupancy has been issued for the original structure. [Source: NEW]

Adjacent. Near, close, or abutting. [Source: NEW]

Adult Entertainment Business. Any establishment, business, or concern which, as a regular course of the business, offers or engages in the display of "specified anatomical areas," "specified sexual activity," or men and/or women in a "state of nudity," or "state of partial nudity," as defined in this section, by patrons, employees or anyone on the premises, and includes without limitation the following types of establishments: [Source: Approved Land Use Definitions]

- Adult Related Book and Video Store. An “adult related book and video store” means an establishment, business, or concern with more than 25 percent of its display area devoted to and offering for sale or rent, stock-in-trade consisting of adult related book and video products, or an establishment where 25 percent or more of the retail or wholesale value of merchandise displayed or offered for sale or rent consists of adult related book and video products. The term “adult related book and video products” means books, magazines, periodicals or other printed matter, paintings, sculptures, photographs, drawings, motion pictures, slides, films, tapes, video cassettes, records, DVD, CD-ROM, or other visual or audio representations or any material in digital format, which are characterized by an emphasis upon the depiction or description of “specified sexual activities” or “specified anatomical areas.” [Source: Approved Land Use Definitions]
- Adult Related Sexual Device Store. An “adult related sexual device store” means an establishment, business or concern which sells, rents, displays, exhibits or offers for sale any of the following products: [Source: Approved Land Use Definitions]
 - Instruments, devices, or paraphernalia which are designed or reasonably intended to be used in connection with “specified sexual activities”; or
 - Goods which are replicas of, or which simulate “specified anatomical areas,” or goods designed or reasonably intended to be placed on or in “specified anatomical areas” or reasonably intended to be used in conjunction with “specified sexual activities.” Such goods include, but are not limited to, devices that are physical representations of the human genital organs, and devices with non-sex related utility being marketed or offered for sale or rent in a manner promoting sexual or sadomasochistic uses, including, but not limited to, leather whips, straps, harnesses, restraints, and ligatures.
- Topless Cubs. Any live exhibition, performance, or dance of any type conducted in a premises where such exhibition, performance or dance involves a person who is unclothed or in such costume, attire or clothing as to expose any portion of the female breast below the top of the areola or any portion of the pubic region, anus, buttocks, vulva or genitals, or wearing any device or covering exposed to view which simulates the appearance of any portion of the female breast below the top of the areola or any portion of the pubic region, anus, buttocks, vulva or genitals, or human male genitals in a discernibly turgid state, even if completely, and opaquely covered. [Source: Approved Land Use Definitions]

Affordable Housing Project. A housing project which will be made available to and reserved for very low-income households, low-income households, or moderate-income households at a monthly rent or payment not to exceed thirty percent of the total combined monthly income of the targeted income group.

Agriculturally Oriented Services. Refers to the following types of agriculture support services.

- Agricultural By-Product Processing. Facilities engaged in the storage, manufacturing, processing, or conversion of agricultural by-products to other products where a minimum of sixty percent of all source material needed for the process is comprised of agricultural by-products, as determined by the Planning Director. [Source: Approved Land Use Definitions]
- Agricultural Supply Services. Uses which provide accessory support services to other agricultural uses including the following: feed and hay sales, agricultural laboratory services, farm machinery and equipment repair (excluding trucks and other motor vehicles), irrigation equipment sales and repair, equestrian supplies, and similar support services as determined by the Planning Director. [Source: Approved Land Use Definitions]
- Agricultural Trucking Facility. A trucking business wholly devoted to hauling agricultural produce, seed, feed, animals, irrigation pipe and supplies, farm equipment, and soil amendments used exclusively in agricultural operations. Back-hauling with nonagricultural goods is permitted, provided that such activities are clearly incidental and accessory to the primary use of hauling agricultural goods and supplies and further provided that there is no on-site storage of back-hauled materials. [Source: Approved Land Use Definitions]
- Creamery. A milk production facility which handles, receives, manufactures, freezes, processes, or packages milk, or any product of milk. [Source: Approved Land Use Definitions]

Agriculture. The practice of farming, including animal husbandry, dairying, pasturage, horticulture, and the cultivation of soil for the growing of crops to provide food, wool, and other products. [Source: Approved Land Use Definitions]

- Agriculture, Animal Husbandry. The raising, breeding, and caring farm animals (e.g., cattle, horses, goats, sheep, chickens, hogs, rabbits, birds) as a commercial agricultural venture or minor occupation. [Source: Approved Land Use Definitions]
- Agriculture, Horticulture. Agricultural crops, fruit trees, hay crops, nurseries for producing trees, vines and other horticultural stock, orchards, pasture crops, nut trees, row crops, vineyards, and other plant crops (excluding marijuana and hemp, which are regulated by **Chapter 18.54 (Marijuana)** and **Chapter 5.26 of the County Code of Ordinances**). [Source: Approved Land Use Definitions]
- Agriculture, Dairies. An agricultural establishment raising large animals for the primary purpose of milking, including cattle, goats, and sheep. [Source: Approved Land Use Definitions]

Agritourism. Agritourism is the act of visiting a working farm/ranch or any agricultural, horticultural, or agricultural operation for the purpose of enjoyment, education, or active involvement in the activities of the farm/ranch or agricultural operation. [Source: Approved Land Use Definitions]

Airport. A complex of runways and structures regulated by the Federal Aviation Administration for the takeoff, landing, and maintenance of civil aircraft, with facilities for passengers. [Source: Approved Land Use Definitions]

Airport Elevation. The airport reference point above mean sea level as established by geometric extension from the nearest United States Geological Survey marker. [Source: 18.04.040]

Airport Reference Point. The center of the longest runway or the point otherwise established on the Zoning Map. [Source: 18.04.050]

Airstrip. Land designated and set aside for landing and taking off of private aircraft, under control of property owners on their own property. [Source: Approved Land Use Definitions]

Alcohol Beverage Sales. The retail sale of alcoholic beverages, including but not limited to beer and wine, for consumption off-site. [Source: Approved Land Use Definitions]

Alleys. Public or private roadways, customarily located at the rear or side of properties, permanently reserved as means of vehicular or pedestrian access to abutting properties. [Source: NEW]

Alteration. Any construction or physical change in the internal arrangement of rooms or the supporting members of a structure or any change in the appearance of any structure. [Source: NEW]

Animal Keeping. The non-commercial raising and keeping of animals as an incidental and subordinate use to the principal use of the land in compliance with [Section 18.50.050 \(Animal Keeping\)](#). [Source: Approved Land Use Definitions]

Antenna. A device for transmitting or receiving radio, television, or any other transmitted signal. [Source: NEW]

Applicant. A person who submits a land use application and who is the property owner or an authorized agent of the owner who is legally authorized to act for the owner of record. [Source: NEW]

Athletic Club. Membership facility that provides indoor and outdoor recreation (e.g., outdoor pools, tennis courts), exercise classes and courses, and health and lifestyle training for members who belong to the organization. [Source: Approved Land Use Definitions]

Awning. A sheet of canvas or other material on a frame that is used to keep the sun or rain off a storefront, window, doorway, or deck. [Source: NEW]

18.120.020 “B” Definitions

Bank and Financial Institution. Commercial establishment, including a federally chartered bank, savings and loan association, industrial loan company, or credit unions, that provides retail banking services to individuals and businesses. [Source: Approved Land Use Definitions]

Bar. Commercial establishment or part of an establishment that sells alcoholic beverages to be consumed on the premises. [Source: Approved Land Use Definitions]

Base Geometric Plane. The plane or conic surface above which airspace is preserved in association with the several spaces of the AAO, airport/airspace overlaid districts. [Source: 18.04.070]

Basement. Space under the structure having at least one-half of its height below grade. However, a basement shall be counted as a story for purposes of regulation by this Title if the vertical distance from grade to the ceiling is over five feet or if the space is used for business or dwelling purposes. [Source: 18.04.075]

Bed and Breakfast Inns.

- Bed and Breakfast Inns, Multi-Unit Dwelling. A multi-unit residential dwelling in which there is a full time, permanent resident family, that offers two or more bedrooms for lodging, with or without meals, for compensation. [Source: Approved Land Use Definitions]
- Bed and Breakfast Inns, Single-Unit Dwelling. A single-unit residential dwelling in which there is a full time, permanent resident family, that offers two or more bedrooms for lodging, with or without meals, for compensation. [Source: Approved Land Use Definitions]

Block. The land enclosed by existing, dedicated or officially mapped streets, roads, highways, railroads, canals or subdivision boundaries. [Source: 18.04.085]

Board. The Board of Supervisors of Madera County. [Source: 18.04.090]

Buffer. Strip(s) of land established to separate incompatible or different land uses. Normally a buffer area is landscaped and retained as open space. The term may be used more broadly to describe any area or use that separates two unlike land uses (e.g., the use of multi-unit housing located between single-unit housing and commercial uses). [Source: NEW]

Building Materials and Lumber Sales. Indoor and/or outdoor retail establishment selling hardware, tools, appliances, lumber, and other building materials, plants, and other landscaping materials. May also include the rental of tools and equipment used in the building trades. [Source: Approved Land Use Definitions]

18.120.030 “C” Definitions

Camper Unit. A recreational vehicle with or without motive power, designed primarily for recreational purposes, excluding manufactured homes. [Source: 18.04.110]

Campground. A commercial establishment providing spaces and facilities for the temporary placement of tents, travel trailers, motor homes, and other recreational vehicles for recreational use and overnight lodging. May also include an onsite accessory retail establishment that directly serves the needs of guests.

Campgrounds shall comply with the standards established in [Section 27.50.060 \(Campground – Tent and Recreational Vehicle\)](#). [Source: Approved Land Use Definitions]

Cannabis. See “*Marijuana.*” [Source: NEW]

Caretaker Housing. A residence that is accessory to a nonresidential primary use and that is used for security, 24-hour care or supervision, monitoring facilities, or equipment and other conditions on the site. [Source: Approved Land Use Definitions]

Carport. A permanent roofed structure that is not completely enclosed to be used for vehicle parking. [Source: NEW]

Cemetery. Burial ground or graveyard where the remains of dead people are buried. [Source: Approved Land Use Definitions]

Child Day Care Facility. Commercial facility that provides non-medical care and supervision of minor children for periods of less than 24 hours; including the following subtypes, all of which are required to be licensed by the State Department of Social Services: [Source: Approved Land Use Definitions]

- Child Day Care Facility, Accessory Use. A child day care facility that is operated in conjunction with a business, school, housing development, or religious facility. Includes infant centers, preschools, and extended child day care facility. [Source: Approved Land Use Definitions]
- Child Day Care Facility, Primary Use. A standalone child day care facility not operated as a child day care home. Includes infant centers, preschools, and extended child day care facility. [Source: Approved Land Use Definitions]

Child Day Care Home. A single-unit residence used by the occupant to provide day care and supervision for up to 14 children in compliance with Health and Safety Code Section 1597.465. Children under the age of 10 years who reside in the home count as a part of the 14-child maximum. [Source: Approved Land Use Definitions]

Circulation Plan. Layout of the proposed parking facility, including, but not limited to, internal circulation pattern, ingress and egress points, dimensions of parking stalls and aisles, handicap accessible spaces, compact spaces, loading zones, pedestrian and vehicle flow designations, pavement type, and curbs, with additional detail as deemed necessary by the applicant. [Source: 18.04.114]

Collective or Cooperative Cultivation. The association within California of qualified patients, persons with valid identification cards, and designated primary care givers to cultivate marijuana for medical purposes as may have been allowed under the Compassionate Use Act, the Medical Marijuana Program Act, or the California Medical Cannabis Regulation and Safety Act adopted on October 9, 2015, with legislative bills AB 243, AB 266, and SB 643. [Source: 18.87.030]

Commercial Marijuana Operation. Any commercial cannabis activity as set forth in California Business and Professions Code Section 26001(k), as that section may be amended from time to time. [Source: 18.87.030]

Commercial Recreation and Entertainment Facility.

- Commercial Recreation and Entertainment Facility, Indoor. Indoor establishment where entertainment (participant or spectator) is provided for a fee (admission or membership) for the pleasure of the patrons, either independent of or in conjunction with another use. Does not include Adult Entertainment Businesses or Bars and Nightclubs. Illustrative examples of commercial recreation and entertainment use include: [Source: Approved Land Use Definitions]
 - Arcades
 - Axe throwing
 - Bowling alleys
 - Indoor archery
 - Indoor cinemas and amphitheaters
 - Indoor ice/roller skating rinks
 - Pool and billiard rooms

- Commercial Recreation and Entertainment Facility, Outdoor. Outdoor establishments where entertainment (participant or spectator) is provided for a fee (admission or membership) for the pleasure of the patrons, either independent of or in conjunction with another use. Does not include Adult Entertainment Businesses or Bars and Nightclubs. Illustrative examples of commercial recreation and entertainment use include: [Source: Approved Land Use Definitions]
 - Golf courses and driving ranges
 - Miniature golf course
 - Outdoor Archery
 - Outdoor cinemas and amphitheaters
 - Outdoor ice/roller skating rinks
 - Paint Ball Course
 - Sports stadiums and arenas
 - Tennis/racquetball courts
 - Zip Lines

- Commercial Recreation and Entertainment Facility, Restricted. Outdoor establishments where entertainment (participant or spectator) is provided for a fee (admission or membership) for the pleasure of the patrons, either independent of or in conjunction with another use. Illustrative examples of commercial recreation and entertainment use include: [Source: Approved Land Use Definitions]
 - Outdoor Archery
 - Shooting and target ranges

Commission. The Planning Commission of Madera County. [Source: 18.04.115]

Common-Interest Development. A community apartment project, a condominium project, a planned development, or a stock cooperative.

Community Care Facility. In compliance with California Welfare and Institutions Code Sections 5115 – 5120, any facility, place, or structure which is maintained and operated to provide nonmedical residential care, day treatment, adult day care, or foster family agency services for children, adults, or children and adults, including, but not limited to the physically handicapped, mentally impaired, incompetent persons, and abused or neglected children. This use is further categorized by size: Small (six or fewer residents) and Large (seven or more residents). Community care facilities include the following: [Source: Approved Land Use Definitions]

- **Adult Day Care Facility.** Facility that provides nonmedical care to persons 18 years of age or older in need of personal services, supervision, or assistance essential for sustaining the activities of daily living or for the protection of the individual on less than a 24-hour basis. [Source: Approved Land Use Definitions]
- **Child Therapeutic Day Services Facility.** Facility that provides nonmedical care, counseling, educational or vocational support, or social rehabilitation services on less than a 24-hour basis to persons under 18 years of age who would otherwise be placed in foster care or who are returning to families from foster care. [Source: Approved Land Use Definitions]
- **Community Treatment Facility.** Facility that provides mental health treatment services to children in a group setting. Program components shall be subject to program standards developed by the State Department of Mental Health. [Source: Approved Land Use Definitions]
- **Foster Home.** Residential facility that provides 24-hour care for six or fewer foster children which is owned, leased, or rented and is the residence of the foster parent(s), including their family, in whose care the foster children have been placed. [Source: Approved Land Use Definitions]
- **Residential Care Facility.** Group care facility for 24-hour nonmedical care of six or fewer persons in need of personal services, supervision, or assistance essential for sustaining the activities of daily living or for the protection of the individual. [Source: Approved Land Use Definitions]
- **Social Rehabilitation Facility.** Residential facility which provides social rehabilitation services for no longer than 18 months in a group setting to adults recovering from mental illness who temporarily need assistance, guidance, or counseling. [Source: Approved Land Use Definitions]

Concession. See “*Incentive.*” [Source: NEW]

Conditional Use Permit. A permit authorizing a specific use of land or a structure in a particular location in compliance with the provisions of this Zoning Ordinance and the procedures specified in **Chapter 18.82 (Conditional Use Permits)**. [Source: NEW]

Construction Trailer/Temporary Contractor's Office. A temporary trailer or modular unit used during, and at the site of, a construction project for the purpose of managing and administering the construction project. [Source: 18.04.127, modified]

Contractor Storage Yard. A facility which provides for the storage of trucks, trailers, tools, and equipment, building materials such as lumber and hardware, concrete formwork accessories, and finished construction products such as wood and metal cabinets for contractors. [Source: Approved Land Use Definitions]

County. Shall mean the Madera County or the unincorporated area of the Madera County as required by the context. [Source: NEW]

Cul-de-sac. A street closed at one end with a circular turnaround. [Source: NEW]

Cultivate or Cultivation. A term that shall have the meaning set forth in California Business and Professions Code Section 26001(l) and shall also include the storage of one or more marijuana plants or any part thereof in any location. [Source: 18.87.030]

18.120.040 “D” Definitions

Day. A period of 24 hours as a unit of time, reckoned from one midnight to the next. [Source: NEW]

Dead-end Road. A road that has only one point of vehicular ingress/egress, including cul-de-sacs and looped roads. [Source: 18.04.131]

Defensible Space. The area within the perimeter of a parcel, development, parcel, condominium project, or planned community where basic wildland fire protection practices and measures are implemented, providing the key point of defense from an approaching wildfire or defense against encroaching wildfires or escaping structure fires. The perimeter is the area encompassing the parcel or parcels proposed for construction and/or development. [Source: 18.04.132]

Density Bonus. A density increase over the otherwise maximum allowable residential density as allowed by the applicable zone in this Zoning Ordinance.

Dispensary. See “*Marijuana Dispensary.*” [Source: NEW]

District. See “*Zone.*” [Source: NEW]

Drainage Plan. Location of proposed structures (e.g., water storage tanks, propane tanks, etc.). Show on-site storm drainage retention ponds and any recorded easements (i.e., easements as shown on any recorded maps) including calculations. [Source: 18.04.142]

Drilling. Operations associated with the exploration for and the removal of petroleum, natural gases and soluble minerals, but not including operations for the discovery or acquisition of water. [Source: 18.04.145]

Dwelling, Accessory Unit (ADU).

- Accessory Dwelling Unit. Attached or detached residential dwelling unit, on the same parcel as another dwelling, which provides complete independent living facility for one or more persons and

includes permanent provisions for living, sleeping, eating, cooking, and sanitation. [Source: Approved Land Use Definitions]

- **Junior Accessory Dwelling Unit.** An accessory dwelling unit that is entirely located within a detached single unit dwelling that shall meet the requirements in **Section 18.50.020 (Accessory Dwelling Units (ADU))**. [Source: Approved Land Use Definitions]

Dwelling, Multi-Unit. A residential structure containing two or more residential dwelling units, each of which is for the occupancy by one or more persons living as a single housekeeping unit, including duplexes, triplexes, fourplexes, apartments, and townhouses. [Source: Approved Land Use Definitions]

Dwelling, Single-Unit. Residential structure containing one dwelling unit located on a single parcel of land for occupancy by one single household, including manufactured housing and mobile homes, when placed on a permanent foundation system. [Source: Approved Land Use Definitions]

Dwelling Unit. A structure or part of a structure containing permanent provisions for living, sleeping, eating, cooking, and sanitation for occupancy by one or more families. [Source: NEW]

18.120.050 “E” Definitions

Easement. The right to use the real property of another for a specific purpose. [Source: NEW]

Edge of right-of-way. The nearest boundary of the public right-of-way. See “*Right-of-Way*.” [Source: 18.04.170]

Electric Vehicle Charging Station (EV Station). A device or facility that provides power to charge the batteries of electric vehicles. [Source: NEW]

Emergency Service Provider. Any entity designated by the County as providing emergency services, including but not limited to, fire protection, paramedics, ambulance, and law enforcement. This may include facilities owned and/or operated by a private enterprise engaged in provision of emergency services by means of a contract and/or franchise. [Source: 18.04.173]

Emergency Shelters. Housing with minimal supportive services for homeless persons that is limited to an occupancy of six months or less. [Source: Approved Land Use Definitions]

Employee Housing. Housing provided for six or fewer employees and shall be deemed a single-unit dwelling. Residents of the employee housing must be employed by the owner of the home. [Source: Approved Land Use Definitions]

Employee Housing, Agriculture. Housing provided for farmworkers. Housing consists of any living quarters or dwelling, boarding house, barracks, bunkhouse, mobile home, manufactured home, travel trailer, or other accommodations maintained in one or more structures. [Source: Approved Land Use Definitions]

Equipment Sales and Rental Facility. Service establishment with or without outdoor storage/rental yards, which offer a wide variety of equipment types, including construction equipment. [Source: Approved Land Use Definitions]

18.120.060 “F” Definitions

Family. Two or more people related by blood or legal status or persons not related who are functioning as a family or single-housekeeping unit, meaning that they have established ties and familiarity with each other, jointly use common areas, interact with each other, and share meals, household activities, expenses and responsibilities. Membership in the family is fairly stable as opposed to transient and members have some control over who becomes a member of the family. Family does not include a fraternity, sorority, club, or other group occupying a hotel, other transient lodging, or institution of any kind. [Source: NEW]

Farm Stay Operation. A working farm on which bedrooms are made available for rent in a farmhouse or in a detached structure, and where lodging and overnight sleeping accommodations are provided for a stay of no more than fourteen days, either with or without meals. [Source: 18.04.193]

Feedlot. A fenced or enclosed area where more than 50 bovine animals, sheep, goats, horses, mules, swine or other similar domesticated quadrupeds are held for concentrated feeding or display preliminary to slaughtering, shipping, or resale. For less than 50 animals, see “Agriculture, Animal Husbandry.” [Source: Approved Land Use Definitions]

Fence. A barrier, railing, or other upright structure, typically of wood or wire, enclosing an area of ground to mark a boundary, provide screening, control access, or prevent escape. [Source: NEW]

Floor Area Ratio (FAR). The ratio expressed as a percentage of the total floor area of structures allowed on a given parcel compared to the total area of the parcel. Each floor in a multiple story structure is included as floor area in these computations. [Source: 18.04.200]

Frontage. A portion of a parcel of property which abuts a street or highway. [Source: NEW]

Freight Yards/Truck Terminal. Transportation establishment furnishing freight forwarding, transfer, weighing, storage or inspection services incidental to air, motor freight, and rail transportation. [Source: Approved Land Use Definitions]

18.120.070 “G” Definitions

Garage, Private. An accessory structure not less than 10 feet by 20 feet for each vehicular space, for keeping private vehicles for storage only and where such use is accessory to the residential use of the property on which it is constructed. [Source: 18.04.205]

Garage, Public. Any commercial structure or premises other than a private garage or storage garage (as defined in this Chapter) where motor-driven vehicles are equipped, repaired, serviced, hired, sold, or stored for monetary gain as a business. [Source: 18.04.210]

Garage, Storage. Any commercial structure or premises used for the storage only of motor-driven vehicles, recreational vehicles, trailers, or boats; pursuant to previous arrangements, not to transients, and where no equipment, parts, fuel, grease or oil is sold, and vehicles are not equipped, repaired, serviced, hired or sold for monetary gain as a business. [Source: 18.04.215]

Gas Station. See “*Vehicle Fueling Station.*” [Source: NEW]

Glare. A sensation of excessive brightness within the visual field that causes annoyance, discomfort, or loss in visual performance and visibility. [Source:]

Grade, Established. The elevation of the finished street at the centerline or curb as fixed by the road commissioner or by such authority as shall be designated by law to determine such an elevation. [Source: 18.04.230]

Grade, Existing. The surface of the ground or pavement at a stated location as it exists before disturbance in preparation for a project. [Source: NEW]

Grade, Finished. The surface of the ground or pavement at a stated location as it exists after completion of a project. [Source: NEW]

Grade, Natural. The unaltered natural surface of the ground at a stated location. [Source: NEW]

Grading Plan. Topography and proposed grading (separate sheet). Sheet size shall be as required by the Zoning Administrator. [Source: 18.04.232]

Guest Ranch. Structures and premises offering recreational facilities for such pursuits as horseback riding, swimming, hiking or other open space uses, with living and/or dining accommodations. [Source: 18.04.240]

Gym. See “*Athletic Club.*” [Source: NEW]

18.120.080 “H” Definitions

Hazardous Materials. Materials that, because of its quantity, concentration, or physical or chemical characteristics, poses a significant present or potential hazard to human health and safety or to the environment if released into the workplace or the environment. [Source: NEW]

Highway. A right-of-way, designated on a comprehensive system, for the principal purpose of providing vehicular thoroughfare and not necessarily affording direct access to abutting property. [Source: 17.60.080]

Home Occupation. An accessory use of a dwelling unit conducted entirely within the dwelling unit, and where the use is clearly incidental and secondary to the use of the dwelling for residential purposes and does not change the character or adversely affect the uses allowed in the residential zone of which it is a part. [Source: Approved Land Use Definitions]

Hospital. Facility providing medical, physical, psychiatric, or surgical services on a 24-hour basis for sick or injured persons primarily on an in-patient basis and including ancillary facilities for out-patient and emergency treatment, diagnostic services, training, research, administration, and ancillary services to patients, employees, or visitors (e.g., cafeteria, gift/flower shop, waiting rooms, etc.). [Source: Approved Land Use Definitions]

Hospital Support Facilities. Uses and facilities associated with the operation of a hospital, specifically including the following: administrative, business and professional offices, pharmacies, clinics, child day care facilities, residential support facilities, laboratories, philanthropic institutions, hospital lodging facilities and other similar uses by interpretation of the Zoning Administrator. These facilities/uses may not exist without the presence of a hospital. [Source: 18.04.268]

Hotel/Motel. Facility with guest rooms or suites, provided with or without kitchen facilities, rented to the public for transient lodging for up to 30 days, excluding hourly lodging. A hotel typically provides access to most guest rooms from an interior walkway, and typically include a variety of services in addition to lodging, including meeting facilities, personal services, and restaurants. A motel typically provides access to guest rooms from an exterior walkway and may include accessory guest facilities such as accessory retail uses, indoor athletic facilities, and swimming pools. [Source: Approved Land Use Definitions]

Housing Project. A development project for five or more residential units, a subdivision or common interest development of five or more unimproved residential parcels, a development project to substantially rehabilitate and convert an existing commercial structure to contain five or more residential units, or the substantial rehabilitation of an existing multi-unit dwelling where the result of the rehabilitation would be a net increase in five or more residential units.

18.120.090 "I" Definitions

Impervious Surface. A surface composed of any material that impedes or prevents natural infiltration of water into the soil. Impervious surfaces include but are not limited to roofs, solid decks, driveways, patios, sidewalks, parking areas, tennis courts, concrete or asphalt streets, or compacted gravel surfaces. [Source: NEW]

Incentive. The waiver or reduction of a county standard, regulation, or requirement as necessary to render an affordable housing project financially feasible. [Source: NEW]

Industrial. Establishments engaged in the manufacturing of finished parts or products either from raw materials or previously prepared materials, within an enclosed structure. Includes processing, fabrication, assembly, treatment, testing (e.g., laboratories), packaging, storage/warehousing, incidental office space, sales, and distribution of the parts or products. Excludes vehicle/equipment rentals, vehicle repair and service, vehicle sales. [Source: Approved Land Use Definitions]

- **Industrial, Hazardous.** The manufacturing, processing, and/or testing of generally dangerous and hazardous materials. Hazardous industrial uses often sell products to other businesses rather than consumers. Characteristics of hazardous industrial uses include, but are not limited to, noise and emissions requiring Federal or State environmental permits and use of any quantities of raw hazardous and materials. Examples of generally dangerous and hazardous materials include, but not limited to, chemicals, gasoline, petroleum, propane, explosives, and fireworks. For the storing of hazardous materials, see “*Storage Facility, Restricted*”. [Source: Approved Land Use Definitions]
- **Industrial, Major.** The manufacturing, processing, storing, and/or testing of goods using large quantities of raw materials, and generally requiring high capitalization and production of large quantities of output. Major industrial uses often sell products to other businesses rather than consumers. Characteristics of major industrial uses include, but are not limited to, heavy trucking activity, noise, emissions requiring Federal or State environmental permits, use of large quantities of raw materials. Examples of major industrial uses include glass product manufacturing, paving and roofing materials manufacturing, plastics and synthetics product manufacturing, pulp and pulp paper product manufacturing, textile and leather product manufacturing, metal processing facilities, and concrete manufacturing. [Source: Approved Land Use Definitions]
- **Industrial, Minor.** The manufacturing, processing, storing, and/or testing of consumer-oriented goods in a manner that does not produce noticeable odors, air emissions, or other environmental effects, and that has limited associated trucking activity. Minor industries generally require limited amounts of raw materials to produce goods. Examples of minor industrial uses include artisan/craft product manufacturing, bottling plant, clothing and fabric product manufacturing, electronics, equipment and appliance manufacturing, handcraft industries, small-scale manufacturing, paper product manufacturing, wholesale photo/film processing, and printing and publishing. [Source: Approved Land Use Definitions]

Insecticide (and pesticide) Services. The use of a premises or structure for the manufacture, storage, mixing, packaging, sale, or incidental use in the business of dispensing insecticides and pesticides for commercial purposes as a business. [Source: 18.04.280]

Interchange Quadrant. One of four corners of an interchange for the purpose of signage. [Source” 18.04.283]

18.120.100 “J” Definitions

Junk. Any worn out, cast off, or discarded article of material which is ready for destruction or has been collected or stored for salvage or conversion to some other use. Any article or material which, unaltered or unchanged and without further reconditioning, can be used for its original purpose as readily as when new, shall not be considered junk. [Source: NEW]

Junkyards. The use of more than two hundred square feet of the area of any parcel for the storage or keeping of discarded household appliances, including scrap metals, abandoned vehicles, debris, tires or other scrap materials or refuse, that is outside of a completely enclosed structure or licensed landfill, dismantling or wrecking yard. [Source: Approved Land Use Definitions]

18.120.110 “K” Definitions

Kennels and Animal Boarding. Facility where five or more dogs, cats, or other small, domesticated animals over the age of four months are kept, whether keeping is for profit, breeding, or exhibiting, including places where the animals are boarded, kept for sale or hire. May also include daytime boarding and activity for animals (e.g., “doggie daycares”) and ancillary grooming facility. [Source: Approved Land Use Definitions]

Kitchen. Any room or space within a structure, all or part of which is designed or used for cooking, preparation, refrigeration and storage of food and which includes any of the following equipment: stove, oven, range top, dishwasher, kitchen sink, microwave oven, and refrigerator/freezer. [Source: NEW]

18.120.120 “L” Definitions

Landscaping. The planting and continued maintenance of suitable vegetation in conformity with the requirements of this Zoning Ordinance. [Chapter 18.36 \(Landscaping\)](#). [Source: NEW]

Landscape and Irrigation Plan. A plan including, but not limited to, the location of landscaping and irrigation system, identification of plants and materials to be used and size of plants and trees as determined by the applicant and location of all structures (existing and proposed). [Source: 18.04.292]

Lead Agency. The public agency which has the principal responsibility for carrying out or approving a project (Section 65929 of the State Planning, Zoning and Development Laws, 1996. See also Responsible Agency). [Source: NEW]

Lot. See “Parcel.” [Source: NEW]

Low Barrier Navigation Center. Housing or shelter in which a resident who is homeless or at risk of homelessness may live temporarily while waiting to move into permanent housing. [Source: Approved Land Use Definitions]

18.120.130 “M” Definitions

Maintenance Guarantee. Any security, other than cash, that may be accepted by the County to ensure the maintenance of required improvements. [Source: NEW]

Manufactured Home. See “*Mobile/Manufactured Home.*” [Source: NEW]

Marijuana. A term that shall have the meaning established in California Business and Professions Code Section 26001(f), as that section may be amended from time to time. “Cannabis” and “marijuana” may be used interchangeably but shall have the same meaning. [Source: 18.87.030]

Marijuana Dispensary. Any facility or location, whether fixed or mobile, and any structure, where cannabis is made available to, distributed by, or distributed to more than two persons. [Source: 18.87.030]

Marijuana Products. Cannabis that has undergone a process whereby the plant material has been transformed into a concentrate, including, but not limited to, concentrated cannabis, or an edible or topical product containing cannabis or concentrated cannabis and other ingredients. [Source: 18.87.030]

Median. An area between opposing lanes of traffic that may be unplanted or planted with trees, shrubs, perennials, and ornamental grasses. [Source: NEW]

Medical Marijuana. The use of cannabis for the purposes set forth in the Compassionate Use Act and the Medical Marijuana Program Act, California Health and Safety Code sections 11362.5 and 11362.7 et seq. [Source: 18.87.030]

Mine, Quarry, Gravel Pit. A place from which rock, stone, aggregate, sand, gravel, and other minerals are excavated. [Source: Approved Land Use Definitions]

Mini-Storage. See “*Storage Facility, Personal.*” [Source: NEW]

Ministerial Approval. When an approval of a use requires no discretion or judgement of the governing official or governing body other than ensuring compliance with local codes and ordinances. [Source: NEW]

Mixed-Use. A development consisting of one or more parcels developed as a cohesive development project and designed with a blend of various compatible uses (e.g., commercial retail, retail service, office, residential, civic, and institutional). The uses may be located vertically in the same structure (see “Mixed-Use, Vertical” or horizontally (see “Mixed-Use, Horizontal) in separate structures in compliance with the standards established by this Title. [Source: NEW]

Mixed-Use, Horizontal. Any mixed-use development that incorporates two or more different use categories alongside one another, either in one mixed-use structure, or as two or more separate structures on one parcel. [Source: NEW]

Mixed-Use, Vertical. Any mixed-use development that incorporates two or more different use categories stacked in one multi-story mixed-use structure. [Source: NEW]

Mobile Food Vendor. Licensed motor vehicles used for the preparation, sales, and/or distribution of food and beverages to the general public. [Source: Approved Land Use Definitions]

Mobile/Manufactured Home. A structure intended for human habitation manufactured or constructed under authority of 42 U.S.C. Sec 5403, Federal Manufactured Home Construction and Safety Standards, or California law (Health and Safety Code Sections 18007 and 18008). The structure is typically manufactured either in whole or in substantial part at an off-site location, transported to and assembled on-site, and placed on a permanent foundation. [Source: Approved Land Use Definitions]

Mobile Home Park. Improved area that provides spaces and utilities for mobile and manufactured homes to be used for residential purposes. [Source: Approved Land Use Definitions]

Model Homes. A dwelling unit in a newly built residential development that is furnished and decorated to be shown to prospective buyers. [Source: Approved Land Use Definitions]

Mortuary/Funeral Home. Facility where deceased persons are prepared for burial or cremation, and funeral services are conducted. [Source: Approved Land Use Definitions]

Motel. See “Hotel/Motel.” [Source: NEW]

18.120.140 “N” Definitions

Nail Salon. See “Personal Service, General.” [Source: NEW]

Nonconformity, Illegal. An illegally created parcel or a sign, structure, or use that was illegally constructed, created, installed, or initiated without proper permits or approvals, does not comply with the provisions of this Zoning Ordinance. [Source: NEW]

Nonconforming Parcel. A parcel legally created before the effective date of this Zoning Ordinance, or subsequent amendment, which does not comply with the minimum area, depth, width, or other requirements of this Zoning Ordinance. [Source: NEW]

Nonconforming Sign. A sign legally existing before the effective date of this Zoning Ordinance, or subsequent amendment, which does not comply with the sign regulations of this Zoning Ordinance. [Source: NEW]

Nonconforming Structure. A structure legally existing before the effective date of this Zoning Ordinance, or subsequent amendment, which does not conform to the requirements of the zone in which it is located. [Source: NEW]

Nonconforming Use. A use of land and/or a structure, whether conforming or nonconforming, legally existing before the effective date of this Zoning Ordinance, or subsequent amendment, but which is no longer allowed in the zone in which it is located. [Source: NEW]

Nursery, Greenhouse. Commercial establishment where plants and trees are grown for sale and planting elsewhere. May also include the sale of tools and nursery products. [Source: Approved Land Use Definitions]

18.120.150 “O” Definitions

Occupancy. A type of use or the act of using a site (e.g., dairy, grocery store, dwelling). [Source: NEW]

Office. Facility or business that predominantly offers medical, professional, or business services. [Source: Approved Land Use Definitions]

- Office, Accessory. Office that is incidental to and a part of another business, manufacturing, or sales activity that is the primary use. [Source: Approved Land Use Definitions]
- Office, Medical. Facility primarily providing outpatient medical, mental health, minor surgical, and other similar personal health services, but which is separate from a hospital, including: medical, dental, and psychiatric offices, outpatient care facilities, acupuncture, and other allied health services. [Source: Approved Land Use Definitions]
- Office, Professional. Facility and business that predominantly offers professional and/or business services including architects, attorneys, accountants, advertising, computer support, land use planners, and other similar professional services and uses. [Source: Approved Land Use Definitions]

Offset. The distance from the side or rear parcel line to the nearest portion of the structure. [Source: 18.04.355]

One-ownership. Ownership of property or possession thereof under a contract to purchase or under a lease, the term of which is not less than ten years, by a person or persons, firm, corporation, or partnership, individually, jointly, in common or in any other manner whereby such property is under single or unified control. The term owner shall be deemed to mean the person, firm, corporation, or partnership exercising one ownership as herein defined. [Source: 18.04.360]

Open Space. Any land or water not covered by structures, roadways, or parking facilities. [Source: NEW]

Orchard. See “*Agriculture, Horticulture.*” [Source: NEW]

Outdoor Dining. An area adjacent to or directly in front of a street-level eating or drinking establishment located within the sidewalk area of the public right-of-way exclusively for dining, drinking, and pedestrian circulation. The encroachment area of outdoor dining may be separated from the remainder of the sidewalk by railings, fencing, or landscaping planter boxes or a combination thereof. An Encroachment Permit may be required subject to the discretion of the Director. [Source: Approved Land Use Definitions]

Outdoor Displays and Sales. Outdoor display of merchandise incidental to an adjacent indoor retail use, and certain independent outdoor retail sales facilities. Includes news and flower stands. Does not include

the sale of motor vehicles, boats, and recreational vehicles ("*Vehicle Sales, New and Used*"), or the rental of vehicles ("*Vehicle Rental Facilities*"). [Source: Approved Land Use Definitions]

Outdoor Storage. An uncovered but improved land area providing for the arrangement and storage of objects, items, products, or other materials, typically not in a fixed position and capable of rearrangement. [Source: Approved Land Use Definitions]

18.120.160 "P" Definitions

Parcel. Tract(s) or area(s) of land established by plat, subdivision, or as otherwise permitted by law, to be used, developed, or built upon as allowed by this Ordinance, and fronting upon a street or a private easement adequate for purposes of access. [Source: NEW]

Parcel Area. The total of the area, measured in a horizontal plane, within the parcel lines of a parcel. [Source: NEW]

Parcel Coverage. A portion of a parcel or structure site which is covered by a structure(s) excepting structure overhangs, paved areas, walks, and swimming pools, regardless of whether or not the structure(s) is intended for human occupancy. [Source: NEW]

Parcel Depth. The horizontal distance between the front and the rear parcel lines measured in the mean direction of the side parcel lines. [Source: NEW]

Parks and Playgrounds. An outdoor recreation facility that may provide a variety of recreational opportunities, including playground equipment, open space areas for active and passive recreation and picnicking, and sport and active recreation facilities. May also include enclosed structures providing for recreational opportunities. [Source: NEW]

Parkway. An area located between a sidewalk and the curb or traffic lane. It may be planted or unplanted, and with or without pedestrian egress. [Source: NEW]

Permanent Structure. Anything constructed or erected, the use of which requires permanent location above, on, or in the ground or attachment to something having permanent location above, on, or in the ground. [Source: 18.04.380]

Person. Any natural person, firm, association, partnership, trustee, corporation, or other legal entity in which title to real property may vest. [Source: 18.04.385]

Personal Service, General. Commercial establishment that provides personal services. May also include accessory retail sales of products related to the personal services. General personal services include: [Source: Approved Land Use Definitions]

- Alterations
- Barber and beauty shop
- Clothing rental shop
- Dry-cleaning
- Hair Salon
- Laundromat (self-service laundry)
- Locksmith
- Nail salon
- Shoe repair
- Photography studio

Personal Service, Restricted. Commercial establishments that may tend to have a deteriorating effect upon surrounding areas/uses and that may need to be dispersed from other similar uses to minimize adverse impacts. These uses may also include accessory retail sales of products related to the personal services provided. Restricted personal services include: [Source: Approved Land Use Definitions]

- Massage Establishment
- Internet cafe
- Palm and card reader
- Tattoo and body piercing

Pharmacy. A business establishment where drugs are sold or dispensed at retail or displayed for sale at retail, the primary business of which is the compounding and dispensing of medicine according to prescriptions written by physicians, and a pharmacist who is licensed under the laws of the state of California is always on duty when such establishment is open for business. [Source 18.04.387]

Place of Assembly. Facility intended for public or private assembly and meetings, including civic and private auditoriums, banquet halls, community centers, conference and convention facilities, meeting halls for clubs and other membership organizations, and places of worship. [Source: Approved Land Use Definitions]

Planned Development. The planning, construction or implementation and operation of any use or structure, or a combination of uses and structures on a single or contiguous unit of property based on a comprehensive and complete design or plan treating the entire complex of land, structures and uses as a single project. [Source: 18.04.390]

Planning Director. Means the Director of the Community and Economic Development Department of Madera County. [Source: NEW]

Planning Division. Means the Madera County Planning Division of the Community and Economic Development Department. [Source: 18.04.400]

Primary/Principal Structure. The main structure on a parcel, intended for primary use as permitted by the regulations of the zoning district in which it is located. [Source: 18.04.405, modified]

Primary/Principal Use. The main use of a structure or parcel, as specified and permitted by the regulations of the zoning in which the land use is located. [Source: 18.04.410, modified]

Private Club. A structure or parcel used for regular or periodic meetings or gatherings of a group of persons organized for nonprofit purpose, but not groups organized to render a service customarily carried on as a business. [Source: 18.04.415]

Produce Stand. A commercial establishment selling unprocessed fruits, vegetables, nuts, and other agricultural products in a raw or natural state, grown or produced on-site, and that is accessory to an on-site or adjacent agricultural operation. Produce stands are categorized by “Small” and “Large” operations. See [Section 18.50.150 \(Produce Stand\)](#) for development and operational standards. [Source: Approved Land Use Definitions]

Project. The whole of an action with potential for resulting in a physical change in the environment directly or ultimately. Any activity involving the issuance of a lease, permit, license, certificate, or other entitlement for use by one or more public agencies. [Source: NEW]

Property Owner. The title holder of real property within Madera County. [Source: 18.87.030]

Property, Private. Anything that belongs absolutely to an individual person or group of persons and of which that person or persons have the exclusive right of disposition. Such property is of a specific, fixed, and tangible nature, capable of being possessed and transmitted to another, such as land and structures thereon, fixtures and improvements to the land and structures, and personal property such as vehicles and equipment. [Source: 18.04.421]

Property, Public. Anything owned by the State or any political subdivision thereof, or any city, district, agency, joint powers authority, or the Federal government, and not owned by or leased to an individual person or persons, whether those persons be natural persons or artificial entities such as corporations. [Source: 18.04.422]

Public Agency. The Government of the United States; the government of California or a political subdivision thereof (e.g., city, county, or special district). [Source: NEW]

Public or Quasi-Public Use.

- **Library.** Public facility that provides the use, but not sale, of literary, musical, artistic, or reference materials. [Source: Approved Land Use Definitions]
- **Public Building.** Structure used (both owned and rented) by public agencies, including city, county, State, and Federal administration buildings; fire stations, and other fire prevention and firefighting facilities; police and sheriff substations and headquarters, including interim incarceration facilities, and post offices. Does not include facilities specifically identified under another land use category, including schools. [Source: Approved Land Use Definitions]
- **Public Park and Recreation Area.** Non-commercial outdoor recreation facility that provides a variety of recreational opportunities including playground equipment, open space areas for active and passive recreation and picnicking, and sport and active recreational facilities. May also include enclosed structures providing for recreational opportunities and community gardens. [Source: Approved Land Use Definitions]

18.120.170 “Q” Definitions

Qualified Patient. A term that shall have the same definition as set forth in the Compassionate Use Act and the Medical Marijuana Program Act, California Health and Safety Code Sections 11362.5 and 11362.7 et seq. [Source: 18.87.030]

Quarries/Quarrying. See *“Mines, Quarries, and Gravel Pits.”* [Source: NEW]

18.120.180 “R” Definitions

Radio and Television Antennas. Structures or towers used for broadcasting and receiving radio and television signals. [Source: NEW]

Recreational Marijuana. All uses not included in the definition of *“Medical Marijuana.”* [Source: NEW]

Recreational Vehicle (RV). A vehicle built on a single chassis and designed to be self-propelled or towed by another vehicle. A recreational vehicle is not designed or intended for use as a permanent dwelling, but as temporary living quarters for recreational camping, travel, or seasonal use. This definition includes vehicles such as travel trailers, fifth wheels, motor homes, and overhead campers. [Source: NEW]

Recreational Vehicle Parks (RV). See *“Campground.”* [Source: NEW]

Recycling Facility. Facility that collects, separates, processes, or recycles solid waste and used to make new products.

- **Reverse Vending Machine.** An automated mechanical device intended for public use to donate, redeem, or sell empty beverage containers, including aluminum cans, glass, and plastic bottles. [Source: Approved Land Use Definitions]
- **Redemption Center.** Facility where the public may donate, redeem, or sell recyclable materials empty beverage containers, including aluminum cans, glass, and plastic bottles. [Source: Approved Land Use Definitions]

Refuse Disposal Site. Land that is used for the storage of solid waste. [Source: Approved Land Use Definitions]

Research and Development Facility. Facility that conducts research, design, development, and testing of electrical, electronic, magnetic, optical, and mechanical components in advance of product manufacturing and is not part of a manufacturing facility on the same site. Facility may include chemical and biotechnology research and development. [Source: Approved Land Use Definitions]

Residential Care Facility. See *“Community Care Facility.”* [Source: NEW]

Residential Conversion. The creation of a second residential unit within an existing single-unit dwelling. [Source: 18.04.437]

Residential Support Facility. See “Community Care Facility.” [Source: NEW]

Responsible Agency. Any public agency, other than the lead agency, which has the responsibility for approving or denying the project where more than one public agency is involved. [Source: NEW]

Restaurant. Retail establishment (e.g., cafes, coffee houses, diners, food services) selling/serving food and beverages prepared for both on-site and off-site consumption, including sit down table and drive-thru service. [Source: Approved Land Use Definitions]

Retail Sales, General. Commercial establishment within a structure, engaged in selling goods or merchandise to the general public for profit. Examples of these establishments and lines of merchandise include: [Source: Approved Land Use Definitions]

- | | |
|--|----------------------------------|
| ▪ Antiques | ▪ Kitchen utensils |
| ▪ Appliances | ▪ Luggage and leather goods |
| ▪ Artists' supplies | ▪ Medical supplies and equipment |
| ▪ Motor vehicle parts and accessories | ▪ Musical instruments |
| ▪ Bakeries (retail only) | ▪ Newsstands |
| ▪ Bicycle sales and rentals | ▪ Office supplies |
| ▪ Books | ▪ Orthopedic supplies |
| ▪ Cameras and photographic supplies | ▪ Paint and wallpaper |
| ▪ Carpeting and floor covering | ▪ Pharmacies |
| ▪ Clothing and accessories | ▪ Religious goods |
| ▪ Convenience market | ▪ Secondhand clothing sales |
| ▪ Drug and discount stores | ▪ Shoe stores |
| ▪ Electronic equipment | ▪ Small wares |
| ▪ Fabrics and sewing supplies | ▪ Specialty food and beverage |
| ▪ Florists and houseplant stores (indoor sales only) | ▪ Specialty shops |
| ▪ Gift shops | ▪ Sporting goods and equipment |
| ▪ Grocery store | ▪ Stationery |
| ▪ Handcrafted items | ▪ Supermarket |
| ▪ Hardware | ▪ Toys and games |
| ▪ Hobby materials | ▪ Travel services |
| ▪ Jewelry | ▪ |

Retail Sales, Restricted. Commercial establishment within a structure, engaged in selling goods or merchandise to the general public for profit that are subject to heightened public regulation due to the nature of the product. Examples of these establishments and lines of merchandise include: [Source: Approved Land Use Definitions]

- Firearms Sales. Retail establishments customarily selling firearms, ammunition, and related accessories and equipment under Federal laws governed by the Bureau of Alcohol, Tobacco, and Firearms. [Source: Approved Land Use Definitions]

- Tobacco Sales. Retail establishments customarily selling tobacco and vaping products, and related accessories and equipment under Federal laws governed by the Bureau of Alcohol, Tobacco, and Firearms. [Source: Approved Land Use Definitions]

Review Authority. The individual or official County body identified by this Zoning Ordinance as having the responsibility and authority to review and approve or deny ministerial and discretionary permit applications and appeals described in this Zoning Ordinance. Includes the Board, the Commission, the Director, and the Division. [Source: NEW]

Right-of-Way. The right to make a way to and from another parcel of land. A type of easement granted or reserved over land for transportation purposes (e.g., a highway, street, sidewalk, rail transport, or canal), as well as electrical transmission lines, and oil and gas pipelines. [Source: NEW]

Road.

- Road, Private. Any way open to vehicular ingress and egress owned and maintained by a private individual, organization, or company rather than by a public agency. [Source: NEW]
- Road, Public. Any right-of-way or street under the jurisdiction of or maintained by a public agency and open to public travel. [Source: NEW]

18.120.190 “S” Definitions

Sand Pit. See “*Mine, Quarry, and Gravel Pit.*” [Source: NEW]

Satellite Dish Antenna. An apparatus capable of receiving or transmitting communications from a satellite. [Source: NEW]

School. Educational institution, whether public or private including elementary, middle, junior high, and high schools, serving transitional kindergarten through 12th grade students, offering general academic instruction equivalent to the standards prescribed by the State Board of Education, and including denominational and sectarian, boarding schools, charter schools, and military academies. Also includes community colleges, public or private colleges, universities, and professional schools granting associate arts degrees, certificates, undergraduate and graduate degrees, and requiring for admission at least a high school diploma or equivalent general academic training. [Source: Approved Land Use Definitions]

- School, Private. Privately owned and operated elementary, middle, secondary, or high school, or other institution providing academic instruction for students from kindergarten through 12th grade pursuant to the California Education Code. [Source: Approved Land Use Definitions]

- School, Private/Public College and University. A post-secondary institution for higher learning that grants associate or bachelor's degrees and may also have research facility and/or professional schools that grant master and doctoral degrees. This may also include community colleges that grant associate or bachelor's degrees or certificates of completion in business or technical fields. These institutions require at least a high school diploma or equivalent general academic training for admission. Includes community colleges, public or private colleges and universities, and technical schools. [Source: Approved Land Use Definitions]
- School, Technical and Vocational. A public or private post-secondary school other than a community college or four-year college providing occupational or job skills training for specific occupations. [Source: Approved Land Use Definitions]

Self-Storage Facility. See *"Storage Facility, Personal."* [Source: NEW]

Sensitive Receptor. The receiving premises used for purposes that are sensitive to noise, including, but not limited to, residential dwellings, schools, hospitals, daycare facilities, and community care facilities. [Source: 5.26.030, modified]

Setback. The horizontal distance between the edge of the public right-of-way and the nearest structure associated with land use on that parcel. [Source: 18.04.475]

Sewered District. An area serviced by a public sewage disposal system. [Source: 18.04.480]

Sign. Structures or other visual devices designed, constructed, and used for the purpose of communicating a message or identifying or attracting attention to a parcel, product, service, person, cause, or event (See Chapter 18.42 Sign Regulations). [Source: NEW]

Single Room Occupancy (SRO). Any residential structure containing more than five units intended or designed to be used, rented, or hired out to be occupied for sleeping purposes, generally for one person per unit. Individual units typically share communal features, (e.g., kitchen, bathroom, entertainment area). [Source: NEW]

Slope. A natural or artificial incline, as a hillside or terrace. Slope is usually expressed as a ratio (e.g., a horizontal distance of 100 feet with a rise of 50 feet would be expressed as a 2:1 slope). [Source: NEW]

Solar Energy Generation Facility. Commercial energy generation facility that generates electricity from the via photovoltaic arrays, solar thermal systems, or concentrated solar power facilities. [Source: Approved Land Use Definitions]

Special Event. A special event is defined as a celebration, ceremony, wedding, reception, corporate function, or similar activity for the benefit of someone other than the property owner that takes place on a periodic basis, involving the gathering of individuals assembled for the common purpose of attending a special event. See Section 18.50.180 (Special Event Facility). [Source: NEW]

Special Event Facility. A facility where special events involving the gathering of individuals assembled for a common purpose on a periodic basis. See [Section 18.50.180 \(Special Event Facility\)](#). [Source: NEW]

Stable, Private. Detached accessory structure for the keeping of horses owned by occupants of the premises and which are not kept for remuneration or profit. [Source: Approved Land Use Definitions]

Stable, Public. Commercial establishment for donkeys, horses, and/or mules, which are rented, used, or boarded for compensation, including boarding stables, riding schools and academies, horse ranches, horse exhibition facilities (for shows or other competitive events), and barns, corrals, paddocks, and stables accessory and incidental to these uses. [Source: Approved Land Use Definitions]

Storage Facility, Personal. Facility with structures generally containing small individual compartmentalized areas or lockers rented as individual storage spaces or outdoor storage for recreational vehicles and boats (also, commonly referred to as “mini storage” or “self-storage” facility). [Source: Approved Land Use Definitions]

Storage Facility, Restricted. Facility used for storage of generally dangerous and hazardous materials, including, but not limited to, gasoline, propane, explosives, and fireworks. [Source: Approved Land Use Definitions]

Story. The portion of a structure included between the surface of a floor and the surface of the floor next above it; or, if there be no floor above it, then the space between the floor and the roof above it. A basement or cellar having one-half or more of its height aboveground is a story for purposes of height regulation. [Source: 18.04.505, modified]

Street, Private. See “*Road, Private.*” [Source: NEW]

Street, Public. See “*Road, Public.*” [Source: NEW]

Structures. Anything constructed or built, any edifice or building of any kind, or any piece of work artificially built up or composed of parts joined together in some definite manner, which requires location on the ground or is attached to something having a location on the ground, including swimming and wading pools and covered patios, excepting outdoor areas (e.g., paved areas, walks, tennis courts), and similar recreation areas. [Source: NEW]

Subdivision. The division of any tract or parcel of land into two or more parcels for the immediate or future purpose of residential, commercial, industrial, or agricultural development for rent, lease or sale, including changes to streets and/or proposals for streets (See also Madera County Subdivision Ordinance, Title 17). [Source: NEW]

Supportive Housing. Housing with no limit on length of stay, that is occupied by the target population and that is linked to on-site or off-site services that assist the supportive housing resident in retaining the housing, improving his or her health status, and maximizing his or her ability to live, and when possible, work in the community. Supportive housing units are residential uses allowed in any zone allowing residential uses, subject only to those requirements and restrictions that apply to other residential uses of the same type in the same zone. [Source: Approved Land Use Definitions]

Sustained Yield Forestry. The management of forested lands to provide annual or periodic crops of forest products. [Source: 18.04.535]

18.120.200 “T” Definitions

Television Antenna. See “*Antenna.*” [Source: NEW]

Temporary Structure. A movable structure, not designed for human habitation or occupancy, but for the temporary protection of goods or belongings during a period of construction but not to exceed one year; for the enclosure or screening of goods or property as an accessory structure to an authorized use not to exceed one year; or for the display of signs and advertising for such a time as specified by the conditions of approval. [Source: 18.04.540]

Temporary Use. Uses established for a specified period of time, typically less than 12 months, with the intent to discontinue the use at the end of the designated time period. [Source: Approved Land Use Definitions]

Timber Growing and Harvesting. Commercial operation that raises trees to produce lumber products. This definition includes sustained yield timber management. [Source: Approved Land Use Definitions]

Transitional Housing. Temporary, supportive accommodation that is intended to bridge the gap from homelessness to permanent housing by offering structure, supervision, support, life skills, and in some cases, education, and training. [Source: Approved Land Use Definitions]

Tent Camp. See “*Campground.*” [Source: NEW]

Travel Trailer Park. See “*Campground.*” [Source: NEW]

18.120.210 “U” Definitions

Urgent Care Facility. An establishment that provides outpatient diagnostic services and emergency medical care, including minor outpatient surgical procedures for ambulatory patients. [Source: Approved Land Use Definitions]

Use. The purpose (type and extent) for which land or a structure is arranged, designed, or intended, or for which either land or a structure is occupied or maintained. [Source: NEW]

Utility Facility and Infrastructure. Facility supporting utility services and related infrastructure (e.g., transmission lines, pump station, water mains, etc.). [Source: Approved Land Use Definitions]

18.120.220 “V” Definitions

Variance. An action granting exception to the development standards of this Zoning Ordinance in cases where strict compliance would result in a unique hardship in compliance with [Chapter 18.86 \(Variances\)](#).

Vehicle.

- Vehicle, Abandoned. Any vehicle that is wrecked, dismantled, inoperative, and/or cannot be legally operated on public ways because of lack of a license, and which is left on a highway, public or private property, exterior of a completely enclosed structure or at a lawful dismantling or wrecking yard, in such wrecked, dismantled, inoperative and/or unlicensed condition that the owner's intent to relinquish all further rights or interest in it may be reasonably concluded. [Source: 18.04.556.A]
- Vehicle, Dismantled. Any vehicle that is partially or completely disassembled. [Source: 18.04.556.B]
- Vehicle, Inoperative. Any motor-driven vehicle that, upon demand, cannot be started and moved a minimum of 200 feet forward and 100 feet backward under its own power. "Inoperative vehicle" shall also mean any vehicle that is listed with the California Department of Motor Vehicles under "planned non-operation" status, as provided by the California Vehicle Code. [Source: 18.04.556.C]
- Vehicle, Wrecked. Any vehicle that is damaged to such an extent that it cannot be operated upon the highway, public or private property, regardless of licensing status. [Source: 18.04.556.D]
- Vehicle, Public Nuisance. Any vehicle or a portion of a vehicle that is abandoned, wrecked, dismantled or inoperative and that is on public or private property, not including highways or the interior of a completely enclosed structure or lawful dismantling or wrecking yard, and that is a public nuisance by creating a condition that is offensive to the senses, or obstructs the free use of public property, or promotes blight and deterioration, or otherwise jeopardizes health, safety, and general welfare of the public or a considerable number of persons. [Source: 18.04.556.E]

Vehicle Fueling Station. A commercial facility that sells gasoline, diesel, or alternative fuel for the on-site fueling of individual motor vehicles. May include incidental “minor” maintenance and repair (i.e., battery charging and tire changing and repair) of automobiles and light duty trucks, vans, or similar size motor vehicles (i.e., vehicles that have gross vehicle weights less than 10,000 pounds). May also include a convenience store operated by the service station owner. [Source: Approved Land Use Definitions]

Vehicle Rental Facilities.

- Vehicle Rental, General. Commercial establishment that rents automobiles, construction equipment, motorcycles, recreational vehicles, trucks, trailers, and similar vehicles and equipment, including on-site storage and incidental maintenance that does not require pneumatic lifts, and only when conducted within a fully enclosed structure. [Source: Approved Land Use Definitions]

- Vehicle Rental, Limited. Commercial establishment that rents small vehicles, including, bicycles, mopeds, scooters, and Segway's), and similar sized vehicles with electric power, engines less than 100cc, or are human powered. May also include the maintenance, minor repair, and on-site storage of the equipment offered for rent, and only when conducted within fully enclosed structure. [Source: Approved Land Use Definitions]
- Vehicle Rental, Office Only. Commercial establishment that rents automobiles, motorcycles, recreational vehicles, trucks, and other types of transportation vehicles that are not stored on-site. [Source: Approved Land Use Definitions]

Vehicle Repair and Service. The repair, servicing, alteration, restoration, towing, painting, cleaning, or finishing of automobiles, trucks, recreational vehicles, water vessels, golf carts, and other motor vehicles as a primary use, including the incidental wholesale and retail sale of vehicle parts as an accessory use. This includes the following categories:

- Vehicle Repair and Service, Major. Major repair of automobiles, motorcycles, recreational vehicles, or trucks including light duty trucks (i.e., gross vehicle weight of less than 10,000 pounds) and heavy-duty trucks (i.e., gross vehicle weights more than 10,000 pounds). Examples of uses include full-service motor vehicle repair garages; body and fender shops; brake shops; machine shops; paint shops; tire sales and installation shops; towing services; transmission shops; and tire recapping. [Source: Approved Land Use Definitions]
- Vehicle Repair and Service, Minor. Minor repair of golf carts, automobiles, motorcycles, recreational vehicles, or light duty trucks, vans, or similar size motor vehicles (i.e., vehicles that have gross vehicle weights less than 10,000 pounds) including detailing services; carwashes (both standalone and ancillary), installation of electronic equipment (e.g., alarms, stereos, etc.); servicing of cooling, electrical, fuel and exhaust systems; brake adjustments; relining and repairs; oil and lube shops; smog shops, tire and battery sales and installation (not including recapping); and wheel alignment and balancing. [Source: Approved Land Use Definitions]

Vehicle Sales, New and Used. A commercial establishment that sells automobiles, construction equipment, motorcycles, recreational vehicles, trucks, and similar vehicles and equipment, including display, and storage. May include incidental minor maintenance (e.g., oil changes, fluid flushes). All incidental minor maintenance activities shall be conducted within a fully enclosed structure. Vehicle repairs, including, but not limited to engine repairs, transmission services, brake replacement, wheel and tire alignment, and electrical installation, shall not be allowed. See "*Vehicle Repair and Service.*" [Source: Approved Land Use Definitions]

Veterinary Clinic. A commercial establishment providing medical care or surgical treatment to domestic animals or household pets. Use as a kennel shall be limited to short time boarding incidental to medical care. [Source: Approved Land Use Definitions]

Vision Setback Area. A space on a corner parcel and any driveway or alley in which all visual obstructions (e.g., structures and plantings), that inhibit visibility and thus cause a hazard to traffic and pedestrian safety are prohibited. This space shall remain unoccupied by visual obstructions in compliance with **Subsection 18.30.040.C.3 (Vision Setback Areas)**. See “*Visual Obstruction.*” [Source: NEW]

Visual Obstruction. Any fence, hedge, tree, shrub, wall, structure, or other form of permanent or semi-permanent object exceeding three feet in height, measured from the crown of intersecting or intercepting streets, alleys or driveways, which limit the visibility of persons in vehicles on said streets, alleys or driveways. See “*Vision Setback Area.*” [Source: 18.04.565, modified]

Vineyard. See “*Agriculture, Horticulture.*” [Source: NEW]

18.120.230 “W” Definitions

Wall, Masonry. A wall built from individual units which are often laid and bound together by mortar. Masonry walls are commonly used for separating/screening incompatible uses and for safety reasons. [Source: NEW]

Warehousing and Distribution Facility. A commercial establishment engaged in the storage and sale of bulk goods or merchandise to retailers, industrial, commercial, institutional, or other wholesalers. [Source: Approved Land Use Definitions]

Wetland. An area that is inundated or saturated by surface water or groundwater at a frequency and duration sufficient to support a prevalence of vegetation typically adapted for life in saturated soil conditions, commonly known as hydrophytic vegetation. [Source: NEW]

Winery. An agricultural processing facility producing wine from fruit or fruit juices through fermentation or the refermenting of still wine into sparkling wine that is bonded through the alcohol, tobacco tax and trade bureau and has a current California Alcohol Beverage Control Type 2 Winegrower's License. [Source: 18.04.581]

- **Winery, Micro.** A winery which produces no more 5,000 gallons of wine annually. [Source: Approved Land Use Definitions]
- **Winery, Small.** A winery which produced between 5,001 and 15,000 gallons of wine annually. [Source: Approved Land Use Definitions]
- **Winery, Large.** A winery which produces more than 15,000 gallons of wine annually. [Source: Approved Land Use Definitions]

Wireless Telecommunication Facility. Facility that includes equipment which supports the transmission and/or receipt of electromagnetic/radio signals. Wireless telecommunication facilities include cellular radiotelephone service facilities, personal communications service facilities (including wireless internet), specialized mobile radio service facilities, and commercial paging service facilities. Components of these types of facilities can consist of the following: antennas, repeaters, microwave dishes, horns, and other types of equipment for the transmission or receipt of the signals, telecommunication towers or similar structures supporting the equipment, equipment structures, parking area, and other necessary development. [Source: Approved Land Use Definitions]

Wireless Telecommunication Facility, Small Cell. A type of wireless broadband infrastructure that typically takes the form of small antennas that are placed on existing infrastructure (both indoors and outdoors) and ground mounted equipment. [Source: Approved Land Use Definitions]

Wrecking or Dismantling Yard. A commercial or industrial establishment used for storage and/or dismantling of abandoned, wrecked, dismantled or inoperable vehicles, including commercial and recreational vehicles, trailers, boats, and motorcycles. [Source: Approved Land Use Definitions]

18.120.240 “X” Definitions

No terms defined.

18.120.250 “Y” Definitions

Yard. Any open space on the same parcel with a structure(s) or a dwelling which open space is unoccupied and unobstructed from the ground upward to the sky, except for the projections or accessory structures allowed by this Zoning Ordinance. [Source: NEW]

- Yard, Front. The space between the front of the structure and the front parcel line or highway setback line and extending the full width of the parcel. [Source: NEW]
- Yard, Rear. The space between the rear of the structure and the rear parcel line and extending the full width of the parcel. [Source: NEW]
- Yard, Side. The space extending from the front yard, or from the front parcel line where no front yard is required by this Zoning Ordinance, to the rear yard, or rear parcel line, between a side parcel line and the side of the structure. [Source: NEW]

18.120.260 “Z” Definitions

Zone. A portion of the territory of the County within which certain uses of land, premises, and structures are permitted, other uses are permitted through approval of a discretionary permit from the County, and other uses are not permitted and within which certain development standards are established. [Source: NEW]

Zoning Administrator. Means the Planning Director of Madera County. [Existing definition]

Zoning Clearance. An administrative process of nonexempt uses and structures that do not otherwise require review to determine compliance with applicable provisions of this Zoning Ordinance as provided in Chapter 18.74 (Zoning Clearances). [Source: NEW]